

Item No: 5.5
Application No: 15/01495/FUL Author: Will Laing
Date valid: 17 September 2015 ☎: 0191 643 6320
Target decision date: 17 December 2015 Ward: Valley

Application type: full planning application

Location: Land At Former Co Op Buildings, Earsdon Road, Shiremoor, NEWCASTLE UPON TYNE,

Proposal: Erection of two storey residential building comprising 16 supported living apartments (Use Class C3), together with associated parking

Applicant: HB Villages Developments Limited, Market Court 20-24 Church Street Altrincham WA14 4DW

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

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1 Main Issues

The main issues with this application are as follows:

- Principle of the development
- Housing land supply
- Impact on residential amenity
- Noise
- Impact on character and appearance
- Flooding and drainage
- Impact on parking and highway safety
- Ecology and biodiversity

2 Description of the Site

2.1 This application relates to a brownfield site approximately 0.3 hectares in area and located to the southwest of Cooperative Terrace, Shiremoor. The site has been cleared and currently there is an area of hard-surfacing to eastern half of the site, which provides an informal parking area. The remaining area is overgrown and unkempt.

2.2 The site lies within a Wildlife Corridor. The metro line lies immediately to the north of the application site within a cutting. To the west of the site is the wagonway footpath which is a strategic cycle route and a designated Recreation

Corridor. Beyond this lies an area of vacant land. Co-operative Terrace which consists of two-storey residential properties is located immediately to the north east of the site. Residents from these properties currently use part of the application site as an informal parking area. A terrace of residential properties formed from the recent conversion of a former church hall is sited at the entrance of Co-operative Terrace. To the south of the site, on the opposite side of Earsdon Road, is the Bluebell Public House.

3 Description of the Site

3.1 This application seeks full planning permission for a two-storey supported living development for 16 No one-bedroom flats with ancillary staff area.

3.2 The proposed accommodation is specifically designed for vulnerable adults with learning and physical disabilities. The proposed scheme would provide accommodation to allow vulnerable adults to live independently but who may need occasional support in their daily lives. Each flat is self contained with 24 hour domiciliary support within the building.

3.3 It is understood that the applicant (HB Villages Developments Ltd) has several similar schemes throughout the country.

4 Relevant Planning History

13/01666/FUL Planning permission was granted for the construction of 14 no 3 bedroom dwellings was approved on 04.02.2014

12/01966/FUL - Proposed construction of 14 no 3 bedroom dwellings.

Refused 19.06.13 for the following reason;

- The proposed dwellings would be unacceptably at risk from flooding, and additional flows generated from this development discharging into the existing public sewerage system would also unacceptably increase the risk of flooding properties in the area, contrary to the National Planning Policy Framework.

10/02286/EXTN – Extension of time limit for implementation of planning consent (07/01944/FUL) for erection of 33 unit apartment building over 2.5 storey with associated car parking provision and boundary treatments.

Permitted 16.12.10.

07/01944/FUL – Erection of 33 unit apartments buildings over 2.5 storeys with associated car parking provision and boundary treatment.

Permitted 14.09.07.

06/03929/FUL – Erection of 37 one and two bedroom apartments with associated car parking provision

Withdrawn 21.02.07

5. Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002)

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.

6. 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 National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities 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 National Policy Framework.

PLANNING OFFICERS REPORT

7 Main Issues

The main issues with this application are as follows:

- Principle of the development
- Housing land supply
- Impact on residential amenity
- Noise
- Impact on character and appearance
- Flooding and drainage
- Impact on parking and highway safety
- Ecology and biodiversity
- Other issues
- Financial contributions

8.1 Principle

8.2 Paragraph 14 of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision-taking. For decision taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or the relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or specific policies in this Framework indicate that development should be restricted.

8.3 Paragraph 50 of NPPF states that to deliver a wide choice of high quality homes, wide opportunities for home ownership and create sustainable inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.

8.4 The site is not allocated for any specific purpose according to the North Tyneside Unitary Development Plan, although it is within a Wildlife Corridor.

8.5 Policy H5 of the UDP states that proposals for housing development on sites not identified for this purpose will only be approved where amongst other matters the proposal is on previously developed site within the urban area. This is not consistent with NPPF, which only seeks to encourage the effective use of brownfield land. Therefore given policy H5 is not consistent with NPPF, it can only be afforded limited weight.

8.6 Policy H7 states that housing provision to meet the requirements of people with special needs, including disabled people, will be sought through new build, conversions and changes of use where a need has been identified and where the site is suitable in terms of its location and its proximity to local amenities including public transport, shops and community facilities.

8.7 Members should bear in mind that the application site has previously been granted planning permission for residential development. Furthermore whilst Policy H5 can be afforded limited weight, it should be noted that the site is previously developed, is within the built up area and would have no impact on urban space provision in compliance with this policy.

8.8 The North Tyneside Strategic Commissioning Manager (Whole Life Disability) has been involved with the proposed development since the initial submission of pre-application advice and has confirmed that there is a need for supported living accommodation of this type in the area.

