

Item No: 5.3
Application No: 16/00319/OUT Author: Julia Crebbin
Date valid: 29 February 2016 ☎: 0191 643 6314
Target decision date: 30 May 2016 Ward: Whitley Bay

Application type: outline planning application

Location: Site Of Former Avenue Hotel, Park Avenue, Whitley Bay, Tyne And Wear,

Proposal: Outline planning application for residential development with all matters reserved

Applicant: North Tyneside Council, FAO Mr Richard Brook Quadrant East 16 The Silverlink North Cobalt Business Park North Tyneside Tyne And Wear NE27 0BY

Agent: Capita, FAO Mr Steven Lyttle Quadrant East First Floor Left 16 The Silverlink North Cobalt Business Park North Tyneside Tyne And Wear NE27 0BY

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

The main issues in this case are;

- Whether the principle of residential development is acceptable on this site;
- The loss of open space;
- The impact of the proposal upon the character and appearance of the surrounding area;
- The impact upon neighbours living conditions with particular regard to outlook and privacy; and
- Whether sufficient parking and access would be provided.

1.0 Description of the Site

1.1 The application site relates to the now vacant site of the former Avenue Hotel on Park Avenue, the adjoining No.1 Brook Street, and an area of open land to the front of the former building. The application site occupies a prominent plot with frontages onto Brook Street, Promenade and Park Avenue. The buildings were acquired by the Council in 2014, and subsequently demolished, after lying vacant and in a state of disrepair for several years. The land is intersected by a small access road, which provides access to the rear of the houses on Park Avenue and Brook Street. The site is partially located on general open space and within the coastal wildlife corridor (UDP designation).

2.0 Description of the Proposed Development

2.1 This application is for outline planning permission for residential development of the site with all matters reserved. In support of the application the following reports/documents have been submitted:

- Indicative Site Layout Plan showing 12no. dwellings.
- Planning Statement
- Design and Access Statement
- Coal Mining Risk Assessment
- Open Space Assessment
- Noise Assessment
- Flood Risk Assessment

3.0 Relevant Planning History

3.1 1 Brook Street And The Avenue Hotel, Park Avenue:

14/00565/DEMGDO - Demolish existing buildings, site to be sub soiled, top soiled and grass seeded – Exercise Control Over Demolition and Restoration
06.05.2014

3.2 The Avenue Hotel And The Dome Spanish City:

12/00143/OUT - Full planning permission for refurbishment of The Spanish City Dome building and outline planning permission with all matters reserved except landscaping for new build mixed use development, site landscape works, public open space and promenade. Mixed uses include family activity centre, gymnasium, shops, restaurant, food outlets, managed workspaces, offices, hotel, carehome, townhouses/apartments and associated parking – Approved
21.08.2013

4.0 Development Plan

4.1 North Tyneside Council Unitary Development Plan (adopted March 2002)
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 National Planning Practice Guidance (As Amended)

5.3 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

6.0 Main Issues

6.1 The main issues in this case are;

- Whether the principle of residential development is acceptable on this site;
- The loss of open space
- The impact of the proposal upon the character and appearance of the surrounding area.
- The impact upon neighbours living conditions with particular regard to outlook and privacy; and
- Whether sufficient parking and access would be provided.

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

7.0 Principle of development

7.1 The National Planning Policy Framework (NPPF) states that a presumption in favour of sustainable development is at the heart of the Framework is, and this should be seen as a golden thread running through both plan-making and decision taking. For decision making this means where the development plan is absent, silent or relevant policies are out of date, granting permission for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies indicate that development should be restricted.

7.2 NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth to enable the delivery of sustainable developments.

7.3 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes.

7.4 NPPF goes on to say that the local planning authorities should plan for a mix of housing based on current and future demographic trends. NPPF requires Council's to set a Borough wide target for affordable housing being sought over the plan period. The definitions of affordable housing are set out in NPPF.

7.5 The development plan is out of date. The North Tyneside Unitary Development Plan was adopted in March 2002, over 14 years ago. The plan period ran until 2006 and we are now significantly (10 years) beyond this. Following the advice in paragraph 14 of NPPF it states that where the development is out of date, the presumption is that planning permission should be granted, unless any adverse effects of doing so would significantly and demonstrably outweigh, when assessed against policies in the NPPF taken as a whole or specific in the Framework indicate that development should be restricted.

