

Item No: 5.4
Application No: 15/01099/REM Author: Jane Tuck
Date valid: 2 July 2015 ☎: 0191 643 6331
Target: 1 October 2015 Ward: Riverside
decision date:

Application type: approval of reserved matters

Location: Land Forming Part Of Smiths Dock, Duke Street, North Shields, Tyne And Wear,

Proposal: Phase 2, application for reserved matters for part of the site to form 80 dwellings in two buildings with commercial property on ground floor

Applicant: Smiths Dock LLP, 80 Cheapside London EC2U 6EE

Agent: Urban Splash, FAO: David Lynch Timber Wharf 16-22 Worsley Street
Castfield Manchester M15 9CD

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

Summary of Key Issues and Considerations

1.1 This application seeks approval of reserved matters for layout, scale, appearance and landscaping for the second phase of the regeneration of the former shipyards site. Extensive remediation of the site has already taken place. The site has been re-profiled and a distributor road constructed linking Dock Road to Duke Street. A road around the docks and an estate road from the docks up to the distributor road on the western edge of the site have been constructed.

1.2 Outline consent was granted in April 2013 for 775 residential units, hotel 4605sqm and 1400sqm of commercial development A1, A3 and B1 (Option A) or 815 residential units and 1400sqm of commercial development A1, A3 and B1 (Option B) with details of access being agreed.

1.3 The main issues for Members to consider are whether the reserved matters relating to layout, scale, appearance and landscaping for this second phase of residential development on the Smith's Dock site are acceptable.

2.0 Description of the site

2.1 Phase 2 is located on the riverside in the area known as the Dock area between the Brewery Bond building and the retained dock. To the west lies the new roundabout linking the link road within the site to Duke Street and New

Quay. Brewery Bond and the New Quay Conservation Area lie to the north of the site.

3.0 Description of the Proposal

3.1 It is proposed to construct 80 houses in this phase in two buildings. The design has been developed from existing buildings on the fish quay and are called 'smokehouses'. It is proposed that Building 1 adjacent to the Brewery Bond will be 6 storeys high with a maximum height of approximately 22.6m and have 24 apartments. Building 2 adjacent to the retained dry dock will be 9 storeys high with a maximum height of approximately 31m and have 56 apartments. Each building has a pitched roof with two differing slopes and eave levels. 22 one bedroom units are proposed, 50 two bedroom units and 8 three bedroom units are proposed.

3.2 A commercial unit is proposed at ground floor level of each of the buildings which could be A1 retail and/or A3 restaurant and cafes. The applicant has advised that no tenants have yet been identified. Total commercial floor area proposed is 502sqm.

3.3 Parking spaces for 62 cars are proposed at ground level in the area around the two buildings. Twelve of these are in a covered area under the residential units to the rear of the commercial units. Vehicular access is off the access road into the Smith's Dock site before the roundabout and another access is proposed after the roundabout closer to the dry dock. A further 17 parking spaces are proposed around the dry dock and 55 spaces in a temporary car park proposed to the west of Building 2 on the site of either the potential hotel or an apartment block.

3.4 The area around the buildings will be hard and soft landscaped. Some external seating is proposed for the commercial units facing the river.

4.0 Relevant Planning History

11/02390/OUT Outline planning permission with access to be approved for development comprising of; Option A - 775 residential units, hotel 4605sqm and 1400sqm of commercial development A1, A3 and B1. Option B - 815 residential units and 1400sqm of commercial development A1, A3 and B1 (Amended parameter plans and information received on 11 May 2012) Approved 24 April 2013

14/01624/REM Phase 1 application for reserved matters for part of the site to form 34no dwellings. Approved 9 January 2015

15/01097/OUT Variation of condition 3 (approved plans) to vary the building heights of phase 2 and removal of condition 41 (energy strategy) of planning approval 11/02390/OUT has been submitted and will also be reported to this planning committee.

5.0 Government Policy

National Planning Policy Framework March 2012

6.0 Development Plan

North Tyneside Unitary Development Plan (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 (August 2007).

6.1 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 Detailed Planning Considerations

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

- Scale
- Layout
- Appearance
- Landscaping

7.0.2 Consultation responses and objections from local residents are set out in the appendix to this report.

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

7.0.4 NPPF states that Local Planning Authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport giving priority to pedestrian and cycle movements and have access to high quality public transport facilities. It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF encourages solutions which support reductions in greenhouse gas emissions and reduce congestion.

7.0.5 Policy H11 - Design Standards and Development Control Policy Statement No.14 - New Housing Estates - Design and Layout of the UDP, refer to design and layout standards for new residential development including, scale, 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.

7.0.6 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.

7.1 Scale

7.1.1 Application 15/01097/OUT to vary the height parameters approved in the outline consent for the Smith's Dock site is also being reported to this Planning Committee. The impact of the proposed revised height has been considered in terms of the visual impact and impact on the adjacent Conservation Area and listed buildings; and the impact on the amenities of residents of Brewery Bond and is set out here for consideration in this application.

7.1.2 The outline application indicated that the proposed scheme on this site would accommodate approximately 100 apartments. The submitted proposal is for 80 apartments.

7.1.3 The scale of buildings was approved as part of the outline application and set out in the Maximum Building Height and Envelope Parameter Plan. This plan gave an indication of upper and lower limits of buildings in terms of the number of storeys of buildings and heights Above Ordnance Datum (AOD) and indicated that there would be a gateway landmark building on the river edge at the northern end of the site adjacent to Brewery Bond having proposed elements up to 4, 5, 6 and 12 storeys. The Maximum Building Height and Envelope Plan indicated that a 10-12 storey element would be located approximately 57m from the Brewery Bond. The height of the building along the river then dropped to 4-5 storeys and then 3-4 storeys approximately 25m from Brewery Bond.

