

Application No: 19/01216/FUL

Author: Will Laing

Date valid: 10 September 2019

☎: 0191 643 6320

Target decision date: 5 November 2019

Ward: Riverside

Application type: full planning application

Location: Land Adjacent to Hatfield House, Borough Road, North Shields, Tyne And Wear,

Proposal: Erection of 6no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space

Applicant: Low Town Developments, 1 Silksworth Hall Drive Sunderland SR3 2PG

Agent: Building Design (Northern) Ltd., Mr Joss Ryan Salvus House Aykley Heads Durham DH1 5TS

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

1.1 The main issues for Members to consider in this case are:

- Principle of development;
- Housing Land Supply;
- Design and the impact on the character and appearance of the site and the New Quay Conservation Area;
- Impact upon the amenity of existing and future occupiers;
- Impact on highway safety;
- Impact on biodiversity and open space;
- Contaminated Land; and
- Other Issues

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

2. Description of the Proposal

2.1 This application refers to the south bank of Borough Road which is to the south of North Shields Town Centre. The site is steep, grassed embankment between Borough Road and Tennyson Terrace at the top of the embankment, and in-filling the gap between Hatfield House to the northwest and the Old Customs House to the southeast.

2.2 The site is set to either site of the Borough Bank bridge support column with the western parcel of land having a hard-standing and wooden framed advertisement hoarding.

2.3 The application site falls within the New Quay Conservation Area, with residential uses in the immediate vicinity. The site is located with a vacant building to the northwest, a care home to the southeast and residential properties to the south and north. There surrounding area increases in retail and business uses towards the North Shields Town Centre to the northwest and the riverside area to the southeast.

3. Description of the Proposal

3.1 This application seeks full planning permission for the erection of 6No three-storey town houses in a stepped terrace row, with amenity space and communal car-parking space. The dwellings would be located to the north of the bridge column and the car park to the south of the column.

3.2 The proposed town houses would have a total of 4No bedrooms. The dwellings would have an open plan living and dining room area with a utility room and ground floor WC. The first floor would contain 2No bedrooms and a bathroom, with access to the garden and patio. The second floor would have 2No bedrooms, 1No office, 1No en-suite and a recessed balcony.

3.3 The dwellings would have a rear amenity space and a proposed green roof. The proposed dwellings would have a dark/grey brown brick at ground floor level, with a light grey brick at first floor level. The dwellings would have grey aluminium window frames and with second floor balconies enclosed with a grey/brown metal coated balustrade.

4. Relevant Planning History

18/01497/FUL - Demolition of Borough Road Footbridge including works to the abutments and masonry walls at both bridge approaches, and stopping-up the existing public right of way including closing the footway off Tennyson Terrace. Permitted 04.02.2020

5. Development Plan

5.1 North Tyneside Local Plan 2017

6. Government Policy

6.1 National Planning Policy Framework (February 2019)

Planning Practice Guidance (As amended)

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. Main Issues

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

- Principle of development;
- Housing Land Supply;
- Design and the impact on the character and appearance of the site and the New Quay Conservation Area;
- Impact upon the amenity of existing and future occupiers;
- Impact on highway safety;
- Impact on biodiversity and open space;
- Contaminated Land; and
- Other Issues

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

8.1 Principle of Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.4 Paragraph 59 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.5 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

8.6 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area.

8.7 Policy S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence-based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.8 Policy DM4.5 'Criteria for New Housing Development' states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and,
- c. Be accessible to a range of sustainable transport modes; and,
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and,
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and,
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan.

8.9 The application site falls just outside of the North Shields Town Centre boundary and within the New Quay Conservation Area. The site has access to good public transport including buses and metros, and the amenities of the North Shields town centre and North Shields quayside within walking distance. The immediate surrounding area is predominantly residential.

8.10 While the application site is not an allocated housing site, it is within a sustainable location on the periphery of a town centre, with complementary surround uses. It is the view of officers that the principle of the development is acceptable, subject to the proposal being acceptable with the issues present below.

8.11 Members are to determine whether the principle of the development is acceptable. It is officer opinion that the proposal complies policies S1.2, S1.3, DM1.4 and DM4.5 of the North Tyneside Local Plan 2017.

