

Item No: 5.1
Application No: 16/01743/FUL Author: Julia Dawson
Date valid: 18 November 2016 ☎: 0191 643 6314
Target decision date: 17 February 2017 Ward: Monkseaton South

Application type: full planning application

Location: Land Adjacent to Charlton Court, Whitley Bay, Tyne And Wear,

Proposal: Residential development of 13 apartments for adults with learning difficulties and associated communal facilities

Applicant: Home Group, FAO Mrs Teresa Snaith 76 Wellington Street Leeds LS1 2AY

Agent: P+HS Architects, FAO P+HS Architects The Old Station Station Road Stokesley TS9 7AB

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues in this case for members to consider are:

- The principle of the development, including loss of the open space;
- Housing Supply;
- Impact on Surrounding Amenity and amenity of proposed occupiers;
- Design and Layout;
- Car Parking and Access;
- Other Issues;

2.0 Description of the Site

2.0 The site to which the application relates is a 0.2hectare area of land within an established residential area. The land is part of a larger parcel of recreational green space within the Hillheads area of Whitley Bay. The immediate built locality is made up of two-storey semi detached residential properties, which face towards the site from Churchill Avenue, Cedartree Gardens and Baytree Gardens. Charlton Court, a flat roofed two storey sheltered housing development arranged in three separate blocks borders the site to the southwest. The application site is generally flat over its surface, consisting mainly of managed grass with occasional perimeter amenity tree planting, principally along the southwest boundary.

3.0 Description of the Proposed Development

3.1 The proposal relates to the construction of 13no. apartments for adults with learning difficulties arranged in 2no. two storey pitched roof buildings, and associated communal facilities. Vehicular access to the site will be from Churchill Avenue to the north. Pedestrian access will be provided from the north (from Churchill Avenue) and from the west from Cedartree Gardens.

3.2 The application site is designated general open space (UDP), and is located within a high risk Coal Authority referral area, a contaminated land buffer zone and an area of archaeological importance.

4.0 Relevant Planning History

4.1 None

5.0 Development Plan

5.1 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)

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Practice Guidance (As Amended)

6.3 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

7.0 Main Issues

7.1 The main issues in this case for members to consider are:

- The principle of the development, including loss of the open space;
- Housing supply;
- Impact on surrounding amenity and amenity of proposed occupiers;
- Design and Layout;
- Car Parking and Access;
- Other Issues.

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

8.0 Principle of the Proposed Development

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It identifies 12 core planning principles for Local Authorities that should underpin decision making. One of these is to encourage

the effective use of land by reusing land that has been previously developed (brownfield land). However, this is not a prerequisite.

8.2 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes. In order to achieve this objective government requires that authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery the buffer should be increased to 20 per cent.

8.3 NPPF goes on to say that local planning authorities should plan for a mix of housing based on current and future demographic trends and market trends.

8.4 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

8.5 Policy H5 of the UDP states that proposals for housing development on sites not identified for this purpose will only be approved where all of the following criteria can be met: (i) The proposal is on a previously developed site and is within the built up area; (ii) It is acceptable in terms of its impact on its site, local amenity, the environment, and adjoining land uses; (iii) It can be accommodated within the existing infrastructure; (iv) It does not have an adverse impact on open space provision.

8.6 Policy H7 states that housing provision to meet the requirements of people with special needs, including disabled people, will be sought through new build, conversions and changes of use where a need has been identified and where the site is suitable in terms of its location and its proximity to local amenities including public transport, shops and community facilities

8.7 The Council's Local Plan Pre Submission Draft (2015) specifically allocates sites to meet the overall housing needs. The application site was allocated (as part of the larger area of 0.95ha of open space at this location) in the Local Plan Pre-Submission Draft 2015 for 20 units (site 45). However, through the course of the Examination in Public the site area has been reduced to 0.2ha and the number of units reduced to 13. This reduction has been issued as a Main Modification to the Local Plan, which is currently under consultation until 8th March 2017.

8.8 Officers have also taken into account that 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.

8.9 Members must determine whether or not the principle of supported living accommodation for people with learning difficulties is acceptable at this site, and whether the small contribution towards the five year housing land supply outweighs any harm arising from the development. Officer advice is that this proposal for new housing accords with the Government's objectives, as set out in the NPPF, and should be considered on the basis of the presumption in favour of sustainable development. The application site is located within an established residential area close to local amenities, and it is considered that the principle of the proposed development at this site can be supported.