8.9 The site is considered to be a highly sustainable location due to the close proximity of local shops and amenities at the Northumberland Park Shopping Centre and good links to public transport (bus and metro).

8.10 Having regard to the previous planning history, the established demand for the supported living accommodation and the sustainable location, it is officer opinion that the proposal is acceptable in principle.

9 Housing land supply

9.1 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.

9.2 The North Tyneside Local Plan Pre-Submission Draft 2015, establishes the Council's preferred level of future housing growth to 2032 based on the latest evidence of need. Reflecting this position, and after incorporating a 5% buffer, there is a minimum requirement for 6,109 new homes between 2015/16 and 2019/20.

9.3 The October 2015 Strategic Housing Land Availability Assessment (SHLAA) identifies the total potential 5-year housing land supply in the borough at 4,150 new homes. This figure comprises new homes expected to be delivered from site which already have planning permission (such as this one) as well as from sites yet to gain planning permission and a proportion of delivery from windfall sites.

There is a shortfall of 1,929 homes against the Local Plan requirement. This means there is at present 3.4 years supply of housing land. Maintaining supply is dependent on the approval of further planning permissions for identified and windfall sites.

9.4 Paragraph 49 of the NPPF sets out that relevant development plan policies for the supply of housing will not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.

9.5 The principle of residential development has been discussed within section 8 of this report. If planning approvals are not granted for sites which do not have any adverse impacts which significantly and demonstrably outweigh the benefits of the development, this will undermine the Council's ability to achieve the required supply going forward. This proposal would make a small but valuable contribution towards the Council's ability to achieve a deliverable 5-year housing land supply, a situation which provides significant weight in favour of the proposal.

10 Impact on residential amenity

10.1 Policy H11 sets out the material considerations for residential development, stipulating that the impact of the proposal on its site, local amenity, the environment, and adjoining land uses and the provision made for special needs groups are key considerations. H11 further states that the provision of public open space, amenity open space and children's play space in association with the dwelling or dwellings is taken into account. Planning decisions should also aim to mitigate and reduce other adverse impacts on health and quality of life arising from noise from new development, including, through the use of conditions.

10.2 Policy DCPS No. 14 'New Housing Estates – Design and Layout' sets out the Council's recommended privacy distances. The recommended privacy distances for back to back is 21m, however the standards themselves acknowledge that infill sites within established residential areas may not be able to meet the standards and each site will be considered on its own merits.

10.3 The proposal would be set 19m away from the rear offshots of Co-operative Terrace which have blank rear elevations facing the application site and 25m away from the main rear elevations. The two-storey front annex of the proposal would project further towards Co-operative Terrace but would be still sited more than 21 metres from habitable windows within Cooperative Terrace. The proposed building would be sited approximately 18 metres from two habitable windows within the gable elevation of Hartley Mews. Whilst the distance is less than that set out within the guidelines for new housing estates, it should be noted that this policy allows for reduced distances on infill sites. On balance it is considered that the proposal would have an acceptable impact upon the amenity of the existing local residents.

10.4 The development incorporates a landscaping scheme which would provide a sufficient level of amenity space for the future occupiers. The proposal would look out over the adjoining landscaped Wagonway and it is considered that

subject to the issue of noise, which is dealt with later in the report, the future residents would have an acceptable level of amenity.

10.6 Having regard to the above, it is officer advice that the proposal would provide an acceptable level of residential amenity for the future occupiers and would not have a significant impact on the residential amenities of the existing neighbouring properties. As such it is officer advice that the proposal complies with policies H11 and DCPS no.14 of the UDP (March 2002).

11 Noise

11.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant impacts on health and quality of life as a result of new development. Planning decisions should also aim to mitigate and reduce other adverse impacts on health and quality of life arising from noise from new development, including, through the use of conditions.

11.2 Policy E3 states that the local planning authority will seek to minimise the impact of pollution on the environment.

11.4 The applicant has submitted a noise survey to consider the noise impact on the road, metro railway line and Blue Bell public house. The noise survey establishes the expected noise levels and identifies that attenuation measures will be required.

11.5 The Manager and Environmental Health (Pollution) has been consulted and raises no objections subject to conditions.

11.6 Officers consider that future occupiers of the development will, subject to the imposition of these conditions, have an acceptable level of amenity in relation to noise.

12 Impact on character and appearance

12.1 Policy H11 states that in determining applications for residential development the local planning authority will require any proposals to amongst other matters take into account the quality of its layout and design, scale, massing, landscaping and materials.

12.2 Policy E14 seeks to protect and conserve existing trees and landscape features within the urban environment and encourage new planting in association with development.

12.3 The Council has produced a Supplementary Planning Document (SPD) on design quality. It states that the Council will encourage innovative 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.

12.4 The proposal is a single dual-pitched and hipped roof building, broken up by side annexes and gable features. The building would be brick built with a concrete tile roof and UPVC windows. The proposal would run north to south mirroring the layout of Co-Operative Terrace to the east.

