

**Application No:** 21/00029/FUL

Author: Rebecca Andison

Date valid: 6 January 2021

☎: 0191 643 6321

Target decision date: 7 April 2021

Ward: Tynemouth

Application type: full planning application

**Location: Unicorn House, Stephenson Street, North Shields, Tyne And Wear, NE30 1BB**

**Proposal: Creation of 28 units (Use Class C3) comprising of 22 town houses and 6 apartments, together with vehicle parking and associated works (AMENDED PLANS)**

Applicant: North Tyneside Council, North Tyneside Council Quadrant East (2nd Floor) Cobalt Business Park North Shields NE27 0BY

Agent: IDPartnership, Grace Paul St Jude's Barker Street Shieldfield Newcastle Upon Tyne NE2 1AS

#### **RECOMMENDATION:**

**The Committee is recommended to indicate that it is minded to grant this application and**

- a) **authorise the Head of Housing, Environment and Leisure to determine the application subject to the conditions set out below and the addition, omission or amendment of any other conditions considered necessary and the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:**

**Affordable housing: 25% - 7 units**

**Ecology and Biodiversity: £2,5460**

**Allotments: £3,629.12**

**Equipped play: £19,600**

**Parks and greenspace: £14,909**

**Primary education: £75,000 (6 additional primary aged pupils)**

**Employment and Training: 1 apprenticeship or £7,000 per apprenticeship or a mix of both**

**Coastal Mitigation: £9,436 towards the Coastal Mitigation Scheme.**

- b) **authorise the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highway improvements:**

**New car park accesses**

**Individual footway crossings**

**Upgrade of footpaths abutting the site**

**Associated street lighting**  
**Associated drainage**  
**Associated road markings**  
**Associated Traffic Regulation Orders**  
**Associated street furniture & signage**

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

#### 2.0 Description of the Site

2.1 The application site is located between Stephenson Street and Norfolk Street within North Shields town centre. It contains a detached three storey building with a car park at the rear (west). The building is currently vacant but was previously occupied by offices.

2.2 The surrounding area contains both residential and commercial uses. To the east is North Shields Police Station and residential properties on Stephenson Street, to the south are offices and a public house, and to the north are Northumbria House and Stephenson House, which have recently been converted into residential apartments. Beyond Norfolk Street to the west is a public car park and the rear elevations of properties on Howard Street.

2.3 The boundary of Northumberland Square Conservation Area lies beyond Suez Street to the north and beyond the car park to the west. The site is allocated for mixed use development within the Local Plan (site 61 Norfolk Street and Stephenson Street car park).

#### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for 28no.residential units comprising 22no. town houses and 6no. apartments, together with vehicle parking and associated works. 10no. of the town houses have 3-bedrooms plus a study and 12no. have 3-bedrooms plus a study/4<sup>th</sup> bedroom. 4no. 2-bed and 2no. 1-bed apartments are proposed.

3.2 The proposed town houses face onto Stephenson Street and Norfolk Street while the apartments face north onto Suez Street. Parking is proposed within the front gardens and two courtyards.

#### 4.0 Relevant Planning History

20/00560/DEMGDO - The building is a large modern office block that was previously occupied by North Tyneside Council. It is intended to demolish all ancillary structures (except for an electricity sub station) and hard standings within the confines of the site. The site is located on the corner of Suez Street and Stephenson Street, North Shields – Permitted 01.06.2020

17/01137/PRIGDO - Notification for prior approval for proposed change of use from offices (use class B1a) to 43 residential units (use class C3) – Permitted 22.09.2017

#### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

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 for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

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.

#### 8.0 Principle

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 takers 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 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.

8.6 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.7 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.8 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF and Policies S4.1 and S4.3. It is located in a highly sustainable location close to public transport links, shops and services.

8.9 Having regard to the above; the principle of the proposed development is considered acceptable subject to consideration of the following matters:

#### 8.10 North Tyneside Council Housing Land Supply

8.11 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.

8.12 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).

8.13 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.