7.6 The site of the former Avenue Public House is identified within the Council's Strategic Housing Land Availability Assessment (2015/16) as a potential site being able to deliver housing within the next five years. The Council's Local Plan Pre-Submission Draft 2015, endorsed by Full Council in October 2015, identifies part of the site as a housing site, part unallocated and part identified open space. Local Plan Policy DM4.5 allows for additional windfall sites (i.e. existing development and open space), and sets out the criteria for proposals for residential development not identified on the policies map.

7.7 UDP policy H5 states that proposals for housing on sites not identified for this purpose will be approved where amongst other matters, the proposal is on a previously developed site and within the urban area.

7.8 Part of the site is previously undeveloped; a large area consists of previously developed brownfield land. The site is located immediately adjacent to an existing urban area and the principle of the redevelopment for residential purposes has previously been established as part of an outline scheme for the wider Spanish City site via planning approval 12/00143/OUT. It is the view of officers that policy H5 is not consistent with NPPF, which has no such prerequisite for new housing development to be within existing urban areas, providing it is sustainable. Given policy H5 is not consistent with NPPF Members should attach less weight to it.

7.9 The Council's Regeneration Team have offered their full support of the proposal advising that it would fit with the existing residential/guest house terrace of properties to the west of the site and the proposal would adhere with the wider regeneration plans for the Coast and Whitley Bay.

7.10 Members need to consider the principle of developing this land and balance their decision against other material planning considerations, including NPPF and the requirement for North Tyneside Council to ensure a 5-year housing land supply.

8.0 North Tyneside 5-Year Housing Land Supply

8.1 Paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.2 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.

8.3 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 (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).

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

8.5 This proposal would make a 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 Open Space

9.1 Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

9.2 Policy R2/1 states that land shown on the proposals map for the purpose of open space use, including playing fields of schools, will be retained in its present use.

9.3 Policy R2/2 states that development of land shown in the proposals map for open space use will not be permitted where this will amongst other matters result in a reduction in the open nature of the land or where this causes a significant loss of local amenity.

9.4 Approximately 40% of the application site is designated general open space. This is assessed as medium quality and low value within the Green Space Strategy 2015.

Appendix 8 of The Green Space Strategy looks at the accessibility of households to the different types of open space. This concludes that 93.9% of households in Whitley Bay Ward are within 300m of accessible green space.

9.5 The applicant has submitted an Open Space Assessment in support of this planning application. It concludes that there is a surplus of such space within the vicinity of the site and that redevelopment of this site would therefore sustain the existing levels of provision in the area, ensuring sufficient amounts of informal open space for the locality.

9.6 The applicant further concludes that the proposal will not result in an insufficient provision of open space in the ward, create high levels of demand on existing spaces or facilities, or result in a significant loss of local amenity. There is a wide availability of open spaces directly opposite and within the vicinity of the site. There will be no decrease in the number of properties that are within an acceptable catchment of open space. This subsequently addresses all relevant planning policy in relation to open space.

9.7 Members must consider whether the loss of the open space is acceptable. It is Officer advice that the Whitley Bay ward, and application site, has excellent access to informal open space and that the loss of part of the application site as open space will not unduly impact upon the available open space across the ward.

10.0 Character and appearance

10.1 Paragraph 56 of NPPF 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.

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

10.3 UDP Policy H12 states that housing development will be expected to make the most efficient use of land usually having a net density of between 30 and 50 dwellings per hectare. However, this policy was a reflection of the previous national planning policy Planning Policy Guidance (PPG) Note: 3 Housing, which sought to develop housing at higher densities, but was cancelled in 2012. Therefore policy H12 is out of date. NPPF does however state that local authorities should set their own approach to housing density to reflect local circumstances. The proposal seeks outline planning permission for up to 12no. dwellings on this 0.22 hectare site. Therefore, the number of units proposed will have a density of approximately 55 dwellings per hectare. This is comparative to the layout of the existing dwellings in this area.

10.4 Policy DCPS No.14 'New Housing Estates – Design and Layout' sets out the Council's recommended privacy distances between dwellings to provide privacy and outlook of 21m back to back and front to front and back to gable of 12m.

10.5 The Council has produced an SPD on Design Quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have well-balanced and an attractive external appearance.

10.6 The layout and scale of the development are reserved matters. However the applicant has submitted an indicative layout showing how the site could be developed.

10.7 The proposed indicative layout shows a terraced crescent of 12no. dwellings (split into individual terraces of 4no. dwellings and 8no. dwellings respectively with landscaping and a footpath between each block). This is similar to the indicative layout considered acceptable as part of planning approval 12/00143/OUT, which had one terraced block.

