

Item No: 5.5
Application No: 15/01305/REM Author: Jane Tuck
Date valid: 17 August 2015 ☎: 0191 643 6331
Target: 16 November 2015 Ward: Chirton
decision date:

Application type: approval of reserved matters

Location: Site Of Former Kendal Building, Waterville Road, North Shields, Tyne And Wear,

Proposal: Approval of Reserved Matters (Appearance, Landscape and Scale) Erection of daycare centre building and 40no two bed self contained apartments (Linked to outline planning permission 11/02074/OUT) (Resubmission of 13/00394/REM)

Applicant: Lenore Care Home And Outreach Ltd, FAO Ms Laura Murray 1 Charles Avenue Whitley Bay Tyne And Wear NE26 1AG

Agent: Ian Belsham Associates, FAO Mr Andrew Mills Keelrow 4 The Watermark Metro Riverside Gateshead Tyne And Wear NE11 9SZ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Summary of Key Issues and Considerations

1.1 The main issues for Members to consider are whether the reserve matters relating to scale, appearance and landscaping for the day care centre building and 40 two bed self contained apartments are acceptable.

1.2 Outline consent was granted in August 2012 with details of access and layout being agreed. A reserved matters application 13/00394/REM was approved in June 2013 for scale, appearance and landscaping. This consent expired on 22.08.2015 and works on the construction of the daycare centre and apartments had not commenced. As the outline consent had not expired, the applicant has submitted another reserved matters application for scale, appearance and landscaping so in effect this is a repeat of the reserved matters application 13/00394/REM.

2.0 Description of the site

2.1 The application site has been cleared of buildings. The site is of linear form and measures 0.93 hectares. It is approximately 480m from the western edge of North Shields town centre. The site sits approximately 1m higher than Waterville Road and rises approximately another 2m to the playing fields. The site gently slopes downwards from east to west.

2.2 Collingwood Playing Fields lie to the north of the site. Two storey residential properties lie to the east and west of the site. Properties in Finchdale Close are 0.5-1.0m higher than the current site levels. To the south is Waterville Road and on the south side of Waterville Road there is a tyre and car repair company, a van/skip hire compound and one storey Rose Cottages. Beyond is the metro line. Meadowell metro station is approximately 490m away.

2.3 The boundary treatment to the playing field is palisade fencing; and there is palisade and paladin fencing to the rear of Finchdale Close. There is a brick retaining wall between the site and the playing field ranging in height from approximately 600mm high at the western end to 1600mm at the eastern end. There is an existing brick wall along the Waterville Road and Silkeys Lane boundaries approximately 800-1200mm in height.

3.0 Description of the Proposal

3.1 Outline consent was granted in August 2012 for a day care centre and 40 two bed apartments for occupiers requiring supported living accommodation with details of access and layout being agreed. This application seeks approval for reserved matters for scale, appearance and landscaping and in effect is a repeat of the reserved matters application 13/00394/REM which was approved in June 2013 and which has expired.

3.2 In the outline application, the applicant advised that development will provide and/or co-ordinate residential rental tenancies with care and support for adults with Autism and learning difficulties. The development is more akin to sheltered accommodation with self contained tenanted flats with communal facilities e.g. communal lounge, kitchen, staff room, treatment and sensory rooms. It is proposed that the day care centre will have amongst other things offices, training rooms, sensory room, music room, dance studio, gym, social club/theatre room, library and arts and crafts room.

3.3 The apartments are divided into three blocks, one and two storeys high. The day centre is located to the front of the site on Waterville Road and is proposed at two and three storeys high. The development will include sensory gardens, bin stores, central car parking area and access arrangements.

3.4 The car park is served by one point of access from Waterville Road. The car park has car parking spaces for 54 vehicles plus 6 disabled spaces & mini bus parking.