12.5 The Building for Life officer is satisfied that the proposed design would satisfactorily address both the elevation to the Wagonway and to Earsdon Road while remaining in scale with the character and scale of the surrounding area. The design of the proposal is considered acceptable subject to conditions for the materials and final design of the proposed means of enclosure.

12.5 Members need to consider whether the design and appearance of the proposed development would be acceptable and whether the proposal would accord with guidance with SPD11 Design Quality and H11 and weight this in their decision. Officers consider that it would be acceptable subject to conditions requiring further information on the materials for the main building and the design of the means of enclosure and the details of the bin and scooter store.

13 Flooding and Drainage

13.1 Paragraph 103 of NPPF states that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at of flooding where informed by a site specific flood risk assessment following the Sequential Test.

13.2 The site is located within Flood Zone 1, which is the lowest, risk, however it is within a Critical Drainage Area and the applicant has carried out a Flood Risk Assessment.

13.3 Northumbrian Water Ltd have no issues to raise with the above application, provided the application, if approved, is carried out within strict accordance with the submitted document entitled "Drainage Calculations & Report". This document confirms that foul and surface water flows from the proposed development will discharge to the existing combined sewer at manhole 1213, with surface water flows being restricted to a maximum of 5l/sec.

13.4 The Highways Network Manager and the Local Lead Flood Authority Officer have raised no objection to the application but have requested that a condition be imposed requiring final details of a surface water management scheme.

13.5 The Environment Agency have requested that the Sewerage Undertaker should be consulted by the Local Planning Authority and the developers demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows generated as a result of the development, without causing pollution. Officers can confirm that Northumbrian Water the statutory Sewage Undertaker have been consulted and have raised no objection to the application.

13.6 Nexus have requested further details on the drainage and this information has now been submitted and Nexus have confirmed that they are satisfied with the details.

13.7 Having regard to the above and the details submitted within the flood risk assessment, it is considered that the conditions proposed would be sufficient to ensure that the proposal would not increase the risk of flooding to the site or surrounding area.

14 Impact on parking and highway safety

14.1 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.

14.2 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.

14.3 LDD 12 'Transport and Highways' sets out the off-street car parking and highway safety requirements within North Tyneside. The car parking standard for residential dwelling of 1-2 bedrooms is one space per dwelling plus one visitor space per three standards parking spaces.

14.4 Officers note that while the application involves the provision of Use Class C3 dwellings, the supported living accommodation would have a significantly reduced level of car ownership due to the nature of the physical disability and learning difficulties experienced by the future residents. In light of this the Highways Network Manager has confirmed that the proposal has an appropriate level of parking for the needs of the development, with additional spaces that could be utilised by visitors or existing residents should the need occur. Furthermore the application site benefits from good public transport links with bus stops and a metro station in close proximity.

14.5 The Highways Network Manager has recommended approval of the application subject to conditions and section 278/38 agreement.

14.6 Nexus have raised concerns regarding the relocating of the bus stop in relation to the entrance. An amended plan has been submitted which omits the requirement to relocate the bus stop and Nexus have outlined that they are happy with the proposed road layout. They have outlined that due to the site being for supported living accommodation kerb improvements would help pedestrian access to buses. A condition has been added to the application to liaise with the Highways Network Manager to incorporate these works as part of the section 278 agreement. Nexus officers consider that the parking layout would be acceptable.

14.7 Officers acknowledge that several objections have been raised on the grounds of the loss of the informal parking area currently utilised by residents. However Members should note that the current parking arrangement is informal and there is no right to park for the residents of Co-operative Terrace. It should also be noted that the Authority has previously granted permission for developments which have resulted in the loss of the informal parking area.

14.8 It is officer opinion that the parking provision and highway details are acceptable and would not have a detrimental impact on traffic or highway safety.

15 Ecology and biodiversity

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

15.2 Policy E12/6 states that development which would adversely affect the contribution to biodiversity of a wildlife corridor will not be permitted unless appropriate measures of mitigation or compensation for all the adverse effects are secured through appropriate planning conditions or obligations. In addition the positive effect of a proposed development on the contribution to biodiversity of a wildlife corridor will be taken into account in determining planning applications.

15.3 The Council's ecologist has reviewed the application and has requested that vegetation to the west and north within the site be retained and protected, and for native landscaping to be planted to provide mitigation for development in a wildlife corridor. It is recommended that conditions be imposed requiring a landscaping and planting scheme and for 4No bat bricks/slates to be provided to meet with the ecologist's comments.

15.4 With the recommended conditions imposed, it is officer opinion that the proposal would not have a detrimental impact on the biodiversity of the wildlife corridor and would comply with policy E12/6 of the UDP (March 2002).

16 Land Stability and Contaminated Land

16.1 E3 the local planning authority will seek to minimise the impact of pollution on the environment, including existing land uses, and on proposed development and will support and encourage measures, including monitoring of pollution, to reduce existing pollution to the lowest practicable levels.

16.2 The site lies within a Coal Referral Area and is within 250m of a known former colliery namely Backworth Colliery (Bluebell Pit). There are identified potential sources of ground gas. The applicant has provided a Geo-Environmental Appraisal Report with application.