10.8 The proposed north western facing terrace would be set slightly forward of the front elevation of the nearest neighbouring property on Park Avenue, and the larger terrace would then follow the Promenade around to Brook Street. The indicative layout shows individual private front and rear gardens for each dwelling, with parking within the rear part of the site and an access road from Brook Street maintaining access to the rear of the existing properties.

10.9 Support has been offered by two local residents who feel that the proposal will be aesthetically pleasing and in keeping with the surrounding developments. However, one of the local residents has raised concern with regard to the impact of the proposal on the existing views from the frontages of properties on Brook Street. The concern is that the layout of the proposed development follows the line of the road (slight dog leg at the end of Brook Street) rather than the existing houses on Brook Street. This concern is noted. Firstly, it must be highlighted that (in planning terms) there is no right to a view. However, outlook is a material consideration. It is Officer advice that sufficient separation distances would remain between the properties on existing properties on Brook Street (with particular reference to the nearest properties towards the corner of Brook Street and the Promenade) and the proposed dwellings to maintain an acceptable standard of outlook. Notwithstanding this the proposed layout is indicative and would be subject to further consultation via a future reserved matters application.

10.10 The committee of the Northumberland and Newcastle Society have also expressed their support for the principle of residential development of the application site. However, they have expressed concerns regarding the indicative layout with particular regard to the non continuous frontage (i.e. two separate terraces), the inclusion of a footpath and the slight encroachment beyond the front building line of Park Avenue. Each of these points is noted. However, support has also been offered in respect of the proposed layout and footpath. The front corner of the south western facing elevation of the smaller terrace would be set marginally forward of the neighbouring property on Park Avenue. This would not result in any significant disruption to the front building line of this street, or harm the visual amenity of the wider area.

10.11 The applicant has advised that the proposal will retain pedestrian access through the site, and the Council's Landscape Architect, and a local resident have noted that the pedestrian access will take advantage of key views through the site towards Spanish City, and will maintain a pedestrian access which is essential for the flow of coastal visitors to the town centre. Again,

notwithstanding this and as previously stated, the proposed layout is indicative and would be subject to further consultation via a future reserved matters application.

10.12 Members need to consider whether the proposed indicative layout is acceptable, whether it would accord with policy H11 and weight this in their decision.

11.0 Impact upon residential amenity.

11.1 Paragraph 123 of NPP 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.

11.2 UDP Policy H11 states that in determining applications for residential development, the local planning authority will take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

11.3 The neighbours most likely to be directly affected by the proposals are those living in the residential dwellings of Park Avenue and Brook Street. The indicative layout demonstrates that the units can meet the standards relating to privacy between both existing and proposed units. All of the proposed new dwellings would comply with the privacy distances set out in DCPS No. 14 'New Housing Estates Design and Layout.'

11.4 A noise assessment has been submitted for consideration. The noise assessment considered the external ambient noise in relation to the proposed housing development in order to achieve internal noise levels in accordance to BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings, and to achieve external outdoor amenity noise levels in accordance to the World Health Organisation Guidelines for Community Noise. It concludes that the dominant noise across the site is from road traffic, but that acceptable noise levels both internally and externally within the development can be achieved via the use of appropriate mitigation measures (i.e. glazing, fencing etc.)

11.5 The Manager for Environmental Health has been consulted. She has raised no objections subject to the recommended conditions.

11.6 Members need to consider whether the impact on the residential amenity of existing and future residents is acceptable. It is officer advice that with the imposition of conditions, noise can be appropriately mitigated to ensure that new residents will have an acceptable level of amenity.

12.0 Car Parking and Access

12.1 NPPF states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

12.2 All developments that generate significant amount of movements should be supported by a Transport Statement or Transport Assessment. Planning

decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

12.3 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

12.3 Policy T6 states that the highway network will be improved in accordance with the Council's general objective of amongst other matters improving the safety and convenience of the public highway.

12.4 Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclist's needs are considered as part of new development

12.5 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.

12.6 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.

12.7 LDD 12 Transport and Highways SPD sets out the Council's adopted parking standards.

12.8 One objector has raised concerns that the proposal does not take into account that currently the access road to the back lane provides valuable residents only parking for properties on Brook Street and Park Avenue, and that the existing parking situation is problematic, and considers that some of the land should be given over for parking for Brook Street residents. This point is noted. However, the Council's Highway Network Manager has considered the proposal and has recommended conditional approval of the application.