8.10 Loss of Open Space

8.11 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.

8.12 Policy R2/1 of the UDP 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.

8.13 Policy R2/2 of the UDP 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 where this causes a significant loss of local amenity.

8.14 The applicant has submitted an Open Space Report in support of this planning application. The assessment considers the availability of green spaces of the same typology within the vicinity of the site in conjunction with the Council's Green Space Strategy, UDP policies, the draft Local Plan and the NPPF.

8.15 Concerns have been raised that the applicant's Open Space Report is biased in favour of the application, and that the loss of the open space will have a detrimental impact on the health and social well being of local people, these are concerns are noted.

8.16 The Green Space Strategy 2015 classes the site as 'amenity green space'. The loss of the application site as amenity green space should be considered against policies R2/1 and R2/2 of the UDP. The Green Space Strategy (Objective 7) and the Draft Local Plan expect that all properties should be within 300m of at least 0.1ha of accessible, free and usable open space. The current Borough average is that 97.9% of properties are within the acceptable catchment of accessible, free and usable green space. The Monkseaton South Ward average is 94.3%. However, whilst it is acknowledged that this is slightly less than the average and that development of this site would see the loss of some

open space in this locality a significant amount of open space would remain. The application site relates to approximately 0.2hectares of a larger parcel of open space, which is 0.95hectares in total. Therefore, 0.75m of accessible green space would remain in this location.

8.17 In addition, there is further green space of this type within the surrounding area. Specifically; to the west at land bordered by Springfield Grove, Bromley Avenue and Pinetree Gardens; to the south west at land bordered by Appletree Gardens and Pinetree Gardens, and; to the south east at land bordered by Churchill Avenue. A further larger expanse of this type of land is located a short distance to the south within the Cullercoats Ward at Foxhunters playing fields.

8.18 Therefore, due to the remaining open space immediately adjoining the application site and the amount of other open space in the vicinity (including the catchment overlap), the proposal will not result in a decrease in the existing percentage of properties in Monkseaton South Ward within an acceptable catchment (300m) of accessible, free and usable green space of at least 0.1ha in area. It is therefore considered that the redevelopment of this site would sustain the existing levels of provision in the area, ensuring sufficient amounts of informal open space for the locality.

8.19 Furthermore, it is reiterated that the Council's Local Plan Pre- Submission Draft 2015/Main Modification to the Local Plan allocates the application site for residential development (site number 45). The adjoining open space is to remain in this form and the draft local plan does not allocate this adjoining site for development.

8.20 The submitted Open Space Report concludes that the disadvantages of the loss of 0.2ha of open space would significantly and demonstrably be outweighed by the benefits of the delivery of 13 apartments providing supported living accommodation for individuals with learning difficulties, and that the development of the open space accords with the policy tests set out in national and local planning policy and the site is allocated for housing in the emerging local plan.

8.21 There has been significant local objection to the loss of the open space, and this is acknowledged. However, it is Officer opinion that the proposed development will not result in an insufficient provision of open space of this type in the ward or result in a significant loss of local amenity. In excess of 0.1ha of open space will remain immediately adjacent to the application site which will ensure that local residents have unlimited and free access to informal amenity space of this type in accordance with the Green Space Strategy, local policies and paragraph 74 of the NPPF.

8.22 Members must determine whether or not the principle of residential development on this site is acceptable. The proposed development site is positioned within an existing urban area, located in an area that lies within close proximity to local amenities and public transport links. A large area of informal open space would be retained immediately adjoining the site. Officer advice is that the principle of residential development and the loss of this smaller area of informal open space of the larger site is acceptable. This proposal for new housing accords with the Government's objectives, as set out in the NPPF, and

should be considered on the basis of the presumption in favour of sustainable development.

9.0 North Tyneside 5-Year 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 6,416 new homes between 2016/17 and 2020/21.

9.3 The September 2016 Strategic Housing Land Availability Assessment (SHLAA) identifies the total potential 5-year housing land supply in the borough at 5,544 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a shortfall of 872 homes against the Local Plan requirement (or a 4.32 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 Impact on Surrounding Amenity and amenity of proposed occupiers

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

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

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

10.4 Development Control Policy Statement No. 14 considers guidance in determining applications for residential development. The criteria includes general and detailed design guidance, car parking standards, privacy distances (back to back 21.0m, back to gable 12.0m, front to front 21.0m), amenity space standards (minimum 50 square metres) and site development ratios (area of buildings should not exceed 50% of plot size). Further to the above, DCPS14

states that in fill sites within established residential areas may not be able to meet those standards relating to privacy distances and a reduced standard may be permissible.