8.14 The application site is identified for mixed use development under Policy S4.3 of the Local Plan (site 61 Norfolk Street and Stephenson Street car park). The Local Plan suggests that the site could accommodate around 41no. dwellings. This figure includes the Norfolk Street car park which does not form part of this application. 14no. of these units form part of the 5-year housing land supply.

8.15 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.

#### 9.0 Impact on the amenity of existing and future occupiers

9.1 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.

9.2 The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9.3 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.

9.4 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.5 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.

9.6 Policy DM4.9 states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1 October 2018 the following standards will apply, subject to site viability:

Accessibility of homes:

Market Housing

a. For new housing developments, excluding low-rise non-lift serviced flats, 50% of homes are to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

Affordable Housing

b. For all new housing developments, excluding low-rise non-lift serviced flats, 90% of homes should meet building regulation M4(2) – ‘accessible and adaptable dwellings’.

c. 10% of new homes where the local authority is responsible for allocating or nominating a person to live in that dwelling should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area. Where there is no specific need identified, then M4 (3) (2) (a) will apply, to allow simple adaptation of the dwelling to meet the future needs of wheelchair users.

Internal Space in a Home:

d. All new homes, both market and affordable, will meet the Government’s Nationally Described Space Standard (NDSS).

*9.7 Impact on existing residents –*

9.8 Separation distances between the proposed dwellings and existing properties on Howard Street and Stephenson Street measure approximately 46m and 23m respectively. This is considered to be sufficient to protect the amenity of existing residents.

9.9 Northumbria House is located to the north west. This 5-storey building contains flats with windows in the south and east elevations. The south facing windows would be located approximately 8m from the gable elevation of unit 19 but would still have an open aspect around the sides of this property. The east facing windows would be located approximately 29m from the proposed dwellings on plots 7 and 8.

9.10 There are also residential flats in Stephenson House, which is located on the north side of Suez Street. The south facing windows in this building would be located approximately 23m from the proposed apartments at the north end of the site. This is considered to be acceptable in terms of the impact on light, outlook or privacy.

9.11 Having regard to the above the impact on the living conditions of existing residents is considered to be acceptable.

### *9.12 Amenity of future occupiers –*

9.13 The application site is located within North Shields town centre and residents of the proposed development could be affected by road traffic noise, noise from external plant associated with nearby commercial units, and noise arising from customer voices and amplified music at the adjacent Bell and Bucket public house. Normally a noise survey would be required as part of the application to assess existing noise levels and ensure appropriate mitigation measures are taken. However, due to current restrictions related to the Covid pandemic noise levels in the area are not representative of the normal conditions and it has not been possible for a noise assessment to be carried out.

9.14 The Manager of Environmental Health has provided comments. She acknowledges the difficulties in obtaining a representative noise assessment and notes that the impact of noise from the public house will be mitigated by the high (4-5m) boundary wall and the fact that the closest proposed dwelling would have the gable elevation facing towards the pub. To ensure the impact of noise is adequately mitigated she recommends conditions in respect of: a noise scheme to address traffic and commercial noise, ventilation scheme, construction hours and dust suppression.

9.15 Subject to these conditions the impact of noise on future occupiers is considered to be acceptable.

9.16 The layout of the development is also considered to be acceptable in terms of the standard of living accommodation provided for future occupiers. Each dwelling would be provided with a front and rear garden and there is a small communal garden for the apartments. The development provides adequate separation distances between properties within the development to ensure that future occupiers enjoy good levels of light, outlook and privacy, and the floor areas meet the Government's Nationally Described Space Standard (NDSS).

9.17 It is officer opinion that, subject to the conditions discussed above, the development would provide an acceptable living conditions for future occupiers and avoids having an adverse impact on existing residents. Members need to consider whether they agree.

### 10.0 Impact on Character and Appearance

10.1 Paragraph 124 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 127 of the NPPF states that planning policies and decisions, amongst other matters, should ensure that developments:

- will function well and add to the overall quantity of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.3 Paragraph 130 of the NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

10.4 Policy DM6.1 of the Local Plan states that 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.

10.5 Policy DM6.6 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.

10.6 The Council has produced an SPD on Design Quality, which seeks to encourage innovative 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.