12.9 As this is an outline application with no matters to be determined, the access, internal highway layout, parking and cycle provision will be considered at reserved matters. However, the indicative layout demonstrates how the internal highway layout could be achieved.

12.10 Members need to consider whether the proposal would accord with the advice in NPPF and policies T6, T8, T9, T11 and LDD12 and weight this in their decision.

13.0 Other Issues

13.1 Contamination

13.2 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability

issues, responsibilities for securing a safe development rests with the developer and/or landowner.

13.3 UDP Policy E3 seeks to mitigate the impact of pollution on the environment including existing land uses and on proposed development and will support and encourage measures including monitoring of pollution to reduce it to the lowest practicable levels.

13.4 The Council's Contaminated Land Officer has been consulted and raised no objection, but has advised that due to the close proximity of mine workings and the proposed sensitive end use, a number of conditions requiring gas and contaminated land investigations should be attached to the approval.

13.6 The application site falls within a coal referral area, defined Development High Risk Area. Within the application site and surrounding area there are coal mining features and hazards which need to be considered as part of this development.

13.7 The Coal Authority has been consulted, and has raised no objection to the principle of the proposed residential development subject to the attachment of a condition requiring the undertaking of intrusive site investigations and any required remedial works.

13.8 Members need to consider whether the ground conditions of this site are suitable for future residential use. Based on advice from the relevant consultees it is officer advice that this site is suitable for future residential use and would accord with the guidance in NPPF and policy E3 of the UDP.

14.0 Flooding

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

14.2 Drainage design needs to be conducted so that surface waters are directed away from vulnerable components of the site. In accordance with NPPF drainage should be designed so that flood risk is not increased elsewhere as a result of the development.

14.3 The applicant has submitted a development-specific Flood Risk Assessment, which concludes that the application site is within Flood Zone 1, the lowest risk. However, the site lies within the bounds of a Critical Drainage Area and a Northumbrian Water High Risk Drainage Area.

14.4 The Lead Local Flood Authority (LLFA) has been consulted. They have recommended conditional approval.

14.5 Northumbrian Water has been consulted. They have recommended conditional approval.

14.6 Members need to determine whether the proposed development is acceptable in terms of its impact on flood risk. It is officer advice that the subject to conditions the proposal would accord with NPPF and Members should weight this in their decision.

15.0 Biodiversity and Landscaping

15.1 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

15.2 Part of the application site is within a Wildlife Corridor as defined by policy E12/6, which states that development which would adversely affect the contribution of a wildlife corridor will not be permitted unless no alternative site is reasonably available, or appropriate measures or mitigation, or compensation for all the adverse effects are secured.

15.3 The Council's Biodiversity Officer has raised no objection to the proposed development, but has advised that any landscaping proposed for this site should include native trees and coastal plants of biodiversity value and tolerant of coastal conditions. In addition, this site formerly supported house martin nesting sites, therefore, a number of nesting features should be incorporated into the new buildings within the development to provide nesting habitat for this species.

15.4 The Council's Landscape Architect has also raised no objection noting that there are no landscape elements on the site at present, having been removed over the years because of demolition of the former Avenue Hotel and the creation of site areas for the adjacent developments. She has advised that the indicative layout shows potential for soft landscaping in both private front gardens and in the public realm. The small area of public open space to either side of pedestrian footpath will continue to be maintained by the Council. She has raised no issues relating to the subject to the submission of a fully detailed landscape plan to be required by condition.

15.5 Members need to consider whether the proposed development would be acceptable in terms of its impact upon biodiversity and landscaping and whether it would accord with the advice in NPPF and weight this in their decision. Subject to the imposition of conditions it is officer advice that it is acceptable.

16.0 S106 Contributions

16.1 NPPF states that pursuing development requires careful attention to viability. To ensure viability, the costs of any requirements likely to be applied to development such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

16.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, 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 set out in Regulation

122. This states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is;
Necessary to make the development acceptable in planning terms;
Directly relates to the development; and
Fairly and reasonably relates in scale and kind to the development.

16.3 The Council's adopted SPD on Planning Obligations LDD8 states that planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality where people choose to live, work and play.

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

16.5 The development is for less than 15no. dwellings and therefore no affordable housing is required as part of the scheme.

16.6 The applicant is North Tyneside Council and, as such, financial contributions cannot be required via a legal agreement (S106). However, after liaison with the individual service areas, it is considered that the following works would be required as a result of the proposed development. These works can be required by conditions attached to the planning approval:

- A scheme for infrastructure and access improvements to Whitley Park.
- A scheme for improvements to the existing play site at Whitley Park.