10.5 Objections have been received from local residents with regard to the impact of the proposal on their residential amenity (loss of a view/outlook, privacy, overbearing buildings, increase in crime due to a decrease in natural surveillance, noise and disturbance). These concerns are noted.

10.6 Firstly, in planning terms there is no 'right to a view' and planning permission cannot be withheld for this reason. However, the outlook for residents from their properties is a material planning consideration, and this is taken into account in assessment of this proposal. It is considered that impact of the proposed apartments on neighbouring properties in terms of outlook, daylight, sunlight and privacy, is acceptable.

10.7 The proposed apartments will be arranged in 2no. two storey blocks. The main entrance will be located in the northern facing block onto Churchill Avenue, which will house apartments 1-7. The frontage of this two storey elevation will be set back from the highway by approximately 16m, and will be separated from the front elevations of the dwellings directly opposite on Churchill Avenue by at least 29m. The side elevation of this block will be located at least 24m from the front elevation of nearest front elevation of the dwellings to the west, which are located on Cedartree Gardens. Apartments 8-13 will be housed in a second two storey block, which will face in a westerly direction onto Cedartree Gardens. The front elevation of this block will be located at least 21m from the nearest facing front elevation on Cedartree Gardens. Furthermore, the windows serving the majority of the main habitable rooms for both blocks will be located in their rear elevations providing outlook over their own garden areas, and the open space beyond. Therefore, the proposed development is in accordance with advice set out in DCPS No.14 in terms of the minimum separation distances for maintaining outlook and privacy.

10.8 The concerns regarding an increase in crime due to a loss of natural surveillance as part of the view of the remaining open space will be restricted for some residents on Cedartree Gardens, are noted. However, a large expanse of open space will remain which will have natural surveillance from properties to the north, east and south, as well as the proposed development itself. Northumbria police have been consulted and have raised no objections to the proposed development.

10.9 Concerns have been raised that the proposed development will change use at a future time. This is noted. However, any material change of use will require planning permission. The type of people resident at the development is not a material planning consideration and cannot be controlled by this planning application.

10.10 Concerns have also been raised with regard to an increase in noise and disturbance, particularly during the construction phase. These are noted. However, the Manager for Environmental Health has been consulted. No objections have been raised subject to a condition to control the hours of

construction and dust suppression measures. These are standard conditions that are used on all residential developments and are considered acceptable working practice by the LPA. The hours of construction condition restricts construction activity during the most sensitive hours.

10.11 The proposed development will provide 13 apartments across 2 no. two storey blocks. Each apartment will have a bedroom, dining/living area, kitchen and bathroom with access to incurtilage amenity space on the ground floor and outlook to north and east. It is considered that this will provide an acceptable standard of residential amenity for future occupiers.

10.12 Members need to determine whether the proposal would have a detrimental impact on the amenity of existing properties and future occupants. It is officer advice that the layout of the proposed development is acceptable in terms of impact on outlook, privacy and light for both existing and future occupants. Members need to consider this when making their decision.

11.0 Design and Layout

11.1 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. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

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

11.3 DCPS No.6 'Landscape and Environmental Improvements' states that the proximity of existing trees to the proposed development, and the effect of these trees on the amenity of future occupiers must be taken into account.

11.4 LDD11 Design Quality provides guidance on layout and design for both new buildings and extensions to existing properties. This states that the context of the site itself, through to its immediate surroundings and to the wider local area should be taken into account in formulation of a design concept. Positive features of the local area should be used as design cues. Whilst contemporary and innovative designs are appropriate in certain locations each site should be considered individually. In some areas a more traditional design may be more appropriate that uses authentic details and local materials.

11.5 In addition LDD11 provides that the scale, mass and form of a building are the most important factors in producing good design and ensuring development integrates into its setting in the wider environment.