10.7 The 22no. proposed houses are arranged in two terraces and one semi-detached pair, fronting Stephenson Street and Norfolk Street. Between the two terraces is a courtyard parking area with access from the south. The appearance of the parking area is softened with trees and landscaping. There are further landscaped areas along the development frontages to help break up the in-plot parking spaces. The 6no. apartments would be located in a separate north facing building with a second parking area at the rear. This would be accessed from Stephenson Street and again contains trees and landscaping.

10.8 A Design and Access Statement has been submitted as part of the application. This explains that the proposed design seeks to reflect the Georgian architecture of the surrounding area in a contemporary way. Two house types are proposed for the houses. These are 2.5 storey with increased height on prominent corners to 'bookend' the development. Rooms within the roof are facilitated through dormer windows and roof lights. The design includes feature windows to help break up the terraces and varying brick colours to add interest to the streetscene. The apartments would be 3-storey and include single storey flat

roofed elements on either side. The roofs of these would provide balconies for the first floor flats.

10.9 The Planning Policy Officer (Design) has provided comments. He states that the overall design and layout successfully responds to the site and the surrounding area, noting that development would create an attractive streetscene. Changes have been made to address his concerns regarding some of the boundary treatments. The boundaries enclosures now proposed include hedging and low walls to the front gardens, 1.8m fencing with brick piers to the rear boundaries and 1.8m high brick walls at the car park entrances.

10.10 The site is located outside of but close to the boundary of Northumberland Square Conservation Area. The impact on the setting of the conservation area has been considered. It is officer opinion that the development would enhance the setting of the conservation by removing the existing vacant office building and introducing a high quality residential development.

10.11 Members need to consider whether the design and layout of the proposed development is acceptable and whether it accords with the advice in the NPPF, Policy DM6.1 of the North Tyneside Local Plan and the 'Design Quality' SPD and weight this in their decision. Subject to conditions to control the construction and surfacing materials, it is officer advice that the design is acceptable and accords with national and local planning policies.

#### 11.0 Landscaping and ecology

11.1 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 by amongst other matters improving biodiversity.

11.2 Paragraph 175 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

11.3 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

11.4 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or 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.

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

11.6 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

11.7 The site is occupied by the existing office building and hard surfacing but contains a number trees within the car park and at the northern end of the site. An Arboricultural Impact Assessment and Landscape Strategy have been submitted as part of the application. It is necessary to remove 28no. existing trees and 1no. tree group to construct the development. Of these trees 12no. are category B trees (moderate retention) and the rest category C (low retention). 26no. replacement trees are proposed within the gardens, car park areas and along Norfolk Street.

11.8 The Landscape Architect has been consulted and provided comments. She states that the existing trees contribute to the character and quality of the landscape, but some are struggling due to the environment in which they are located. She recognises that the development provides an opportunity for improved landscaping and that a comprehensive planting scheme is proposed. She considers that the proposed landscape scheme provides adequate mitigation for the loss of trees. A condition is recommended in respect of a detailed planting scheme.

11.9 A Bat Risk Assessment has been carried out and submitted as part of the application. The assessment concludes that the buildings and trees are of negligible suitability for use by roosting bats. Trees within the site provide some opportunity for nesting birds but none were recorded during the survey. The Biodiversity Officer has commented and raises no objections to the application. She recommends conditions in respect of: a detailed planting scheme, bat and bird boxes, external lighting and the timing of tree removals.

11.10 The development lies within 6km of the coast and therefore has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. To mitigate this impact, in accordance with the Coastal Mitigation SPD, the developer has agreed to make a contribution of J337 per dwelling towards coastal mitigation.

11.11 Natural England has been consulted. They have advised that they have no objections to the application subject to appropriate mitigation being to mitigate the impact of additional visitors on the Northumberland Coast SPA and Ramsar Site.