16.7 The works required by the above conditions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

17.0 Conclusion

17.1 The site is partly previously developed and partly open space. The principle of residential development of previously developed land within the urban area is in accordance with NPPF and UDP policies. The applicant has successfully demonstrated that the loss of the open space is acceptable and will not significantly reduce the available levels of accessible open space within the Ward.

17.2 The Council does not have a 5 year supply of deliverable housing land. Policies for the supply of housing are out of date. This carries substantial weight.

17.3 This proposal would accord with the NPPF in terms of Flood Risk.

17.4 This proposal would accord with NPPF in terms of Biodiversity.

17.5 The proposal would not have an adverse impact upon neighbours.

17.6 Highway and traffic impacts would be acceptable and not severe.

17.7 The starting point for Members is that planning permission should be granted, unless the adverse impacts of granting permission significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in NPPF as a whole.

17.8 The benefits of providing much needed housing are significant and weighty matters. There are no adverse impacts which are significant and demonstrable such that the presumption in paragraph 14 should not apply.

17.9 In conclusion, subject to conditions, it is recommended that outline planning permission should be granted. The applicant has requested that a period of 5 years is allowed to submit the reserved matters application. This is requested in the interest of securing delivery of the site in co-ordination with the wider regeneration of the Spanish City site.

RECOMMENDATION: Application Permitted

It is recommended that members indicate they are minded to approve the application subject to the conditions set out below and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application.

Members are also requested to authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:

- Upgrade of rear lane carriageway
- Upgrade of footpaths abutting site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application form 29.02.2016
- The Avenue, PH, Whitley Bay, Site Plan
- Phase 1 Geo-Environmental Desk Study (including Coal Mining Risk Assessment) February 2016
- Design and Access Statement (Including Sustainability Statement) February 2016

- Flood Risk Assessment February 2016
- Noise Assessment February 2016
- Open Space Assessment January 2016
- Planning Statement (Including Statement of Community Involvement)

February 2016

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Approval of the details of the layout, scale, appearance, landscaping and access, hereafter called the "reserved matters" shall be obtained from the Local Planning Authority before any development is commenced.

Reason: That your application is expressed to be an outline application only.

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

4. The development hereby permitted shall include no more than 12 dwellings.

Reason: In the interests of highway safety and the character and appearance of the surrounding area.

5. Notwithstanding the details to be submitted pursuant to condition 2, prior to the construction of any part of the development hereby approved above ground level a schedule and/or samples materials and finishes for the development and all surfacing materials, including permeable surfacing, shall 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: To ensure a satisfactory appearance having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

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|----|---------------------------------------|-------|-----------------------|
| 6. | Restrict Hours No Construction Sun BH | HOU04 | * |
| 7. | New Acces Access Before Devel OUT | ACC08 | *H11 |
| 8. | Exist Access Closure By OUT | ACC16 | *6
*2
*H11 |
| 9. | Turning Areas Laid Out Before Occ OUT | ACC24 | *refuse
*2
*H11 |

10. The details to be submitted pursuant to condition 2 above shall include detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays. The scheme shall show the layout for parking, garaging and manoeuvring and the loading and unloading vehicles. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy H11 of the North Tyneside Unitary Development Plan 2002 and LDD12.

11. Prior to the occupation of any dwelling details of facilities to be provided for the storage of refuse bins within the site and a scheme to manage refuse collection, including identifying a suitable storage area for collection day only, shall be submitted to and approved in writing by the Local Planning Authority. The facilities which shall include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

12. The details to be submitted pursuant to Condition 2 above shall provide full information on the means of dealing with the disposal of foul and surface water from the development hereby approved, including from the roads, footways and other hard surfaces. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To provide a satisfactory means of surface water drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF

13. Construction Method Statement SIT05 *

14. Prior to occupation of the development the applicant shall carry out the following works, which are to be agreed with North Tyneside Council via a Section 278 Agreement:

- Upgrade of rear lane carriageway
- Upgrade of footpaths abutting site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

Reason: In the interests of highway safety, having regard to NPPF.

15. Upon expiration of 6 months of the first occupation of the development

hereby approved a scheme for monitoring the impact of the development on the following locations shall be submitted and approved in writing by the Local Planning Authority:

- Brook Street gardens
- Brook Street
- Oxford Street (part)
- Park Avenue (part)
- Promenade (part)
- All rear lanes in vicinity of the site

The scheme shall include:

- The scope and timing of parking surveys to be agreed
- The submission of a report detailing the results of the parking surveys
- Any parking control measures necessary to alleviate any overspill parking arising from the development and the method of implementation

Reason: To monitor the impact of the development on on-street parking in the interests of highway safety

16. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development above ground level, a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings having regard to policy H11 of the Council's Unitary Development Plan 2002.

