

Item No: 5.1
Application No: 15/01527/FUL Author: Jane Tuck
Date valid: 31 March 2016 ☎: 0191 643 6331
Target: 26 May 2016 Ward: Battle Hill
decision date:

Application type: full planning application

Location: Land To Rear And East Side Of, Westholme Farm Social Club, Mullen Road, Wallsend, Tyne And Wear

Proposal: Construction of 6no terraced town houses with associated access road and landscaping

Applicant: OakTree Developments, Mr Ian Brown 107 Farringdon Road Marden Estate North Shields NE30 2HB

Agent: North East Architectural Plans, FAO: Mr Michael Sheldon 38 Grasmere Terrace Hawkeys Lane North Shields Tyne And Wear NE29 0PW

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Summary of Key Issues and Considerations

1.1 The main issues are

- a) the principle of residential development
- b) design and layout
- c) highway issues
- d) impact on residential amenity

1.2 Members must determine whether the principle of residential development is acceptable, whether or not the proposal is acceptable in visual terms, in highway and amenity terms.

2.0 Description of the Site

2.1 The site is an irregular shape which lies to the rear of nos 56-64 Mullen Road, to the west of nos 3-7 Rose Gardens and east of the Westholme Farm Social Club and a taxi office. To the north of the site is grassed open space with footpaths which borders the Rising Sun Country Park. To the north east is an electricity sub-station and Beacon Hill School. Part of the site lies to the rear of the social club and part lies between the club and no 64 Mullen Road.

2.2 The houses in Mullen Road and Rose Gardens are two storey with red bricks and slate roofs. The social club is one storey high.

2.3 The area of the site between the social club and no 64 Mullen Road is tarmac and level with the road. The area of the site to the rear of 56-64 Mullen Road is overgrown and uneven. It appears to be at the same level as the existing houses but the gardens of nos 62 and 64 slope down towards the site. The site also slopes down adjacent to the club from the tarmac area. The area to the rear of the club is grass and there is a large tree within the site and other trees within the grassed area to the north. There is a path around the club building. There are two other trees within the site.

3.0 Description of the Proposal

3.1 The proposal is for 6 terraced town houses which each have three bedrooms. The proposed houses are two storey with a bedroom and bathroom in the roof. A dormer window is proposed in the roof on the northern elevation facing the open space to the north. Velux windows are proposed in the south elevation facing properties in Mullen Road. To the rear of each of the proposed properties is a ground floor projection for a kitchen. Gardens to the properties are to the rear of the properties.

3.2 Access to the site is proposed off Mullen Road between the club and no 64 Mullen Road. The access road extends along the northern edge of the site to give access to two car parking spaces to the rear of each of the proposed houses. Two visitor parking spaces are proposed to the rear of the club.

3.3 Timber fences are proposed around the boundary of the site.

4.0 Relevant Planning History

None

5.0 Government Policy

National Planning Policy Framework March 2012

6.0 Development Plan

6.1 North Tyneside Unitary Development Plan (2002).

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

6.2 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

7.0 Planning Considerations

7.1 Summary of Key Issues and Considerations

The main issues are

- a) the principle of residential development
- b) design and layout
- c) highway issues
- d) impact on residential amenity

7.2 Consultation responses and objections from local residents are set out in Appendix 1 to this report.

8.0 Principle of residential development

8.1 The National Planning Policy Framework sets out the Government's commitment to ensuring that the planning system supports sustainable economic and housing growth and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

8.2 The site is not shown for a particular land use on the proposals map of the Unitary Development Plan.

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

8.4 The site is an area of wasteland where it appears that materials have been dumped in the past and has become overgrown with grass and scrub. The site is within the built up area and is within a predominantly residential area. It is officer opinion that the principle of residential development is acceptable.

8.5 Members must determine whether or not the principle of residential development on this site is acceptable.

9.0 Housing Land Supply

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

9.2 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.

9.3 The October 2015 Strategic Housing Land Availability Assessment (SHLAA) identifies the total potential 5-year housing land supply in the borough at 4,150 new homes (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).

9.4 Paragraph 49 of the NPPF sets out that relevant development plan policies for the supply of housing will not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Therefore, North Tyneside Council remains dependent upon approval of further planning permissions to achieve, and subsequently maintain, its housing supply.

9.5 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.

10.0 Design and layout

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

10.2 Policy H5 - Windfall Sites of the UDP is relevant and is set out more fully at paragraph 7.6. This states that the proposal must be acceptable in terms of its impact on its site, local amenity, the environment and adjoining land uses.

10.3 Policy H11 - Design Standards and Development Control Policy Statement No.14 - New Housing Estates - Design and Layout of the UDP, refer to design and layout standards for new residential development including, scale, density, massing, construction, landscaping and materials, provision for parking, access, pedestrian and vehicle circulation and the impact of the proposal on its site, local amenity, the environment and adjoining land uses. DCPS No 11 Housing on Backland Sites is also relevant. Design guidance for high quality design is set out in the Council's LDD11 Supplementary Planning Document on Design Quality.

10.4 Two objection letters have been received from the occupiers of nos 5 and 7 Rose Gardens regarding the proximity of the gable of the nearest proposed dwelling being less than 1m from the rear boundary of these properties, the gable having a maximum height of just over 8m and resulting in looking out on to a blank gable, loss of privacy and obstruction of daylight and sunlight to their houses and back gardens, loss of views and impact on trees. One letter has been received with concerns relating development being out of keeping with the surroundings.