9. North Tyneside Council Housing Land Supply

9.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of

deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 Although the Council can demonstrate a five-year supply of deliverable housing sites, this figure is a minimum rather than a maximum.

9.4 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 6.1 year supply of housing land. Although the Council can demonstrate a five-year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing.

Having regard to the above, it is the view of officers that the proposal would make a small, but welcome contribution to the North Tyneside housing land supply.

10. Design and the impact on the character and appearance of the New Quay Conservation Area.

10.1 S1.4 'General Development Principles Proposals for development' will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Policy S1.4 states that development should have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment.

10.2 Policy DM6.1 'Design of Development' states applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

10.3 S6.5 Heritage Assets North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.

10.4 Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

10.5 Objections have been received on the grounds of visual amenity, impact on the Conservation Area and the setting of a listed building.

10.6 Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.

10.7 Heritage assets that are to be affected by development will require recording (including archaeological recording where relevant) before development commences.

10.8 Policy DM6.6 states that any heritage reports prepared as part of a development scheme will be submitted for inclusion on the Tyne and Wear Historic Environment Record (HER) and published where considered appropriate.

10.9 The Council has produced an SPD on Design Quality (2018), it states that the Council will encourage innovation in the design and layout, and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

10.10 The proposed terrace row would be situated between 2No large buildings, the four-storey Hatfield House to the northwest and the four storey Old Custom House to the southeast. The proposed terraced row would run from plot 1 at the north-western end of the site to plot six, with each plot being staggered to accommodate the natural fall in ground level, providing a stepped terraced gradually decreasing in height. The height of the proposed terrace would not exceed the eaves level of the Old Customs House (Grade II Listed). The proposed dwelling would be set back off the public highway with a small enclosed amenity space. As such, it is the view of officers that the proposed terrace would be of an appropriate mass and scale for the application site.

10.11 The applicant has provided indicative materials on the proposed plans, indicating the ground floor would have a dark grey or brown brick, with a light grey first and second floor with white mortar, with grey/brown powder coated aluminium windows and balustrade. Each floor would be served by tall and wide windows in the front elevation. The rear amenity spaces would be enclosed by a 1.8m timber fence and the front amenity space would be enclosed by a low-brick wall and grey/brown powder coated railings. The materials are acceptable in principle, however, the detailing will need to be controlled by means of a pre-commencement condition to ensure that all the materials of the proposed dwellings, the surfacing materials of car park, bin stores and the proposed means of enclosure are acceptable for development in a conservation area.

10.12 It is the view of officers that the contemporary design and the massing of the proposed development is acceptable in terms of siting, and the proposal would not detract from the character and appearance of the Conservation Area, or the neighbouring Grade II Listed Building, the Old Customs House. As such, the proposal is deemed to comply with policies S1.4, DM6.1 and DM6.6 of the Local Plan 2017.

10.13 Members need to determine if the proposal is acceptable in terms of design and the impact on the character and appearance of the New Quay Conservation Area and upon the setting of nearby listed building.

11. Impact upon the amenity of existing and future occupiers

11.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

11.2 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

11.3 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

11.4 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.5 The proposed dwellings meet the Nationally Described Space Standards ensuring the floor area of each dwelling is sufficient for the amenities of the future occupiers. It is noted that there are no windows in the flank elevations and that the ground floor is only served by windows in the front elevation, however the windows in the front elevation are tall and wide and it is the view of the case officer that they would provide adequate light for the habitable area of the ground floor. Each of the habitable rooms at first and second floor level, including the office room, have a window.

11.6 The plot 6 has the tallest building in relation to Tennyson Terrace at the top of the embankment to the southwest. The roof of plot 6 would come level to the rear boundary fence of no.6 Tennyson Terrace to the rear, as such the proposed dwellings would not have a detrimental impact on the light, outlook or privacy of Tennyson Terrace.

11.7 It is noted that the rear elevations of Tennyson Terrace overlook the rear of the proposed dwellings. However, each of the dwellings of Tennyson Terrace and the proposed dwellings have a high rear fence of at least 1.8m and the steep angle of the embankment would limit the overlooking of the proposed dwellings.