7.1.4 The scheme now proposed comprises two separate buildings. This is due to ground conditions on the site of 5m lengths of tie rods along the river edge and the location the former dry dock which constrain the location of foundations. The applicant has advised that the cost of building into the buried concrete dry dock and within the metal tie rods there, would make the development of this plot of land unviable so that it would not be built.

7.1.5 In proposing these buildings to avoid the ground obstructions, the footprint and height of some elements of the proposed buildings are outside the approved parameters.

7.1.6 It is now proposed that Building 1 adjacent to the Brewery Bond will be 6 storeys high with a maximum height of approximately 22.6m. In the approved parameter plan the height of the building closest to Brewery Bond was 3-4 storeys with a maximum height of approximately 12m so the revised height is above the approved parameter. The northern boundary of the footprint of the revised parameter is very similar except that the building has been rotated slightly so that instead of a building being approximately 25m away from the Brewery Bond it is now proposed approximately 23m from the Brewery Bond towards the river and approximately 28m to its rear adjacent to the access road.

7.1.7 Building 2 adjacent to the retained dry dock will be 9 storeys high with a maximum height of approximately 31m. In the approved parameter plan the height was 10-12 storeys with a maximum height of approximately 36m at the riverside and 5-6 storeys with a maximum height of approximately 18m adjacent to the access to the dockside road, so in part the revised height is below the approved parameter and in part above the approved parameter. The southern boundary of the footprint of the revised parameter is very similar to that approved except that the building has been rotated slightly so that instead of a building being approximately 57m away from the Brewery Bond it is now proposed approximately 62m from the Brewery Bond towards the river and approximately 67m to its rear adjacent to the access road.

7.1.8 Visual impact and impact on the adjacent Conservation Area

7.1.9 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.

7.1.10 The NPPF states that in determining planning applications, LPA's should take account of the desirability of enhancing the significance of heritage assets and that significance can be harmed or lost through development within its setting. The degree of harm has to be considered and the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits, including securing its optimum viable use.

7.1.11 Policies in the UDP, H11 and DCPS14 relating to Design Standards, state that proposals should be acceptable in terms of their impact on their site, local amenity, the environment and adjoining land uses. Policies E16/2 and E17/4 of the UDP relate to whether development will adversely affect the setting of a conservation area and listed buildings. The proposed buildings are adjacent to the New Quay Conservation Area where there are listed buildings (the former Northumbrian Arms Hotel and the former Port Hole Public House).

7.1.12 The relationship of the buildings to the Brewery Bond and the Conservation Area is an important consideration. The approved scheme proposed a building of one mass with a maximum height of 3-4 storeys closest to the Brewery Bond rising through 4-5 storeys to 10-12 storeys at its tallest. The reserved matters scheme under consideration proposes two buildings with a break in between which gives views of the river and reduces the massing of the previously approved scheme. In this reserved matters scheme, Building 1 is higher than indicated at outline stage. The maximum height currently proposed is approximately 22.6m (6 storeys) and approximately 6m higher than Brewery Bond with different eaves levels on the north and south elevations. The eaves height closest to the Brewery Bond on the north elevation is approximately 17.6m which is approximately 5.2m higher than the eaves of the Brewery Bond. Building 2 rises to 9 storeys with a maximum height of approximately 31m, which in part is lower than the 10-12 storeys and in part is higher than the 5-6 storeys proposed within the approved height parameters at outline stage. The two buildings are 23m apart.

7.1.13 Drawings 7339-A-G100-E-E-S73-001 Elevation East and 7339-A-G100-E-W-S73-001 Elevation West show the relationship of the proposed buildings to Brewery Bond and buildings in the Conservation Area.

7.1.14 Two letters have been received from two residents of properties in Brewery Bond on the south side objecting to the height of the proposed development. One letter objects to the proposed 6 storey building as the proposed height is greater than previously approved at outline stage as the outline scheme approved a maximum height equal to the eaves height of the Brewery Bond and 4.47m below the ridge height of the Brewery Bond whilst the reserved matters scheme proposes a maximum height of approximately 6m above the ridge height of Brewery Bond and 10m above the eaves height and the proposed building will 'over-top' the adjacent buildings in the New Quay Conservation Area including the Brewery Bond causing unacceptable intrusion into the appearance of the area from street level and from the River. One letter of support has also been received with concerns about the height. FISH –Folks Interested in Shields Harbour and the Northumberland and Newcastle Society support the proposed scheme.

7.1.15 It is officer opinion that the progression in height of the proposed buildings from the existing buildings in the Conservation Area and their massing is acceptable in visual terms and will provide an attractive collection of waterfront buildings.

7.1.16 In relation to the Conservation Area, the Historic Buildings Officer and the Conservation Officer have advised that the proposed development will impact on the views south out of the Conservation Area and will be seen rising above the existing skyline. They have considered the impact of the development on the significance of designated heritage assets including the Conservation Area, listed buildings and Brewery Bond which is on the local register and concluded that the impact of the revised heights of the two proposed buildings do not represent substantial harm to the significance of the adjacent designated heritage assets.

7.1.17 Members must decide whether the visual impact of the proposed development on the area and in particular the impact on the adjacent New Quay Conservation Area and listed buildings are acceptable.

7.1.18 Impact on the amenities of residents of Brewery Bond

Building 1 is proposed higher than the parameters approved at outline stage as set out above and due to the ground conditions has been rotated slightly so that the elevation of the proposed building adjacent to Brewery Bond is approximately 23m away nearest the river and 28m away nearest the access road. In the approved scheme the proposed building was indicated as being 25m from the Brewery Bond.