10.5 The Westholme Farm Social Club has raised objections to the proposed 2.1m acoustic fence located adjacent to the club and has concerns about access to the main entrance and from emergency exits for users of the club and in particular disabled and wheelchair users and access for emergency services. The club also objects to the fence on the grounds it will make the access area unattractive and will affect their outlook and the sociability of the area. Westholme Farm Social Club considers the development is overdevelopment, not in keeping with the area, of inappropriate design, will lead to loss of light, air and amenity to users of the club.

10.6 The proposed development comprises a terrace of six two storey properties with dormer windows in the roofs to the front overlooking the open space to the north and veluxes in the rear roofs. Each dwelling has a bedroom and bathroom in the roof. The eaves height is approximately 5.7m with a maximum roof height of approximately 8.2m. From the information submitted with the application the eaves height of properties in the area are approximately 5m and a maximum roof height of approximately 7.4m a difference of approximately 0.7m in eaves height and 0.8m in maximum height between existing and proposed dwellings.

10.7 The Council's minimum distances to provide privacy and outlook are set out in DCPS 14. From the levels given with the application the proposed dwellings will be situated at approximately the same level as adjacent properties in Mullen Road and Rose Gardens. The proposed dwellings are located approximately 21.2m from the main rear elevation of properties in Mullen Road at the nearest point, and approximately 15.5m from the main rear elevation of no 5 Rose Gardens.

10.8 The minimum distance to a gable set out in DCPS14 is 12m and in this instance although the building is 0.7m higher than the houses in Rose Gardens the distance is 15.5m which officers consider is acceptable. It should be noted that nos 1 and 2 Rose Gardens, although in a different orientation, are located approximately 10.2m and 10.5m respectively from adjacent property gables. It is officer opinion that the proposed development meets the Council's minimum privacy and outlook distances.

10.9 Nos 5 and 7 Rose Gardens and nos 58-64 Mullen Road all have a ground floor offshot approximately half the width of the rear elevation of the house that have a blank elevation to the proposed development. The main rear elevation of nos 5 and 7 Rose Gardens lie to the east of the proposed development approximately 15.5m away. The proposed development is likely to cause some loss of sunlight to the gardens later in the afternoon and evening but not for the whole day. It is officer opinion that the proposed development will not have a significant detrimental impact in terms of daylight and overshadowing to form a reason for refusal.

10.10 Two car parking spaces per dwelling are proposed to the rear of each dwelling and two visitor spaces are proposed to the rear of the club. The club has objected to the two visitor spaces on the grounds that the land to the rear of the club is in their ownership.

This land is in the ownership of the Council and is leased to the Club. The land owned by the applicant goes up to the west elevation of the club building. It is understood that discussions with Strategic Property regarding the western boundary of the application site and ownership of the land to the rear of the club is ongoing. Planning permission can be applied for and approved on land not owned by an applicant. Any issues regarding land ownership should be resolved between the landowner and the developer.

10.11 One objection has been received relating to the detrimental effect the proposed development will have on the views the residents of Mullen Road have towards the countryside of the Rising Sun Country Park and of the visual impact

to existing residents bordering the site. The right to a view is not a material planning consideration.

10.12 Bin stores are proposed to the rear of the properties and a bin collection point is proposed on the footpath within the site for bin collection day. A 1.8m close boarded fence is proposed along the boundaries with the rear gardens of nos 3-7 Rose Gardens and 56-64 Mullen Road. A 1.8m hit and miss fence is proposed on the boundary to the open space to the north of the site. Concerns have been raised about the pathway that runs adjacent to the rear fence of properties in Rose Gardens. This is not a public access. It gives access to the rear of plot 6 and will be gated. A 2.1m acoustic fence is proposed on the boundary of the site with the club. The location has been revised from the initial submission so that it no longer extends past the main entrance of the club on the east elevation of the building. The acoustic fence is required to address noise issues from the rear of the club and this is set out in paragraph 12 below. Concerns about emergency access and access for disabled and wheelchair users are matters for the club to address with the developer.

10.13 The site is generally covered with low level scrub, some unmanaged semi-improved grassland and there are three trees on the southern boundary. Two of these within the site are to be removed and the tree within the garden of no 64 will remain. There is a group of trees to the rear of the club one of which is within the site. This is to be retained.

10.14 The Landscape Officer has advised that there are no significant landscape features on the site and that an arboricultural Method Statement will be required to demonstrate the means to protect the canopy and root structure of the trees and that a detailed landscape scheme should also be conditioned. The Biodiversity Officer has no objections to the scheme but has advised that as two native trees, scrub habitat and small areas of semi-improved grassland are to be lost, two native trees and three bird boxes on the proposed buildings should be provided to mitigate for any losses. Conditions are recommended relating to a tree protection, no vegetation removal during the bird nesting season and the installation of three bird boxes on the proposed buildings.

10.15 As there is little room for landscaping or for the planting of two trees within the site, it is officer opinion that a landscape condition should not be imposed.