11.6 LDD11 states that "All new buildings should be well proportioned and have a well-balanced and attractive, external appearance. Good design requires a harmonious and consistent approach to the proportions of details, the position, style and location of windows and doors, the type and use of materials and the

treatment to the roof, its eaves and verges. Preference should be given, when selecting materials, for using materials produced with the greatest consideration given to their environmental impacts, re-used or reclaimed materials, locally produced materials and those products comprising recycled materials.”

11.7 Both the NPPF and the local policies seek to achieve a high standard of design for new residential development.

11.8 New developments should be well designed and should not be viewed in isolation. The application site is located on an area of informal open space within an established residential area of Monkseaton.

11.9 The applicant has provided a Design and Access Statement which sets out the design principles for the proposed scheme, and includes details of the pre-planning public consultation exercise carried out with local residents. The submitted scheme has been developed in consultation with the feedback from this exercise.

11.10 The applicant has advised that two storey entrance apartment building is positioned so that it is parallel Churchill Avenue and responds to the building line and eaves height of the semi detached dwellings opposite. The southern most two storey building follows the orientation of Charlton Court, ensuring there is a coherent continuation of development from Charlton Court to Churchill Avenue. The location of the two apartments buildings has created a courtyard external space which is visually linked to the retained open space.

11.11 The external elevations will be a mix of soft multi red bricks and off white render. The elevations will be broken up with projecting window surrounds clad in larch, intended to complement the mature trees and the green surroundings. The entrance is marked with a zinc clad canopy, which will complement the larch cladding and the brick type/colour. Both apartment buildings have pitched roofs to reflect the form of the surrounding houses.

11.12 The Design Officers comments regarding the side elevations are noted, however the development has been designed in this way in order to minimise overlooking whilst provided private internal space for the occupants of the proposed development. To insert additional windows would require alterations of the internal layout.

11.13 There are no boundaries located along Churchill Avenue in order to maintain the openness which currently exists. Boundary treatments from the apartments to Churchill Avenue are low and unobtrusive timber palisade type which is used to be complementary to the mature trees. The boundary treatment remains low along Cedartree Gardens. The applicant has noted the comments provided by the Council's Design Officer with regard to the fencing. However, the fencing to the rear gardens will be not face onto the highways, and whilst it will be 1.8m high timber palisade, there will be wide gaps between the boards to keep the development as open as possible whilst providing some private amenity space for residents. This has been well thought out and designed in this way in order to balance the needs of the residents against the impact on visual amenity of the area.

11.14 The Design Officer's comments regarding bin storage and landscaping are noted, and can be addressed via planning conditions to ensure that these elements of the scheme are acceptable.

11.17 Car parking is provided within a block paved parking area access from Churchill Avenue. Two spaces will be disabled. Parking is primarily for staff and visitors as evidence from similar sites suggest that residents will not be car owners. This parking area would be softened by landscaping and the retention of grass verges.

11.18 Members need to determine whether the proposal is in keeping with the character of the area. It is officer advice that the impact on the character of the area is acceptable.

12.0 Car Parking and Access

12.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

12.2 UDP 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.

12.3 UDP Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclists needs are considered as part of new development.

12.4 UDP 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.

12.5 UDP 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.

12.6 Development Control Policy Statement (DCPS) 4 'Car and Cycle Parking Standards' has been devised to minimise the impact on the private car by encouraging the greater use of public transport and cycling. This will be achieved by, amongst other matters, adopting a reduced requirement for car parking.

12.7 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

12.8 Objections have been received regarding the impact on parking provision, highway and pedestrian safety and traffic congestion. These objections are noted.

12.9 The Highways Network Manager has been consulted. He has advised that the site will be accessed from Churchill Avenue and that parking has been provided in accordance with the standards set out in LDD12. In addition, the applicant has amended the access at the request of the Highway Network Manager in order to improve pedestrian links into the site, whilst also retaining as much of the grass verge as possible and the existing trees. Refuse will be stored on site with a kerbside collection.

12.10 Members need to determine whether the proposal will have a severe impact on the transport network. It is officer advice that the development would have an acceptable impact on highway safety and the local road network.

13.0 Biodiversity and Landscaping

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

13.2 No trees will be removed to accommodate the development, and the proposal aims to enhance the biodiversity of the site, and mitigate for the loss of the small area of open space, by introducing tree, hedge and shrub planting using a variety of species. Local residents have raised concerns regarding the impact of the proposal on ecology.