7.1.19 The Brewery Bond has been converted to 25 loft apartments. It is four and a half storeys high and the south elevation facing the Smith's Dock site has ten narrow windows on each floor. From floor plans of the Brewery Bond, it would appear that six of the apartments only have windows in the south

elevation. The north elevation of the proposed development has windows to bedrooms and living areas facing the south elevation of the Brewery Bond.

7.1.20 It is officer opinion that the separation distance between Building 1 and Brewery Bond of between approximately 23m and 28m is acceptable and that this revision will not have a significant detrimental impact on the amenities, in terms of privacy and outlook of the occupiers of Brewery Bond.

7.1.21 Building 2 which in part will be lower than the height parameter approved at outline stage and in part will be higher is located approximately 62-68m away from Brewery Bond which is slightly further away than the parameter approved at outline. It is officer opinion that Building 2 will not impact on the amenities of occupiers of Brewery Bond.

7.1.22 Two letters of objection have been received from one apartment in Brewery Bond suggesting initially that the proposed development will be seriously detrimental to the daylight to the flats on the lower floors of Brewery Bond as they only have windows on the south elevation and following the submission of the Daylight and Overshadowing Assessment raising concerns about the accuracy of the information in the Assessment and stating that whilst the proposed development would only cause limited loss of daylight and direct sunlight to some apartments, the height of the scheme indicated at outline would cause virtually no loss at all.

7.1.23 The applicant has submitted a Daylight and Overshadowing Assessment to assess sunlight, daylight and overshadowing. This has used the British Research Establishment (BRE) guidelines 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, to assess whether overshadowing will have a significant impact on the Brewery Bond. The applicant advises that 'the Brewery Bond will experience a degree of overshadowing in winter months which will reduce the amount of direct sunlight experience' and concludes that 'Analysis suggests that despite overshadowing, the existing Brewery Bond building will not experience a significant degree detriment to daylight as defined in BRE guidelines 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' as a result of the construction of the proposed Smoke Houses development.'

7.1.24 The applicant has also addressed the additional points raised by the objector from Brewery Building. Officers agree with the analysis and conclusions in the daylight and overshadowing assessment and advise that it is officer opinion that the proposed development will not have a significant detrimental impact on the amenities of occupiers of apartments in the south elevation of the Brewery Bond Building in terms of daylight and overshadowing.

7.1.25 Members need to decide whether the scale of the proposed development is acceptable and whether the impact of the proposed development on occupiers of Brewery Bond is acceptable in terms of privacy, outlook and light.

7.3 Layout

7.3.1 Details of the layout are set out in the description of the proposal at paragraphs 3.1-3.4. The reasons for the layout due to site constraints are set out in the section on scale at paragraph 7.1.4. Privacy and outlook distances and overshadowing have been discussed at paragraphs 7.1.8- 7.1.25 and officer opinion is that these are acceptable.

7.3.2 Parking Layout

7.3.3 The parking for the 80 apartments and the two commercial properties at ground floor level is proposed at ground level around the two proposed buildings where there will be 62 spaces. Further parking is proposed around the dock (17 spaces) and in a temporary surface car park to the west of the apartments on the site for the proposed hotel or another apartment block (55 spaces). A total of 134 spaces are proposed. At outline application stage it was indicated that one of the dry docks would be used for car parking. This is no longer an option due to the cost of such works.

7.3.4 It should be noted that previous applications approved 1200 dwellings and commercial development whilst outline application 11/02390/OUT granted consent for a reduced number of dwellings - 815 and commercial development.

7.3.5 The applicant's approach to parking and landscape design 'seeks to strike a healthy balance between accommodating the needs of vehicles and servicing, refuse storage collection while providing a high quality residential amenity, well designed attractive streetscape and green space within this urban site.'

7.3.6 The applicant aims to:

- facilitate pedestrian flow re-engaging with the riverbank along the riverside promenade
- encourage a move towards increased use of more sustainable forms of transport (public, cycling and walking) and away from sole reliance on private cars in line with strategic national and local goals around health and wellbeing, climate change and environmental impact by use of bus, metro and ferry services in the area
- avoid the street scene being overly dominated by car parking
- enforce parking through their estate management regime

7.3.7 The applicant has advised that they are unable to provide the required parking within the site of the two proposed buildings either by digging down due to the costs of avoiding the buried dry dock and riverside wall tie rods or by providing parking at ground level and above which would require additional storeys to the proposed building which would impact on the massing and cost of the proposed building. The increased cost would mean that the development would not take place. The applicant has advised that the 134 parking spaces proposed are the maximum amount of car parking spaces the site and the economic scenario can accommodate.

7.3.8 The applicant has shown 62 parking spaces around the two buildings which will be predominantly for residents, 17 on street spaces around the dock for

visitors, and a further 55 spaces are proposed for residents, visitors and commercial users to meet the shortfall in a temporary surface car park. The applicant has advised that if parking demand outstrips the supply on the site, the temporary car park spaces will service the apartments until they are replaced by future development. These will be prioritised for residential users first. In the longer term when the site of the temporary car park is developed, the applicant has advised that any required spaces will be incorporated within that plot or adjacent to the plot.

7.3.9 The issues that need addressing are whether adequate parking is proposed for residents, visitors and commercial unit users of this phase of the development, whether the applicants proposal to provide temporary car parking is acceptable and whether there will be sufficient parking available by the end of the development of the Smith's Dock site if adequate parking is not provided in the initial stages.

7.3.10 LDD12 Transport and Highways states in Appendix 6 that for dwelling houses in areas with good accessibility and parking management in place, a reduction in the maximum standards will be considered where it can be demonstrated that there will not be a detrimental affect on the adjacent highway safety.

