

Item No: 5.2
Application No: 15/01172/FUL Author: Jane Tuck
Date valid: 30 July 2015 ☎: 0191 643 6331
Target decision date: 29 October 2015 Ward: Tynemouth

Application type: full planning application

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

Proposal: Development of 27no. apartments along with associated vehicle parking and landscaping (amended plans)

Applicant: P North Developments Ltd, C/o RMT Accountants Gosforth Park Avenue Newcastle Upon Tyne NE12 8EG

Agent: Alston Murphy Associates, FAO Iain Murphy 41A Groat Market Newcastle Upon Tyne And Wear NE1 1UG

RECOMMENDATION: Minded to refuse appeal in progress

INFORMATION

1.0 Summary Of Key Issues & Conclusions

a) Summary of Key Issues and Conclusions

1.1 It should be noted that the applicant has appealed to the Planning Inspectorate against the non-determination of the application. At this time no start date for the appeal has been given and it may be that the determination of the application remains with the Council. If this is the case, an appropriate addendum will be circulated at the meeting.

1.2 The main issues are

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

1.3 Members need to determine whether the loss of employment land is acceptable, whether the principle of residential development is acceptable, whether the design and impact of the proposed development on the Fish Quay Conservation Area is acceptable, whether or not the proposal will have any significant detrimental impacts on the amenity of occupiers of the proposed or existing properties and whether the proposal will have any highway impacts.

2.0 Description of the site

2.1 The site lies to the north east of the road, Walker Place and properties in Renaissance Point. The former battery factory – Coleman NE Ltd – which has been partially demolished, lies on the southern part of the site. This sits at the same level as Walker Place and the properties in Renaissance Point. To the north of the building was a car park and access road to the car park from Walker Place and then a grassed area with trees which have been partially cut down. The building sits above a bank side that is not part of the site that slopes down towards Brewhouse Bank. To the north is Bird Street which slopes down west to east towards Brewhouse Bank. The site extends down towards Brewhouse Bank at its northern corner which is considerably lower than the area of the site where the building stands/stood. There is shrub and tree planting on this corner.

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

2.3 To the north of the site are industrial properties. To the east is an area of industrial buildings some of which are derelict. To the south east of the site is the Irvin Building which has been converted to apartments and the Low Light Tavern which are both listed and lie lower down Brewhouse Bank. To the south of the site is open space rising up to the car park of the Wooden Doll Public House.

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

3.0 Description of the Proposal

3.1 The proposed development comprises a modern block of 27 apartments on five levels. At level 1 an underground car park and one apartment is proposed. Nine apartments are proposed at levels 2 and 3 each. Level 4 has six apartments proposed and level 5 has two apartments. Twenty five of the apartments are two bedroom and the two penthouses are three bedroom. The properties all have windows, and many have a balcony/terrace, facing north east towards the mouth of the River Tyne. Two properties at level 5 (third floor level) have terraces to the rear.

3.2 The underground car park is accessed off Brewhouse Bank where parking for 31 vehicles is proposed. Space for 8 cycles and 2 motorbikes are also proposed. At level 2 (ground level) parking for 8 visitors is proposed and further parking for cycles is proposed. Access to these are off Walker Place. Landscaped garden areas are proposed to the rear.

4.0 Relevant Planning History

15/00865/FULDEM Demolition of the existing building. Approved 28 July 2015

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 Planning Considerations

7.1 The main issues are

- a) loss of employment land/principle of residential development
- b) design and impact on the Fish Quay Conservation Area
- c) amenity for existing and proposed residents
- d) highway issues.

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

8.0 Loss of employment land/principle of residential use

8.1 The site is identified as a Current Employment Area/Expansion Land on the North Tyneside Unitary Development Plan 2002.

8.2 The National Planning Policy Framework sets out the Government's commitment to ensuring that the planning system supports sustainable economic growth. At paragraph 22 it states that allocated employment sites should not be protected in the long term by planning policies where it is unlikely that sites will be used for employment purposes. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

8.3 Policy LE1/4 of the UDP is relevant and states that the Local Planning Authority will seek to ensure that the physical base of the local economy is maintained and protected. A change of use from B1, B2 or B8 would be permitted only where one or more of the following exceptional criteria are met. These are (i) where the new use is essential to encouraging the regeneration of an older urban area, or (ii) where there is no reasonable expectation of the site being used for employment purposes, and the planning benefits of alternative use have been demonstrated, or (iii) where the existing use is out of conformity with, and has an adverse impact on, neighbouring uses.

8.4 The North Shields Fish Quay Neighbourhood Plan SPD adopted in April 2013 sets out a specific objective for this site at Housing Objective B: preference for a

land use of housing or B1 Business Use. Development must clearly demonstrate that a juxtaposition of any mixed uses will not give rise to unacceptable conflict.

8.5 The Policies Map of the Local Plan Pre-submission Draft November 2015 has identified the site as a housing site (No 137) for potentially 14 homes. The Pre-submission draft has some weight.

8.6 The applicant has submitted a short statement referring to council policy, Employment Land Reviews and states that the building has been demolished and there is no reasonable prospect of it coming forward for employment.

8.7 The former battery factory has been partially demolished and is situated on the edge of an employment area adjacent to residential properties. The site is within an area of existing employment land and its redevelopment would result in the loss of small areas of employment land in this part of North Tyneside. The North Tyneside Employment Land Review included an assessment of 1,591 hectares of land for its employment potential. To ensure an attractive and flexible supply of employment land to meet the Council's employment needs there is currently 828 hectares of employment land. Of this, policy S2.2 of the Local Plan Pre-submission Draft November 2015 identifies 149 hectares of general employment land which will be available for new development during the plan period (to 2032).

8.8 The site represents a relatively small area of employment land and due its location adjacent to residential properties has been recognised as being suitable for residential development in the Fish Quay Neighbourhood Plan SPD and the Local Plan Pre-submission Draft November 2015. It is officer opinion that the site is unlikely to be brought back into employment use and therefore, in the context of available supply within the borough, the loss of this small area of employment land is acceptable in this instance and therefore the proposal accords with policy LE1/4.

8.9 The application site is considered to be a 'windfall site' under policy H5 of the North Tyneside Unitary Development Plan. This states that proposals for housing development on sites not identified for this purpose within the UDP will only be approved where the proposal is on a previously developed site and within the built up area; the proposal is acceptable in terms of its impact on its site, local amenity, the environment and adjoining land uses; the proposal can be accommodated within the existing infrastructure; and the proposal does not have an adverse impact on urban open space provision.

8.10 The site is in the built up area and the site is previously developed. The proposed development would bring the site into use and would contribute to the regeneration of the area. It is officer opinion that the principle of residential development in this mixed use area is acceptable and the proposal accords with criterion (I) of policy H5. Matters relating to the impact of the proposal on its site, adjoining land uses and the Fish Quay Conservation Area will be dealt with later in the report.

8.11 Objections to the proposed development are set out at appendix 1 to this report. 12 letters of objection have been received relating to a number of issues, 1 letter of support has been received, 2 letters with concerns and 3 letters with comments. FISH- Folks Interested in Shields Harbour support the principle of housing on the site but have a number of concerns and the Northumberland and Newcastle object to the proposed development.

8.12 Members must determine whether the loss of employment land is acceptable and whether or not the principle of residential development on this site is acceptable.

8.13 Housing Land Supply

8.14 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.

8.15 Through the North Tyneside Local Plan Pre-Submission Draft 2015, the Council has outlined a 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.

