

Item No: 5.2
Application No: 16/01039/FUL Author: Rebecca Andison
Date valid: 2 September 2016 ☎: 0191 643 6321
Target: 28 October 2016 Ward: Cullercoats
decision date:

Application type: full planning application

Location: Land South of Beverley Villas Electricity Sub Station, Marden Avenue, Cullercoats, Tyne And Wear

Proposal: Demolition of existing storage facility and erection of new storage building with pitched roof and velux windows. Section of the dilapidated boundary wall to the south will be demolished and rebuilt to form the south elevation of the new storage building. Construct a wall to the east with metal door and roller shutter

Applicant: Mr Dennis Clark, 178 The Broadway Tynemouth NE30 3RX

Agent: AJ Walton Architecture & Surveying, FAO Mr Alan Walton 38 Linskill Terrace North Shields NE30 2EN

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

The main issues in this case are;

- The impact on residential amenity;
- Design and impact on the conservation area; and
- Whether the impact on parking and highway safety is acceptable

1.0 Description of the Site

1.1 The application site is located to the rear of Beverley Terrace, and is separated from this street by an access road.

1.2 The site currently contains a storage building. It lies immediately to the south of a sub-station; beyond which is a block of flats (Beverley Villas). To the rear (west) of the site is Cullercoats Primary School. The adjoining site to the south contains a garage and garden.

1.3 The site is located within the Cullercoats Conservation Area.

2.0 Description of Proposal

2.1 Permission is sought to demolish the existing building and construct a replacement storage building. Alterations to the boundary walls are also proposed.

2.2 The proposed building would be located at the rear of the site. It measures 11.2m (max.) in length and 5.9m in width. A pitched roof is proposed, which measures 5.3m to ridge and 3.2m to eaves. 3no roof lights are proposed and there would be a roller shutter and pedestrian door within the east elevation.

2.3 To construct the garage it is proposed to partially demolish and rebuild the southern boundary wall, to form the side elevation of the garage. A new brick wall, containing a roller shutter and door, is proposed at the eastern end of the site. This would be set in from the rear lane by 5.1m and measures 2.7m in height.

3.0 Relevant Planning History

3.1 Rear 20 Beverley Gardens:

14/00006/FULH - Demolish existing 2no single and 1no double garages and construct 4no car garage with sauna and a gymnasium (Re-submission 13/01255/FULH) – Permitted 27.02.2014

Garage measures 6.7m x 13.2m. Ridge height 5.5m (3.0m to eaves)

3.2 Rear of 33 Beverley Terrace

14/00302/FUL: Erection of detached garage

Permitted 09.06.2014

Garage measures 12.2m in length. Ridge height of 5.5m (2.6m to eaves).

3.3 26 Beverley Terrace:

10/01385/FULH - Replace existing dilapidated garage with detached garage with pitched roof – Permitted 05.08.2010

Garage measures 13.5m x 6.5m. Ridge height 5.5m, eaves 3m.

3.4 Rear 36 Beverley Terrace:

15/00561/FULH - Proposed garage with storage within roof space – Permitted 10.06.2015

Garage measures garage measures 6.7m x 13.5m in length. Ridge height of 5.6m, eaves 3.0m

4.0 Development Plan

4.1 North Tyneside Council Unitary Development Plan (adopted March 2002)

4.2 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 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 Detailed Planning Considerations

6.1 The main issues in this case are:

- (i) Impact on residential amenity
- (ii) Design and impact on the conservation area
- (iii) Impact on parking and highway safety

7.0 Impact on Residential Amenity

7.1 Policy H11 of the UDP states that the impact of the proposal on its site, local amenity, the environment and adjoining land uses must be taken into account when considering proposals.

7.2 DCPS No.9 set out the material considerations to be taken into account when determining applications for residential extensions which include the effect on the amenity of neighbouring occupiers in terms of loss of light, outlook and privacy.

7.3 Directly to the north of the application site is a substation and car park, and beyond are residential flats within Beverley Villas. There are windows in the southern elevation of the flats, facing the application site. The closest first and second floor windows are located approximately 5.1m from the northern boundary of the site. These windows would overlook the proposed storage building. The roof of the proposal would project 0.9m above the substation but the pitch is inclined steeply away from the boundary. It is not therefore considered that there would be any significant impact on residents to the north in terms of loss of light or outlook.

7.4 The adjacent site to the south contains a garage and garden, which does not currently appear to be used for recreational purposes. The boundary is formed by a brick wall, which varies in height from 0.6m to 2.0m, and is currently in a poor state of repair. It is considered that the proposal would have some impact on the adjacent site due to the height of the garage and boundary wall compared to the existing. However the impact on light would be minimal due to the location of the proposed building to the north, and it is noted that the majority of the gardens at the rear of Beverley Terrace are enclosed by high brick walls.

7.5 The proposed building would not impact on the residents of Beverley Terrace given that it would be located approximately 35m from the rear elevations of these properties.