11.12 Members need to consider whether the impact on trees and ecology would be acceptable and in accordance with policies DM5.5 and DM5.9 and weight this

in their decision. Subject to conditions and a contribution towards the Coastal Mitigation Scheme, it is officer advice that the impact is acceptable.

#### 12.0 Whether there is sufficient car parking and access provided

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

12.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

12.3 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are take into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

12.5 The Transport and Highways SPD sets out the Council's adopted parking standards.

12.6 50no. parking spaces are proposed for the 28no. proposed properties. The town houses would have driveways with direct access onto Norfolk Street and Stephenson Street, and additional parking within a rear courtyard accessed from Stephenson Street. Parking for the 6no. apartments is proposed in a separate courtyard, also accessed from Stephenson Street. Each dwelling would be provided with a covered cycle store within the rear garden and a communal store would be provided for the apartments.

12.7 The Highway Network Manager been consulted and raises no objection to the application. He advises that an appropriate level of parking would be provided for the development and notes that the site is in a highly sustainable with excellent links to public transport. While some on-street parking would be lost from Norfolk Street and Stephenson Street this would not impact on the overall regeneration plan for the town centre.

12.8 The Highway Network Manager recommends conditions including in respect of a construction management plan, refuse storage, and off-site highway works.

12.9 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, it is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and the Transport and Highways SPD.

### 13.0 Other issues

#### 13.1 Contaminated Land

13.2 Paragraph 179 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

13.3 Policy DM5.18 'Contaminated and Unstable Land'; states that 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.

13.4 There is a potential for contamination to be present on the site from former vehicle refuelling and servicing, and from the demolition of buildings. The Contaminated Land Officer has stated that conditions will be required to address these issues.

13.5 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

#### 13.6 Flooding

13.7 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

13.8 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.9 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to the development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

13.10 The site contains an existing building and a large area of hardstanding. It is located within Flood Zone 1 and is not within a Critical Drainage Area.

13.11 It is proposed to provide surface water attenuation via the use of an underground attenuation tank and permeable paving in order to restrict the discharge rate before discharging into local sewer network.

13.12 The Local Lead Flood Officer has provided comments and states that he has no objections to the proposals. He queries whether the permeable paving will be connected to the surface water drainage system and recommends conditions in respect of the detailed drainage design and SUDs management.

The applicant has confirmed that the permeable paving will be connected to the surface water drainage system.

13.13 Northumbrian Water has also provided comments. They state that they have no objections to the development and recommend a condition requiring that the development is carried out in accordance with the submitted Surface Water Drainage Assessment.

13.14 Subject to the above conditions, it is officer advice that the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14. Members need to consider whether they agree.

#### 13.15 S106 Contributions

13.16 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

13.17 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- 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.

13.18 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

13.19 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

13.20 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
  - i. Are related to the proposed development; or,

ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

13.21 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

13.22 The following contributions have been requested by service areas and agreed by the applicant:

Affordable housing: 25% - 7 units

Ecology and Biodiversity: £2,5460

Allotments: £3,629.12

Equipped play: £19,600

Parks and greenspace: £14,909

Primary education: £75,000 (6 additional primary aged pupils)

Employment and Training: 1 apprenticeship or £7,000 per apprenticeship or a mix of both

Coastal Mitigation: £9,436 towards the Coastal Mitigation Scheme.

13.23 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

13.24 A CIL payment will be required.

#### 13.25 Local Financial Considerations

13.24 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL).

13.26 The proposal involves the creation of 28no. new dwellings. Granting planning permission for new dwellings increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

13.27 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

## 14.0 Conclusion

14.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

14.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.3 The site is identified as being suitable for mixed use development under Policy S4.3 of the Local Plan and lies in a highly sustainable location, close to shops, services and transport links. It is therefore officer advice that the principle of residential development on this site is acceptable. Members need to consider the impacts of the proposed development as set out in paragraph 1.0 of this report. It is officer advice that the development is acceptable in terms of its impact on residential amenity, the highway network, existing landscape features and biodiversity and its overall design and appearance.

14.4 Approval is recommended, subject to conditions and securing the requested financial contributions via a S106 Agreement.