13.3 The Council's Biodiversity Officer has raised no objection to the proposed development, but has advised the proposed new hedging to the perimeter of the site should be a native hedge consisting of a minimum of 5 native species, and that any trees that require removal to accommodate the development should be replaced with a ratio of 2:1 standard native trees within the site.

13.4 The Council's Landscape Architect has also raised no objections subject to the attachment of several conditions relating to such matters as a full landscape scheme, tree protection and an arboricultural method statement..

13.5 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.

14.0 Other Issues

14.1 Contamination and Ground Stability

14.2 NPPF states that the planning system should contribute to remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

14.3 UDP Policy E3 states that the LPA will seek to minimise the impact of pollution on the environment including existing land uses and on proposed development.

14.4 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. Concerns have been also been raised by local residents regarding land contamination and the extent of testing carried out to date.

14.5 The Contaminated Land Officer has been consulted and has noted the location of the site within in an area of known former coal mining. As such, conditional approval is recommended to require a contaminated land survey and further ground investigation works to be carried out.

14.6 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.

14.7 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.

14.8 Archaeology

14.9 NPPF states that heritage assets are an irreplaceable resource and therefore should be considered in a manner appropriate to its significance.

14.10 UDP Policy E19/6 states “Where an assessment and evaluation have established that proposed development will affect a site or area of archaeological interest the applicant will be required to preserve archaeological remains in situ unless this is clearly inappropriate or destruction of the remains is demonstrably unavoidable, in which case a programme of archaeological works will be required to be submitted and agreed with the Local Planning Authority before the start of the development”.

14.11 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objections.

14.12 Flooding

14.13 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.

14.14 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.

14.15 Objectors have raised concerns that there is existing flooding in this locality and the proposed development will exacerbate this. These concerns are noted.

14.16 The applicant has submitted a development-specific Flood Risk Assessment, which concludes that the application site is within Flood Zone 1, the lowest risk.

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

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

14.19 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.

14.20 Planning Obligations

14.21 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.

14.22 Policy DC4 of the UDP states that where it can be demonstrated that it is a necessary requirement for the grant of planning permission, agreement will be sought with a developer to enter into a planning obligation /agreement or to make a financial contribution towards infrastructure or other essential elements including, amongst other things, access roads, open space, community facilities and affordable housing. The extent of a contribution must fairly and reasonably be related to the scale of the proposed development, as well as being reasonable in all other respects.

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

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

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

14.25 A residential development of this size would usually generate the need for s106 contributions towards facilities such open space, play sites and health facilities etc. However in this case Members are advised that that the proposal will provide for a specific housing need. It is Officer advice that it is not

considered reasonable or necessary to request any S106 contributions in this case.

15.0 Conclusion

15.1 In conclusion, Members should be aware that North Tyneside does not have a 5-year housing land supply and the proposal would make a small contribution seeking to address this. Members also need to consider whether the loss of the open space is acceptable, and whether the proposal will impact on existing land uses, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact upon biodiversity and the impact on the character and appearance of the area.

15.2 Members need to weigh the benefits of the proposal against the impacts and determine whether or not to grant planning permission.

15.3 It is officer advice that the development would accord with relevant national and local planning policy and would therefore be acceptable.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application form 27.10.2016
- Site Location Plan Rev A 2601-D-91-01
- Apartments 1-7 Building Plans and Elevations, 2601 D 22 03 C
- Apartments 8-13 Building Plans and Elevations, 2601 D 22 05
- Flood Risk Assessment, Billingham George & Partners Ref 15N622 :

Revision A, May 2016

- Design and Access Statement, P+HS, April 2016
- Phase 1 Desk Study S150438 Solmek Ltd
- Open Space Report, NLP, 23038/MHE/JN
- Arboricultural Impact Assessment, ARB/CP/1112, March 2016
- Arboricultural Pre-development Report, ARB/CP/1112, September 2015

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

- | | | | |
|----|---|-------|---|
| 2. | Standard Time Limit 3 Years FUL | MAN02 | * |
| 3. | Restrict Hours No Construction Sun BH | HOU04 | * |
| 4. | Gas Investigate no Development | GAS06 | * |
| 5. | Contaminated Land Investigation Housing | CON01 | * |

6. New Access Access Before Devel ACC10 *H11

7. Veh Parking Garaging before Occ PAR04 *H11

8. Notwithstanding Condition 1, prior to the construction of any dwelling above damp proof course details of facilities to be provided for the storage of refuse at the premises shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also 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: In order to safeguard the amenities of the area having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