10.16 It is officer opinion that the proposed design, massing, scale, layout, access, parking and refuse storage are acceptable and therefore the proposal accords with policies H5, H11, DCPS 11 and DCPS 14 and LDD11 Design Quality.

11.0 Highway Issues

11.1 A new access is proposed off Mullen Road between no 64 Mullen Road and Westholme Farm Social Club. This is wide enough for two way traffic. Two parking spaces per dwelling and two visitor spaces are proposed.

11.2 Objections have been received from occupiers of two nearby residential properties and Westholme Farm Social Club plus a letter of concerns, regarding increased traffic congestion, narrow access road, impact of traffic entering and

leaving the site on traffic and pedestrian safety as Mullen Road is a busy road and is used as a route to and from schools in the area. The club also considers that parking provision is inadequate as two visitor spaces are proposed on land leased by the club from the Council. The club also has concerns that families may have more than two cars.

11.3 The Highway Network Manager has advised that the proposed access is acceptable, the proposed parking accords with LDD12 and refuse storage within each property and on collection day is acceptable subject to conditions relating to the new access, turning areas and parking being laid out prior to occupation and a construction management plan and a scheme to manage refuse collection being agreed. The Operations and Logistics Manager (Refuse Collections) has advised that the location for bins on bin collection day is acceptable. A condition is recommended to ensure an area for storage of twelve bins on bin collection day is available.

11.4 It is officer opinion that the access, turning, parking and refuse storage and collection for the proposed development is acceptable and accords with LDD12.

12.0 Impact on Residential Amenity

12.1 The 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'.

12.2 Advice in National Planning Practice Guidance (NPPG) indicates that noise impacts can be mitigated using a variety of measures including an engineered solution to mitigate noise at its source, designing the layout of new development to minimise exposure to noise, using planning conditions to restrict activities and mitigation measures as part of the proposed development such as insulation and acoustic glazing with an alternative means of ventilation to allow windows to remain shut.

12.3 A noise assessment has been submitted with the application. The Manager of Environmental Health has advised that there are concerns regarding associated noise from the adjacent Club from amplified music and customer noise. The main entrance and a smoking shelter are located on the east side of the club and there are two fire escapes to the rear of the club on the north and east elevations. The Manager of Environmental Health has advised that the amplified music from the club will be audible at the proposed development. The noise assessment was carried out during spring when doors and windows at the club were closed. The Manager of Environmental Health has concerns that during warmer months the noise levels from amplified music from the club will be higher, when windows and doors are opened for ventilation purposes and could give rise to complaints from the occupiers of the proposed development. Users of the club were noted in the report congregating around the entrance to the club to smoke. There is a smoking shelter to the north of the entrance to the club. Congregation here will result in noise from voices and speech.

12.4 The noise assessment makes a number of recommendations to mitigate noise from the club including the provision of a 2.1m acoustic barrier between the club and the proposed residential development and to the western boundary of

gardens of the proposed development, ensuring double glazing achieves a minimum standard to mitigate the maximum noise levels and use of acoustic trickle vents. The Manager of Environmental Health has also advised that acoustic trickle vents will be inadequate in addressing thermal comfort in the properties during warm summer months and advises that either a whole house ventilation system with variable controls in habitable rooms or individual mechanical units in habitable rooms is used to boost ventilation when entertainment is taking place at the club when residents may not wish to open windows.

12.5 The Manager of Environmental Health has advised that if planning approval is recommended then conditions should be imposed relating to the submission of details of a noise scheme and of glazing specifications; a ventilation scheme; an acoustic double lapped fence of a minimum of 2.1m high on the western boundary of the site and 1.8m to gardens of the proposed development.

12.6 It is officer opinion that the proposed development is acceptable with conditions imposed to reduce the impact of any noise from the adjacent club and that the proposal accords with policies H5, H11 and DCPS14.

13.0 Other issues

13.1 Contamination

13.2 The NPPF states that where a site is affected by contamination planning decisions should ensure that the site is suitable for its new use taking into account amongst other things any proposals for mitigation including land remediation.

13.3 Policy E3 of the North Tyneside Unitary Development Plan 2002 seeks to minimise the impact of pollution on the environment, including existing land uses, and on the proposed development and will support and encourage measures, including monitoring of pollution to reduce existing pollution to the lowest practicable levels.

13.4 The Contaminated Land Officer has advised that the site is immediately adjacent to an infilled watercourse. Landfill about 70m south of the site was remediated in 1991. The applicant has submitted a Combined Phase 1 and 2 Ground Investigation Report which states there are elevated levels of lead and PAH's (polycyclic aromatic hydrocarbons). The Contaminated Land Officer has advised that remediation or protection measures may be required to ensure future stability of the site for future residential development.

13.5 The Contaminated Land Officer has no objection to the proposed development subject to conditions relating to the submission of a remediation statement prior to commencement of development and a validation report prior to occupation of the development to ensure that materials imported onto the site are suitable for residential use. This should include test certificates and interpretation of results. The Contaminated Land Officer has also recommended a condition for the submission of the complete gas monitoring results and their interpretation and any remediation and validation if required.

13.6 One letter has been received raising concerns about the former pits in the area. The site is not in a coal mining high risk area but if the application is approved an informative will be included advising that if any coal mining features are found during development, this should be reported to the Coal Authority.

13.7 It is the view of officers that with remediation, the site is suitable for residential use and accords with policy E3 of the UDP and the NPPF.