8.16 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 (a total which includes delivery from sites yet to gain planning permission). This represents a shortfall of 1,929 homes against the Local Plan requirement (or a 3.40 year supply of housing land).

8.17 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. Therefore, North Tyneside Council remains dependent upon approval of further planning permissions to achieve, and subsequently maintain, its housing supply.

8.18 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.

9.0 Design and impact on the Fish Quay Conservation Area

9.1 The site is within the North Shields Fish Quay Conservation Area.

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

9.3 The NPPF at paragraph 131 states that in determining planning applications, local planning authorities 'should take into account the desirability of sustaining

and enhancing the significance of heritage assets....; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness’.

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

9.5 A conservation area is a designated heritage asset and the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

9.6 Policy E16/2 of the Unitary Development Plan relates to Conservation Areas and states that development which would not preserve or enhance the character, appearance or setting of a conservation area will not be permitted and design, scale, layout and materials impact on trees, treatment of surrounding spaces and the relationship to surrounding development should be taken into account. Development Control Policy Statement No. 8 Development within Conservation Areas sets out criteria to be taken into account when assessing proposals.

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

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

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

9.10 The Irvin Building on Union Quay and Low Lights Tavern on Brewhouse Bank are grade II listed buildings. Policy E17/4 relates to the developments that could impact adversely on the setting of a listed building.

9.11 Policy H5 - Windfall Sites of the UDP is relevant and is set out more fully at paragraph 8.9. This states that a proposal must be acceptable in terms of its impact on its site, local amenity, the environment and adjoining land uses.

9.12 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, density, massing, construction, landscaping and materials, provision for parking, access, pedestrian and vehicle circulation and the impact of the proposal on its site, local amenity, the environment and adjoining land uses. Design guidance for high quality design is set out in the Council's LDD11 Supplementary Planning Document on Design Quality.

9.13 The applicant has submitted a Design and Access Statement and a Supporting Policy and Heritage Statement. They indicate that the proposal is for a mixture of heights to accommodate views and consider that the application site is invisible from the Conservation Area but the design and materials proposed respect its setting.

9.14 There are concerns about some of the statements in the Design and Access Statement and a Supporting Policy and Heritage Statement particularly that the development cannot be seen from the main part of the Conservation Area and therefore has no adverse impact on it, that the proposal is not in the setting of the listed Irvin Building and that the application is invisible from the Conservation Area.

9.16 Demolition of the existing battery factory and removal of trees on the site commenced earlier in the year and subsequently an application to 'Demolish a Building in a Conservation Area' was submitted and was approved in July of this year. The building has been partially demolished and was an industrial building, one storey in height with a high pitched roof. It was located on the southern corner of the site. The building did/does not preserve or enhance character or appearance of the Conservation Area.

9.17 Officers raised concerns about the proposed scheme, which have resulted in minor changes to the proposal. Officers commented on the latest revision submitted on 28 October 2015 and advised the applicant that the scheme was too high, part should be omitted and should include other design revisions and may result in the number of units having to be reduced. It was also suggested that the proposal should be discussed at a meeting. No meeting between planning officers and the applicant has taken place to discuss this sensitive and important site in the Fish Quay Conservation Area overlooking the mouth of the River Tyne.

9.18 With regards to height, the development is proposed over five levels. The lowest level is predominantly an underground car park so that the bulk of the development appears as a four storey development with the top storey set back from the east elevation viewed from Brewhouse Bank.

9.19 There has been a succession of documents from the North Shields New Quay and Fish Quay Conservation Areas Community Character Statement to the Conservation Area Management Strategy and now the North Shields Fish Quay Neighbourhood Plan SPD 2013 (which has included much of the guidance in the Design Know-How document produced by North East Civic Trust and Northern Architecture in conjunction with officers from North Tyneside Council and local

residents) which have referred to the height of buildings in the Fish Quay area arising from the legacy of the Dolphin Quays development.

9.20 The North Shields Fish Quay Neighbourhood Plan SPD states at paragraph 4.5.1 that 'the height of new development should not, on any one site, exceed the average height of the development it replaces'. The industrial building on the site was one storey with a high pitched roof. Therefore the proposed development significantly exceeds the average height of the building that it replaces.

9.21 Officers including the Conservation Officer and Design Policy officer are of the view that the proposed height is unacceptable and would result in a tall building presenting a wall of development set on the steeply sided grassed bank dominating existing buildings in the area. It is officer opinion that notwithstanding paragraph 4.5.1 of the North Shields Fish Quay Neighbourhood Plan, a scheme of two storey development with a pitched roof or three storeys with a flat roof would be acceptable. It is also officer opinion that if three storeys with a flat roof were proposed then the top floor should be set back from the east elevation. These suggested amendments have not been considered by the applicant who has appealed against non determination of the application, though the determination of the application still lies with the Council.

9.22 The applicant has referred to paragraph 4.5.2 of the North Shields Fish Quay Neighbourhood Plan SPD which states that 'the height of new development should be generally between three and five storeys, and could be as low as one or two storeys nearer the water's edge'.

9.23 The majority of the Fish Quay Conservation area lies along Clive Street, Liddell Street Bell Street, Union Quay and Union Road at a lower level along the quayside of the River Tyne than the application site. There are a range of heights of buildings along this area of the Fish Quay and the reference to 3-5 storeys relates to sites at the lower level along the quayside where there has been an issue with heights of buildings following the tall Dolphin Quays development. This application site is at a higher level overlooking the Fish Quay. Each planning application should be considered on its own merits and the appropriate heights for development should be considered in relation to buildings in its immediate vicinity.

9.24 The Conservation Officer considers the proposed building will dominate Brewhouse Bank. The historic buildings on the opposite side of Brewhouse Bank give a sense of the scale and grain of the historic development pattern and are sympathetic to the topography of the place. This area is part of the former Tyne Brand site which will be redeveloped in the future and is identified in the Local Plan Pre-submission Draft November 2015 as a housing site.

9.25 The applicant has taken design cues from the Irvin Building converted in part to residential apartments, which will be discussed later in the report. In terms of its height, the Irvin Building comprises 2, 4 and 5 storeys but this building sits at a lower level than the application site, being located on Union Quay against the backdrop of the bankside.

9.26 With regard to the relationship of the proposed development and the existing buildings adjacent to the site, this is considered in section 10 on the amenity of existing and proposed residents and privacy and outlook .

9.27 The site is within the Fish Quay Conservation Area. It stands at one of the entrances to the Conservation Area from the top of Brewhouse Bank. Prior to demolition on the site there was a wide grassed area on the north side of the site along the boundary with Bird Street dropping down to the corner of Bird Street and Brewhouse Bank where there was tree and shrub planting. There were six poplar trees in the open space along Bird Street which have been removed without adherence to the consent regime relating to felling trees within a Conservation Area. Two trees are proposed to be retained but these have recently been pruned and are no longer considered worth retaining.

9.28 In terms of the proposed development, the building and car parking will take up most of the site leaving space for planting nine trees, some shrub and ground cover planting and some garden areas. The layout is such that at the corner of Bird Street and Brewhouse Bank, the view will be of the gable of the apartment building reaching four storeys. The proposed block is approximately 1.5m from the back of the footpath of Bird Street

9.29 Policy R2/4 of the UDP states that where an open space is insufficiently large to identify on the proposals map but merits protection because of its contribution to local amenity, proposals for development of all or part of that site will be resisted. Policy E14 of the UDP states that the local planning authority will seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development. Policy E16/2 and DCPS 8 relating to conservation areas state that in assessing development in a Conservation Area particular consideration will be given to the impact of development on trees. Paragraph 4.31 of the FQNP states that green edges to the built up areas should be retained and enhanced.