9. No development shall commence until a detailed scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. All surface water will be captured, controlled and attenuated within the site and discharged at the agreed discharge rate. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

10. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development, and must show the trees and shrubs earmarked for retention within the site. The site storage or parking of (plant) vehicles should not be located within the root protection and/or canopy area of any tree, shrubs and hedgerow(s) within the construction area or adjacent to the external boundary of the proposed development area including street trees. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to Policies H11, H13, E3, E14 and DCPS No.6 of the North Tyneside Council Unitary Development Plan 2002

11. Notwithstanding condition 1, prior to the construction of any dwelling above damp proof course a detailed landscaping scheme, including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the general external areas including associated garden areas, car-parking and perimeter areas bordering the scheme with substantial native tree, shrub and hedgerow planting and wildflower/grasses area(s). The new hedging should be a native hedge consisting of five native species. The scheme shall also include details of how the landscaped areas are to be maintained once the contractual maintenance period has lapsed. Thereafter, the development shall only be carried out in accordance with these agreed details. Any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

12. Notwithstanding condition 1, prior to the commencement of development, an arboricultural method statement (AMS) for the protection of the retained trees to the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. This plan shall be provided in accordance with best practice and to BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction - Recommendations'. Appropriate protective barriers, any other relevant physical protection measures including ground protection and construction exclusion zones to protect the root protection areas, shall be provided to avoid physical damage to trees and root plates during construction and existing boundary trees and hedgerows. The plan shall also show the position (dimensioned) and stand off distances of the protective fencing throughout the site. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

13. No utilities or drainage should be located within the root protection areas of the hedgerows and trees. Where installation or alteration to existing underground services has been agreed near or adjacent to the hedgerows or trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

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

14. Any vegetation removal must take place outside of the bird nesting season (March-August) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to removal.

Reason: In interests of protecting ecology in accordance with the NPPF.

15. Prior to occupation of the development a scheme for the provision of secure undercover cycle parking 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: In the interests of promoting sustainable transport.

16. Prior to the commencement of development a scheme of intrusive site investigations, for the mine entries and shallow coal mine workings shall be submitted to and approved in writing by the Local Planning Authority for the following:

The undertaking of a 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 the mine entries and shallow coal mine workings; and

Implementation of those remedial works.

The works shall be undertaken in accordance with the agreed details.

Reason: In the interests of land stability in accordance with the NPPF.

17. Notwithstanding Condition 1, prior to commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

Upgrade existing footpaths abutting the site and installation of new footpaths as shown on the approved plans

Associated drainage

Associated street lighting

Associated road markings

Associated signage

Thereafter, these agreed works shall be implemented prior to the occupation of any dwelling and retained thereafter.

Reason: This information is required at the outset, in order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

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

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

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)



Application reference: 16/01743/FUL

Location: Land Adjacent To, Charlton Court, Whitley Bay, Tyne And Wear

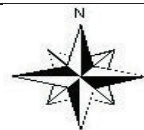
Proposal: Residential development of 13 apartments for adults with learning difficulties and associated communal facilities

Not to scale

Date: 09.02.2017

© Crown Copyright and database right

2011. Ordnance Survey Licence Number
0100016801



Appendix 1 – 16/01743/FUL Item 1

Consultations/representations

1.0 Representations

1.1 119 objections and 3 letters of support have been received from local residents, these are summarised as follows:

1.2 Objections

- Loss of green/open space
- Adverse effect on wildlife
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision
- Inappropriate design
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- None compliance with approved policy
- Not in accordance with development plan
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Out of keeping with surroundings
- Pollution of watercourse
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- Impact on highway safety, particularly during the construction phase.
- Insufficient infrastructure, roads are too narrow.
- Will result in visual intrusion
- Unsustainable development
- Restrictive covenant on site prevents buildings on site other than a council building or community resource for the residents of the estate.
- Loss of view across field where children can currently play safely and be seen by parents, and which is well used by dog walkers.
- Proposed buildings are overbearing and would dominate nearby buildings.
- Development is unwelcome and new residents would not be welcomed as there is such anger and resentment.
- Proposal will increase levels of crime as new buildings will result in a reduction in natural surveillance across the currently open field.
- Existing flooding problems in this location will be exacerbated by proposed development.
- The need for a development for people with learning disability has not been proven.
- Concern that a change of use of premises will take place after construction.