4.0 Planning History

11/02074/OUT Outline Planning consent for the demolition of factory and warehouse buildings on site. Erection of daycare centre building and 40 two bed self contained apartments. Approved 22 August 2012

13/00394/REM Approval of Reserved Matters (Appearance, Landscape and Scale) Demolition of factory and warehouse buildings and erection of daycare centre building and 40no two bed self contained apartments (Linked to outline planning permission 11/02074/OUT) Approved 19 June 2013

5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002).

5.2 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 Unitary Development Plan (August 2007).

6.0 Government Policy

6.1 National Planning Policy Framework.

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 Main Issues

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

- Scale
- Appearance
- Landscaping

7.2 Consultation responses received in relation to this application are set out in the appendix to this report.

7.3 Detailed Planning Considerations

7.4 The National Planning Policy (NPPF) states that the Government attaches great importance to the design of the built environment.

7.5 Policy H11 Housing Design Standards of the UDP states that the Local Planning Authority in determining applications will take into account, amongst other things, scale and massing, quality of design, and landscaping. DCPS 14 Housing Design and Layout sets out material planning criteria to be taken into account in considering proposed development including design, scale and landscaping.

7.6 Policy H13 Non Residential uses in Residential Areas states that such uses should not adversely affect residential amenity.

7.7 LDD11. The Design Quality SPD provides guidance on the design of buildings and spaces in North Tyneside. It states that the Council will encourage innovation in the 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.

7.8 Policy E14 states that the council will seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development.

7.9 Layout

7.10 The layout agreed at outline stage was slightly amended in the approved reserved matters application 13/00394/REM in terms of positioning of blocks and car parking numbers. The layout in this current application is the same as was approved in the reserved matters application in June 2013. Two western blocks of Block 3 have been moved north approximately 1m and the eastern block moved south by approximately 1m. This will bring habitable room windows within 2.5m of the northern boundary of the site but will not impact on existing properties.

7.11 The one storey blocks of Block 1 and Block 2 nearest to properties in Finchdale Close have been moved northwards approximately 3.5m and 3m respectively. The relationship between proposed and existing buildings will be no worse than previously agreed.

7.12 The car parking layout agreed at outline stage was amended and agreed in the previous reserved matters application reducing the number of car parking spaces from 57 to 54 spaces. The applicant advised that the number of staff working on the site at any one time had been revised down from 50 to 45. The Manager of New Developments has advised that the level of parking is acceptable.

7.13 As these are minor amendments to the layout, it is officer opinion that these are acceptable.

7.14 Scale

7.15 The outline application was approved subject to a condition that the apartment blocks should not exceed 2 storeys and the day care centre should not exceed 3 storeys.

7.16 It is proposed that the apartments will be built in three blocks, part two storey and part one storey nearest to existing residential properties. The day care centre will be two and three storeys.

7.17 The existing residential properties in the area are predominantly two storey though Rose Cottages on the opposite side of Waterville Road are one storey. One storey elements are proposed nearest to existing properties in Finchdale Close, Silkeys Lane and Waterville Road. The three storey elements of the day care centre are proposed in the centre of the site frontage onto Waterville Road opposite commercial properties.

7.18 The following are maximum eaves and ridge heights. The one storey elements are approximately 2.5m to eaves height and 5.5m to ridge height. The two storey elements are approximately 5m to eaves height and 8m to ridge height. The three storey elements are approximately 7.6m to eaves height and 10.6m to ridge height.

7.19 The impact of the scale of the buildings will depend on the proximity of the proposed buildings to existing buildings and on the levels of the proposed and existing buildings.

7.20 The Council's recommended minimum distances to provide privacy and outlook are 21m for two storey development and 12m to a gable as set out in DCPS 14. This also states that infill sites within established residential areas may not be able to meet the above standards and a reduced standard may be permissible and each site will be considered on its merits. The proposed blocks adjacent to two storey properties in Finchdale Close are approximately 13.6-15.6m away but they are single storey and sit at a slightly lower level. Currently the boundary treatments to 53-59 Finchdale Close are paladin fencing and no 57 has a timber fence 1m plus high. To the rear of 61-63 Finchdale Close there is a brick store on the boundary and palisade fencing with paladin fencing to the side of no 61. In order to address privacy issues between the existing and proposed properties, the boundary treatment will need to be solid fencing. Elsewhere on the site privacy distances to existing residential properties meet the Council's standards.