11.8 There no window in the flank elevation of Hatfield House overlooking the proposed dwellings and the bridge piers of the Borough Road bridge would effectively screen the proposed dwellings from The Old Customs House to the southeast.

11.9 Objections have been on the grounds of noise and dust disturbance during the construction phase of the development and the cumulative impact with the construction the Smiths Dock development. A Construction Method Statement is recommended to be conditioned to ensure that the dust and noise disturbance during the construction phase is minimised.

11.10 Having regard to the above, it is the view of officers that the proposal is considered to be acceptable in term the residential amenities of the neighbouring dwellings and the future occupiers and as such the proposal is considered to

comply with policies S1.4 and DM6.1 of the Local Plan 2017 and the Design Quality SPD.

11.11 Members are to determine if the application is acceptable in terms of the residential amenity of the future occupiers and neighbouring properties.

12. Impact on Highway Safety

12.1 National Planning Policy Framework paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

12.2 Policy S1.4 'General Design Principles' stipulate that proposed development be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

12.3 Policy S7.3 'Transport' states future transport provision should reflect existing demand and also take account of planned economic and housing growth to ensure an integrated approach to sustainable development and travel patterns. Through the objective to deliver a modal shift to more sustainable modes of transport, there is an emphasis on increasing the modal share of public transport, walking, cycling and other non-motorised modes for journeys both within the Borough and beyond. This recognises the requirement to reduce impacts that contribute to climate change and encourage active and healthier lifestyles.

12.4 Policy DM7.4 states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

12.5 The North Tyneside Transport and Highways SPD stipulates that the off-street parking criteria for housing is 1 space per dwelling for properties up to 2 bedrooms, 1 additional space per additional bedroom thereafter and; 1 space per 3 dwellings for visitors. However, exemptions can be made in areas with good access to public transport.

12.6 Several objections have been received on the grounds of highway safety, parking, traffic congestion and pedestrian/traffic safety.

12.7 The site would be accessed via Borough Road and whilst only one parking space has been provided for each dwelling and 1No visitor bay, the site is located near to North Shields town centre with reasonable links to public transport & local services. On this basis, the Highways Network Manager has no objection.

12.8 The applicant has provided a swept path analysis and the proposal shows a turning head within the proposed car park. As such, the proposal shows that the proposed car parking can be used safely.

12.9 The Highways Network Manager has requested a series of conditions relating to the submission of a car park management strategy has been submitted, and additional condition for installation of the access, parking and refuse details prior to the occupation of the dwellings.

12.10 It is the view of officers that the proposal is acceptable in terms of highway safety and parking subject to the imposition of the conditions requested by the Highways Network Manager. With these conditions imposed, the proposal is deemed to comply with policies S1.4, S7.3 and DM7.4 of the Local Plan 2017.

12.11 Members are to determine if the application is acceptable in terms of parking, transport and highway safety.

13. Trees, Ecology and Biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

13.2 Para.175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

13.3 Para. 177 states that the presumption in favour of sustainable development does not apply where development requires appropriate assessment because of its potential impact on a habitats site is being planned or determined.

13.4 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,

b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,

c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

13.5 Policy DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

13.6 Policy DM5.7 states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

13.7 Policy DM5.9 (Trees, Woodland and Hedgerows) supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new development and, where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

13.8 The North Tyneside Coastal Mitigation Strategy SPD 2019 sets out the requirements for Coastal Mitigation Contributions for residential and tourism related development.

13.9 The site falls within a wildlife corridor and has several trees on site near the existing billboard to the south of Hatfield House. In light of this the applicant has supplied an Ecological Impact Assessment and an Arboricultural Impact Assessment.

13.10 Several objections have been received on grounds of impact on landscaping, loss of/damage to trees, insufficient landscaping, impact on biodiversity and no mitigation measures for biodiversity.

13.11 The trees on site appear to be mostly self-seeded and are relatively healthy trees, however the trees are not protected by a tree preservation order. The development of the site does not leave room for replacement planting and only a small amount of soft landscaping would be retained on site between the proposed dwellings and the proposed car park. The embankment to the rear of the dwellings would be included within amenity space. The Landscape Architect and Biodiversity Officer have objected to the proposal on the grounds of the loss of the trees. Given the physical constraints of the application site constraints

there are no areas that would accommodate suitable replanting with access for maintenance. Given the site constraints and the self-seeded nature of the trees planning officers do not consider the loss of the trees is sufficient to refuse the application.