16.3 The Contaminated Land Officer has raised no objections to the proposal or the submitted Geo-Environmental Appraisal Report and has recommended a series of conditions for gas investigation and protections measures. In addition to these measures, the Contaminated Land Officer has requested that a condition be imposed to ensure that a validation report be submitted for any ground remediation works that are carried out on site.

16.4 The Coal Authority have viewed the submitted investigation and have raised no concerns.

16.5 It is officer opinion that subject to the requested conditions, the proposal would be acceptable in terms of the site's coal mining legacy and ground contamination issues.

17 Other Issues

17.1 A letter of objections has been submitted regarding the future occupiers of the site however it is the advice of officers that this is not material to consideration of the application.

17.2 However it is recognised that the supported living scheme would have a significantly lesser impact in terms of traffic generation on the surrounding area than a standard development of one-bedroom flats and that weight have been accorded this by the Highway Authority. In light of this, it is recommended that a planning condition is imposed to ensure the proposed scheme remains as a supported scheme unless prior approval is obtained from the Local Planning Authority.

17.3 An objection has been received raising concerns on the impact of the value and resale ability of the existing dwellings. Officers would advise that the impact upon the value of surrounding properties is not a material planning consideration.

18 Financial contributions

18.1 The Council's adopted SPD on Planning Obligations LDD 8 states that 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 a high quality environment where people choose to live, work, learn and play.

18.2 The SPD also states that the Council is concerned that planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon economic viability of development and sets out the appropriate procedure to address this. However, the SPD states that the Council will take a robust stance in relation to the requirement for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

18.3 The contributions that can be secured and ensure a viable development are; £3,392 to improve infrastructure and accessibility to the Silverlink Biodiversity Park. The contribution will be used directly to target the needs of the new residents by focusing on disabled access and improvements to the site interpretation boards.

£1,872 for biodiversity improvements to the Shiremoor waggonway adjacent to the site. The contribution would be spent on additional planting for the waggonway and towards improvements to the footpath.

18.4 These contributions are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL Regulations.

19 Conclusion

19.1 Having regard to the above, it is officer opinion that the proposal complies with the relevant national planning policies, policies E3, E12/6, H7, H11 and DCPS no.14 of the North Tyneside Unitary Development Plan (March 2002) and

Local Development Document 11 'Design Quality'. However bearing in mind the outstanding objection from Nexus, officers recommend that Members indicate that they are minded to approve the application subject to the final agreement of Nexus and a legal agreement securing the necessary financial contributions.

RECOMMENDATION: Minded to grant on expiry consultation

Members are recommended to indicate that they are minded to grant this application subject to the final comments of Nexus and an agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of the Section 106 Agreement to secure the following;

- **£3,392 to improve infrastructure and accessibility to the Silverlink Biodiversity Park. The contribution will be used directly to target the needs of the new residents by focusing on DDA and improved site interpretation**
- **£1,872 for biodiversity improvements to the Shiremoor waggonway adjacent to the site. The contribution would be spent on additional planting for the waggonway and towards any improvements to the footpath.**

Members are also 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 & on Co-operative Terrace
Provision of bus boarders on footpath outside site on Earsdon Road
Upgrade of carriageway on Co-operative Terrace
Associated drainage
Associated street lighting
Associated road markings
Associated signage**

The applicant will be required to formally close all roads and footpaths within the site that are no longer required under Section 247/257 of the Town and Country Planning Act 1980.

Conditions/Reasons

- | | | | |
|----|---|-------|---|
| 1. | In accordance with approved plans | MAN01 | * |
| 2. | Standard Time Limit 3 Years FUL | MAN02 | * |
| 3. | Notwithstanding any indication of materials which may have been given in the application, no development shall take place above foundation levels until a | | |

schedule and/or samples of the materials and finishes for the development has been submitted to and approved 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 having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

4. No development above foundation level shall take place until a schedule and/or samples of all surfacing materials has been submitted to and approved 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 appearance having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

5. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the site commences.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

6. Landscape Scheme Implementation Period LAN06 *H11 and E16/2

7. Prior to occupation of the units details of the adoptable estate roads and footways shall be submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

8. Altered Access Access Alt Prior to Occ ACC15 *T2 and LDD 12

9. Visibility Splay Detail Before Devel ACC20 *2.4
*43
*0.6
*T2 and LDD 12

10. Turning Areas Before Occ ACC25 *refuse
*T2 and LDD 12

11. The development shall not begin until details of the disposal of surface water from the highway, footpaths and other hard surfaces have been approved in writing by the Local Planning Authority and no dwelling shall be occupied until

the works for the disposal of surface water have been constructed in accordance with the approved details. The approved details shall be carried out in accordance with the 'Drainage Calculations & Report' by DTA Consulting Engineers LLP and retained thereafter.

Reason: The information is needed at the outset of the development to ensure a satisfactory means of surface water drainage having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

12. Notwithstanding the submitted details, prior to the occupation of the development the applicant should submit a parking layout which shall be submitted to and approved in writing by the Local Planning Authority. The approved parking scheme shall be implemented prior to the occupation of the site and retained thereafter.