9.30 Open space and landscaping make a positive contribution to Conservation Areas and the trees on this site made a valuable contribution to the area as confirmed by the Landscape officer in her comments. Their loss is already considered to have had a detrimental impact on the character and appearance of the Conservation Area as the more open, landscaped part of the site was an important feature at the entrance to the Conservation Area.

9.31 This corner of Brewhouse Bank and Bird Street is an area where openness was, as noted, a key feature of this part of the Conservation Area, with the open aspect of the corner providing a sense of space and enabling views across to the River and beyond. The planting here linked with that on the grassed bank side that slopes down from the site and then down along Brewhouse Bank to the Irvin Building helping to link the upper and lower parts of the Conservation Area.

9.32 It is officer opinion that this corner should be retained as open space and that the proposed building on this corner should be omitted from the scheme, with built development set back further within the site to preserve an open area

on the street corner. It is considered that the loss of open space justifies refusal of this application as its loss is contrary to policy R2/4 of the UDP and it does not preserve or enhance the character, appearance or setting of the Fish Quay Conservation Area as set out in policy E16/2.

9.33 It is also noted that planning permission was granted in October 2015 for a three storey development of nine apartments on the corner of Bird Street and East Percy Street opposite the northern corner of the application site. If this development goes ahead together with the four storey element on the corner of the application site it would result in relatively high three and four storey development on either side of the road close to the public footpaths which would detract from the character, appearance and setting of the conservation area, introducing a sense of enclosure at this entrance into the Conservation Area.

9.34 Notwithstanding the loss of planting and open space in the northern corner of the site, the Landscape Officer has advised that the principle of the planting proposals elsewhere on the site is acceptable. The applicant has indicated additional tree planting on the bank side adjacent to the Irvin building and proposed grassland wild flora. This is outside the application site boundary on land owned by the Council. The Manager of Horticulture and Parks has advised that subject to an appropriate landscape scheme for wildflower meadow and trees suitable for coastal areas this would be acceptable. The biodiversity officer has advised that the biodiversity implications of the proposal are acceptable provided a landscape scheme is submitted and includes native and wildlife species and bird and bat boxes are provided.

9.35 In relation to views, the applicant states in their Supporting Policy and Heritage Statement (paragraph 5.1) that the Council would prefer to see a two storey development here. They go on to say that this site has views which lend itself to a flatted development and that the design is therefore consistent with paragraph 4.3.4 of the FQNP that 'dramatic new viewing opportunities should be created.' Officers do not share this view. Officers consider the FQNP refers to not only creating views for the wider public of the river and Fish Quay but also to the protection and enhancement of public views, in particular those views from higher levels. The aim being to avoid public views being blocked by development along the river hence the reference to slot views. It does not relate to creating dramatic views for residents of new development. Officers recognise that this site will have good views of the river and river mouth and that the proposed scheme is orientated to take advantage of this. Residents of Renaissance Point have objected to the proposed development on the grounds that the views from their properties which include the mouth of the River Tyne and the sea will be lost. The right to a view is not a material planning consideration.

9.36 Objections to the proposed development from local residents have included impact on the character of the conservation area and on their properties, design, height and that the proposed development will be overbearing. Objections have also been received from Folks Interested in Shields Harbour (FISH) and the Northumberland and Newcastle Society. These objections are set out in Appendix 1 to this report. Residents and those interested in the Fish Quay have

been involved in the Fish Quay for a number of years and been involved in the preparation of the Design Know How document, the North Shields New Quay and Fish Quay Conservation Areas Community Character Statement (2005), the Conservation Area Management Strategy (2007) and the North Shields Fish Quay Neighbourhood Plan SPD (2013). The applicant has not consulted with the local community or submitted a Statement of Community Involvement which in view of the residents interest and high level of input into the planning policy of the area is considered to be an unfortunate omission. It is noted that guidance in NPPF places considerable emphasis on the need to positively empower local communities to shape their local areas with neighbourhood plans providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

9.37 With regard to design, the applicant has advised that the 'chosen design makes a modern statement and exciting addition rather than just fills the gap left by the battery factory. It is therefore not a pastiche...' . The applicant has advised that the materials used will be red brick, art stone, render and a zinc roof. Balconies are proposed on the eastern elevation

9.38 The proposed development takes its design cues from the Irvin Building and has a horizontal emphasis. It has resulted in a building that sits across the site in one linear block. The Conservation Area officer and the Design Policy Officer have both referred to the lack of vertical emphasis and the Policy Design officer is of the opinion that the building should be broken up or at least have the appearance of being viewed as two separate blocks. As the development is within a Conservation Area high quality materials should be used. Art stone and render are not considered high quality materials.

9.39 There are two grade II listed buildings in the vicinity of the site, the Irvin Building and the Low Lights Tavern on Brewhouse Bank. The Historic Buildings officer has advised that in his view the proposed development will not adversely affect the setting of either of these buildings. It is officer opinion that the proposed development will not result in harm to the significance of the nearby listed buildings lower down Brewhouse Bank.

9.40 Notwithstanding this, it is officer opinion that the design of the proposed development is unacceptable due to its height, massing and footprint. It is considered that the apartment block is too high and will create a wall of development on an elevated site. The scheme is considered to be an over development of the site. Due to its location at one of the entrances to the Conservation Area on Brewhouse Bank, the four storey block set on the northern lower corner should be omitted, and built development set back within the site, in order to retain this corner as open space as part of the bankside. It is officer opinion that the proposed development will therefore result in harm to the significance of the Fish Quay Conservation Area, will not preserve or enhance the character, appearance or setting of the conservation area and will result in the loss of open space. The proposals therefore does not accord with the NPPF, policies E16/2 or R2/4 of the UDP or the Fish Quay Neighbourhood Plan.

10.0 Amenity for existing and proposed residents

10.1 With regard to privacy and outlook, the Council's minimum distances to provide privacy and outlook are set out in DCPS 14 of the UDP. DCPS 14 also states that for infill sites within established residential areas reduced privacy and outlook distances may be permissible. Local residents have raised objections to the development on the grounds that the proposed development will result in loss of privacy, overlooking, visual intrusion and loss of light due to its size, scale and proximity. Residents in 38-52 Renaissance Point are concerned that the proposal will have an overbearing impact on them and they will be hemmed in as there is a three storey building behind the properties and this development would result in four storeys to the front. The properties in Renaissance Point have windows to habitable rooms in the rear elevation this includes doors with a Juliet balcony at first floor.

10.2 No sections have been submitted that satisfactorily show the relationship between properties in Renaissance Point and the Irvin Building and the proposed development. However the proposed development has been designed to sit at an angle to the existing properties adjacent to the site in Renaissance Point which means that windows in the proposed development do not directly overlook the existing properties. The habitable room windows to the rear of the development are shown mainly as bedroom windows. Two of the flats at fourth floor level have a terrace to the rear. As the proposed development increases in height, the distance between the existing and proposed buildings becomes greater.