7.3.11 The applicant's approach to parking provision is that they envisage that the apartments will be occupied by mostly 1 and 2 person households with a small number of small families; that these households will come from the local area and; that they are aware of public transport links. The applicant states that in line with apartment living in similar urban areas, they would not expect every dwelling to regularly use more than 1 car hence the provision proposed.

7.3.12 As this is the first apartment phase of a much larger development, the applicant has not been able to demonstrate demand for parking take up from the site but has provided information on comparable sites developed by Urban Splash and Places for People in other parts of the country where parking demand per dwelling unit has been less than 1 space /unit and nearer 0.5- 0.6 spaces per unit.

7.3.13 The applicant wishes to encourage the use of sustainable modes of travel for the long term and considers that the site is accessible by sustainable modes of transport; North Shields town centre is accessible by walking in 8 minutes; the metro system in the town centre in 10 minutes which provides high frequency links to Newcastle and the coast; and the ferry connecting North Shields to South Shields is 1 minute walk away. The applicant has advised that the site is served by five bus routes giving access to North Tyneside, Newcastle and further afield; and pedestrian and cycle routes including the coast to coast cycle route are to be reinforced throughout the site. The applicant is of the view that as there is so much public transport that end user occupants will not have to rely on using a car for every journey. In line with the Travel Plan for the site, new residents will be given advice on public transport, issued with route information, complementary free tickets and given pedestrian and cycle route maps.

7.3.14 Two new bus stops have been provided within the site on link road. It should be noted that access to some bus stops, the metro and North Shields town centre is via a significant level difference between the riverside and North Shields town centre.

7.3.15 The applicant has looked at likely demand for parking as well as trying to meet local parking standards taking into account public transport links and other modes of transport including cycling and has proposed reduced parking to the Council's standards with flexibility through the provision of off site parking spaces in the temporary car park if these are required.

7.3.16 The applicant has advised that the Smith's Dock site will be managed by the appointed property management agents, RMG Ltd and this will include management of parking. On the part of the site the subject of this application, the estate road, parking and service areas will not be adopted by the local authority and will therefore be managed and maintained by the estate management company. The applicant has provided indicative information on how the car parking might work. Residents may be able to purchase and use spaces either by long leasehold (in line with that of the apartment leasehold term) or by annual license and have spaces designated to them on this basis. The applicant has advised that the car park beneath the building will have controlled access by gate or bollard. The applicant has advised that parking enforcement will be carried out on behalf of the land owner to ensure estate roads are kept clear of unauthorised parking and if required tickets will be issued and vehicles towed away. Visitors to the apartments will be able to park adjacent to the building, on street around the docks or in the temporary car park. Visitor spaces will be identified with maximum stay requirements and this will apply to users of the commercial properties and visitors to the wider Smith's Dock site. The estate management company will ensure home owners are briefed on occupation and reminded of their obligations to keep roadways, footways and access routes clear through written correspondence and resident meetings.

7.3.17 If adequate parking is not provided for each phase of the development for residents then overspill parking may take place in surrounding streets. The applicant has advised that modelling has taken place to consider parking for the whole Smith's Dock site and has concluded that parking can adequately be provided and is confident that overspill implications can be addressed through proactive and well managed estate management activities.

7.3.18 The Road Network Manager has advised that taking into account the information the applicant has provided on parking relating to take up in their existing developments, allocation of parking spaces, management by a property agent, future provision of 55 temporary spaces and monitoring of the site as a whole, that the proposed development has reasonable links with public transport and North Shields town centre, although with a significant level difference along the route, and also that the parking and road layout is acceptable in terms of access for refuse vehicles and bay dimensions and reversing distances for vehicles and cycle parking has been provided for residents and commercial unit users, on balance, approval is recommended with conditions already approved

on outline consent and with the addition of conditions relating to replacement of 55 temporary car parking spaces if that site is developed and agreement of details of any barrier control system to the car parking.

7.3.19 It is officer opinion that the site has reasonable accessibility by sustainable modes of transport including public transport, cycling and walking. The proposed parking provision is short of the parking guidelines set out in LDD12 Transport and Highways and there are concerns about the use of temporary car parking, however this is one phase of a much larger site and the applicant has given assurances that the remainder of the site will have enough parking. The applicant has advised that in similar schemes not all the parking has been taken up and demand has been for 0.5-0.6 spaces per dwelling (ie 50-60% of the dwellings have required a parking space). The applicant has indicated that parking spaces may be leased with an apartment on a similar leasehold term to the apartment or on an annual licence. The applicant has given assurances that the car parking across the site will be managed by the estate management company and there is a condition on the outline consent that details of a car park management strategy should be agreed with the Local Planning Authority. It is officer opinion that on balance the parking is acceptable. Parking will be monitored across the site and later phases will be considered on their own merits.

7.3.20 Members must decide whether the proposed parking provision is acceptable and whether the proposed layout is acceptable.

7.4 Appearance

7.4.1 At outline stage a landmark building was identified on this site which would create a gateway into the development from New Quay and create a book end to the development of Smith's Dock. It has always been indicated that the development of the Smith's Dock site would be of a contemporary design using a modern palette of materials. The submission for this phase is consistent with that approach.

7.4.2 The applicant has advised that the proposed scheme has drawn inspiration from existing buildings on the fish quay and has progressed to the idea of replicating a fish 'smokehouse' which would create the landmark function outlined in the existing consent. In order to limit the impact on the heritage buildings and views experienced from properties behind the site, the development has been split into two buildings, each with a nautical pitched roof ridge. It is proposed to clad the buildings in materials akin to shipbuilding and reflecting the brick materials found in the fish quay. The applicant sees this distinctive form as a beacon for the wider development and regeneration of the Smith's Dock site. All units have views of the river or the docks. The ground floors of the buildings provide active uses in the commercial units along the river and some servicing of the buildings.