13.8 Drainage

13.9 The NPPF and the Planning Practice Guidance aim to ensure that flood risk is taken into consideration at all stages of the planning process in order to avoid inappropriate development in areas at medium to high risk of flooding.

13.10 Objectors including the adjacent club which was flooded in 2012 have raised concerns about flooding.

13.11 The site is not located in a flood risk zone. The applicant has submitted a drainage strategy which proposes the attenuation of surface water within the site using a combination of oversized pipes, storage crates & water butts and to restrict the volume of surface water discharge from the site into the nearby culvert at a controlled rate of 5l/s. The applicant also intends to install a filter drain within the rear gardens of proposed properties to reduce the impact of surface water run-off into the adjacent properties.

13.12 The Surface Water Management Team commenting as the Local Lead Flood Authority advises that the proposed drainage strategy is acceptable.

13.13 Northumbrian Water have requested that if the application is approved a condition is imposed for the submission of details of foul and surface water from the development to be agreed in order to prevent increased risk of flooding.

13.14 Financial Benefits

13.15 The proposal involves the creation of six dwellings. The Government pays New Homes Bonus to local authorities to assist them with costs associated with housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

13.16 As the system currently stands, for North Tyneside, for the new increase in dwellings built in 2016/17, the Council will receive funding for the six years from 2018/19. It should be noted, however, that the Government are currently reviewing the operation of the New Homes Bonus Scheme, including reducing the numbers of years for which payments are made. This was outlined in the Government Consultation paper "New Homes Bonus: sharpening the incentive: technical consultation", which they issued in December 2015. This Consultation closed on 10 March 2016, and the Government are yet to report their findings.

13.17 In addition, the units will bring in revenue as a result of Council tax.

referred to in section 6.1 of BS5837:2012

All existing trees, shrubs and other natural features not scheduled for removal to be fully protected during the course of the site works and building operations in accordance with BS 5837: 2012

No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with fencing as detailed in the tree protection plan. Fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area. Activities relating to traffic management/site compounds/contractor access should be designed in accordance with the layout of the protective fencing.

Reason: To ensure trees to be retained are adequately protected from damage during the execution of the works hereby permitted from the outset of the development, in the interests of visual amenity having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

5. No utilities or drainage should be located within the root protection areas of retained trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of National Joint Utilities Group publication Volume 4.

Reason: To ensure trees to be retained are not damaged by the installation of utilities within their root protection areas, in the interests of visual amenity having regard to policy E14 of the North Tyneside Unitary Development Plan 2002

6. Prior to commencement of development a Remediation Statement, having regard to the Phase 1 Desk Top Study and Phase 2 Ground Investigation Report 2015 by Geo Environment Engineering, shall be submitted to and agreed in writing by the Local Planning Authority. This should provide details of exactly how the remediation works are to be carried out on site and a detailed site location plan of where material is to be deposited.

If any unexpected contamination or hotspots are encountered during the 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 cease 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 Remediation Scheme.

Reason: This is required at the outset of the development to ensure that the potential contamination of the site is properly remediated 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.

shall be 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 ensure a satisfactory means of drainage in the interests of minimising environmental pollution and to prevent the increased risk of flooding from any sources having regard to policy H5, H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002 and the National Planning Policy Framework.

14. No construction above ground level shall take place until a noise scheme has been submitted to and approved in writing by the Local Planning Authority in accordance with Section 6.3.2 of noise report 15-51-361 by Northburn Acoustics dated 12 May 2015, and shall provide details of the acoustic specification of the enhanced window glazing to be provided to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB(A) at night and prevent the exceedance of L_{max} of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LA_{eq} in accordance with the World Health Organisation Community Noise levels for internal residential houses. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the occupants of the residential properties from noise disturbance from the adjacent social club having regard to policy H5, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

15. Prior to development commencing, the ventilation scheme for habitable rooms must be submitted for approval in writing by the Local Planning Authority 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. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the occupants of the residential properties from noise disturbance from the adjacent social club, to ensure good ventilation without recourse to opening windows, having regard to policy H5, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

16. Notwithstanding any indication of materials which may have been given in the application, no construction above ground level shall take place until a schedule and/or samples of all external finishing and surface materials for the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy H5, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

17. Notwithstanding any details of means of enclosure which may have been given in the application, prior to installation of means of enclosure, 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 at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy H5, H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

18. The means of enclosure on the western boundary of the site adjacent to the east and north of the Westholme Farm Social Club building shall be an acoustic barrier comprising a 2.1m double boarded acoustic fence in the location shown on the Proposed Site Layout drawing IB2 08 Rev A.

The means of enclosure on the western boundary of plot 1 to the front and rear gardens shall be an acoustic barrier comprising an 1.8m double boarded acoustic fence in the location shown on the Proposed Site Layout drawing IB2 08 Rev A.

Prior to the installation of the acoustic fence, and notwithstanding any indication of fencing which may have been given in the application, details of the acoustic fence shall be submitted to and agreed in writing by the Local Planning Authority. Prior to occupation of any dwelling on the site the acoustic fence shall be implemented in accordance with the details agreed and permanently retained thereafter.