10.3 Nos 38 to 43 Renaissance Point face onto the two storey element of the development. The former building on the site was situated on the line of Walker Place approximately 11m at its nearest from no 38 Renaissance Point. The proposed two storey section of the development is approximately 14m from no 38 Renaissance Point at its nearest point which is a corner of the building where there are no habitable windows facing the existing properties. No 41 has a conservatory in the rear garden approximately 11.5m from a corner of a stairwell. The proposed development is situated further away than the existing building was and is proposed at an angle to these properties. It is recognised that the building is of a significantly larger scale than the original factory building on the site and will alter the outlook from Renaissance Point but it is nevertheless officer opinion that the privacy and outlook distances to nos 38-43 Renaissance Point are acceptable in relation to DCPS14.

10.4 Nos 50 to 52 Renaissance Point face onto part of the four storey element of the proposal. It is officer opinion that the distances between these properties and the proposed development are acceptable in terms of privacy and outlook.

10.5 Nos 44 and 49 are approximately 29m to 38m away from the nearest bedroom windows or a terrace in the four storey element but these are not direct distances due to the angle of the proposed building and officer opinion is that privacy distances are acceptable. The assessment regarding outlook for this section of Renaissance Point is harder and adequate sections are not available. However it is officer opinion that the proposed development would not have a

significant detrimental impact in terms of outlook on the amenities of residents of 44-49 Renaissance Point.

10.6 It is officer opinion that the windows to the stairwells should be obscure glazed to reduce any concerns about privacy and overlooking to occupiers of nos 38-52 Renaissance Point.

10.7 A resident of the nearest penthouse on the top floor of the Irvin Building has objected as they have a bedroom, balcony and roof terrace which have the potential to be overlooked. They are particularly concerned about the proximity and height of the new building and windows in the south elevation of the proposed development. Again no sections are available and in particular there is no indication in the application of levels of the proposed development in relation to the Irvin Building. However no balcony is proposed on the floor plan to the two apartments closest to the Irvin Building. The elevation drawing shows similar treatment to the balconies of other apartments and would need to be clarified that these are not balconies.

10.8 The closest windows on the proposed development to Irvin Building are living room windows. The main face of the proposed development is on the eastern elevation at right angles to the Irvin Building. The window turns the corner onto the southern elevation of the proposed development. It is officer opinion that if the window on the southern elevation was omitted this would reduce the potential for overlooking of properties in the Irvin Building. The windows in the penthouse of Irvin Building are over 21 metres away from the windows of the proposed development and at an angle so the likelihood of overlooking is reduced. There are other windows in the Irvin Building approximately 18-19m away but these are at an angle so again overlooking is reduced.

10.9 It is officer opinion in terms of privacy and outlook distances that the relationship of the proposed development at two storeys to nos 38 to 43 Renaissance Point and at four storeys to nos 50 - 52 are acceptable. It is harder to assess the relationship between the four storey element and nos 44-48 Renaissance Point and the relationship of the proposed development to properties in the Irvin Building as no sections have been submitted that satisfactorily show the relationships between buildings, however overlooking will not be direct due to the angle of the proposed development to Renaissance Point and to the Irvin Building and the outlook is not onto a building facing directly opposite. If the top floor was removed as suggested by officers in design terms and the living room windows removed on the south elevation of the two storey element then these concerns would be addressed. However on balance it is officer opinion that due to the location and angle of the proposed development to existing properties in Renaissance Point and Irvin Building, the proposed development would not have a significant detrimental impact in terms of privacy and outlook on the amenities of residents of Renaissance Point or the Irvin Building that would be a reason for refusal.

10.10 With regards to loss of light, no assessment of sunlight, daylight and overshadowing has been submitted. The way the proposed development has been located on the site and designed at an angle to existing properties will reduce loss of light impacts. It is officer opinion that due to the orientation of the proposed development there is potential for the loss of sunlight in the morning as the site faces east. If the top floor was removed as suggested by officers this would reduce the impact in terms of daylight and overshadowing. However it is officer opinion that the proposed development will not have a significant detrimental impact in terms of daylight and overshadowing to form a reason for refusal.

10.11 With regards to noise, paragraph 123 of NPPF states that planning decisions should aim to avoid giving rise to significantly adverse impacts on health and quality of life as a result of new development. Where new residential development is proposed in close proximity to an established business, advice in NPPF, recognises that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. Appropriate mitigation including optimising the sound insulation should be provided by the new development's building envelope.

10.12 There are industrial premises to the north and east of the application site. A noise assessment has been submitted and the Manager of Environmental Health has advised that the proposed development would be acceptable if appropriate noise mitigation in terms of ventilation and acoustic glazing were provided.

11.0 Highway issues

11.1 The development proposes underground parking within the existing bank side for 31 vehicles, 8 cycles and 2 motor bikes. Vehicular access to the underground car park is off Bird Street. At level 2 (ground level) access is off Walker Place and parking for 8 visitors is proposed plus further parking for cycles.

11.2 Residents have objected to the proposed development on grounds of traffic congestion, poor vehicular access, pedestrian safety and increased parking on Walker Place, Brewhouse Bank and other surrounding streets in the area.

11.3 The Road Network Manager has advised that parking has been provided in accordance with the maximum standards set out in LDD12, that the site has reasonable links with public transport and North Shields town centre and that the proposed development is acceptable subject to conditions. It is officer opinion that the proposed development is acceptable in highway terms.

12.0 Other issues

12.1 Drainage

12.2 Residents have raised concerns about flooding and flood risk from the water attenuation tank. A Flood Risk Assessment has been submitted with the

application which has analysed various flooding scenarios. The site is within Flood Zone 1 (low risk) and flood risk from all sources, except for surface water flooding are considered to be low. The applicant has provided potential measures to ensure surface run off can be attenuated and discharged at agreed rates with Northumbrian Water.

12.3 Northumbrian Water have advised that they have no issues with the proposed development provided the development is carried out in accordance with the Flood Risk and Drainage Assessment which sets out discharge rates into sewers.

12.4 The Drainage Officer has advised that the proposals are acceptable in principle subject to detailed design and if the application were to be approved a condition should be included for details of surface water management to be agreed.

12.5 Contaminated Land

12.6 Manager of Environmental Health has advised that the site is located in a high risk coal referral area and was a former industrial site and due to the sensitive end use recommends conditions relating to gas and contaminated land investigation and if required mitigation. If ground stabilisation works are required further gas monitoring would be required after treatment to confirm gas regime and any mitigation.

12.7 The Manager of Environmental Health recommends that a site walkover inspection of the site is undertaken prior to ground investigation; ground investigation should be undertaken to confirm ground and ground water conditions; before intrusive ground investigation work is carried out a utility survey should be carried out and on the basis of potential on and off site gas sources gas protection measures should be provided. As existing made ground soils are unlikely be a suitable rooting medium, a condition relating to a clean cover solution in landscape areas would be required if the application were approved. If a piled foundation solution is required, implication for further gas migration would have to be considered and again this should be conditioned.

12.8 The Coal Authority has no objection to the proposed development.

12.9 Stability of the Bankside

12.10 Residents have raised the issue of stability of the bank side, the Council's Civil Engineering advisor is not aware of any stability issues with this embankment. No issues have been reported recently and there are no records of any problems in the past. The developer would need to ensure that no damage is caused to the slope during construction.

13.0 Planning Obligations

13.1 Policy DC4 of the UDP states that where it can be demonstrated that it is a necessary requirement for the grant of planning permission, agreement will be sought with a developer to enter into a planning obligation /agreement or to make a financial contribution towards infrastructure or other essential elements.

13.2 The Council's Supplementary Planning Document LDD 8 on Planning Obligations was adopted in October 2009. Planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve high quality environment where people choose to live, work, learn and play and should comply with local, regional and national planning policies.