7.4.3 The buildings are six and nine storeys high and have pitched roofs of different degrees on each side of the roof. The buildings have a glazed elevation at each end and the apartments on these elevations have full height glazing. The

east elevations facing the river are at an angle to the river and the apartments have balconies overlooking the river. It is proposed to clad the north and south elevations and the roof in copper coloured zinc panels. The north and south elevations will be punctuated with windows and there will be some rooflights in the roof.

7.4.4 The commercial properties at ground floor will predominantly be glazed and have louvre panels to screen the plant areas and cycle and bin stores. The rear of the ground floor will provide some parking and vehicular access.

7.4.5 The conservation officer, historic buildings officer and policy design officer support the proposed scheme and consider it to be a well designed contemporary scheme. The proposals show two buildings with building heights that increase in scale that relate well to the Brewery Bond and New Quay Conservation Area. The space between the buildings will open up views and create interesting vistas. One objector is concerned about the extent of the cladding and that they would be 'effectively looking at a sheet of rusty steel' and is of the view that more experimental materials should be used further into the development.

7.4.6 Officers have had some concerns about the longevity and weathering of the proposed zinc cladding which is brown in colour. Initially Cor-ten steel, a weathered steel, was proposed but this required a second layer of cladding to protect against the elements and was too costly. An alternative Marley Eternit Equitone cladding was considered but also required a second waterproofing layer but the zinc cladding meets the requirements of the applicant which has a vertical emphasis and has the ability to withstand the marine environment including the ease of removal of salt deposits on the surfaces to prevent staining caused by salt build up on the surface. In view of there being no other reasonable material, the proposed zinc cladding is supported by officers.

7.4.7 There are some concerns about the impact of the amount of car parking proposed particularly the temporary car parking which lies at the entrance to the site from the New Quay. The level of car parking proposed is required for the apartments, visitors to the apartments and to the commercial properties. A pre-grown ivy screen is proposed to screen the main resident's car parking and it is proposed to screen the temporary parking with shrubs and trees. This can be conditioned.

7.4.8 At outline stage, there was no indication of any parking around the docks. The applicant has advised that their approach to parking and landscape design 'seeks to strike a healthy balance between accommodating the needs of vehicles and servicing, refuse storage collection while providing a high quality residential amenity, well designed attractive streetscape and green space within this urban site' and considers this approach is in line with LDD11 Design Quality that states that 'On street parking is convenient, is overlooked from surrounding houses and is efficient use of space'.

7.4.9 The applicant has advised that as, parking in the dry dock is no longer viable, and 1500 plus spaces are required for the development as a whole, parking has to take place elsewhere and considers that parking around the docks whilst addressing a capacity issue, will also provide activity around the docks making the space more vibrant in the longer term.

7.4.10 Officer advice is that the appearance of the proposed development is acceptable. Members need to decide whether the appearance is acceptable.

7.5 Landscaping

7.5.1 The applicant's aim of the public realm design is to provide and encourage public access to the riverside. A pre-grown ivy screen is proposed to screen the main resident's car parking. A variety of hard landscape materials are proposed including resin bound aggregate surfacing with granite setts and different coloured macadam. A few trees are proposed and some shrubs within a central raised planter.

7.5.2 The temporary car park at the entrance to the site adjacent to the dock area is likely to be visible on entering the site from the New Quay. The western end as proposed is lower than the link road whilst the eastern end is almost level with the link road at the roundabout. The applicant has proposed planting a coastal wildflower meadow and shrub planting to screen the temporary car park.

7.5.3 High quality public realm is required to match the design of the proposed development. This has been indicated on the submitted drawings and it is recommended that the detail is conditioned. The landscape officer has advised that the planting proposals are generally acceptable and that an avenue of trees between the link road and the car park would be preferable. It is officer opinion that the principle of the proposed landscaping is acceptable and should be conditioned to deal with the discrepancies in the plans and to accommodate additional screening to the temporary car park.

7.3.4 Members need to decide whether the landscaping of the proposed development is acceptable subject to a condition relating to the submission of a detailed landscaping scheme.

7.6 Other issues

7.6.1 Port of Tyne concerns

7.6.2 The Port of Tyne has raised the issue of large areas of glazing facing the river and external lighting that could have the potential to distract river traffic. The applicant in discussions with the Port of Tyne has agreed to the following mitigation measures; the installation of tinted windows to match the performance of Brewery Bond; a management strategy with the management company to remind residents to use curtains at night and all external lighting to be inward facing which the Port of Tyne have advised allay concerns regarding this development. Conditions relating to planning matters are recommended relating to the glazing specification and details of any external lighting to be agreed.

7.6.3 Traffic generation

7.6.4 Two objection letters have raised issues of traffic generation and pedestrian safety. The concerns are noted. A Transport Assessment was submitted with the outline application and traffic impacts were considered at outline stage. This is an application for reserved matters for layout, scale, appearance and landscaping. Access to the site was agreed at outline stage.

8.0 Conclusion

8.1 Officer advice is that the reserved matters details for phase two of the regeneration of this former dock yard site for layout including parking, scale including privacy, outlook and light issues, and appearance are acceptable and landscaping is acceptable subject a condition for a detailed scheme to be submitted and agreed. The proposal accords with local and national planning policies including H11, E16/2, E17/4 and DCPS 14 of the UDP, supplementary planning guidance in LDD11 and 12 and policies in the NPPF. Members need to decide whether the proposed layout, scale and appearance are acceptable.

8.2 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. Notwithstanding any details of landscaping which may have been given in the application, 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 landscaping is implemented. This shall include details of planting to the temporary car park.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.
3. 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 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. This report should be submitted before the contaminated land condition can be removed from the planning application.