Reason: To protect the occupants of the residential properties from noise disturbance from the adjacent social club having regard to policy H5, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

19. At least 3 No. 240 litre wheeled bins shall be provided for each property. Details of bin stores as shown in the location on Proposed Site Layout drawing IB2 08 Rev A shall be submitted to and agreed in writing by the local planning authority prior to the installation of the bin stores. Thereafter, the said agreed details shall be implemented prior to the occupation of the dwellings.

Reason: To protect the visual and residential amenity of the surrounding area in accordance with policies H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

20. The bin collection point for bins on bin collection day shall be for 12 bins and in the location as shown on the Proposed Site Layout drawing IB2 08 Rev A unless otherwise agreed in writing by the Local Planning Authority. This area shall be permanently retained for bins on bin collection day.

Reason: To ensure bins can be collected on bin collection day without implications for pedestrian and traffic safety having regard to policy H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

21. Prior to occupation of the dwellings hereby approved, a scheme to manage refuse collection 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 and before the development is occupied.

Reason: In the interests of highway safety having regard to policy H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

22. New Access Access Before Devel ACC10 *H11 and DCPS
14

23. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to LDD12 Transport and Highways and the National Planning Policy Framework.

24. Three bird nesting boxes shall be provided within the scheme on the buildings. Prior to implementation of the bird nesting boxes, details including design and location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the bird boxes shall be implemented prior to occupation of the dwellings hereby approved in accordance with the approved details and retained thereafter.

Reason: To mitigate for the loss of nesting opportunities on the site in the interest of biodiversity having regard to the National Planning Policy Framework.

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Coal Mining Standing Advice (FUL,OUT) (I44)

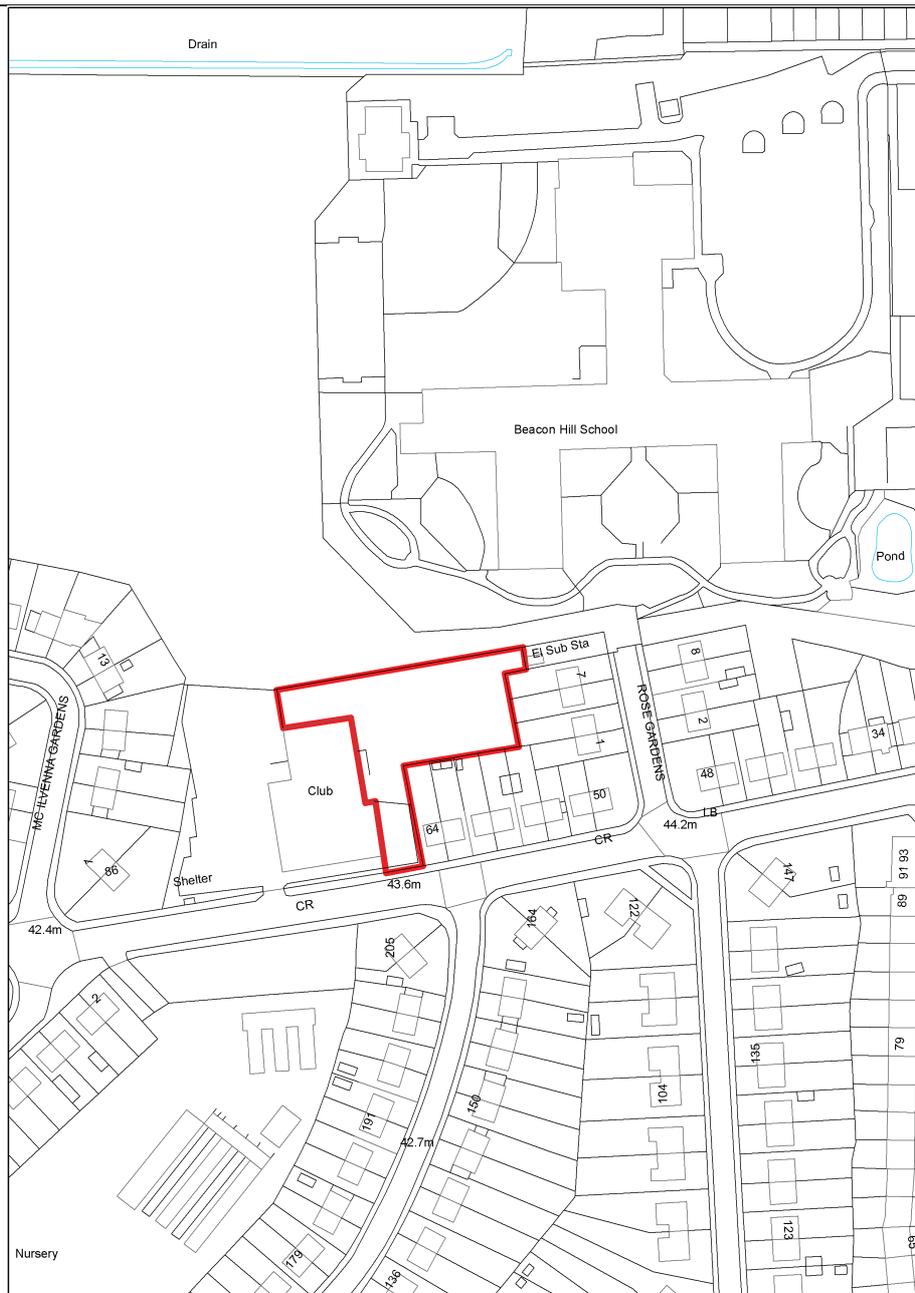
The developer should notify Newcastle Airport prior to the use of cranes on site to ensure that the 07 airway is free from obstruction.