7.21 Levels could impact on the scale and appearance of the development and how it relates to adjacent properties. There is a difference in levels between the footpath of Waterville Road and the site – in places about 1m with the site being higher than Waterville Road. There is also a difference in height of between 600mm and 1600mm, where there is a retaining wall, between the playing field and the site with the playing field being higher than the site. Properties in Finchdale Close are approximately 0.5m to 1m higher than the proposed development.

7.22 It is officer opinion that the relationship of the proposed residential units in relation to existing residential properties is acceptable and that the scale of the proposed development is acceptable.

7.23 The proposed daycare centre in terms of its scale will not impact on existing residential or commercial properties.

7.24 Layout was agreed at outline stage; the minor amendments to the layout were approved in the previous reserved matters application and are acceptable now. In considering scale of the proposed development, the distances to existing properties and levels of the site and adjacent land uses are relevant. Members need to determine whether the scale of the proposed buildings and their relationship to the existing properties are acceptable and would accord with policy H11, H13 and DCPS 14 of the UDP.

7.25 Appearance

7.26 Each block of care units is made up of three blocks, two will be two storey and one will be one storey. Blocks 1 and 3 each have 13 flats and Block 2 will have 14. These are to be built to a domestic scale and appearance with pitched roofs. The proposed daycare centre is proposed as two and three storey and will be built in the same style and materials as the residential units. Heights to eaves and ridge height are set out at paragraph 7.9 above.

7.27 The submitted drawings indicate that the development will be built in a red multi brick with bands of buff feature brickwork at ground level. The pitched roofs are proposed in red brown concrete tiles and flat roofs will have slate grey single-ply roof membranes. Samples of materials have not been submitted. It is officer opinion that a red brick and buff feature band would be acceptable but samples would need to be submitted for final discharge of condition 22 set out in the outline consent. A refuse store block is proposed to the east side of the entrance and this should be constructed in materials to match the rest of the development. A condition on the outline consent has already been imposed regarding details of this and the bin stores within the site.

7.28 The appearance of the development will be affected by landscaping of the site and by the boundary treatments of the site. Landscaping is dealt with in a separate section.

7.29 It is proposed to retain some of the existing boundary treatments to the site. The 2m high palisade boundary fencing to the playing field boundary is to be retained and will sit above the retaining wall. Many of the habitable rooms at the rear of the development look out on to this retaining wall and palisade fencing. The applicant has proposed a hedge along this boundary which will not only improve the appearance of the development but also the outlook of the new residents. The boundary to properties in Finchdale Close is proposed as a 1.8m timber close boarded fence. There is an existing brick wall along the back of the footpath to Waterville Road and Silkeys Lane which varies in height up to a maximum of approximately 1m. It is proposed to add railings above this wall so that the overall height of the fence and wall will be 2m. A sensory garden is proposed towards the western end of the site which fronts onto Waterville Road. A brick wall is proposed in this location which will be 2m high above the footpath to provide screening and to act as an acoustic screen to reduce noise in the sensory garden from traffic on Waterville Road. This will be set back from the footpath and have hedge planting in front of it.

7.30 A large area of car parking is proposed to the rear of the development. Its impact can be minimised by landscaping. A hedge is proposed to the rear of the car park and small areas of grass are proposed within the car park.

7.31 The appearance was acceptable in the previous reserved matters application. Members need to determine whether the appearance of the proposed development is still acceptable in accordance with policies H11, H13, DCPS14 and LDD11.

7.32 Landscaping

7.33 The landscaping scheme proposes two sensory gardens, planting around the buildings and hedge planting along the boundary with the playing fields and along Waterville Road within the wall and railings, and outside the wall to the sensory garden in the west of the site.