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

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

Reason: To ensure that the 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.

4. Notwithstanding any details of public realm works which may have been given in the application, prior to implementation of the public realm works, details including hard landscaping and street furniture shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme prior to occupation of buildings unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity and to ensure a satisfactory standard of development having regard to policy H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

5. Before construction of the parking areas if barrier controls are proposed, details of any barrier controls or bollards to the parking areas shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter barriers and/or bollards shall be implemented in accordance with the approved scheme.

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

6. Prior to commencement of the construction of the buildings, details of glazing in the buildings on the river frontage shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Port of Tyne. Thereafter the glazing shall be installed in accordance with the approved scheme and retained thereafter.

Reason: To reduce the impact of large areas of glazing for the safety of river traffic.

7. No floodlighting or other external lighting shall be installed in this phase until condition _ of outline consent _ has been discharged following consultation with the Port of Tyne.

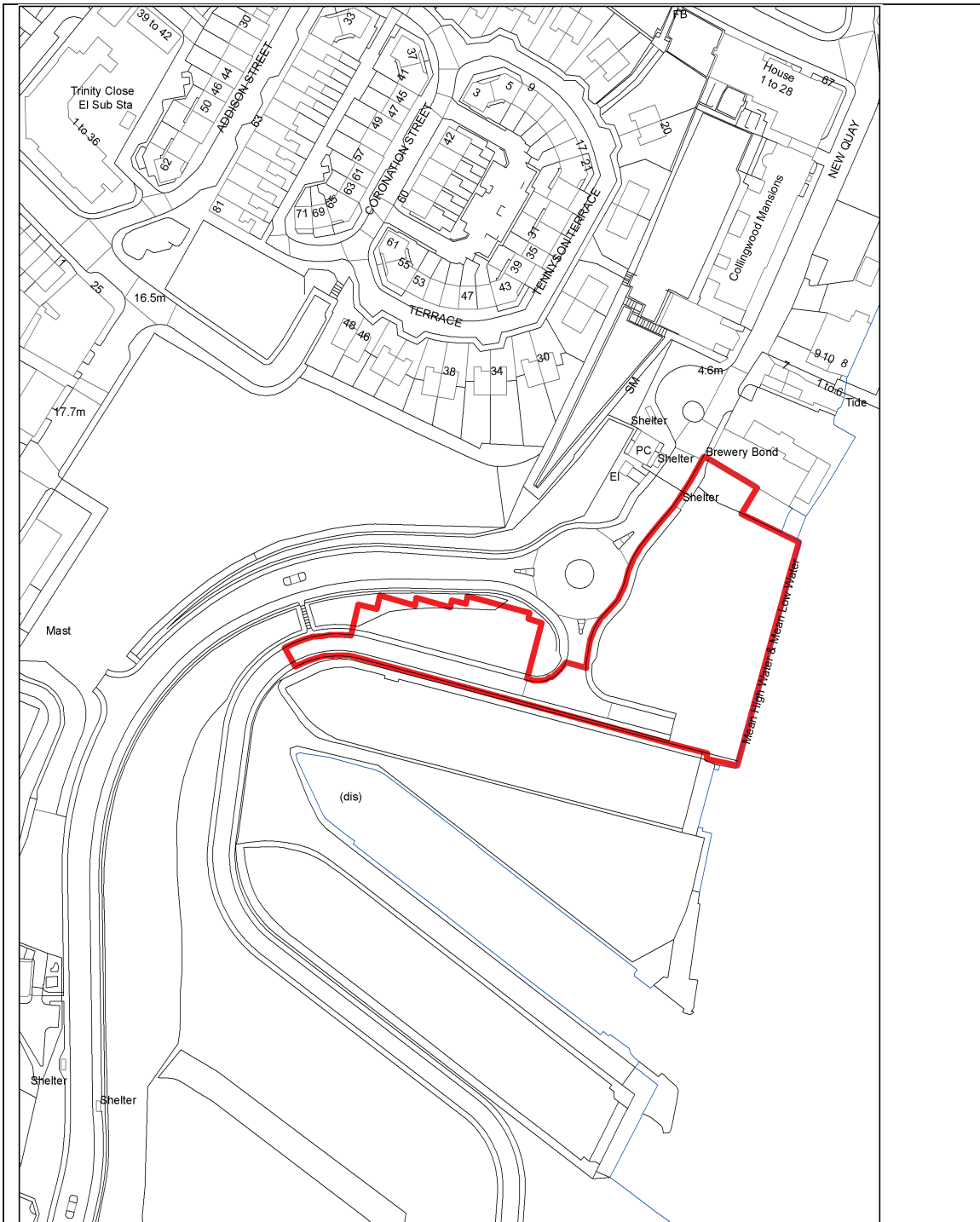
Reason: In the interest of visual amenity and river safety having regard to policy H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

8. Notwithstanding any details of the 55 space temporary car park shown on the plans hereby approved, if the site of the 55 spaces is developed, the 55 spaces shall be replaced within the Smith's Dock site. The 55 spaces shall be provided on the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety having regard to policy H11 of the North Tyneside Unitary Development Plan 2002 and LDD12.

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

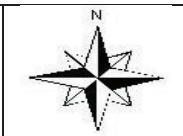
The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord 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.



Application reference: 15/01099/REM
Location: Land Forming Part Of Smiths Dock, Duke Street, North Shields,
Proposal: Phase 2, application for reserved matters for part of the site to
form 80 dwellings in two buildings with commercial property on ground
floor

Not to scale
 Date: 18.01.2016

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Item 5.4

Appendix 1 – 15/01099/REM

Consultations/representations

1.0 Internal Consultees

1.1 Road Network Manager

1.2 This is an application for reserved matters for part of the site to form 80 dwellings in two buildings with commercial property on ground floor on Phase II of the site, which has outline permission (11/02390/OUT).