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)

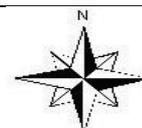


Application reference: 15/01527/FUL
Location: Land To Rear And East Side Of, Westholme Farm Social Club, Mullen Road, Wallsend
Proposal: Construction of 6no terraced town houses with associated access road and landscaping

Not to scale

Date: 30.06.2016

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Appendix 1 – 15/01527/FUL Item 5.1

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 The site is accessed via Mullen Road and parking will be provided in accordance with the standards set out in LDD12. Refuse will be stored within each plot and collected from the back of the highway. Conditional approval is recommended subject to conditions relating to the new access, turning areas and parking being laid out prior to occupation and a construction management plan, a scheme to manage refuse collection being agreed.

1.3 Surface Water Management Team (Lead Local Flood Authority)

1.4 The drainage proposals for this application are acceptable. The applicant is proposing to attenuate the surface water within the site using a combination of oversized pipes, storage crates & water butts and to restrict the volume of surface water discharge from the site into the nearby culvert at a controlled rate of 5l/s. Additionally the applicant intends to install a filter drain within the rear gardens to reduce the impact of surface water run-off into the adjacent properties.

1.5 Contaminated Land Officer

1.6 The site is immediately adjacent to an infilled watercourse. This watercourse was infilled pre- Control of Pollution Act 1974. The landfill c. 70m south of the site that resulted from the infilling of the watercourse was remediated in 1991 which included the installation of a gas venting trench and a capping layer.

1.7 I have read the Draft Combined Phase 1: Desk Top Study and Phase 2: Ground Investigation Report 2015 by Geo Environmental Engineering.

1.8 I acknowledge that there is no asbestos contamination found in the samples tested. However the report has stated that elevated levels of lead and PAH's (polycyclic aromatic hydrocarbons) are elevated and consequently, remediation or protection measures may be required to ensure the future suitability of the site for future residential development.

1.9 Prior to the commencement of development I require the submission of a Remediation Statement for this to be agreed with the LPA. Following completion of the remedial works, a Validation Report will also be required, verifying the works carried out. Any materials imported onto site for use within the clean cover system will need to be validated to ensure they are suitable for use.

1.10 If materials are required to be brought to site to raise site levels, to act as a growing medium in gardens/soft landscaping (topsoil) or as part of a clean cover system then certification and/or soil testing results should be reviewed by a suitably experienced and qualified geo-environmental engineer to ensure that potentially contaminated materials are not being brought to site. I require the test certificates and an interpretation of the results to be submitted and approved by the LPA prior to the commencement of development.

1.11 I note that the monitoring of ground gas was to take place over six site visits over a minimum three-month period in accordance with CIRIA C665 (Table 5.5a and 5.5b). Two of the four monitoring visits completed to date have identified periods of low atmospheric pressure. There were a further two rounds of monitoring outstanding and as such I require the submission of all rounds of gas monitoring along with an interpretation of the results, to be agreed by the LPA prior to the commencement of development.

1.12 Environmental Health Officer

1.13 I have concerns with regard to associated noise from the adjacent Westholme Farm Social Club arising from amplified music and customer noise.

1.14 I have viewed the noise assessment report that has considered noise arising from the Club; it has established that amplified music from the club is audible at the proposed residential properties. The assessment was carried out during spring when doors and windows at the Club were closed. I have concerns that during warmer summer months the amplified music from the club will be higher, when doors and windows are opened for ventilation purposes and this may give rise to complaints about loud amplified music. Customers of the Club were also noted congregating almost constantly during the noise monitoring, outside to the front of the premises to smoke. This will give rise to noise from loud voice and speech.

1.15 The noise consultant has specified a number of recommendations to mitigate noise from the club including the provision of an acoustic barrier between the Club and the proposed residential development, ensuring the double glazing achieves a minimum standard to mitigate the maximum noise levels and use of acoustic trickle vents. It is my considered opinion that the acoustic trickle vents will be inadequate in addressing thermal comfort in the properties during warm summer months, and it is advisable that either a whole house ventilation system to comply with System 3 of Approved Document F with variable controls in habitable rooms is specified to give residents the option to boost ventilation when entertainment is taking place at the Club when residents may not wish to open windows, or individual mechanical units are provided to habitable rooms.

1.16 With regard to the acoustic fencing between the social club and the proposed residential housing and the garden fences; it is recommended that the fencing boards are overlapped to ensure the long term integrity of the fencing. This is to minimise gaps between the timber boards that will affect the acoustic performance of the fence.

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

1.18 Submit and implement on approval of the Local Planning Authority a noise scheme in accordance with Section 6.3.2 of noise report 15-51-361, providing details of the acoustic specification of the enhanced window glazing to be provided to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB(A) at night and prevent the exceedance of L_{max} of 45 dB(A)

and living rooms meet an internal equivalent noise level of 35dB LAeq in accordance with the World Health Organisation Community Noise levels for internal residential houses.