Reason: To ensure sufficient parking is provided and in the interest of Highway Safety having regard to the T11 of the North Tyneside Unitary Development Plan (March 2002) and LDD 12.

13. The development shall not be occupied until details of facilities are provided for the storage of refuse at the premises have been 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 H11 of the North Tyneside Unitary Development Plan 2002.

14. All builders and contractors compounds, site huts, and storage of plant and materials shall be located in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to any development taking place.

Reason: As the information is needed at the outset of the development and in the interests of the amenity of neighbouring residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

15. Access to the site for all builders and contractors vehicles, including those delivering materials shall be in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to any development taking place.

Reason: As the information is needed at the outset and in the interests of the amenity of neighbouring residents and road traffic and pedestrian safety having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

16. Prior to the development commencing a detailed scheme to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Thereafter development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works and used on all occasions when visible dust emissions are likely to be carried from the site eg during dry, windy conditions.

Reason: As the information is needed at the outset and to safeguard the occupiers of surrounding properties and users of the public highway from any discomfort or loss of amenity arising from construction activities on the site.

17. Lorry routeing during construction SIT04 *LDD12

18. Prior to the commencement of development a detailed scheme for 4No bat bricks or bat slates to be incorporated into proposed scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and retained thereafter.

Reasons: In the interest of biodiversity having regard to policy E6/12 of the North Tyneside Unitary Development Plan (March 2002).

19. Landfill Gas Investigate No Devel Before GAS01 *E3

20. Underground Gas Investigate GAS02 *E3

21. Underground Gas Design to Guard GAS03 *2
 Against *E3

22. The Made Ground soils excavated from the site shall be removed from the site for disposal to a suitably licensed landfill site. Validation samples from the base and side walls of the resultant excavation shall be tested for asbestos identification to ensure that the contaminated soils are removed. The results of the validation samples shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of public health having regard to policy E3 of the North Tyneside Unitary Development Plan (March 2002).

23. A validation report for all remediation work carried out at the site shall be submitted to and approved in writing by the Local Planning Authority. The report shall be submitted on completion of the remediation work and shall identify all remediation work undertaken and that the objectives of the remediation statement have been met.

The report shall provide 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.

Reason: In the interest of public health having regard to policy E3 of the North Tyneside Unitary Development Plan (March 2002).

24. Restrict Hours No Construction Sun BH HOU04 *

25. Piling activities at the site shall be restricted to between the daytime hours of 10:00 and 14:00 hours Monday to Saturday only.

Reason: To safeguard the amenities of neighbouring residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

26. Prior to the commencement of development, a noise scheme shall be submitted to and approved in writing the Local Planning Authority. The noise scheme shall be carried out in accordance with the Noise Report ref: 34238/3001, and shall provide details of the window glazing to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB(A) at night and prevent the exceedance of L_{max} of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq as described in BS8233:2014. The development shall be carried out in accordance with the approved plans noise scheme.

Reason: The information is required at the outset of the development, in the interest of residential amenity having regard to policy H11 of the UDP (March 2002).

27. Prior to the commencement of development, a ventilation scheme for habitable rooms with line of sight of Earsdon Road and the Metro Rail Line shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall meet as a minimum System 3 of Table 5.2c of Approved Document F and each habitable room must have a variable control installed for ventilation.

The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: The information is required at the outset of the development to ensure the proposed dwellings have an adequate level of ventilation.

28. Protection of Trees During Construction LAN10 *E12/6

29. Prior to occupation of development details of a barrier between the development and the adjoining Metroline shall be submitted to and approved in writing by the Local Planning Authority in consultation with Nexus. Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the development.

Reason: In the interest of providing a safe development in relation to the adjoining Metroline.

30. No other part of the development shall be occupied until the works to include a bus boarder have been confirmed and agreed with the Highways Network Manager.

Reason: In order to improve bus stop access to users of the public transport system having regard to policy T1, and T6 of the North Tyneside Unitary Development Plan 2002.

31. This permission gives planning permission for 16 supported living apartments. The residential accommodation shall only be used for the purpose of the provision of 16 flats for occupiers requiring supported living accommodation, and for no other purpose including any other purpose falling within Class C2 and

Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

Reason: In the interests of protecting highway safety and local amenities as there is insufficient space within the curtilage of the property to provide an appropriate level of parking provision for any intensified residential use, having regard to Policy T11 and LDD12 Transport and Highways SPD.