7.6 Members must determine whether the proposal is acceptable in terms of its impact on the amenity of surrounding occupiers. In officer opinion the impact on

the living conditions of the neighbouring residents, with particular regard to loss of light, outlook and privacy, is acceptable.

8.0 Design and impact on the Conservation Area

8.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

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

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

8.4 Policy H11 of the North Tyneside Council Unitary Development Plan (adopted March 2002) seeks to ensure a high standard of design. Policy H11 stipulates that the local planning authority will take into account (amongst other things) the scale, density, massing, construction, landscaping and materials to be used in any proposal.

8.5 Policy E14 seeks to protect existing trees and landscape features in the urban area.

8.6 Development Control Policy Statement No.9 `Residential Extensions` states that material planning criteria to be taken into account when considering proposals include the effect of the proposal on the street scene and the character of the area as well as the extent to which the works have a high quality of design which reflects the character and materials of the existing building.

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

8.8 The Cullercoats Conservation Area Character Appraisal was adopted in July 2009 and requires all developments within the conservation area to be sympathetic to the area. It describes how the former service buildings at the rear of Beverley Terrace show that good, functional architecture can make a positive contribution to character.

8.9 The Conservation Officer has commented on the application. He supports the demolition of the existing building and states that the proposed replacement follows the form of other recent buildings on the street. It states that it is important to avoid setting a precedent for taller buildings, and that the construction materials should be controlled.

8.10 The scale and height of the proposed building is in keeping with other garages that have been approved at the rear of Beverley Terrace. The proposal would have less impact on the streetscene than other garages due to its position at the rear of the site. The proposed boundary walls are also in keeping with the character of the area, subject to timber doors being used in the rear lane boundary.

8.11 In officer opinion the scale and design of the proposal are acceptable. Conditions are recommended to control the building materials and the design/materials of the garage door.

8.12 There is a mature sycamore tree on the adjacent site to the north. The Council is in the process of imposing a Tree Preservation Order on this tree.

8.13 The tree is located in close proximity to the proposed development and accordingly the applicant has submitted a tree survey and Arboricultural Impact Assessment. The Assessment recommends that the tree is removed but states that it could be retained and protected.

8.14 The Landscape Architect has visited the site and considered the submitted surveys. She states that the tree is in reasonable condition, not in decline and has been given a 40+ year life expectancy. On this basis she recommends that the tree should be retained and protected.

8.15 Members need to determine whether the proposal would result in harm to the character or appearance of the conservation area. It is officer opinion that the impact on the conservation area is acceptable subject to the imposition of conditions regarding the building materials and requiring tree protection measures.

9.0 Impact on parking and Highway Safety

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

9.2 The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

9.3 Policy T11 states that parking requirements will in general be kept to the operational maximum.

9.4 LDD12 'Transport and Highways' SPD provides guidance on the Council's planning policies relating to transport and highways considerations. The SPD sets out the procedures that North Tyneside Council follows in order to ensure

that the transport implications of new developments are rigorously and consistently assessed and appropriate measures secured.

9.5 There are many existing garages to the rear of Beverley Terrace and the proposal is unlikely to result in a significant increase in traffic. The door is set back so it can open without obstructing the highway. The Highway Network Manager has commented on the proposal. He raises no objections and recommends conditional approval.

9.6 In officer opinion the proposal is acceptable in terms of its impact on highway safety and parking.

10.0 Other Issues

10.1 Ground Stability

10.2 The application site falls within a Coal Mining Development Referral Area and Coal Authority records indicate that there are coal mining features and hazards within the site and surrounding area which need to be considered in relation to the development.

10.3 It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development

10.4 The Coal Authority has commented on the application. They state that the information submitted fails to fully assess the risks posed by historic unrecorded shallow underground coal workings. They recommend that a condition should be imposed requiring that site investigation works and any necessary remedial works, should be undertaken prior to development.

10.5 It is considered that this imposition of this condition will ensure that the site is safe, stable and suitable for development.

11.0 Financial Considerations

11.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

11.2 Economically there would be benefits in terms of the provision of jobs associated with the construction of the building.

12.0 Conclusion

12.1 In officer opinion the proposed garage is acceptable in terms of the impact on residential amenity, the character of the conservation area and highway safety. The proposal is considered to accord with the NPPF, Policy H11, E16/2 and DCPS No.8 of the UDP. The application is recommended for conditional approval.

RECOMMENDATION: Application Permitted

10. The development hereby permitted shall not be constructed the details of a scheme of intrusive site investigation to fully assess the risks posed by historic unrecorded shallow underground coal workings has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement a detailed site investigation should be carried out in accordance with the agreed details; and a report of the findings and any resulting remedial measures, must be submitted to and agreed in writing by the Local Planning Authority in consultation with the Coal Authority. Thereafter, all mitigation measures identified must be carried out in accordance with the approved details.

Reason: To ensure that any risks associated with mining works are fully addressed and having regard to policy E3 of the North Tyneside Unitary Development Plan (March 2002).