17. Gas Investigate no Development GAS06 *

18. Contaminated Land Investigation Housing CON01 *

19. Notwithstanding the details to be submitted pursuant to Condition 2, no development shall commence on site until details of the specification of the window glazing to be provided to habitable rooms facing onto A193 Promenade, to ensure bedrooms meet the good internal standard of 30 dB LAeq T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq T in accordance with the BS 8233:2014 is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the development and retained thereafter.

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

20. Notwithstanding any details provided pursuant to condition 2, and prior to commencement of the development a plan showing the orientation and location of all private garden areas must be submitted to and approved in writing by the Local Planning Authority. The details must include all mitigation measures necessary to ensure an external amenity area with a maximum noise level of 55 dB(A) is provided for any gardens in line of sight of the A193 Promenade. Such mitigation measures shall include the location and height of overlapping acoustic fencing of 1.8 metre height in order to ensure compliance with the WHO guidance level of 55 dB(A) for good outdoor amenity. The approved scheme shall be implemented prior to first occupation and retained thereafter.

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

21. Notwithstanding any details submitted pursuant to Condition 2, and prior to occupation of the approved development, details of the ventilation scheme for habitable rooms facing towards the A193 shall be submitted to and approved in writing by the Local Planning Authority. The details must ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F for mechanical ventilation.

The approved scheme shall be implemented in the development and retained thereafter.

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

22. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted as part of the details of the proposed development as required by Condition No. 2; above. The detailed landscape scheme must include native trees and coastal plants of biodiversity value and tolerant of coastal conditions.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E12/6 and Policy H11 of the North Tyneside Unitary Development Plan 2002.

23. Landscape Scheme Implementation LAN06 *
Period

24. Three house martin nest boxes shall be incorporated into buildings within the development scheme. Details of the nest box design and their locations shall be submitted to the Local Planning Authority for approval prior to the commencement of the construction of dwellings on the site. The nest boxes shall be implemented in accordance with the approved scheme with an agreed timescale and retained thereafter.

Reason: In the interests of biodiversity.

25. No vegetation removal shall take place in the bird nesting season (March-August) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds and the results have been submitted to and approved in

writing by the Local Planning Authority.

Reason: To safeguard biodiversity in accordance with NPPF.

26. Prior to the submission of the reserved matters a scheme of intrusive site investigations for the shallow coal workings shall be undertaken and the reserved matters shall include the submission of a report of findings arising from both of the intrusive site investigations, including the results of the gas monitoring undertaken, the submission of a scheme of remedial works/mitigation for the shallow coal workings/mine gas. The details shall include a timetable for the works to be undertaken. The development shall be undertaken in accordance with the agreed details.

Reason: In the interests of land stability, having regard to the NPPF.

27. Notwithstanding the details to be submitted pursuant to condition 2, prior to the occupation of any part of the development hereby approved details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

28. Levels Details Exist Prop Before Devel LEV01 *H11

29. Prior to occupation of any part of the approved development a scheme, including timescale, for the improvement of infrastructure and access to Whitley Park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the agreed details and timescale.

Reason: To ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality where people choose to live, work and play in accordance with NPPF.

30. Prior to occupation of any part of the approved development a scheme, including timescale, for the improvement of the existing play site at Whitley Park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the agreed details and timescale.

Reason: To ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality where people choose to live, work and play in accordance with NPPF.

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

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development. The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

Contact ERH Construct Highway Access (I05)
Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)
No Doors Gates to Project Over Highways (I10)
Do Not Obstruct Highway Build Materials (I13)
Street Naming and numbering (I45)
Highway Inspection before dvlpt (I46)
Coal Mining Standing Advice (FUL,OUT) (I44)

The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.



Application reference: 16/00319/OUT

Location: Site Of Former Avenue Hotel, Park Avenue, Whitley Bay

Proposal: Outline planning application for residential development with all matters reserved

Not to scale

Date: 28.04.2016

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Item 5.3

Appendix 1 – 16/00319/OUT

Consultations/representations

1.0 Representations

1.1 One letter of objection:

1.2 I would have liked to have seen the Brook Gardens redeveloped as an open space and just the old Avenue pub and no.1 Brook St redeveloped / rebuilt but I accept that is not going to happen.

