

Item No: 2
Application No: 16/00193/FUL Author: Haley Marron
Date valid: 8 February 2016 ☎: 0191 643 6330
Target: 9 May 2016 Ward: Cullercoats
decision date:

Application type: full planning application

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

Proposal: Demolition of existing building and erection of apartment block containing 10 apartments (Re-submission)

Applicant: Mr Mark Holmes, C/O Agent

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

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues in this case are:

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

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

2.0 Description of the site

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

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

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

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

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

2.6 The site is located within the Cullercoats Conservation Area.

3.0 Description of the Proposal

3.1 This application is a re-submission of a previous application which was refused for highway reasons. This application seeks to overcome the previous reason for refusal.

3.2 Full planning permission is now sought for the demolition of the existing car sales building and erection of 10no. apartments (comprising 7no. two bed, 2no. one bed and 1no. three bed) with associated parking, access and landscaping.

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

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

3.5 Fourteen parking spaces are proposed to the rear of the building. Eleven spaces are proposed for residents and three for visitors.

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

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

4.0 Relevant Planning History

4.1 15/00698/FUL Demolition of existing building and erection of apartment block containing 12no. apartments. Refused planning permission by the Planning Committee on 27th October 2015 on the grounds of over development because:

- The proposed access is considered to be too narrow and will lead to vehicles backing up onto the adjacent highway to the detriment of road safety.
- The proposed level of parking is considered to be inadequate and will lead to vehicles parking on the adjacent highway in an area that already suffers from parking problems, to the detriment of road safety.
- The proposed parking layout does not include the appropriate reversing distance on all of the proposed bays and as such will be difficult to manoeuvre, which may make them unusable and lead to vehicles parking on the adjacent highway to the detriment of road safety.
- The development is contrary to the NPPF and UDP policies T11 and LDD12.

4.2 The applicant has lodged an appeal regarding the above. The appeal is in progress.

4.3 12/00429/FUL Change of use to car valeting and wash, vehicle access is for a drive in, drive out and there would be no change to access. Permitted 20.06.2012.

5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002)

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

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

8.0 Main Issues

8.1 The main issues in this case are:

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

8.2 Consultations responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

9.0 Principle

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

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

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

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

10.0 North Tyneside 5-year Housing Land Supply

10.1 Members are reminded that 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.

10.2 The North Tyneside Local Plan Pre-Submission Draft 2015 establishes the Council's preferred level of future housing growth to 2032 based on the latest evidence of need. Reflecting this position, and after incorporating a 5% buffer, there is a minimum requirement for 6,109 new homes between 2015/16 and 2019/20. This is an increase over the previous figure and reflects the most up to date household projections.

10.3 The October 2015 Strategic Housing Land Availability Assessment (SHLAA) identifies the total potential 5-year housing land supply in the borough at 4,150 new homes. This figure comprises new homes expected to be delivered from sites which already have planning permission, sites which are yet to gain permission (such as this) and a proportion of delivery from windfall sites. There is a shortfall of 1,929 homes against the Local Plan requirement. This means there is at present 3.40 years supply of housing land. Maintaining supply is dependent on the approval of further planning permissions for identified sites such as this as well as windfall sites.

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

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

10.6 The provision of 10no. apartments will make small but important contribution towards the identified housing needs of North Tyneside.

11.0 Impact on the Character of the Area

11.1 The NPPF states that the Government still attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

11.3 In respect of designated heritage assets the NPPF states that in determining planning when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

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

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

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

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

11.8 The site is located within Cullercoats Conservation Area in a prominent position on John Street. The site is within minutes walking distance of the beach

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

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

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

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

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

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

11.14 The Council's Conservation Officer raises no objections to the scheme subject to high quality materials and design of the proposed chimneys being agreed. These issues can be controlled by condition.

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

12.0 Impact on amenity of neighbouring properties and land

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

12.2 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

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

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

environment and adjoining land uses. DCPS No. 14 also sets out minimum privacy distances, which should be maintained between dwellings to protect privacy and outlook. For 3-storey development a separation distance of 31m is required between facing windows.