13.12 The application site forms part of a wildlife corridor linked to the riverside. The wildlife corridor runs along the riverside, with an extension up the width of Borough Road to incorporate the application into the riverside wildlife corridor, but does not project beyond the application site. The embankment is an unmaintained vegetated area with limited access. The area can be accessed at ground level from the northwest end of the site where the existing billboard is located, however the ground level steeply falls away and the embankment is then set at the top of large retaining wall.

13.13 The submitted Ecological Impact Assessment has noted a series of mitigation measures that would be necessary for the for the development.

13.14 The Biodiversity Officer has objection on the grounds that insufficient mitigation for the loss of the soft landscaping and on insufficient information on bats. The applicant has submitted a Bat Risk Assessment, and the Biodiversity Officer has been consulted. Her additional comments will be reported to Planning Committee.

13.15 Officers advise that subject to the Biodiversity Officer not objecting to the application on the grounds of the bat risk assessment, the proposal is considered to comply with policies DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

13.16 Members are to determine whether the proposal is acceptable in terms of its impact on trees, ecology and biodiversity.

14. Open space

14.1 Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) 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;
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

14.2 Policy DM5.2 sets out that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the Site no longer has any value to the community in terms of access and function;
- b. If it is not a designated wildlife Site or providing important biodiversity value;
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type;

d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

14.3 Policy DM5.3 sets out Green Space Provision and Standards. It states that within North Tyneside, accessible green space will be protected and enhanced. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents.

14.4 The Landscape Architect has objected on the loss of open space. The site is not designated open space in the Local Plan or the Greenspace Audit. The majority of the application site is inaccessible, offers no useable provision outside of visual amenity and ecological benefit.

14.5 On the balance of issues, it is the view of case officer that the social and economic benefits of the proposal outweigh the loss of a relatively small and predominantly inaccessible area of open space.

14.6 Members are to determine if the loss of undesignated open space is acceptable in this instance. It is the view of officers that while the proposal does not wholly comply with policy DM5.2 and DM5.3, the loss of the open space is considered to be acceptable in this instance.

15. Contaminated Land

15.1 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition, NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

15.2 LP Policy DM5.18 Contaminated and Unstable Land states “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:
 - i. Removing the contamination;
 - ii. Treating the contamination;
 - iii. Protecting and/or separating the development from the effects of the contamination;
 - iv. Validation of mitigation measures; and
 - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.”

15.3 The Contaminated Land Officer has reviewed the submitted plans and documents and has recommended conditional approval, with conditions for further investigations and mitigation measures.

15.4 Members are to determine whether the proposal is acceptable in terms of Contaminated Land. It is the advice of officers that with the conditions requested by the Contaminated Land Officer, the proposal is deemed to comply with policy DM5.18 of the North Tyneside Local Plan 2017.

16. Other Issues

16.1 Within the submitted objections several other issues were raised by local residents:

16.2 Several objections raised concerns regard Borough Road Bridge. At the time of the application, an application was submitted for the demolition of the Borough Road Bridge, as such several objections were against the loss of the bridge. This application and the previous application to demolish the bridge are separate and unlinked applications.

16.3 A number of objections raised concerns over the future of the bridge and requested the applicant enter a s.106 to provide funds for the repair and the restoration of the bridge. The bridge is not linked to this application and due to the siting and the number of units, the application would not result in any significant level of foot traffic across the bridge. As such it is not proportionate or reasonable to request a financial contribution for the restoration of the Borough Road Bridge.

16.4 Concerns have been raised over the potential impact of the excavation works to the embankment and the potential damage to the pier of bridge and to the foundations of the properties at Tennyson Terrace at the top of the embankment. The proposed excavation works will be significant, however, as discussed within the principle of the development, such works are possible and will be controlled be means of conditions prior to commencement.

16.5 A further objection has been received with concerns that the proposal would lead to the closure of the footpath behind Tennyson Terrace. There are no public footpath closures as part of this application and any temporary closures would require the relevant highway consents.