1.3 I am glad to see on the new designs that the houses will now front onto the sea view, which I think will be more aesthetically pleasing. However I have two concerns that lead me to object to the current proposed outline plan.

1.4 The plan shows the planned houses sticking out beyond the sight line in Park Avenue, although by not much this will, I feel, look wrong and will be detrimental to people living in Park Avenue, spoiling their view down the road from their fronts to the sea. The plan also shows the line of the houses following the line of the road, rather than the line of the houses in Brook Street. This will block off the view to a certain extent, for houses in Brook Street. Currently I can sit in my front garden on a sunny day and enjoy view, this will be impaired by the current proposals. More importantly there has been a lot of talk about opening up views to the sea and I'm aware that a lot of day visitors who come by metro to Whitley Bay walk down Oxford Street to get to the park and the sea front. I find it delightful hearing children's squeals of delight and excitement when they catch sight of the sea for the first time as they look down Brook Street. By putting houses so they follow the 'dog leg' as Brook Street becomes Brook Gardens this view will be compromised. I really feel that these should be considered if we want to capitalise on our natural assets.

1.5 Parking. I think the plan shows enough parking for residents of the new houses but it does not take into account that currently the access road to the back lane provides valuable residents only parking for those of us on Brook St / Park Ave. Already parking can be problematic, Brook St often has several 'white vans' from contractors staying at sea front guest houses, people who are going to the restaurants on East Parade park here and then parents parking taking children to the dance school at the bottom of Oxford Street park along our street too. I am really glad these businesses are flourishing and bring people in but I feel some of the land to be redeveloped needs to be given over to Brook Street residents parking.

1.6 One letter of support:

1.7 This site has been under utilised for a significant amount of time and like many of the stalled developments in Whitley Bay contributed to an attitude of our collective inability to get things right.

1.8 The proposed plans seem to be in keeping with the surrounding developments and the loss of the green space will not be that significant.

Thought has been given to maintaining a pedestrian access which is essential for the flow of coastal visitors to the town centre. My only reservation would be in respect of not building to the extreme east frontage of the site where it intersects with Brook Street as there is opportunity to widen the pavement and provide another attractive linkage for access up Brook Street and onwards up to the town. Overall a positive and well thought out proposal.

1.9 External Consultees

1.10 Northumbrian Water Limited

1.11 We request the following condition:

1.12 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.

1.13 The Coal Authority

1.14 The Coal Authority concurs with the recommendations of the Phase 1 Geo-Environmental Desk Study; 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.

1.15 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.

1.16 In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

1.17 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
- The implementation of those remedial works.

1.18 The Coal Authority considers that the content and conclusions of the Phase 1 Geo-Environmental Desk Study 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 therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.

1.19 Northumberland and Newcastle Society

1.20 The committee welcome the principle of residential development of this site. However, they are strongly of the view that the suggested layout is not satisfactory and should be reconsidered before proceeding for the following reasons: It does not successfully 'turn the corner', this is its weakest point. The frontages are not continuous and there is a wide gap at a critical point where a continuous frontage is needed; The building line does not follow that of the existing Park Avenue terrace as claimed, but juts forward and will be a major intrusion into views along the street; The inclusion of a public pedestrian way through the site is mystifying and does not seem to be justified. It is of no benefit to the houses and opens up public views of the car parking and back lanes which will not enhance the development.

1.21 Internal Consultee Comments

1.22 Biodiversity Officer:

1.23 The site lies partially within the coastal wildlife corridor, therefore, any landscaping proposed for this site should include native trees and coastal plants of biodiversity value and tolerant of coastal conditions. In addition, this site formerly supported house martin nesting, therefore, a number of nesting features should be incorporated into the new buildings within the development to provide nesting habitat for this species.

1.24 Please attach the following conditions to this application:-

Conditions:

- Detailed landscape plans that include planting for biodiversity, must be submitted to the Local Authority for approval prior to development commencing.
- 3 house martin nest boxes to be provided within new buildings in the scheme. Details of nest box design and location to be submitted to the Local Authority for approval prior to development commencing.
- No vegetation removal shall take place in the bird nesting season (March-August) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

1.25 Landscape Architect:

1.26 The site is the former Avenue Hotel on Park Avenue and Promenade Whitley Bay. There are no landscape elements on the site at present, having been removed over the years because of demolition of the former Avenue (PH) and the creation of site areas for the adjacent developments. 12 units are shown on the indicative layout which are arranged in two separate blocks. The layout provides a pedestrian link through the site which takes advantage of key views through the site towards Spanish City. A small area of open space is shown to either side of the footpath link. The indicative layout shows potential for soft landscaping in both private front gardens and in the public realm. The small area of public open space to either side of pedestrian footpath will continue to be maintained by the Council. I have no issues relating to the information submitted

with this application however a fully detailed landscape plan should be conditioned as a reserved matter.