7.34 The landscape details submitted with the application are not enough to approve the reserved matters for landscaping. The Biodiversity Officer has requested that more native species should be used for hedges and trees and

there should be some wildflower grass within the landscape scheme. It is recommended that a condition is imposed relating to the submission of a detailed landscape scheme.

7.35 Other issues

7.36 The Surface Water Management Team as Lead Local Flood Authority have advised that the drainage proposals submitted do not comply with Northumbrian Water advice to discharge into the surface water sewer on Silkeys Lane rather than the combined sewer on Waterville Road. As this is a reserved matters application and there are two conditions on the outline application regarding surface water disposal, revised drainage details can be dealt with through the conditions on the outline consent.

7.37 The Coal Authority has advised that whilst a small area of the site falls within the defined Development High Risk Area, none of the proposed built structures are within this High Risk Area and would not present any significant risks to coal mining features. Therefore the Coal Authority has no objection to the proposed development subject to an informative advising that if any features are found, this should be reported to the Coal Authority.

7.38 The site is in close proximity to unknown filled ground and known former mining and known landfill. Gas and contaminated land conditions were imposed at outline stage, however the contaminated land condition did not include reference to remediation and a validation report if required and therefore the Manager of Environmental Health has recommended that this condition should be set out in full.

7.39 Conclusion

7.40 Officer advice is that the reserved matters details for appearance and scale are acceptable and a condition should be imposed for a detailed landscaping scheme. A revised contaminated land condition is recommended. Members need to decide whether the proposed scale and appearance are acceptable.

7.41 Conditions attached to the outline consent remain valid and will have to be complied with as any development is progressed. Therefore it is not appropriate to repeat conditions which are already in place.

RECOMMENDATION: Application Permitted

Conditions/Reasons

- | | | | |
|----|-----------------------------------|-------|----------------------|
| 1. | In accordance with approved plans | MAN01 | * |
| 2. | Landscape Scheme Required | LAN04 | *H11, E14 and DCPS14 |
| 3. | Landscape Scheme Implementation | LAN06 | *H11, E14 and |

4. No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:
- i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

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: This information is required at the outset of the development to ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