17. Conclusion

17.1 Members need to consider whether the proposal will impact on the adjoining properties, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character and appearance of the New Quay Conservation Area, the setting of listed buildings, trees, biodiversity and the highway network.

17.2 The proposed development would be in keeping with the surrounding area. It proposal would provide additional housing and make a welcome contribution to the housing land supply. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, character of the New Quay Conservation Area and the highway network.

17.3 While the loss of the existing trees and open space does not wholly comply with policy, officers consider the proposal to be acceptable in this instance.

17.4 On the balance of issues, it is the view of planning officers that the proposal is acceptable in this instance and that officers are minded to recommend approval subject the expiry of the outstanding Biodiversity Officer consultation and subject to securing a S106 legal agreement for coastal mitigation.

RECOMMENDATION: Minded to grant on expiry consultation

Members are recommended to authorise the Head of Housing, Environment and Leisure to determine application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee subject to the expiry of consultation period.

Members are requested to authorise the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 106 Agreement to secure;
- Coastal mitigation: £2,022

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

- New access**
- Upgrade of footpath abutting the site**
- Associated highway drainage**
- Associated street lighting**
- Associated road markings**
- Associated signage**
- Associated Traffic Regulation Orders**

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 (dated 23/08/2019)
 - Arboricultural Impact Assessment Report Rev V1 (dated 11.11.2019)
 - S1524_1-04: Proposed Block Plan (dated 10.09.2019)
 - S1524_1-05: Proposed Ground Floor Plan (dated 10.09.2019)

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 policy DM7.4 of the North Tyneside Local Plan 2017.

10. Refuse Storage Detail Provide Before Occ REF00 *
1

11. Construction Method Statement - Minor SIT006 *

12. No part of the development shall be occupied until a scheme to manage refuse collection has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

13. No part of the development shall be occupied until a scheme to manage 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 and retained thereafter.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Local Plan 2017

14. No part of the development shall be occupied 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 and retained thereafter.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

15. No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

- New access
- Upgrade of footpath abutting the site
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders

Thereafter, this scheme shall be implemented in accordance with the approved details prior to the first occupation of the hereby approved development and retained thereafter.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

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 Paragraph 38 of the National Planning Policy Framework.

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The applicant is advised that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.



Application reference: 19/01216/FUL

Location: Land Adjacent To Hatfield House, Borough Road, North Shields, Tyne And Wear

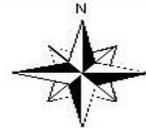
Proposal: Erection of 6no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space

Not to scale

Date: 20.08.2020

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Ordnance Survey Licence Number
0100016801



Appendix 1 – 19/01216/FUL Item

Consultations/representations

1. Highways Network Manager

1.1 This application is for the Erection of 6 three storey townhouse style terraced dwellings, with communal parking & rear amenity space.

1.2 The site will be accessed via Borough Road and whilst only one parking space has been provided for each dwelling, the site is located near to North Shields town centre with reasonable links to public transport & local services. Nonetheless, the developer should be aware that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. For these reasons and on balance conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 The applicant will be required to enter into an appropriate legal agreement with the Local Authority for the following works:

1.5 New access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

1.6 Conditions:

ACC11 - New Access: Access prior to Occ

ACC25 - Turning Areas: Before Occ

ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 43m by 0.6m)

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

1.7 No part of the development shall be occupied until a scheme to manage refuse collection has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

1.8 No part of the development shall be occupied until a scheme to manage 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 and retained thereafter.

Reason: In the interests of highway safety.

1.9 No part of the development shall be occupied 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 and retained thereafter.
Reason: In the interests of highway safety.

1.10 No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

1.11 New access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

1.12 Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

1.13 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

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 dvlp

1.14 The applicant is advised that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.

2. Biodiversity Officer

2.1 The above scheme will result in the loss of existing stone walls (retaining walls), works adjacent to a footbridge and stone abutment (which has been identified through previous survey as providing potential roosting features for bats) and the loss of vegetation, trees and shrubs.