1.19 Prior to development, the ventilation scheme for habitable rooms 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.

1.20 Details must be provided to the local planning authority for approval and thereafter implemented and retained to ensure an acoustic double lapped fence of minimum 2.1 metre height is provided to the western boundary of the site in accordance to site layout plan reference IB2-02 to provide an acoustic barrier between the residential properties and the Westholme Farm Social Club. To protect against associated noise arising from the Club.

1.21 Details must be provided to the local planning authority for approval and thereafter implemented and retained to ensure double lapped fence of minimum 1.8 metre height is provided to the gardens to attenuate against noise arising from the Westholme Farm Social Club.

1.22 Conditions relating to hours of construction and a dust and mud suppression scheme should also be imposed.

1.23 Landscape Advice

1.24 There are no significant landscape features in relation to the proposed site area but several large trees are located just outside to the northwest in a small pocket of land between the (club) building and the north boundary of the site. The proposed vehicular and pedestrian access to the site from Mullen Road will pass very close to these trees so protection measures will be required.

1.25 An arboricultural Method Statement (MS) will be required to demonstrate how the measures will protect the canopy and root structure of the trees, with an attached plan showing the extent of the protection (fencing) and distance (dimensioned) prior to commencement of the works.

1.26 Special care therefore should be carried out and demonstrated, in relation to the protection (MS) of these and any other retained trees and their root systems. Reference is drawn to the regulations set out below with regard to any proposed works and the applicant should provide evidence of how that will be achieved.

1.27 A detailed Landscape Scheme should be submitted, with reference to the layout of the general external areas including associated access and boundary (perimeter) treatments and materials (hard and soft). This should take into account the prevailing landscape flavour and species of the immediate and wider area, including type and sizes of any proposed trees, hedges and shrubs.

1.28 No utilities or drainage should be located within the root protection areas of retained trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the

requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

1.29 All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

1.30 Biodiversity Officer

1.31 The site is generally covered in low level scrub (mainly dog rose and bramble) with quite an extensive area of this in the south east corner. There are two trees which look to be identified for removal. A fruit tree in the south west corner and another tree in the south east corner. There is another fruit tree close to the first one and I presume that one is remaining judging by the plans, There are also parts of the site which contain unmanaged semi-improved grassland supporting some uncommon wildflowers such as greater burnet. There was evidence of bird nesting within the site.

1.32 The development will result in the loss of 2 native trees, along with some scrub habitat and small areas of semi-improved grassland. There are some poplar trees to the north west of the proposed access road and these would need to be protected during any development works.

1.33 The above scheme leaves little room to provide landscaping on this site, however, at least 2 native trees should be provided within the landscape scheme to mitigate for any impacts. In addition, as scrub habitat providing potential nesting habitat for birds is also being lost, I would like to see a minimum of 3 bird boxes sited within the scheme, on proposed buildings.

1.34 I would recommend conditions relating to the following:

No vegetation removal should take place in the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Detailed landscape plan to be submitted to the Local Authority for approval prior to development commencing.

3 bird boxes to be provided within the scheme. Details of location and type to be submitted to the Local Authority for approval prior to development commencing. All trees within close proximity to the site must be protected via appropriate tree protection measures.

1.35 Operations and Logistics Manager (Refuse Collections)

1.36 Location of bins on bin collection day is acceptable but storage for twelve bins will be required.

2.0 Councillor comments

2.1 Councillor Spillard

2.2 I wish to request that the application be considered by the Planning Committee unless planning officers are minded to refuse the application.

2.3 My initial concerns relate to overdevelopment of the site, the impact of the proximity of the gable end of the properties to the rear of the houses in Rose Gardens and vehicle access, that it is single vehicle width only and the impact on

traffic on Mullen Road of vehicles entering and exiting the entrance to the houses.

2.4 My reasons for the request are;

- Environmental Health- Contamination have recommended refusal and Pollution have raised concerns about noise from the adjacent Westholme Club although if it were to be agreed conditions could be attached as recommended by the consultee.
- Access to the site is very narrow and will I believe only allow single traffic, this will cause safety issues and traffic holdups on a very busy road.
- The proposed dwellings will have a visible impact on some of the properties in Rose Gardens as they are three storeys and the gable end is only a metre from the boundary of 7 Rose Gardens. This will be visually intrusive and block light thereby reducing enjoyment of the property.
- I believe refuse wagons will not be able to drive onto the site, this will mean bins from 6 houses will have to be transported onto the narrow pathway on Mullen Road which could block the pavement on what is a busy route to Wallsend Jubilee Primary School.

2.5 Councillor Marion Huscroft

2.6 The application above is next to Westholme Farm Club, the plans show the access going past the front entrance to the club and affects the disabled access to this property, they are the leaseholders, yet no-one from the Planning Department has approached them, they have not received any neighbourhood notifications or anything else from the Council pertaining to these plans, can you please ensure that this is rectified and they are given time to pass comments.

2.7 Councillor Nigel Huscroft

2.8 I am concerned to learn that the Westholme Farm Club, which is immediately next to this site, has not been notified of this application. They are only aware of it following a visit to the site by an officer from the Planning Department. The Club lease the land the Club is on, the plans apparently show the access road as going passed the current front entrance and where the disabled access is.