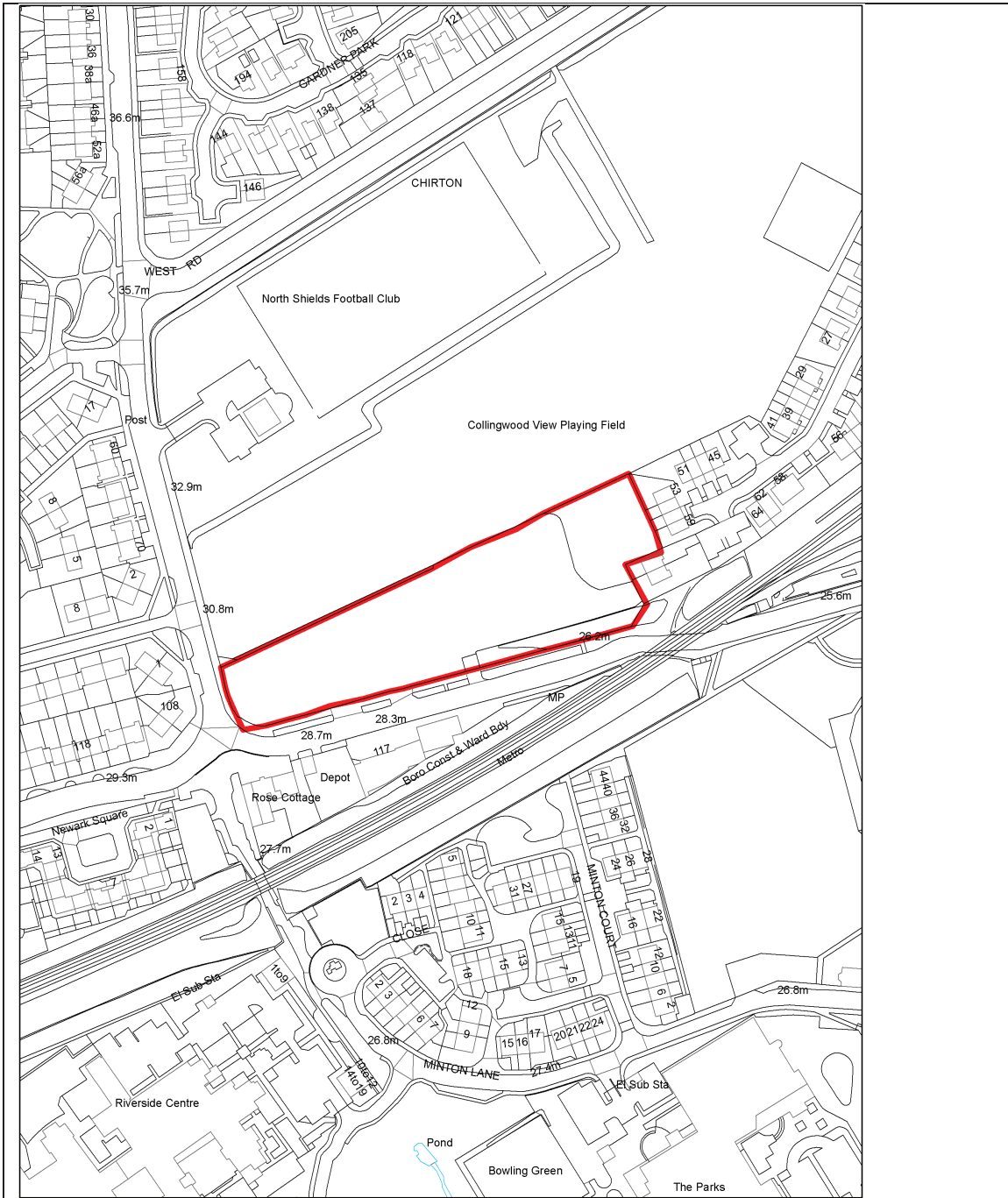
Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

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.

Informatives

The development shall be carried out in accordance with the requirements and restrictions for working near a Metro infrastructure set out by Nexus Rail - Renewals (Projects) Department.

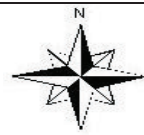
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.



Application reference: 15/01305/REM
Location: Site Of Former Kendal Building, Waterville Road, North Shields, Tyne And Wear
Proposal: Approval of Reserved Matters (Appearance, Landscape and Scale) Erection of daycare centre building and 40no two bed self contained apartments (Linked to outline planning permission 11/02074/OUT) (Resubmission of 13/00394/REM)

Not to scale
 Date: 16.10.2015

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Appendix 1 – 15/01305/REM

Consultations/representations

1.0 Internal Consultees

1.1 Road Network Manager

1.2 The site is accessed from Waterville Road into a central car parking area with suitable pedestrian footpaths on either side. The proposed level of parking is considered appropriate and the site has reasonable links with public transport. A Travel Plan has been submitted, which will be developed as and when the scheme is brought forward and staff and residents occupy the site. Parking surveys of existing sites have also been submitted and those surveys demonstrate that the parking ratio should be adequate to accommodate the needs of the development.

1.3 For these reasons and on balance we recommend that planning permission is granted subject to conditions.

1.4 Previous section 106 and 278 agreement, conditions and informatives apply ie conditions relating to the access, turning areas and parking being in accordance with the agreed details; and the Travel Plan shall be implemented.

1.5 Surface Water Management Team

1.6 The applicant is not complying with the NWL request to discharge the surface water from the site into the existing 300mm Surface Water sewer on Silkeys Lane at a restricted rate of 75 l/s. The proposals being put forward by the applicant on the drainage layout show the site discharging into a combined sewer on Waterville Road. The proposed site drainage should meet NWL's requirements.