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)

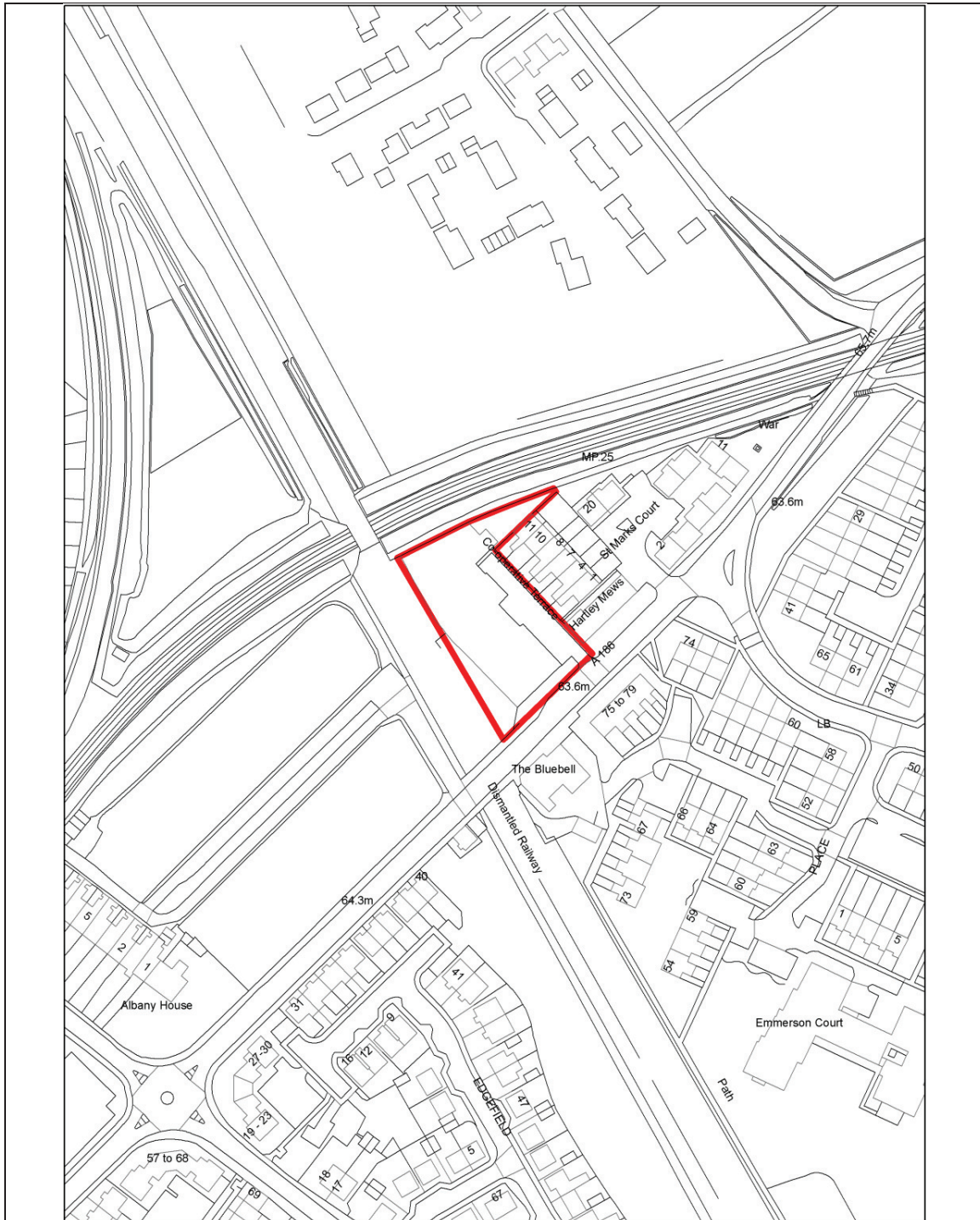
No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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



Application reference: 15/01495/FUL

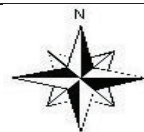
Location: Land At Former Co Op Buildings, Earsdon Road, Shiremoor, NEWCASTLE UPON TYNE

Proposal: Erection of two storey residential building comprising 16 supported living apartments (Use Class C3), together with associated parking

Not to scale

Date: 27.11.2015

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Item 5.5
Appendix 1 – 15/01495/FUL

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

This application is for the erection of a two storey residential building comprising 16 supported living apartments together with associated parking. The proposed site is located within a predominantly residential area of Shiremoor and was previously occupied by a collection of two & three storey buildings. The buildings were most recently used as a shop, office and storage facility for the Shiremoor Carpet Centre. The buildings were demolished in 2007 in preparation for a previously approved redevelopment.

The proposed vehicular access to the development is from Co-operative Terrace, the applicant is proposing to upgrade the existing road to 4.8m wide carriageway with a turning area suitable for refuse or emergency vehicles. An appropriate level of parking has been provided for the needs of the development with additional spaces that could be utilised by visitors or existing residents should the need occur. The site benefits from good transport links to the surrounding area. There is a bus stop located adjacent the site which offers regular services to and from North Shields, Cramlington, Newcastle and Killingworth. The Shiremoor Metro Station is located approx 800m east of the proposed development.

For the reasons outlined above and on balance conditional approval is recommended.

Recommendation - Conditional Approval

The applicant will be required to enter into a joint Section 278/38 Agreements with the Local Authority to carry out the following works:

Upgrade of existing footpaths abutting the site & on Co-operative Terrace
Provision of bus boarders on footpath outside site on Earsdon Road
Upgrade of carriageway on Co-operative Terrace
Associated drainage
Associated street lighting
Associated road markings
Associated signage

The applicant will be required to formally close all roads and footpaths within the site that are no longer required under Section 247/257 of the Town and Country Planning Act 1980.