2.9 I would like to ask for this application to be referred to the Planning Committee if the officers are minded to approve on the following grounds;

1. Failure to contact the club and the fact that the proposed access will compromise their (the clubs) disabled access.
2. The plans show phase one, so is there going to be phase two, phase three? We should know what exactly is suggested here rather than look piecemeal.

3.0 Representations

3.1 Two letters of objection from two addresses have been received with the following objections:

- Gable ends would completely cover the bottom of back garden
- Impact on light to rear gardens in Rose Gardens and Mullen Road
- Loss of light/over-shadowing – the proposed buildings are over 8m high and less than 1m from the boundary fence of back gardens in Rose Gardens. Houses and gardens overshadowed throughout the year but worse in winter when sun is lower. Depending on position of the sun will also affect back gardens of Mullen Road

- Impact on privacy
- Concerns the proposed pathway between the gable end and the dwellings to the east of the site would encourage people to loiter
- Loss of views towards Rising Sun Country Park
- Loss of privacy to gardens and rear windows
- Visual impact-proposed houses are over 1m higher than the present houses and in close proximity
- Materials do not match the surrounding area
- Impact on traffic safety; Mullen Road is an existing busy road and used as a school route
- 1.8m fence runs to the kerb on Mullen Road, obscuring views to and from the highway
- Increase in noise
- Developing the site would lead to an increase in flooding
- Impact on trees and wildlife
- The group of trees (one of which is in the site) form a local landmark and should be retained and covered by a tree preservation order
- Placing larger houses on a small area is unfair on the people living in the local vicinity
- Objector states that their house would be affected the most, querying if the site was laid out this way as they are a Council tenant rather than an owner occupier. The site is not included in the local plan, does this not indicate that the site is not suitable for development
- Site has been used as a rubbish tip in the past, has the ground been tested for contamination

3.2 One letter from 1 address making comments

- Impact on landscape
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- Three storied town houses are totally not in keeping with surroundings. I agree we need houses.
- There were pits in this area which should be considered

3.3 One letter of objection from Westholme Farm Social Club

Our client owns the adjoining land as Leaseholders for the balance of a term of 99 years from 6 May 2011.

We are instructed by our clients to object to the planning application on the following grounds:-

- The applicant proposes to build a fence 2.1 metres high on land which is in the ownership of our clients, near to their northern and eastern boundaries.
- The application shows 2 visitor parking spaces on land which is already in the ownership of our clients to the north of our clients land.
- The proposed fences do not allow enough room for access to the main entrance to our clients property by able bodied or disabled visitors including wheelchair users.

- The proposed fence does not allow enough room for use by our clients and members and visitors of the existing emergency exits from the property by able bodied or disabled visitors including wheelchair users.
- The development of 6 houses with associated car parking and roads will substantially increase the risk of flooding in the area. Our clients property suffered from surface water flooding in June 2012 and also on one occasion in the 1980s. Drainage from the site and the adjacent school field is inadequate.
- A development of 6 houses will lead to increased traffic congestion, danger crossing Mullen Road and additional pollution. Mullen Road is a bus route and is also used by vehicles and on foot for parents and children to have access to the local schools being Jubilee Primary, St Bernadette's and Beacon Hill.
- The new roadway to give access to the proposed development would appear to be a single file road only and is narrow. This means that traffic will have to wait on Mullen Road while vehicles exit from the development once the properties are occupied. This is unsafe and will lead to accidents. Not enough provision has been made for traffic/pedestrian safety.
- The land on the eastern boundary of our clients property can be used by emergency services such as Fire and Ambulance for access to the property. The main entrance to the club premises is on this side of the building. Our clients are concerned there will not be sufficient access to their premises in emergency.
- Our clients are concerned that the development will have a negative effect on road and pedestrian safety in the area.
- Our clients say that building a 2.1 metre high fence on their eastern boundary will make the access area unattractive to their premises. This is currently a clear and open area. The construction of a 2.1 metre high fence will severely effect their outlook and general attractiveness and sociability of the area.
- The construction of 6 3 storey properties is overdevelopment. This is not in keeping with the area which is primarily semi-detached 2 storey houses and semi-detached bungalows. The proposed development is an inappropriate design.
- The development will lead to a loss of light, air and amenity to our clients.
- The proposed development has inadequate provision for car parking. Two visitor parking bays are allowed on land belonging to our clients which they will not permit. Therefore each property only allows for 2 parking spaces. Because of the size of the houses it is considered that families may have more than 2 cars per household. This does not allow for visitors or tradesmen carrying out work to each of the properties once the development has been completed.

4.0 External Consultees

4.1 Newcastle International Airport

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

4.3 An informative should be placed on the planning decision notice requesting the developer to notify the airport prior to the use of cranes on site. This will ensure that the 07 airway is free from obstruction.

4.4 Northumbrian Water Ltd

4.5 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.

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

4.7 The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request a condition for a detailed scheme for the disposal of foul and surface water from the development to be submitted and approved in order to prevent increased risk of flooding.

4.8 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 ie soakaway, watercourse, and finally sewer. If sewer is the only option the developer should contact NW to agree allowable discharge rates & points into the public sewer network.

4.9 NATS Safeguarding (en route air traffic)

4.10 The proposed development does not conflict with our safeguarding criteria. Therefore there is no safeguarding objection to the proposal.