2.2 The following information was previously requested to support the application:-

- Preliminary Ecological Appraisal (PEA)

- Bat Risk Assessment of the stone/brick retaining walls and bridge to assess their potential to support bats. Further surveys may be recommended as a result of these preliminary risk assessments.

- Arboricultural Impact Assessment(AIA)

2.3 Whilst a Preliminary Ecological Appraisal (draft) and AIA have been submitted, a bat risk assessment of the bridge abutments/stone retaining walls has not been provided.

2.4 Preliminary Ecological Appraisal (PEA)

2.5 The ecological appraisal submitted for the above scheme shows that the habitats within the red line boundary, will be lost to accommodate the scheme. This includes a large area of dense scrub, some grassland and native trees. The area that will be lost is approximately 800m². The report states that the trees, scrub and overall site provides ecological benefit to breeding birds and small mammals.

2.6 With regard to bats, whilst the trees on site have been assessed and no potential roost features were found, the report does state that if the development is likely to disturb the walls and bridge abutments on site, then a bat risk assessment is recommended.

2.7 Arboricultural Impact Assessment (AIA)

2.8 The AIA confirms that 8 individual trees are present in this area, all of these trees are fairly young species or in their early stage of maturity. These consist of native species including lime, crab apple, sycamore, ash and whitebeam with 3 category A trees and 4 category B trees. All of these trees will be lost to accommodate the scheme.

2.9 With regard to the above application, insufficient information has been submitted to adequately assess the impacts of the scheme on biodiversity. The engineering statement confirms that works to the bridge structure and bridge abutments will be required. A bat risk assessment of the bridge and any stone/brick retaining walls will therefore be required to support the application. In addition, there will be approximately 800sqm of dense scrub habitat that will be lost that provides habitat for nesting birds and small mammals. Eight good quality native trees (Category A & B) will also be lost. No mitigation has been provided to address this habitat loss. The scheme is therefore not in accordance with Local Plan policies relating to biodiversity and trees and I am currently unable to support the scheme.

3. Landscape Architect

3.1 Existing Site Description

3.2 Legislative framework: *New Quay Conservation Area*

The proposed development site occupies a prominent embankment position, overlooking the adjacent Borough Road to the north and the riverside residential and commercial high-rise development along the quayside harbour frontage with the River Tyne to the east. The proposed site area is bordered along its southern and eastern perimeters by the rear garden areas of residential development along Tennyson Terrace and Collingwood Mansions and Hatfield House to the west, which consists of sheltered and retirement housing for elderly people. The

site area also lies close to the junction of A187 Prudhoe Street to the west and Clive Street to the east, connecting the higher elevation of the North Shields town centre and the lower quayside riverside frontage areas. The elevated landform of the site area is also underpinned along the northern frontage with Borough Road by a number of mixed construction (brick and stone) retaining walls that rise from the rear of the adjacent footway. A pedestrian bridge crossing (Borough Road Bridge) also passes over the proposed development area, connecting residential communities to the north and south, which is currently under review for demolition. The existing site contains a range of mixed-species, semi-mature trees, which along with other associated landscape features, link together to collectively form the immediate and wider landscape tree structure of the area. The site and wider area are also covered by the New Quay Conservation Area status, which seeks to preserve and protect the 'amenity value' of the local tree cover and landscape features. The site is also located within a wildlife corridor as defined within the North Tyneside Local Plan.

3.3 The application is to develop 6no. 3-storey town house style residential dwellings, staggered down the site to the existing foot bridge. An off-road parking area has also been proposed to accommodate the parking requirements of the dwellings. Pre-application advice was given, advising that, in terms of the Conservation Area and the wildlife corridor, *'it would be preferable to retain as much significant tree cover and landscape features in the area as possible. Trees and shrubs contribute to the diverse character and appearance of the local area, offering a 'sense of place' and collective 'amenity value' with regard to the general public's interaction and enjoyment of the immediate and wider area. Some significant, solitary and groupings of trees, are therefore occasionally afforded a level of legal protection under Conservation Area legislation'*.