- Similar building was built in West Monkseaton for these purposes, it now houses alcoholics, young offenders etc.
- Detrimental impact on health and wellbeing via a reduction in accessible open space.
- Detrimental impact on the social element of the community for both adults and children, and in terms of future generations ability to exercise safety.
- Open Space Assessment is biased towards the application.
- There is an existing shortage of open space provision in Monkseaton.
- Land instability. Disused mine workings, voids and potential instability on this field. Higher levels of lead, mercury, arsenic, zinc etc. may exist on the site in areas not sampled during site the site investigation.
- There are sufficient brownfield sites within Whitley Bay/North Tyneside to accommodate this development, which are closer to facilities/services without building on the little available land within the estate.
- Stop selling green areas for profit, we need to think of the future.
- There are too many flats being built at the coast.
- Land is still Council property and subject to a public enquiry, how can planning permission be applied for when there is such uncertainty over the future of the land?

2.0 Internal Consultees

2.1 Highway Network Manager

2.2 This application is for a residential development of 13 apartments for adults with learning difficulties & associated communal facilities. The site is accessed from Churchill Avenue and parking has been provided in accordance with the standards set out in LDD12. Pedestrian access has also been provided to both Cedartree Gardens and Churchill Avenue. Conditional approval is recommended.

2.3 Conditions:

ACC10 - New Access: Access before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT05 - Construction Management

2.4 No development shall commence until a scheme for the provision of secure undercover cycle parking 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 promoting sustainable transport.

2.5 No development shall commence until a detailed 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.

2.6 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

2.7 Local Lead Flood Authority

2.8 This application is for a residential development of 13 apartments for adults with learning difficulties and associated communal facilities. There are no objections in principle and conditional approval is recommended.

Recommendation - Conditional Approval

2.9 Condition:

No development shall commence until a detailed scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. All surface water will be captured, controlled & attenuated within the site and discharged at the agreed discharge rate. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interest's surface water management of the site

2.10 Contaminated Land Officer

The application relates to the construction of a new building in an area of known former coal mining. The following should therefore be attached to the application: CON 01 and GAS 06.

2.11 Environmental Health (Pollution)

I have no objection in principle to this development but would recommend conditions to address construction hours and dust mitigation: HOU04 and SIT03.

2.12 Design and Layout

The design and layout is well designed and has carefully considered the site features and constraints. The contemporary design approach will sit comfortably within the area and the scheme generally contributes towards an attractive and active street scene. There are some areas where the design could be improved, in particular in relation to the side elevations of both blocks which remain relatively bland. Whilst it is acknowledged that the west elevation of apartments 1– 7 has some additional detailing, the other side elevations only have small windows and a large expanse of brick. Some of these elevations overlook attractive areas of open space or will be highly visible from the street and should respond to this.

2.13 The timber palisade fencing is not supported and it is suggested that metal estate railings are used. The south west elevation of the apartments faces onto Cedar Tree Gardens. The building is much bigger than houses next to it and every effort should be made to reduce the impression of the scale. Around some of the windows it is proposed to have larch cladding projecting window surround. A more district bay window design would help to break up this elevation and provide further interest. I would like to see the design of the proposed bin store, ideally submitted as part of the application rather than conditioned. Planting should be added around the bin store for apartments 1 – 7.

2.14 Biodiversity Officer

2.15 I have no objection to the above application subject to the following conditions:-

- The proposed new hedging to the perimeter of the site should be a native hedge consisting of a minimum of 5 native species. Details to be submitted to the LA for approval prior to development commencing
- Any trees that require removal to accommodate the development should be replaced with a ratio of 2:1 standard native trees within the site
- Any vegetation removal must take place outside of the bird nesting season (March-August) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to removal.

2.16 Landscape Architect

2.17 In relation to the proposed residential units a detailed Landscape Scheme should also be submitted, with reference to the layout of the general external areas including associated garden areas and the car-parking and perimeter areas bordering the scheme. This should take into account the prevailing native landscape flavour and species of the immediate and wider area, including type and sizes, as well as the connectivity of the proposed planting design.

2.18 This should also detail the treatments (hard and soft landscape) within the context of native tree planting being incorporated into the scheme. It is important that the existing planting (trees) populating the site perimeter, as highlighted in the submitted documents, are retained and protected during the course of the works.