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

13.4 Contributions were requested by service providers of £5265 for semi-natural green space, £9733 children's equipped play space, £50,000 for primary education, £39,000 for secondary education, 1 apprenticeship or £7000 for employment and training and 25% affordable housing. The applicant has submitted a Viability Assessment for the proposed development which is confidential. This has been assessed, and the Strategic Property Manager has advised that in discussions with the applicant's representative contributions of £5265 for semi-natural green space, £9733 children's equipped play space, £50,000 for primary education, 1 apprenticeship or £7000 for employment and training and £80,000 for affordable housing offsite were provisionally agreed and considered acceptable in the light of the information supplied in the viability assessment.

13.5 Contributions for semi natural green space towards biodiversity enhancements within the Tyne Entrance Local Wildlife Site, improvements to children's equipped playsite at Pearson Place and four additional primary school places in schools in the area are required as the proposed development would result in increased demand/pressures on these facilities in the area. The provision of an apprenticeship or £7000 to training would will secure economic benefits from the development through job creation and address skills gaps. The provision of £80,000 towards offsite affordable housing would assist with the Council's targets for the delivery of affordable housing.

13.6 The contributions would be considered necessary, directly related to the development and would be fairly and reasonably related in scale and kind and would comply with the CIL Regulations if the application were to be approved.

14.0 Conclusion

14.1 Officer opinion is that the loss of employment land, the principle of residential development and highway issues including parking and access are acceptable.

14.2 It is officer opinion that the proposed development is over development of the site and that its design is unacceptable by reason of its height, massing and footprint as it is too high and will create a wall of development on an elevated site and will result in the loss of an important area of open space on the corner of Bird

Street and Brewhouse Bank within the Conservation Area. The proposed development will not preserve or enhance the character, appearance or setting of the North Shields Fish Quay Conservation Area and will result in harm to the significance of the Fish Quay Conservation Area and therefore does not accord with policies E16/2 and R2/4 of the North Tyneside Unitary Development Plan 2002 or with the NPPF or the Fish Quay Neighbourhood Plan SPD 2013. Therefore it is recommended that the application is refused.

14.3 It is officer opinion that the impact of the proposed development on the amenities of occupiers of existing properties in Renaissance Point and proposed residents in terms of privacy, outlook and loss of light would not be significantly detrimental to form a reason for refusal.

14.4 Members must decide whether they agree with the officer's recommendation which (had the Council been making the decision) would be for refusal of the application. This will inform the case that will be presented at appeal.

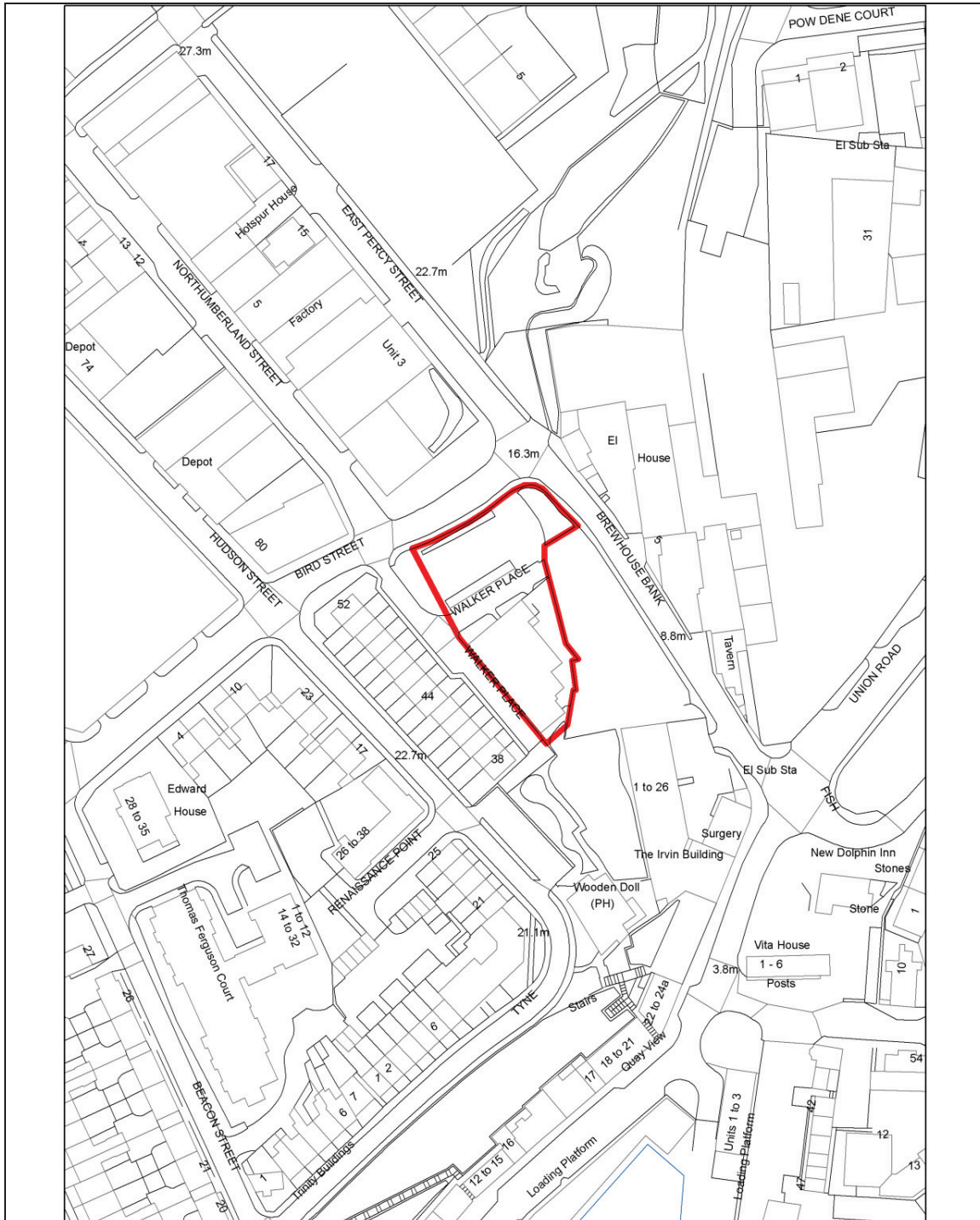
RECOMMENDATION: Minded to refuse appeal in progress

Conditions/Reasons

1. The proposed development is considered to be an overdevelopment of the site as the height, massing and footprint of the proposed apartment building results in a visually dominant wall of development on an elevated site within the designated Fish Quay Conservation Area. It would also result in the loss of an important area of open space on the corner of Bird Street and Brewhouse Bank within the Conservation Area . The proposed development would not preserve or enhance the character, appearance or setting of the North Shields Fish Quay Conservation Area and would result in harm to the significance of the Fish Quay Conservation Area. The proposed development therefore does not accord with policies E16/2 and R2/4 of the North Tyneside Unitary Development Plan 2002 or with the NPPF or with the Fish Quay Neighbourhood Plan SPD 2013.