Conditions

ACC02 - House Est: Details, Adopt Roads, No Occ
ACC15 - Altered Access: Access Alt Prior to Occ
ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 43m by 0.6m)

ACC25 - Turning Areas: Before Occ
DRN02 - Housing Est: Details, Road Drainage No Occ
PAR04 - Veh: Parking, Garaging, before Occ
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT01 - Building Site: Compound/Storage
SIT02 - Building Site: Construction Access
SIT03 - Dust Suppression during construction
SIT04 - Lorry routing during construction

No development shall commence until a scheme for surface water management 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 before the development is occupied.

Reason: In the interests of effective surface water management

Informatives:

I05 - Contact Env Serv: Construct Highway Access
I08 - Contact Env Serv: Works to Footway
I10 - No Doors/Gates to Project over Highways
I13 - Don't obstruct highways: Build Materials
I45 - Street Naming and Numbering
I46 - Highways Inspection before development

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

Paul Dawson
Ext. 6088

2.0 Contaminated Land Officer

2.1 I have reviewed the Geo-Environmental Appraisal Report July 2015 and I note the following:

2.2 "No significant ground gas sources were identified and as such a gas monitoring program was not deemed necessary. It is recommended that a 1200g visqueen membrane be installed in all new structures however as good engineering practice."

2.3 It is this officers considered opinion that as the site lies within a Coal Referral Area and is within 250m of a known former colliery namely Backworth Colliery (Bluebell Pit); the there are identified potential sources of ground gas. The following should be attached

Gas 01
Gas 02
Gas 03

2.4 “Fragments of asbestos cement (chrysotile) were encountered in one location (TP7 at 0.3m). It is therefore recommended that the Made Ground soils in this area are excavated and removed from site for disposal to a suitably licensed landfill site. Validation samples from the base and side walls of the resultant excavation should be taken and tested for asbestos identification to ensure that the contaminated soils are removed”

Results to be submitted to LPA for approval prior to commencement on site.

“One slightly elevated concentration of vanadium was recorded in the Made Ground soils in TP3 at 1.0m with a recorded concentration of 128 mg/kg compared to the SSV of 113 mg/kg.

2.5 However, the 95%ile concentration for vanadium in the Made Ground soils is 90 mg/kg which is below the SSV. From a human health perspective vanadium is of low volatility and given that TP3 is located beneath the proposed building footprint, the contaminated soils will be satisfactorily isolated from end users.”

It is agreed that the location of the vanadium hotspot will result in no contaminant linkage being identified.

“On completion of the remediation works a brief validation report should be prepared by the appointed consultants in order verify that the site is suitable for the proposed development.”

2.6 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 from the planning application.

3.0 Biodiversity Officer

3.1 The above development site is sited adjacent to the Shiremoor waggonway to the west and the metroline to the north, and the site is within the wildlife corridor on the Council’s UDP. I would therefore expect any existing vegetation to the west and north to be retained and protected as part of any development plans and for some native landscaping to be planted within the site to provide mitigation for development in a wildlife corridor. If the development requires the removal of any trees or existing vegetation then a tree survey will be required to support the application. However, the plans do not indicate this to be the case.

3.2 I have no objection to the application but would request the following conditions to be attached to the application:-

- A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing showing native biodiversity planting that will enhance the wildlife corridor
- A tree protection plan should be submitted to the Local Authority for approval prior to development commencing, detailing measures to protect existing vegetation within or adjacent to the site
- 4No bat bricks or bat slates should be incorporated into the new building. Details of the design and location of these features must be submitted to the Local Authority for approval prior to development commencing.

4.0 Environmental Health (Pollution)

4.1 The proposed development is located on vacant land adjacent to the Blue Bell Public house located on Earsdon Road, Shiremoor and next to the Metro Rail line. I have concerns with regard to traffic related noise affecting the site and potential noise from loud amplified music and customer noise from the adjacent Blue Bell Inn.

4.2 I have viewed the noise report submitted to support the application; this has considered road traffic and metro rail noise. With regard to traffic related noise, the noise assessment confirms that the facades of the properties facing onto Earsdon Road will be exposed to high road traffic noise levels, in the region of 64 dB LAeq for daytime, with the night time noise levels significantly lower in the region of 53 dB LAeq. The façade towards the north of the site facing the Metro Rail line will be lower in the region of 51 dB LAeq for daytime and 46 dB LAeq for night. The noise scheme will need to ensure habitable rooms are provided with appropriate glazing to mitigate the impact of traffic related noise. With regard to noise from the adjacent public house, noise monitoring was carried out on a Friday night, which would be representative of a busier night when loud amplified music would likely to be played at the public house and greater numbers of customers are likely to be present. The noise consultant indicates that no significant noise associated with the operation of the public house was evident during the noise monitoring and there is no evidence to suggest that loud amplified music is played at the premises.