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

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

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

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

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

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

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

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

13.2 NPPF also states that amongst other matters planning decisions should aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

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

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

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

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

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

14.0 Landscaping

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

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

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

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

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

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

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

14.8 Residents have raised concerns regarding loss of the trees, however given the quality and condition of the existing trees on site, the Council's Landscape Architect has no objections to the application providing semi mature trees are planted.

14.9 The existing trees on site, although appear in good condition have health issue and structural damage. The Council's Landscape Architect considers replacement semi mature planting is suitable mitigation for the loss of the trees which will in time, serve to screen the development from the rear and soften the appearance of the development to the benefit of the Conservation Area. In the interests of visual amenity and screening of the site, a condition is recommended to ensure an appropriate landscaping scheme is agreed for the site.

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

15.0 Highway Issues

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

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

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

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

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

15.6 The previous application was refused planning permission on highway grounds. This application is a re-submission and seeks to overcome the previous reason for refusal.

15.7 All six objection letters refer to parking and traffic problems in the area.

15.8 The Highways Network Manager has been consulted and is now satisfied with the proposals. The site is accessed from John Street and the proposed access now allows two vehicles to pass within the site thereby preventing backing up onto the adjacent highway.

15.8 Parking has been provided in accordance with the standards set out in LDD12 in terms of layout and parking ratios.

15.9 Refuse will be stored within the site and placed on & removed from the adjacent rear lane by a Management Company on the designated collection day. For the reasons above the Highways Network Manager recommends conditional approval.

15.10 Members need to consider whether the proposed development would accord with policies T8, T9, T11 and LDD12 and weight this in their decision.

16.0 Flood Risk and Drainage

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

17.0 Ground Conditions

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

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

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

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

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

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

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

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

18.0 Archaeology

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

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

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

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

19.0 Planning Obligations

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

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

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

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

- Improvements towards existing play facilities (play sites at Links road and/ or opposite Beverley Tce) (£3,605)
- Improvements towards Marden Quarry Park (£2,290)

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

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

20.0 Conclusion

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

20.2 The development is considered acceptable in respect of scale, height and massing. It relates well to the adjacent three storey building and it is clear that three storey development is a characteristic of the area. The development will make a positive contribution to the character and appearance of Cullercoats Conservation Area and conditions are recommended to control materials and the finer design details.

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

20.4 The highway issues have been resolved and the development is now acceptable in terms of access, layout and parking standards. Refuse arrangements are also acceptable and conditions are recommended to control these issues.

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

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

20.7 The application complies with the NPPF and UDP policies and is therefore recommended for approval subject to the completion of S106 Legal Agreement.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate that they are minded to grant this application subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of the S106 Agreement to secure the following:

- Improvements towards existing play facilities (play sites at Links road and/ or opposite Beverley Tce) (£3,605)**
- Improvements towards Marden Quarry Park (£2,290)**

The applicant will also be required to enter into an appropriate Legal Agreement with the Local Authority for the following works:

**Upgrade of existing footpaths abutting the site
Associated drainage
Associated street lighting
Associated road markings**

foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details prior to the occupation of the units.

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

9. No development shall commence until a scheme to manage refuse collection, including identifying a suitable storage area for collection day has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In order to safeguard the amenities of the area having regard to policy H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

10. Notwithstanding any indication of materials, which may have been given in the application, no building works shall take place until a schedule and samples of the materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. All materials shall be high quality and long life. This shall include the roof covering in natural slate and all rain water goods to be metal. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy E16/2 and DCPS8 of the North Tyneside Unitary Development Plan 2002.

11. Prior to the installation of any alarm boxes, cctv, utility meters, vents, flues and other extracts, details of the type and siting must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of the preserving the special architectural and historic interest of the listed building and the character of the conservation area, having regard to Policy E16/2 of the North Tyneside Unitary Development Plan 2002.

12. No development shall take place until a schedule and samples of all surfacing materials has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory appearance having regard to policy E16/2 and DCPS8 of the North Tyneside Unitary Development Plan 2002.