3.4 The following Local Plan policies apply to the application site:

Policy DM5.2 Protection of Green Infrastructure

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM5.7 Wildlife Corridors

Policy DM 5.9 Trees, woodland and hedgerow

3.5 The site is designated as 'open space' under the Councils Local Plan (Policy DM5.2) with land identified under the councils Green Infrastructure Strategy 2015 and Green Space Strategy 2015. Policy DM5.2 looks to protect enhance, extend and create green infrastructure in appropriate locations within, and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy.

3.6 In terms of the Green Infrastructure Strategy 2015 the open space enhances landscape character and local distinctiveness. Furthermore, the site has value by contributing to a network of biodiversity and is part of a borough wide green infrastructure which is afforded further protection by its designation within as a wildlife corridor (Policy DM5.7)

3.7 In terms of the Green Space Strategy 2015, any loss of green space is to be determined in accordance with paragraph 74 of the NPPF, now revised to para 97, which aims to protect green spaces by not permitting their loss where they

are needed. Paragraph 97 of the NPPF sets out the framework for the exceptional circumstances when such provisions may be lost.

3.8 “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.”

3.9 Based on the layout and information provided, the application does not meet the Local Plan policies with the loss of trees and potentially, habitat. An Arboricultural Impact Assessment (AIA) has been submitted that identifies 8no. individual trees of significance set in an area of grassland and scrub.

3.10 Three trees have been categorised under BS5837:2012 as Category A (trees of high quality), 4no as Category B (trees of moderate quality) and 1no as Category C (trees of low quality). The proposal looks to removal all trees and vegetation from within the site. The report has highlighted that 4 of the eight trees need to be removed due to potential risk and damage to the retaining walls on the site although no detail has been provided.

3.11 The scheme does not retain of any existing landscape features, offers no new planting as mitigation other than green roofs, and provides limited front garden space that offers no landscape amenity at ground level.

3.12 The development does not meet the above Local Plan policies whereby there is a loss of open space that has amenity and wildlife benefits, trees of merit have not been retained, impacts on the wildlife corridor and no suitable mitigation offered. On this basis, I object to the application.

4. Manager of Environmental Health (Contaminated Land)

4.1 The site lies within 250m of an area of unknown filled ground and has a proposed sensitive end use. The following must be attached to any future application

Con 001

Gas 006

5. The Coal Authority

5.1 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it

will be necessary to include The Coal Authority’s Standing Advice within the Decision

Notice as an informative note to the applicant in the interests of public health and safety.

6. Northumberland Water Ltd

6.1 In making our response to the local planning authority Northumbrian Water will 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.

6.2 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit

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

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

6.5 CONDITION: Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

6.6 How to Satisfy the Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

6.7 The developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

6.8 Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can

an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

7. Neighbour Comments

16No objections from 15No addresses have been received on the following grounds:

- A s.106 agreement should be entered to secure funds for the restoration of the Borough Bridge.
- Requests that monies from 19/00436/FUL are used to repair the bridge.
- The proposed works would put the historic footbridge at risk.
- No remedial works are proposed to the bridge.
- Impact on bridge foundations.
- The excavations required may impact on the foundations of the neighbouring dwellings.
- Loss of/damage to trees.
- Impact on landscape.
- Impact on biodiversity
- No mitigation measures for biodiversity.
- Insufficient landscaping.
- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Increase in pollution resulting from the proposal and the cumulative impact from Smiths Dock.
- Security concerns relating to access to the rear of the neighbouring to the rear of the site.
- Adequate noise proofing for residents.
- Impact on the character of the Conservation Area.
- Impact on setting of a Listed Building.
- Loss of visual amenity.
- Objection the demolition of the bridge.
- No heritage assessment.
- Refuse to accept that there is no link between the application to demolish the bridge and the proposed housing application.
- Inadequate parking provision.
- Poor traffic/pedestrian safety.
- Increase in traffic pollution.
- Traffic congestion/flow.
- Road below Tennyson Terrace made be made inaccessible.
- No demand for dwellings given the nearby housing developments.
- Proposed green roofs may have maintenance issues.
- Objection to the application being determined under delegated powers.
- Lack of public consultation.
- An objector wants access to the pre-application discussions without going through the Freedom of Information procedure.
- Query the what would happen should the building/engineering works go wrong?
What financial back-up/insurance is available.

1No letter stating no objection, by raising concerns that the development may impact on the foundations of their dwelling.