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

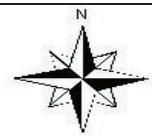
The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the proposal would not improve the economic, social and environmental conditions of the area and therefore does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



Application reference: 15/01172/FUL
Location: Coleman N E Ltd, Walker Place, North Shields, Tyne And Wear
Proposal: Development of 27no. apartments along with associated vehicle parking and landscaping (amended plans)

Not to scale
 Date: 05.02.2016

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Item 5.2

Appendix 1 – 15/01172/FUL

Consultations/representations

1.0 Internal Consultees

1.1 Road Network Manager

1.2 The site is located on the corner of Bird Street and Walker Place with the main access from Bird Street leading to a garage parking area located beneath the building. This garage area also contains cycle & motorcycle parking. A secondary access from Walker Place contains an area for visitor parking as well as additional cycle parking. Overall, parking has been provided in accordance with the maximum standards set out in LDD12 and the site has reasonable links with public transport and North Shields town centre.

1.3 On balance approval is recommended subject to the applicant entering into an appropriate S278 agreement with the Local Authority for the following works; the upgrade of existing footpaths abutting the site; upgrade of carriageway on Walker Place; and associated drainage, street lighting, road markings and signage; and conditions relating to the new access being laid out, existing accesses closed off, turning areas to be laid out, details of refuse storage, site compounds, site access dust suppression, lorry routeing, cycle parking, a scheme to manage refuse collection, details of gated access and surface water management details being agreed.

1.4 Surface Water Drainage (Lead Local Flood Authority)

1.5 A Flood Risk Assessment has been submitted with the planning application. This has analysed various flooding scenarios that could be associated with the site. The site is located in Flood Zone 1 (low risk) and flood risk from all sources except for surface water flooding are considered to be low. The applicant has provided potential measures to ensure that surface run off can be attenuated and discharged at agreed rates with NWL and these measures will be developed during the detailed design stage.

1.6 The outline proposals are acceptable in principle and subject to detailed design, conditional approval is recommended. A condition that a scheme for surface water management should be submitted and approved is recommended.

1.7 Conservation Officer

1.8 Coleman's battery factory was demolished and trees felled without consent in or around June 2015. With reference to the Community Character Appraisal I note the building was not identified as either making a positive or negative contribution and may therefore be described as neutral. I consider the trees that made up its landscape setting had some value, however and I have supported their retention in previous enquiries.

1.9 The Fish Quay Neighbourhood Plan SPD 2013 paragraph 4.5.1 states the height of new development should not on any one site exceed the average height of the development it replaces. The proposed development significantly exceeds

the average height of the building which it replaces. Through a succession of documents from the Community Character Appraisal 2005 to the Conservation Area Management Strategy 2007 and now the Fish Quay Neighbourhood Plan SPD 2013 there has been a common thread relating to the height of buildings arising mostly from the negative legacy of the excessively tall Dolphin Quays development.

1.10 The site stands at the entry into the conservation area at the head of Brewhouse Bank. In place of the modest but attractive landscape buffer the proposed development presents an end elevation of four storeys adjacent to the conservation area boundary and continues with some variation in storeys heights along a level plateau. Unlike the Irvin Building (from which it appears distinct design cues have been taken) the proposed building will dominate Brewhouse Bank. A number of historic buildings remain on the opposite face of Brewhouse Bank giving a sense of the scale and grain of the historic development pattern and sympathy to the topography of the place. The proposed tall building set on the grassed steeply sided bank will present a wall of development dominating the surviving buildings on Brewhouse Bank.

1.11 Turning to the building itself there is a horizontal emphasis. While I have suggested the design owes something to the Irvin this earlier building retains a discernible vertical emphasis which is lacking from the proposed development. Several references are made to the use of art stone and render for the development. Neither are considered high quality materials in the context of the Fish Quay Conservation Area.

1.12 The Design and Access Statement (DAS) states the development cannot be seen from the main part of the conservation area and therefore has no adverse impact on it. The Supporting Policy and Heritage Statement (SPHS) states at 4.4.1 the proposal cannot be seen from the conservation area and at 4.4.2 it is not in the setting of the Irvin Building. Within the SPHS it is further stated the application site is invisible from the conservation area. These statements are fundamentally incorrect. NPPF paragraph 128 requires an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. The statements made in the supporting documents lead me to conclude the heritage assessment is unreliable as a basis to generate or inform the design. Further, I believe the approach to views by the developer mixes the desire in guidance to protect or enhance public views. I do not take guidance to be an encouragement to the creation of private views from a tall development.

1.13 For the above reasons I am unable to support this development.

1.14 Policy Design Officer- comments on scheme submitted 29 October 2015

1.15 I have closely considered the revised plans in relation to the site and the surrounding context and consider the proposal to still be inappropriate and represent over development of the site. While some changes have been made to the design of the facade, the height and mass remains the same. The result is a dominant building on an elevated site that would detract from the character and appearance of the conservation area.

1.16 In its current form, I do not support the scheme. I would recommend a reduced scheme that reflects earlier comments:

The building should be a maximum of 3 storeys with a flat roof or two storeys plus pitch roof.

A 3 storey scheme would further be enhanced by having the top floor stepped back as illustrated by the extension on top of the Irvin building.

The proposal needs to be broken up, or at least have the appearance of being viewed as two separate blocks. Ideally one block should be stepped forward.

1.17 In addition, the apartment block to the far north of the site encroaches on the area of land currently viewed as part of the bank side. This green wedge is a positive aspect of the site that follows the road and should be retained.

1.18 I welcome further discussions on a revised scheme that addresses the concerns raised.

1.19 Landscape comments

1.20 Initial comments: Previously on site, were a number of trees within an area of open space. 6.no poplar trees have been removed along with all other vegetation from the site except for 1no poplar tree and 1no goat willow which have been recently pruned. All trees are located within a conservation area and the removal/pruning of these trees was unauthorised.

1.21 Whilst the remaining 2no.trees are in a fair/reasonable condition the recent pruning works have compromised their structure and unfortunately, it would be more expedient to remove them. These trees have also been shown for removal on the landscape drawing. As a result, all trees on the site will be lost. The trees made a valuable contribution to the local landscape and conservation area, and their loss impacts on the character of the conservation area. An arboricultural impact assessment and method statement has been submitted in support of the application but is not relevant if all remaining trees are to be lost.

1.22 The proposed layout allows for the inclusion of new tree planting but the level of mitigation is not sufficient to replace the number of mature trees removed. At least 3no trees are located too close to habitable rooms and would potentially require removal to allow increased light levels to such areas. In addition the proposed new tree planting is of a size that would not adequately compensate for the loss of the existing trees in the short or medium term and the contribution they make to the character of the conservation area is minimal. The tree planting should be a minimum of an extra heavy standard (to replace the mature trees lost) and located within sufficient space that does not conflict with the building elevations preferably as an 'avenue' along the frontage with Bird Street thereby maintaining the visual amenity of the conservation area.

1.23 The landscape officer has subsequently commented on the first revised scheme: The proposed amended layout allows for the inclusion of new tree planting with birch and whitebeam proposed at 16-18cm girth positioned to the frontages of Walker Place and Bird Street. The trees at this size will make an immediate contribution to the visual amenity of the local area. However I am still

concerned that they could still conflict with building elevations once they establish with pressure to remove in the future (Plot 1). Their loss could potentially impact on the amenity of the local area but any removals can be dealt with through the submission of an application under 'Trees in conservation areas'

1.24 Biodiversity Officer

1.25 Conditions are suggested that relate to no vegetation removal in the bird nesting season March to August inclusive unless a survey by an ecologist has been carried out to confirm the absence of nesting birds; a detailed landscape plan to include native and wildlife friendly planting to mitigate for loss of native trees and scrub on site; tree protection measures as set out in Arboricultural Method Statement must be followed; and 4 bird boxes and 1 bat box should be provided on trees or buildings within the site.