13. Notwithstanding any details of means of enclosure which may have been shown in the application, details of the means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the buildings. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of the preserving the special architectural and historic interest of the listed building and the character of the conservation area, having regard to Policy E16/2 of the North Tyneside Unitary Development Plan 2002.

14. Prior to any works relating to the chimneys taking place, full details of their design and finish shall be submitted to and approved in writing by the Local Planning Authority. This shall include the chimneys being be rick faced. Thereafter, the development shall be carried out in accordance with the details agreed.

Reason: To secure a satisfactory external appearance having regard to policy E16/2 and DCPS8 of the North Tyneside Unitary Development Plan 2002.

15. Prior to the occupation of the development hereby permitted, a detailed landscaping plan shall be submitted to and approved in writing by the Local Authority. This shall include the replacement of trees, which shall be semi mature locally native species. Semi mature trees start at 5.0 to 5.5 meters high when they arrive onsite. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

16. Prior to the commencement of development, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme will provide the details of the window glazing specification in accordance to the noise report reference NT11759 to ensure internal equivalent noise level of 30 dB LAeq for all habitable bedrooms with no exceedances of the maximum level of 45 dB(A) and 35 dB LAeq for all living rooms as described in BS8233:2014. Once agreed the development shall be continued using this scheme.

Reason: To safeguard the occupiers of development from any discomfort or loss of amenity in accordance with policy H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

17. Prior to the commencement of development, a ventilation scheme for habitable rooms facing onto John Street and Beverley Terrace must be submitted for approval in writing and thereafter implemented. The standard of ventilation must meet as a minimum System 3 of Table 5.2c of Approved Document F. Each habitable room must have a variable control installed for ventilation and be fitted with a mechanical extract vent. Thereafter the development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure an appropriate standard of ventilation for new residents in accordance with policy H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

18. Restrict Hours No Construction Sun BH HOU04 *

19. Restrict Hours No Demolition Sun BH HOU05 *
20. Dust suppression during construction SIT03 *
21. Gas Investigate no Development GAS06 *
22. Contaminated Land Investigation Housing CON01 *

23. No vegetation removal shall take place during the bird nesting season (March to August). If works are to be carried out during this period a checking survey must be carried out by a qualified ecological consultant to confirm the absence of nesting birds.

Reason: In the interest of protected species and having regard to Biodiversity and Geological Conservation.

24. Prior to the commencement of development a scheme of intrusive site investigations shall be submitted in writing for the approval of the Local Planning Authority in consultation with the Coal Authority. This shall be in preparation for any remedial works required due to issues such as shall mine workings.

Reason: To ensure the safety and stability of the proposed works having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

25. On the written approval by the Local Planning Authority of the scheme of intrusive site investigations, these works shall be undertaken as agreed. A report of findings arising from the intrusive site investigations and a scheme of remedial works shall then be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. The agreed remedial works will then be implemented as agreed.

Reason: To ensure the safety and stability of the proposed works having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

26. No building works shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings, roads and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Details shall include levels of adjoining land and properties. Thereafter, the development shall not be carried out other than in accordance with the proposed details.

Reason: To ensure that work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements. This will ensure development is compliant with policy H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

27. Prior to the commencement of building works, large scale construction details of all windows and doors, which shall be timber, shall be submitted to and approved by the local planning authority. Thereafter the development shall be

implemented in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the conservation area, having regard to H11, E16/2 and DCPS 8 of the North Tyneside Unitary Development Plan.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Building Regulations Required (I03)

The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:- - Soakaway - Watercourse, and finally - Sewer If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.



Application reference: 16/00193/FUL

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

Proposal: Demolition of existing building and erection of apartment block containing 10 apartments (Re-submission)

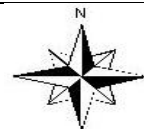
Not to scale

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**Appendix 1 – 16/00193/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Manager of New Developments

1.2 This application is for the demolition of the existing building and erection of apartment block containing 10 apartments.

1.3 The site is accessed from John Street and the proposed access allows two vehicles to pass within the site to prevent backing up onto the adjacent highway.