1.3 The site will be accessed from a previously agreed access location via the main Smiths Dock Link Road and the internal highways in this phase will not be considered for adoption by the Local Highway Authority. The site proposes an on-plot provision of 62 spaces with an additional 72 flexible spaces (55 surface car park spaces & 17 promenade spaces) adjacent to the plot.

1.4 The applicant has stated that the car parks will be managed by the property management agent and that if the plot containing 55 spaces is developed out, these spaces will be provided elsewhere on the site or contained within the final development. They have also provided information from existing developments where parking standards have been relaxed and advise that the parking provided has been enough to serve the needs of those developments. The applicant has indicated that residents of the building will be able to purchase and use the parking spaces by either long leasehold (with a period in line with that of the apartment leasehold term) or by annualised license. Furthermore parking levels will be monitored throughout the site as it develops out and there is an existing condition on the outline consent for a parking management strategy.

1.5 The proposed development has reasonable links with public transport and there are bus stops located on Duke Street, Howdon Road as well as North Shields town centre. The site is also situated very close to North Shields ferry landing and falls within the recommended walking distance of North Shields metro station as well as all the retail, services & businesses associated with the town centre; albeit with a significant level difference along the route.

1.6 A swept path analysis of an appropriate refuse vehicle has been provided that demonstrates that the development can be serviced adequately. The parking layout meets current standards in terms of bay dimensions & reversing distances, and cycle parking has been provided within the buildings for residents and outside the commercial uses for visitors.

1.7 For these reasons and on balance, approval is recommended with previous conditions from the outline application applicable. Additional conditions are recommended that if the site of the 55 space temporary car park is developed these spaces shall be replaced elsewhere on the site; and if any barrier control system is proposed, details shall be agreed by the Local Planning Authority.

1.8 Lead Local Flood Authority

1.9 No objections in principle. The development's surface water drainage connects into the Smiths Dock SUDS system and discharges into the River Tyne.

1.10 Historic Buildings Officer

1.11 The submission follows on from pre-application discussions. At the first meeting the reason for the altered approach ie it is not economically viable to build on the infilled dock, resulting in two separate blocks of flats with commercial development at ground floor was agreed as was the overall concept. It is now proposed to use zinc sheeting instead of Cor-ten steel though a sample is required and examples of where it has been used so weathering can be observed. The colour should resemble the original proposal for Cor-ten.

1.12 I support the proposed scheme as I believe it to be a well designed contemporary scheme, however I feel the landscape setting could be improved. The ground floor is given over to commercial use however if all car parking spaces were occupied by residents, I believe the use of the shared space between the new blocks and the Brewery Bond could not be an 'easy' space to move through on foot. Where will users of the commercial properties ie. restaurants or shops park? Will there be any wind gusting analysis of the site? Will any trees proposed in this site actually live in this locality?

1.13 Policy Design

1.14 The reserved matters application for phase 2 of Smith's Dock has been well designed in consultation with the planning authority. The submitted plans show two distinctive buildings which consider their relationship with Brewery Bond and the New Quay Conservation Area. The building heights increase in scale and will provide an attractive collection of waterfront buildings. The space between the buildings is sufficient to open up views and create interesting vistas. The material palette for the buildings is supported.

1.15 I have some concerns about the proposed levels of car parking, particularly the temporary car parking which will be an unattractive first impression upon entering the site. If the car parking numbers are not based on a realistic assessment and subsequently well integrated into the layout for long term use then this will negatively impact the public realm. I will leave this concern for Highway officers to comment on further.

1.16 The high quality design of the buildings should be echoed in the public realm. I am keen to see further detail on hard landscaping, particularly the specific materials that are proposed for the different components of the public realm. This should be agreed as part of the application.

1.17 Overall I am supportive of the development.

1.18 Manager of Environmental Health

1.19 a) Pollution

1.20 Conditions on the outline consent were imposed regarding the submission of noise surveys in relation to construction activities and the proposed

development, and a scheme to address noise, for each phase of the development. No noise survey has been submitted with this application but will be required to discharge the relevant conditions.

1.21 b) Contaminated Land

1.22 If approval is recommended, contaminated land condition should be imposed.

1.23 Landscape Advice

1.24 Generally the landscaping around the buildings is acceptable though the current landscape drawing now omits 3 no trees to the south of the site. These trees should be reinstated. If there is an issue with trees blocking views, the trees could be a fastigate species.

1.25 With regards to the temporary car park area, the proposed car park will be set slightly lower than the existing road. It is proposed to plant the embankment between the existing road and the car park with wildflower planting which would not provide any screening. The site is very exposed and open and my preference would be to see avenue tree planting between the existing road and the car park, rather than just seeded with wildflower mix. The 'defensive shrub planting' shown on the planting plan is smaller in area when compared to plan D2235 SH I.402A (cross sections). This discrepancy should be clarified with the planting extended to match drawing no. D2235 SH I.402A.

2.0 Representations

2.1 Two letters from two addresses with the following objections

- affect character of conservation area
- Loss of residential amenity
- Poor traffic/ pedestrian safety
- traffic congestion
- will result in visual intrusion
- impact on daylight

2.2 Height of building.

2.3 -While the reduction in height of the southern block is welcomed, we are strongly opposed to the proposed 6 storey building within 28m of the Brewery Bond. The proposals approved in 11/02390/OUT would have resulted in a building of maximum height 17.77m AOD or equal to eaves height and 4.47m below the ridge height of Brewery Bond. At a total height six metres above the ridge height and ten metres above the eaves height of Brewery Bond, the building now proposed will over-top all the adjacent buildings within the New Quay Conservation Area – the Chain Locker, Collingwood Mansions and the Porthole as well as Brewery Bond. This will cause an unacceptable intrusion into the appearance of the area from both street level and from the River, and will be seriously detrimental to the daylight to the flats on the lower floors of Brewery Bond having windows (only) on the south elevation.