11. Prior to the commencement of development a method statement for any repairs to the northern boundary wall, including any root pruning and engineering solutions to retain/protect the tree roots, shall be submitted to and approved in writing by the Local Planning Authority. If tree roots need to be cut to allow wall repairs to be carried out, full details must be included within the method statement.

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

12. If pruning work is to be carried out to the adjacent Sycamore tree this shall comprise crown raising the tree to give 4m clearance from the new building. All pruning works should be in accordance with BS 5837:2012.

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

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

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

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)

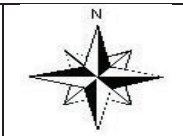
Advice All Works Within Applicants Land (I29)



Application reference: 16/01039/FUL
Location: Land South of Beverley Villas Electricity Sub Station, Marden Avenue, Cullercoats
Proposal: Demolition of existing storage facility and erection of new storage building with pitched roof and velux windows. Section of the dilapidated boundary wall to the south will be demolished and rebuilt to form the south elevation of the new storage building. Construct a wall to the east with metal door and roller shutter

Not to scale
 Date: 13.10.2016

© Crown Copyright and database right 2011. Ordnance Survey Licence Number 0100016801



**Appendix 1 – 16/01039/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the demolition of the existing storage facility and erection of a new storage building with pitched roof & velux windows, section of the dilapidated boundary wall to the south will be demolished and rebuilt to form the south elevation of the new storage building, construct a wall to the east with metal door & roller shutter. The use has not changed and the building is a replacement for the existing and approval is recommended.

1.3 Recommendation - Approval

1.4 Informatives:

I10 - No Doors/Gates to Project Over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

1.5 Manager of Environmental Health (Pollution)

1.6 I have no objection in principle with this application, but would recommend conditions to address hours of demolition and construction.

1.7 Conservation Officer

1.8 The plot is in the Cullercoats Conservation Area. I can support the demolition of the existing building on the site. The proposed replacement follows the form of several recent new buildings in the rear gardens to Beverley Terrace. I scale this building at 3.2m to the eaves and 5.3m to the ridge. It is important we establish the true figures in order to avoid creating a precedent of taller buildings for future applicants. If approved the roof should be clad in natural slate and not artificial slates. Consistent with other similar approvals we should require metal rainwater goods and require submission of samples for main construction materials. The doors facing onto the rear lane must be timber.

1.8 Landscape Architect

1.9 An arboricultural impact assessment (AIA), constraints plan and tree protection plan (TPP) has been submitted with the application. Adjacent to the application site is 1no sycamore tree which is growing up against the electricity sub-station and against the northern boundary wall of the development site. The tree is a self-seeded semi mature sycamore tree but has a level of visual significance within the conservation area.

1.10 The AIA states that the '*removal of the Sycamore tree is desirable but not essential for development to proceed*'. However, as the tree is located on neighbouring land any approved works will need consent from the owner of the tree prior to any works being carried out. The tree has been categorised as a 'U'

(Unsuitable for retention) under BS 5837:2012. However the tree is in reasonable condition, not in decline and has been given a 40+year SULE according to the report. Whilst it is acknowledged that there are site constraints affecting the tree and concerns about its suitability for retention, the tree can be retained whilst allowing the development to proceed. On this basis the tree should be categorised as a 'C', and retained with the following conditions applied:

- (i) Method statement for any repairs to the boundary northern wall including any root pruning, any engineering solutions to retain/protect tree roots. If tree roots are to be cut to allow wall repairs to be carried out a method statement for this will need to be submitted to ensure the long term retention of the tree.
- (ii) The tree should be crown raised to give 4m clearance over the development site to ensure clearance from the new building. All pruning works should be in accordance with BS 5837:2012

1.11 Tree protection (i.e. fencing) would not be required in this instance as the tree is located on adjacent land with the boundary wall acting to some extent as a barrier. Nevertheless tree protection is detailed in the AIA.

2.0 Representations

2.1 An objection letter and petition signed by 8no residents of Beverley Villas has been submitted

2.2 The grounds of objection are:

- Loss of view and light.
- Concern about the use of the building.
- Impact on parking/access.
- Lack of consultation with residents.
- Plans do not represent how the street will look.
- Noise and disruption.
- Impact on adjacent tree.
- Concern about further security measures.

3.0 Councillor Comments

3.1 Cllr David McMeekan has requested that the application is heard at Planning Committee due to the concerns of the residents adjacent to this development. He has also requested that a tree preservation order is imposed on the adjacent tree.

4.0 External Consultees

4.1 Tyne and Wear County Archaeologist

4.2 The former substation is of some minor interest, but it does not look very old and does not warrant archaeological recording. No archaeological work is required.

4.3 Coal Authority

4.4 The information submitted fails to fully assess the risks posed by historic unrecorded shallow underground coal workings.

4.5 The applicant should assess whether or not past mining activity poses any risk to their development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further

intrusive site investigation to ensure that the LPA has sufficient information to determine the planning application.

4.6 Alternatively, The Coal Authority would recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development.

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

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

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

4.9 The Coal Authority objection to the proposed development could be overcome subject to the imposition of a condition or conditions to secure the above.