1.7 Manager of Environmental Health

1.8 The site is in close proximity to unknown filled ground and known former mining and known landfill. Gas and contaminated land conditions were imposed at outline stage regarding these, however the contaminated land condition did not include reference to remediation and a validation report if required and should be set out in full.

1.9 Landscape Advice

1.10 There are no existing landscape features on the site worthy of retention, however a landscape plan has been submitted but does not provide sufficient detail to be approved. A fully detailed landscape plan should be submitted showing areas of grass, tree and shrub planting with a plant schedule detailing species names, numbers (or planting density), and sizes of proposed new planting and mixes for grass and wildflower seeding. This should be supported by a landscape specification, including ground preparation, soil cultivation, mulch, maintenance etc., which can be conditioned.

1.11 Biodiversity Officer

1.12 With regard to the landscaping scheme for the above application, the Native Hedge mix should be altered to include a mix of 5 native species. The hornbeam

should be removed from the mix and replaced with Guelder Rose (*Viburnum opulus*) and Holly (*Ilex aquifolium*).

1.13 I am disappointed that there aren't any locally native trees within the landscape scheme and the 'yellow' areas shown on the landscape plan are shown as grass on the key, but there is no specification as to what type of grass. I presume this will be amenity grass, however, I can't see any reason why some wildflower grass could not be sown around the boundaries of the site adjacent to the native hedges. Could this be suggested to the applicant, to see if they would be amenable to some meadow grass next to hedges and using native birch and maple in the scheme rather than ornamental varieties of these trees?

1.14 Conditions should be imposed relating to bat mitigation measures set out in section E of the 'Bat Risk Assessment' to be followed to ensure there are no impacts on bats as part of this development; no vegetation should be removed in the bird nesting season (March-August inclusive); and a landscaping scheme should be submitted and agreed.

1.15 Manager of Strategic Commissioning, Whole Life Disability

1.16 The Housing Market Position Statement for vulnerable adults has now been completed and has identified a need for more bespoke housing provision for people with a learning disability and / or physical disability.

1.17 The MPS referred to the development of a number of 12-16 single bed self contained apartments across the borough. These should be within a single unit or dispersed across a small area. The benefit of this being that Adult Social Care can commission the care and support more effectively than over a larger number of locations /sites. We are still of the view that the size / scale of this development far exceeds the requirement though the developer may wish to mitigate this by considering a large number of the units for general needs housing provision.

2.0 Representations

2.1 None

3.0 External Consultees

3.1 Tyne and Wear County Archaeologist

3.2 No comments

3.3 Northumbrian Water Ltd

3.4 Northumbrian Water have received a pre-development enquiry for allowable discharge rates and points into the public sewer for the proposed development which set out that if the public sewer is the only option to discharge surface water, then discharge rates must be connected into the existing 300mm surface water sewer in Silkeys Lane and must be restricted to 75 litres per second.

3.5 Northumbrian Water requests a condition for details of a scheme for the disposal of surface water from the development to be agreed in consultation with Northumbrian Water.

3.6 Environment Agency

3.7 No objections

3.8 Nexus

3.9 Nexus have standard conditions for working near metro infrastructure which developers must adhere to.

3.10 Coal Authority

3.11 A very small part of the application site appears to fall within the defined Development High Risk Area; therefore within this part of 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.

3.12 The Coal Authority records indicate that the zone of influence of a recorded mine entry (shaft) may just extend into part of the site. However, no built development is proposed within this area.

3.13 Whilst the applicant has submitted an Environmental Phase 1 Report (April 2011, prepared by Intersoil Ltd), which very briefly considers the risks to the development posed by neighbouring historic land uses (i.e. an old colliery) and recommends consideration be given to specialist foundations, the areas where the buildings/structures are proposed to be erected are outside the defined Development High Risk Area. Therefore the Coal Authority considers that the proposed development would not present any significant risks to coal mining features and therefore does not object to the proposed development. However if planning consent is granted, an informative should be included advising that if any coal mining feature is encountered during development this should be reported to the Coal Authority.