2.19 As a result of the proposals, there will be an increase and greater concentration of built form in this area and it is essential that this community open space continues to function in terms of its biodiversity. To this end an aspiration for more substantial tree, shrub and hedgerow planting and possibly wildflower/grasses area(s) would be welcome. There is evidence in the submitted documents that Churchill Avenue and some connecting adjacent access roads have been susceptible to flooding event(s) in the past, therefore it would be prudent to consider this in terms of the soft or hard landscape design approach.

2.20 The submitted documents have demonstrated how the existing individual landscape features (trees) will be protected, but we will also require details requiring where the proposed Contractors site access and set up area are to be located and this documentation or plan should be submitted for approval prior to commencement of any proposed works. The tree protection Method Statement (MS) should also provided a dimensioned plan showing the extent and boundary (with red line) of the protective fencing to ensure there is no encroachment of the working areas upon the canopy and/or root zones of the trees.

2.21 Proposed Landscape Design (Tree and Landscape Planting):
The extent of the proposed replacement planting should conform to the (Selective Policy Guidance) information set out below.

2.22 As guidance and also in relation to the above NTC has set out guidelines and as set out below as part of the wider Local Planning Policy North Tyneside Council Unitary Development Plan (March 2002). The strategy for proposed

landscape works (trees, shrubs and hedgerows) should acknowledge and address the following requirements. A 'Specification' and 'Planting Schedule' for the proposed (planting) works, detailing all species types, sizes, fixing method(s), planting layout and associated protective (plant) fencing and/or measures should also be provided.

2.23 Existing Open Space:

2.24 The applicant should provide information regarding the reinstatement and treatment of all open space grassed areas, pathways and verges that will be affected on site following the completion of the proposed works.

2.25 Selective Planning Policy Guidance:

2.26 UDP Policy E14 and Policy E23.

2.27 Policy S/8.4 and Policy DM/8.7

2.28 No site storage or parking of (plant) vehicles is to be located within the root protection area of any tree in the area or adjacent to the boundary of the proposed working areas. 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).

2.29 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.

2.30 In summary, the proposal is acceptable subject to the following conditions:

- Detailed landscape scheme to be submitted. The landscape scheme should include the general external areas including associated garden areas, car-parking and perimeter areas bordering the scheme with substantial native tree, shrub and hedgerow planting and wildflower/grasses area(s)
- Existing tree planting to the site perimeter, as highlighted in the submitted documents, are retained and protected during the course of the works. 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.
- An Arboricultural Method Statement (AMS) should be submitted for comment to include a dimensioned plan showing the extent and boundary (with red line) of the protective fencing to ensure there is no encroachment of the working areas upon the canopy and/or root zones of the trees.
- No site storage or parking of (plant) vehicles is to be located within the root protection area of any tree in the area or adjacent to the boundary of the proposed working areas. 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).
- Planting schemes associated with new development to be accompanied by a ten year Management Plan.

3.0 External Consultees

3.1 Northumbrian Water Ltd

3.2 We would have no issues to raise with the application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*". In this document it states that surface water from the proposed development will discharge to the existing combined sewer network in Churchill Avenue at a restricted rate of 5l/sec.

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

3.4 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

3.5 Northumbria Police Architectural Liaison Officer

3.6 I have looked through the documents from a crime prevention point of view and considered the recent crime and incident figures.

3.7 With the above in mind I have no objections or comments to make other than I have noted the comments under security at Para 9.13 – 15 regarding Secured by Design (SBD) and that all G/F doors, windows and locks will meet the min specification of that scheme. Incidentally SBD is police approved security scheme which over the years has been shown to reduce crime which I believe is important for a scheme such as this given the proposed residents.

3.8 The Coal Authority

3.9 The Coal Authority concurs with the recommendations of the Phase 1: Desk Study Report; 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.

3.10 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.

3.11 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.

3.12 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.

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

3.14 Tyne and Wear Archaeology Officer

3.15 I have read the submitted archaeological desk based assessment. There is an old coal pit just to the south of the proposed development site, shown on a map of 1833-41. This is not shown on the OS first edition map of 1865. The area remained agricultural until housing was built on Roker Avenue in the late 1920s. The proposed development is unlikely to impact on buried archaeological remains. No archaeological work is required.