1.26 Manager of Environmental Health

1.27 a) Contamination

1.28 The site is located within a high risk coal referral area and was a former industrial site. I have reviewed the preliminary comments on the ground investigation works. Based on the information provided and the site being within a high risk coal referral area and due to the sensitive end use of the proposed development, conditions relating to contamination, landfill and underground gas investigation and mitigation if required, should be attached if the application is to be approved. If ground stabilisation works are required then further gas monitoring will be required post treatment to confirm the ground gas regime and if any proposed mitigation measures require revision.

1.29 As part of the preparatory works to facilitate redevelopment, the following surveys

are recommended to be undertaken:

- A site walkover inspection should be undertaken prior to commencement of the ground investigation.
- A ground investigation should be undertaken to confirm the ground and groundwater conditions underlying the site.
- It is recommended prior to intrusive ground investigation work that an up to date utility survey is carried out which will include confirmation of the location of existing live services.
- On the basis of the potential on site and off site gas sources identified, gas protection measures designed in accordance with CIRIA C665 and BS 8485 are likely to be warranted. The scope of ground investigation would be confirmed by gas monitoring undertaken as part of ground investigation.

1.30 It is likely that the existing made ground soils are unlikely to form suitable rooting medium. As such, where soft public landscaping areas are required within areas underlain by made ground, a clean cover solution comprising 150mm topsoil and 350mm subsoil would be required. This would be subject to finalisation of the landscaping solution for this proposed development. A condition relating to this should be imposed.

1.31 Should deep made ground be present within the footprint of the proposed built development, consideration may also be given to a piled foundation solution and then consideration must be given to the potential ground gas regime as piled foundations could introduce a new pathway. If piling is to take place a condition should be imposed relating to gas mitigation.

1.32 b) Pollution

1.33 The development is supported in principle with the following comments and recommended conditions:

1.34 A noise assessment has been submitted with the application. The noise consultant has assessed for forklift truck movements and HGV on Brewhouse Bank and Tanners Bank. The consultant has included graphs which provide an indication of the L max events. I would suggest that the noise scheme includes for this requirement.

1.35 The noise mitigation measures shall ensure that with appropriate ventilation and acoustic glazing the internal noise levels will comply with BS8233 showing resultant noise levels of below 30 dB LAeq for bedrooms with no exceedances of the Lmaximum of 45dB and a level of 35 dB LAeq for living rooms is achieved. The Lmax events need to be considered within the above scheme to ensure night time Lmax noise levels are incorporated into the design for the glazing to ensure no exceedances of the Lmaximum of 45dBA. The noise attenuation and mitigation measures shall be implemented prior to occupation and retained thereafter.

1.36 Conditions should also be imposed to restrict construction hours to between the hours of 08:00- 18:00 Monday - Friday and 08:00 - 14:00 Saturdays with no working on Sundays or Bank Holidays and; to deal with mud and dust during construction works.

2.0 Representations

2.1 Objections

12 no letters of objection from 10 addresses have been received. The following concerns are raised:

- Affect character of conservation area.
- Impact on landscape.
- Loss of privacy/overlooking
- Inappropriate design.
- Out of keeping with surroundings.
- Loss of residential amenity.
- Loss of visual amenity.
- Loss of/damage to trees.
- Traffic congestion.
- Nuisance – noise, fumes, dust/dirt, disturbance.
- Visual intrusion.
- Trees have already been cut down.
- Loss of views of mouth of Tyne, to sea and Tynemouth due to height of development.

- Overdevelopment of the site
- Devaluation of property.
- Excessive height/scale – disproportionate to size of the site.
- Insufficient parking for 27 apartments especially if have 2 cars each
- Should not exceed height of building it replaces.
- Additional pressure on existing parking. Walker Place, Brewers Bank and surrounding streets are very busy especially at weekends
- existing issue of there not being enough room for bin lorries to reverse down Walker Place when visitor spaces are full will be compounded by overflow parking from the development.
- Noise impact from piled foundations.
- Properties on Renaissance Point will be hemmed in as have 3 storeys behind us in Hudson Street and if planning permission is granted for this development we will have 4 storeys in front of us
- Overlooking of apartment of Irvin Building potentially of bedroom, balcony and roof terrace due to size, scale and proximity
- Loss of wildlife habitat.
- Contravenes local area plan and neighbourhood plan.
- Overbearing impact.
- loss of light to Renaissance Point
- Potential impact on access by HGVs.
- Increased numbers of residents may result in conflict with fishing related industries.
- stability of the bankside
- Is located on a busy road.
- Design out of keeping with other buildings in the area ie the Fish Quay. Resembles a 21st century tenement building- a potential future blot on the landscape rather than an iconic building that will be seen from Tynemouth and as visitors enter our region from the sea via the Tyne.
- Height- Residents of Renaissance Point were given assurances that no future development would be higher than its predecessor.
- Light - Since the part demolition of the factory and the trees the light to our properties has improved tremendously. The proposed development is higher and twice the length of the former building and will affect natural light getting to our properties particularly in winter.
- Privacy- the top floor x3 beds will benefit from terraces at the back as well as the front which will give views into our homes.
- Consideration should be given to family homes.
- Poor/unsuitable vehicular access
- Poor traffic/pedestrian safety
- should be lower in height and lose at least one floor
- parking access will be dangerous on the steep bank particularly in poor weather conditions

2.2 Concerns

2 letters from 2 addresses raising the following concerns

No information is available regarding the soil sampling analysis.

- No flood assessment of impact on Pow Burn.

- Impact of piling and car park construction on the stability of the bankside and listed buildings nearby.
- Flood risk from water attenuation tank.
- Brewhouse Bank is a busy local road and gives access to the Fish Quay and is used by heavy lorries, vans and cars
- this was an industrial site and the ground could be contaminated.

2.3 Comments

3 letters from 3 addresses with no representation has been received with the following comments.

- The resident queries the choice of planting species.
- No solar panels are included
- Inappropriate materials.
- none compliance with approved policy
- not in accordance with development plan

2.4 Support

1 letter of support has been received.

- Will benefit and improve the area.
- Does not look too tall and there is distance between the current houses and the proposed development.

3.0 External Consultees

3.1 Northumbrian Water

3.2 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk and Drainage Assessment*". In this document it states that foul flows from the permitted development will discharge without restriction to the existing 375mm combined sewer within Bird Street, at or between manholes 1602, 1603 or 1604, using any existing connections if possible. The document further states that surface water discharge will be restricted to 8l/sec connecting to the combined sewerage system.

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

3.3 Historic Buildings Officer

3.4 This scheme has been lodged with the Council for a while and I understand that they have appealed against non-determination.

3.5 All this time I believed we were waiting for revised drawings showing it in context initially then a revised design where we / I had advised regarding taking the top penthouse storey off the top floor.

3.6 I have viewed the revised drawings to identify the changes – they are subtle. The penthouse structure has not been removed as we suggested instead we noted that the penthouse structure has been relocated to create a step back – looking at the images setting the building in context this alteration to create a

setback is an improvement – it reduces the apparent height of the penthouse as seen from the lower road of the Fish Quay

3.7 I do not have adverse comments to make overall regarding the scheme and can offer my support. I suggest the conditions relating to a sample of all external materials; full details and location for all boiler flues; full details and location for all mechanical ventilation grilles for bathrooms and kitchens; full details and samples of the glazing system – this should be a slim section metal system; and full details and samples of the balcony balustrading.