1.4 Parking has been provided in accordance with the standards set out in LDD12 and refuse will be stored within the site and placed on & removed from the adjacent rear lane by a management company on the designated collection day.

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

1.6 Recommendation - Conditional Approval

1.7 The applicant will be required to enter into an appropriate Legal Agreement with the Local Authority for the following works:

Upgrade of existing footpaths abutting the site
Associated drainage
Associated street lighting
Associated road markings
Associated signage

1.8 Conditions:

ACC10 - New Access: Access before Devel
PAR04 - Veh: Parking, Garaging before Occ
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT05 - Construction Management

1.9 No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.
Reason: In the interests of surface water management

1.10 No development shall commence until a scheme to manage refuse collection, including identifying a suitable storage area for collection day has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.
Reason: In the interests of highway safety.

INIT

1.11 Informatives:

105 - Contact ERH: Construct Highway Access

108 - Contact ERH: Works to footway.

113 - Don't obstruct Highway, Build Materials

145 - Street Naming & Numbering

146 - Highway Inspection before dvlpt

2.0 Local Lead Flood Authority

2.1 This application is for the demolition of the existing building and erection of apartment block containing 10 apartments.

2.2 There are no objections in principle subject to conditions & informatives as agreed with Northumbrian Water.

3.0 Conservation Officer

3.1 The site is in the Cullercoats Conservation Area. In the course of discussions relating to the previous scheme 15/00698/FUL it was made clear that materials would have to be high quality and long life. Unless otherwise agreed materials should include the following:

- Roof covering shall be natural slate.
- Rain water good should be metal.
- Windows should be timber sliding sash with large scale joinery details to be agreed
- Doors should be timber with large scale joinery details to be agreed
- Chimneys to be rick faced with full details to be agreed

3.2 The following are also required:

3.3 Submission of details of the type and siting of alarm boxes, cctv, utility meters, vents, flues and other extracts; details of boundary enclosures and hard landscaping details.

4.0 Urban Design

4.1 The external elevations are largely the same as the previous application.

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

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

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

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

5.0 Landscape Architect

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

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

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

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

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

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

5.7 The layout plan is 14051 101L, however no tree specification details have been provided but this can be conditioned along with number and location.

6.0 Biodiversity Officer

6.1 A total of 10 trees will be removed to accommodate the development and these will need to be replaced with native trees as part of the scheme. Details to be agreed through the landscaping condition.

6.2 In addition, no vegetation should be removed during the bird nesting season unless a survey by a qualified ecologist has confirmed the absence of nesting birds.

7.0 Environmental Health (Pollution)

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

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

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

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

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

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

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

7.8 Also conditions: HOU04, HOU05 and SIT03

8.0 Manager of Environmental Health (Contamination)

8.1 The site lies within a coal referral area and is proposed sensitive end use.

8.2 The following would be attached to any application: GAS 06 and CON 01

9.0 County Archaeologist

9.1 No comments.

10.0 Representations

10.1 Six letters of objection have been received from local residents. Their objections can be summarised as follows:

10.2 Parking

- Inadequate parking provision proposed
- Parking problems in the area due to commercial uses
- Streets already congested
- Buses struggle to get past
- Parking must be on site
- Most homes have two car these days
- Refuse arrangements are inadequate

10.3 Amenity

- Loss of views because of height of building
- Loss of privacy
- Loss of light

10.4 Character of the area

- The building must be in keeping with the conservation area
- The building should not be more than single storey
- The site should remain in commercial use
- The plans do not take account of the trees
- Loss of trees would affect nesting birds

11.0 External

11.1 Northumbrian Water

10.2 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

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

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

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

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

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

- Soakaway
- Watercourse, and finally
- Sewer

11.7 If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

12.0 The Coal Authority

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

12.2 The Coal Authority Response: Material Consideration

12.3 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. You will recall that we commented on a similar scheme under 15/00698/FUL.

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

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

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

12.7 The Coal Authority Recommendation to the LPA:

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

12.9 In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of

the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

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

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

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