1.27 Regeneration

1.28 The Regeneration Team fully supports this outline planning application for the now demolished former Avenue public house site to be redeveloped for residential use. Residential on this site would fit with the existing residential / guest house terrace of properties to the west of the site and the proposal would adhere with the wider regeneration plans for the Coast and Whitley Bay.

1.29 Contaminated Land Officer

1.30 Due to the close proximity of mine workings and the proposed sensitive end use the following should be attached to the application:

GAS 06:

The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

- a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.
- b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

- c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method

statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy E3; of the North Tyneside Unitary Development Plan 2002.

CON 01

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

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

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

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

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out

over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

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

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

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

1.30 Highway Network Manager

1.31 This is an outline application for residential development with all matters reserved, it is anticipated that there will be up to 12 dwellings with the number of bedrooms to be decided. Whilst all matters are reserved, an indicative layout has been provided and the site will be accessed from Brook Street Gardens and the existing rear lane and 22 parking spaces have been included in the site. Conditional approval is recommended.

1.32 Recommendation - Conditional Approval

1.33 The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

1.34 The applicant will be required to enter into a Section 278 Agreement for the following works:

- Upgrade of rear lane carriageway
- Upgrade of footpaths abutting site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

1.35 Conditions:

ACC08 - New Access: Access before Devel (OUT)
ACC16 - Exist Access Closure By (OUT) (*6 Months)
ACC24 - Turning Areas: Laid out before Occ (OUT)
PAR03 - Veh: Parking, Garaging, Loading (OUT)
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT05 - Construction Management

1.36 No development shall commence until a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

1.37 Upon expiration of 6 months of the first occupation of the development hereby approved a scheme for monitoring the impact of the development on existing parking provision on:

Brook Street gardens
Brook Street
Oxford Street (part)
Park Avenue (part)
Promenade (part)
All rear lanes in vicinity of the site

1.38 The scheme shall include:

The scope and timing of parking surveys to be agreed
The submission of a report detailing the results of the parking surveys
Any parking control measures necessary to alleviate any overspill parking arising from the development and the method of implementation
Reason: To monitor the impact of the development on on-street parking in the interests of highway safety

No development shall commence until a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings.

1.39 No development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety

1.40 Informatives:

I05 - Contact ERH: Construct Highway Access

- I07 - Contact ERH: Footpath/Bridleway X's Site
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

1.41 Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

1.42 Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

1.43 The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

1.44 Local Lead Flood Authority

1.45 This is an outline application for residential development with all matters reserved. A Flood Risk Assessment (FRA) was submitted as part of the planning application that analysed various flooding scenarios that could be associated with the site. This area is prone to flooding and conditional and subject to detailed design of surface water management, conditional approval is recommended. Recommendation - Conditional Approval

1.46 Condition:

No development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

1.47 Environmental Health (Pollution)

1.48 I have viewed the noise report and note that the dominant noise will arise from road traffic. It will be necessary to ensure the developers consider the design of the residential premises to allow protection of rear gardens from traffic noise and to provide appropriate mitigation measures to ensure internal noise levels of habitable rooms e.g. living rooms and bedrooms met the standards set out in BS5228.

Consideration must also be given to the protection of neighbouring residents from noise and dust during construction. I would recommend the following conditions:

1.49 Prior to occupation, submit details of the acoustic specification of acoustic lazing to be provided for the all living rooms and bedrooms facing onto the A193 Promenade which must be approved in writing and thereafter fitted to ensure a good internal noise level in accordance with BS5228 of 35 dB during the day and 30 dB during the night and no exceedance of maximum noise level of 45 dB(A) at night in bedrooms .

1.50 Prior to occupation, submit details of the ventilation scheme for habitable rooms facing towards the A193 for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F or mechanical ventilation.

1.51 Prior to development the orientation and details of any main gardens must be provided and mitigation measures provided to ensure an external amenity area of 55 dB is provided for any gardens in line of sight of A193. The details shall include the location and height of overlapping acoustic fencing of 1.8 metre height to ensure compliance with the world health organisation community noise level of 55 dB.

1.52 HOU04 and SIT03