3.8 Further to my earlier comments I wish to add the following:

The Fish Quay Conservation Area is made up of listed and unlisted buildings. The listed buildings located closest to the vicinity of the site are the Irvin building and the Low Lights public house on Brewhouse Bank

The National Planning Policy Framework (NPPF) Section 12 Conserving and enhancing the historic environment gives guidance relating to new development which may affect heritage assets and particularly their setting.

I have looked at the photo montage images produced with views taken looking up towards the development from Union Road and Brewhouse Bank, two locations which are within the heart the Conservation Area.

It would seem that the new development has been influenced by the scale, form and appearance of the warehouse building of the Irvin building complex. The development has a strong horizontal emphasis which appears harmonious with respect to the Irvin warehouse.

3.9 I do not believe the proposal will adversely affect the setting of either the grade II listed Irvin Building or the grade II listed Low Lights public house.

3.10 The Act requires that new development be assessed as either preserving or enhancing the character of the Conservation Area. The site was formerly occupied by Colemans battery factory, a low rise single storey building white render building with pitched corrugated cement sheet roof.

The building had no architectural merit and could never be said to be a heritage asset. It was demolished without the benefit of consent – trees were also felled however I am unaware of any enforcement action having taken place as a result of this unauthorised work.

The site has been left in a rather neglected state with part of the building complex left standing.

The site is located at the edge of the boundary but within the conservation area. The site is bounded by Bird Street, Walker Place and Brewhouse Bank. The area beyond the site is one of mixed development consisting light manufacturing/industrial use which is located in warehouses and industrial sheds on Northumberland Street and East Percy Street. The western side of Walker Place has been developed within the last ten years comprising of a row of modern 2 storey houses, the rear of which overlook the site and the river mouth beyond towards the east.

In assessing the merits of the now demolished battery factory building and the proposed development – it has to be said the proposed development represents an enhancement to this part of the Conservation Area.

3.11 Folks Interested in Shields Harbour – FISH

3.12 In general we support the development of this land for housing and much of the detail appears at first glance reasonable. However the viability plan seems to reference many planning documents but not the Local Fish Quay Neighbourhood Plan (FQNP), Design Know How or Community Character Statement, all specific to the area in which they plan to develop, nor do they seem to have taken any cognisance of them, specifically the Design Principles (Section 4) and the sections on Context and Character, Responding to setting and views, Height of new development, and Scale of development.

This has resulted in the following concerns:

3.13 Density/number of housing

3.14 27 dwellings would seem to be an over development and the precedents it might set are undesirable. We are concerned about the mix of housing which the FQNP (8.2.7) would like to see in contributing to the mixed and vibrant community on the Quayside.

3.15 Height of building

3.16 The building is higher than the building it was replacing. It also exceeds the existing local storey heights (Renaissance Point at 3 storey plus Penthouse at 4) therefore 5 levels appears excessive. The preference would be for two storeys only (being a ground and first floor)

3.17 The building creates an overpowering big wall, with the result that views will be lost of the Fish Quay/river mouth when entering via Bird Street.

3.18 We feel the development goes against the ethos in the Neighbourhood Plan document in terms of height particularly and the prevention of creating canyons between sets of high buildings which may result from yet unknown plans for the Tyne Brand site.

3.19 Increase of on street parking

3.20 On street parking is already an issue in the area, and lack of suitable visitor parking spaces along with most families having two cars will inevitably lead to a further increase in parking problems in the local area. Parking on Brewhouse Bank is difficult at times already and further increase may adversely impact access for HGV transport.

3.21 Tree planting

3.22 The offer to provide bank side trees is in theory good, but trees can soften a design- without trees the development would look significant. What future consideration has been given to their management? The trees proposed to be planted on the Brewhouse Bank edge are a type that can grow to 150 ft and once they reach a point where they start to interfere with residents views will they be able to be trimmed? There is already strong feeling regarding loss of views along the bank side due to tree planting and their growth impacting views of the river. This could be a problem in the making again, are there alternative options?

3.24 Wildlife Corridor- conservation area

3.25 The bank side provides a wildlife corridor to the area around Tyne Brand and the corridor towards Tynemouth. There are no proposals to provide for conservation and the biodiversity pathway.

3.26 Blockage of site lines

3.27 The sightlines along the banktop have already been blocked, sit on most of the benches on the bank top and you cannot see over the trees. The development will have the same effect on blockage of site lines.

3.28 Setting precedents in the area

3.29 The acceptance of plans for a tall development (looking like a big wall) may set precedents for what may be proposed for Tyne Brand site and other Quay side sites which will be at odds with the FQNP and local residents.

3.30 Affordable housing

3.31 The FQNP aspired to provide a mix of housing that would balance the likely input of households to the area (a mix of affordable to below executive level housing. The potential costs of housing outlined in the plan does not provide this, and the off set amount for s106 seems small compared to possible returns. Fewer dwellings and a maximum of three storey's would be appropriate, and should require less ground works and thus reduce development cost and price required.

3.32 General Design and Consultation

3.33 It would appear there has been no consultation or dialogue with local residents and other businesses. It appears that the developers have not considered, or been sympathetic to, local residents' feelings. Some feel strongly that these plans could be considered the first step to the Fish Quay starting to lose its identity and character. The design of the building looks to be 'off the shelf' and hasn't considered the nuances of the area at all. It has no industrial context and the design is felt to be inappropriate and out of context for the site.

3.34 Northumberland and Newcastle Society

3.35 The Society objects to the proposed development as it will affect the character of the conservation area, impact on the landscape and result in visual intrusion. The Tyneside Committee of the Society notes that amended plans have been submitted but not greatly changed. We have seen the comments of FISH which we endorse. The developers having sought pre-application advice have proceeded to ignore it in favour of their own vision. Schemes have to be judged on their own merits and judged against design principles in the Fish Quay Neighbourhood Plan which is adopted policy. If they fail this test schemes should be refused. The strong community input that preceded the adoption of the plan suggests that greater care should be taken before a decision is made if the community is to have faith in the plan.

3.36 The proposals conflict with the plan where it states the height of new development should not exceed what it replaces (par 4.8.1) and views should not be obscured (para 4.5.6).

3.37 Although the site is classed as one suitable for mixed use development, it does not seem desirable to continue the previous industrial use close to houses. A development of affordable homes of similar size and profile would be sympathetic to the scale of existing houses. Their outlook would be inevitably be affected but no more than by the factory building. This appears to be the thinking behind the recommendation that the site is suitable for about 14 houses, ignored by the applicants.

3.38 The length and bulk of the proposed building is inappropriate to the site and will clearly greatly affect the residents of Walker Place, being higher than the factory was. The driving factor behind the design is clearly stated to be to maximise the benefit of the views; other considerations have been given little if any weight. The result is a large, dominating structure which because of its elevated position will be visible from several points in the conservation area, affecting its character. The east elevation suffers from being festooned with balconies. A possible problem of overlooking the top flats of the Irvin Building at the south end needs to be investigated also. The applicants repeatedly state in their Design and Heritage Statement that the site is invisible from the Conservation Area. This is untrue as the site lies within it and as such the development fails to preserve and enhance the area's character as it should, following the principles set out in the Neighbourhood Plan.

3.39 The Coal Authority

3.40 The application falls within the defined Development High Risk Area and therefore there are coalmining features and hazards within the site and surrounding area. Site investigations showed no coal seams.

3.41 The Coal Authority considers that the content and conclusions of the Phase 1 Land Quality Report and the findings of the Ground Investigation Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority has no objection to the proposed development.

3.42 County Archaeologist

3.43 No comments.