4.3 The proposed development is to include for a communal garden to the north of the site, it is noted that the noise assessment has calculated that the noise exposure from traffic related noise will be below the World Health Guidance level of 55 dBLAeq, this is based on current screening afforded by the existing boundary fencing provided.

4.4 If it is the intention of planning to approve the application I would recommend the following:

4.5 Submit and implement on approval of the local Planning Authority a noise scheme for the development in accordance to noise report ref: 34238/3001, providing details of the window glazing to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq as described in BS8233:2014.

4.6 Prior to development, the ventilation scheme for habitable rooms with line of sight of Earsdon Road and the Metro Rail Line 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.

HOU04

HOU05

Piling activities if required at the site to be restricted to the hours 10:00 - 14:00 hours Monday to Saturday only.

5.0 Tyne and Wear County Archaeologist

5.1 The co-op buildings were of some historic interest. I photographed them back in 2007 before they were demolished.

No further archaeological work is required.

6.0 North Tyneside Strategic Commissioning Manager,

6.1 - We did work with the Housing Strategy team earlier this year and a Housing Market Position Statement was developed, this covered vulnerable adults, including people with a learning / physical disability. From this we have identified that a number of new build / conversions are required across the borough to support people with a disability, the LA would then commission the support more cost effectively. The MPS identifies units of 12-16 self contained apartments as being ideal. This development is in line with the MPS requirement.

6.2 - Demand – we have a number of people that would know of that would benefit from this type of scheme / development, we have talked with the developer about how we could influence the internal design etc and this has been positively received, am not sure if there is anything from a planning consideration that you can give some added weight to this?

6.3 - Other factors I would consider for a scheme of this nature would be access to the local community assets, shops, transport, primary healthcare services (GP's, dentists, chemists etc). I think all of these are in reasonable distance from the proposed development.

6.4 - My main concern, and am not sure this is necessarily a planning consideration, is with regard to the rent levels that are proposed. The figures I had seen previously seemed on the high side and I know from my discussions with the HB team that there were equally some concerns from them.

External Consultees

7.0 Environment Agency

7.1 This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

Therefore we have no comment to make on this application.

We would however, wish to advise the following:

7.2 Foul Waters:

The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

8.0 The Coal Authority

8.1 The Coal Authority considers that the content and conclusions of the Geo-Environmental Appraisal Report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. 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.

9.0 Newcastle international Airport

9.1 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location within a built up area of housing and the modest nature of the scheme it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

9.2 An informative should be placed on the planning decision notice requesting the developer to notify the airport prior to the use of cranes on site. This will ensure that the airway is free from obstruction.

10.0 Nexus

The Nexus response is in two parts.

10.1 Item One

The Nexus 3rd Party Works project manager has reviewed the application which is considerably different from the previous.

10.2 He confirms the flooding risk was from the derelict site directly to the west of this application and requires the following information:

1. The site drainage details.
2. This development is next to the Metro which is in cutting and there are concerns that the parking and turning head at the northern end of the site could pose a risk of a vehicle crashing over the edge and onto the Metro line. The developer will be required to provide a satisfactory barrier e.g. AMCO which is to be reviewed and accepted by Nexus Rail Structural Engineers.

10.3 Item Two

Nexus note in the plans that the bus stop layby has been reduced from 15 meters to approximately 9.5 meters therefore we must object to this element of the

application and insist that the stop length and the length of the taper is retained. Should the developer have no other option but to widen Co-operative terrace, we suggest that it may be possible to reposition the layby by approximately 4 or 5 meters to the west. However we note the location of traffic calming measures therefore the local authority's highways department would need to assess this option.

10.4 The shelter in this location is owned and managed by Clear Channel therefore if this is to be moved, they would need to grant permission for this to happen.

11.0 Northumbrian Water

11.1 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 "*Drainage Calculations & Report*". In this document it states that foul and surface water flows from the proposed development will discharge to the existing combined sewer at manhole 1213, with surface water flows being restricted to a maximum of 5l/sec.

11.2 We would therefore request that the *Drainage Calculations & Report* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

11.3 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. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

12.0 Neighbour Representations

12.1 Five letters of representation have been received. One letter was received stating that they are content with the site being developed, however they have concerns regarding the loss of parking spaces used by Hartley Mews

12.2 Five letters of objection were submitted on the following grounds:

- Inadequate parking provision
- Loss of existing car parking
- Loss of light
- Visual intrusion
- Inappropriate design
- Loss of privacy
- Loss of/damage to trees
- Nuisance – disturbance
- Out of keeping with surroundings
- Precedent will be set
- Loss of views from living room
- Impact on resale value and resale prospects of the property
- No guarantee to protect the resident's financial interests
- Could be used to house tenants with complex mental health issues

- Children may witness intimidating scenes
- The proposal would be closer to the existing dwellings than the existing proposal
- Insufficient information has been submitted about the proposed use
- Oppose the extension of Co-operative Terrace (and any subsequent Stopping Up Order) to provide additional parking places for the development. These should be provided within the development without disrupting neighbours further, and generating more traffic in front of our properties.