- The two buildings would be detrimental to residents on south side of Brewery Bond. The height of the proposed buildings will dwarf Brewery Bond and other buildings in New Quay Conservation Area

2.4 Materials/Finish

2.5 We are not convinced the brown steel effect finish is desirable for the overall aesthetics of the riverside. While it is a new approach these would be very large structures. We would have a view of what is effectively looking at a sheet of rusty steel. Perhaps new or experimental ideas should be reserved for up river in the development. That is to give a more transitional move towards the more traditional existing buildings in the New Quay Conservation Area.

2.6 Traffic on Duke Street/Proposed Riverside Link Road

2.7 We have raised these issues at various presentations over the last ten years including that there should be at least two more access points into the development.

Traffic entering and exiting the development at Duke Street/ New Quay will be much greater than at present. With entrances to the ferry crossing, Brewery Bond, Collingwood Mansion, Chain Locker and Ferry Mews car parks and the bus terminus all within less than 50m of the site, it is nothing short of a disaster waiting to happen and no one is addressing this problem. Why is there one road in and out of the development. When the site was operating as Smiths Dock there were at least three other entrances to the site.

2.8 We have made this point on a number of occasions before in various contexts, but have seen no indication that it has been taken seriously by either the Planning or the Highways Department. According to the Transport Assessment submitted by the Developers, the Smiths Dock development will generate up to an additional 609 vehicle movements per hour, of which perhaps 50% will enter and exit via Duke Street/New Quay. This will be in addition to the (unquantified but substantial) through traffic on Duke Street/New Quay which will be generated by the opening of the Riverside Link Road, which will include a considerable number of Articulated HGV's travelling to and from the Fish Quay fish processing plants which currently use Borough Road and Prudhoe Street to access the national road network.

2.9 At half-hourly intervals throughout the day, a large number of pedestrians and cyclists issue from the Shields Ferry and go in all directions along and across Duke Street and New Quay. There is already serious conflict between these heavy pedestrian flows and the buses, taxis and private cars stopping, picking up or dropping ferry passengers, turning round and departing. Added to this are the constant flows of vehicles entering and exiting the apartment blocks on either side of the road and the car park on the old Market Place. These conflicts already exist even though Duke Street is an effective cul-de-sac and traffic speeds are minimal.

2.10 The imposition on top of all this of many more cars, lorries and buses travelling at up to 30 mph can only lead to complete traffic chaos and inevitable accidents. It is essential that this is addressed along with phase 2 of the development when the road will be opened, and not left until the whole development is complete. At the very least, an effective traffic calming scheme, and/or a light-controlled pedestrian crossing should be provided at or near the junction of Ferry Mews and Duke Street, and more imaginative measures should

also be considered, including the conversion of the existing bus turning circle to a fully-fledged roundabout.

2.11 Density

2.12 Why does the developer only show the latest phase? Why is the density now higher at/closer to the existing buildings and hence be less elsewhere on the development. Outline plans showed a car park and 3 and 4 storey buildings next to Brewery Bond.

2.13 One additional letter from one of the above objectors with observations on the Daylight and Overshadowing Assessment.

2.14 There are a number of minor inconsistencies and errors in the Daylight and Overshadowing Assessment which although no doubt are insignificant in themselves, call into question the degree of care and assiduity with which it was compiled, including reference to a railway bridge and figures relating the VSC reduction to windows 7 and 8 on the third floor of zero compared with 9% and 10% on the fourth floor.

2.15 The main issue is that even though the building at the height now proposed would only cause a limited loss of direct sunlight to some apartments in Brewery Bond, the building at the height approved in the outline planning approval, 11/2390/OUT would arguably cause virtually no loss at all, at least in terms of the BRE Guidelines.

2.16 One letter from one address in support of the application with concerns about

- Nuisance – noise from additional traffic/parking
- Poor traffic/pedestrian safety from additional traffic
- Traffic congestion
- Height of development
- Lack of information about retail units

3.0 External Consultees

3.1 Northumbrian Water Ltd

3.2 No comments

3.3 South Tyneside Council

3.4 No objections

3.5 Folks Interested in Shields Harbour

3.6 FISH support the proposed development. No objection to the request for a change in the building heights. FISH members are sympathetic to the objections of neighbouring residents, but the majority feel that to further delay development of the site would not serve the best interests of the area or the community.

3.7 Historic England

3.8 Historic England do not wish to comment on this occasion and advise that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

3.9 Port of Tyne

3.10 Raised issue of large areas of glazing facing the river and external lighting that could have the potential to distract river traffic. Following discussions with the Port of Tyne, the applicant has agreed to the following mitigation measures, installation of tinted windows to match performance of Brewery Bond; management strategy with management company to remind residents to use curtains at night and all external lighting to be inward facing; orientation of future blocks to have consideration regarding light emitting into the river traffic, which the Port of Tyne have advised allay any concerns regarding this development

3.11 Northumberland and Newcastle Society

3.12 The Tyneside committee welcome the changes brought about by the re-appraisal of the site conditions here and the move away from a "substantial monolith" of the previous scheme. The result is much more sympathetic to its neighbour the Brewery Bond and respectful of the character of the New Quay conservation area. Reservations were however expressed about the cladding material. The car parking arrangements also seemed undesirably obtrusive and it is hoped this can be improved with a stronger landscaping scheme.