### **RECOMMENDATION:**

**The Committee is recommended to indicate that it is minded to grant this application and**

- a) authorise the Head of Housing, Environment and Leisure to determine the application subject to the conditions set out below and the addition, omission or amendment of any other conditions considered necessary and the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:**

**Affordable housing: 25% - 7 units**

**Ecology and Biodiversity: £2,5460**

**Allotments: £3,629.12**

**Equipped play: £19,600**

**Parks and greenspace: £14,909**

**Primary education: £75,000 (6 additional primary aged pupils)**

**Employment and Training: 1 apprenticeship or £7,000 per apprenticeship or a mix of both**

**Coastal Mitigation: £9,436 towards the Coastal Mitigation Scheme.**

- b) authorise the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highway improvements:**

**New car park accesses**

**Individual footway crossings**



Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawing.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. The development shall not 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 car park accesses
- Individual footway crossings
- Upgrade of footpaths abutting the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. The development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Surface Water Drainage Assessment" dated "December 2020". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6506 and ensure that surface water discharges to the combined sewer at manhole 6506. The surface water discharge rate shall not exceed the available capacity of 20l/sec that has been identified in this sewer. Prior to commencement of the development, a detailed scheme for the disposal surface water, to include the final surface water discharge rate shall be submitted and approved in writing by the local planning authority. Thereafter the development shall take place in accordance with the approved details.

Reason: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with NPPF.

10. Prior to occupation of the development details of the maintenance regime for the surface water drainage infrastructure and contact details for the company responsible for this work, must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the proposed development would not increase flood risk in accordance with NPPF.

11. Desk Study and Method Statement

CON003

\*

12. Site Investigation	CON004	*
13. Remediation Method Statement	CON005	*
14. Validation Report	CON006	*
15. Unexpected Hotspots	CON007	*

16. Prior to occupation of the development, a noise scheme to address the road traffic noise arising from Norfolk Street and Stephenson Street and external noise arising from neighbouring commercial buildings must be submitted to and approved in writing by the Local Planning Authority. The sound attenuation scheme must be in accordance with BS8233 and the World Health Organisation community noise guidelines and must ensure that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms. External gardens must meet the world health organisation community noise level for outside spaces to be below 50 dB LAeq. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

17. Prior to occupation of the development, a ventilation scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure an appropriate standard of comfort is achieved to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night, namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours) and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with windows open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system, that addresses thermal comfort to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

18. The residential accommodation located adjacent to the Bell and Bucket Public House, shall not be occupied until a noise assessment has been submitted to and approved in writing by the Local Planning Authority, and a scheme of sound insulation works have been installed. The noise assessment shall identify the residential plots that require a scheme of sound insulation works to be installed for mitigating noise arising from the public house. Such a scheme of works shall be capable of restricting noise breakout from the commercial use at the Bell and Bucket Public House to all adjacent residential accommodation to levels complying with the following:

- o All habitable rooms : NR20
- o All habitable rooms: LAFmax 45dB, max 10 events

Note: Noise rating curves should be measured as an LZeq(15 mins) at octave band centre frequencies 31.5Hz to 8kHz).

Where the above noise criteria cannot be achieved with windows partially open, a system of alternative acoustically treated mechanical ventilation, such as mechanical heat recovery (MVHR) system, should be provided to all habitable rooms, that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

19. Notwithstanding condition 1, prior to the construction of the development above damp proof course level, a schedule and/or samples of construction and surfacing materials and finishes shall be submitted and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

20. Within one month from the commencement of the development or any operations such as site excavation works and site clearance (including site strip), a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The trees shall be specified to sizes and locations as shown on the Landscape Strategy Plan (drawing 1609-1-1 Rev E) unless in agreement with the Planning Authority. Tree species will need to include a number of native trees. Thereafter, the landscape scheme shall be planted in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any plants that die, are removed or become seriously damaged or defective within five years of planting shall be replaced in the next available planting season with others of similar size and species. The agreed landscaping shall be maintained for a minimum of five years in accordance with a maintenance schedule that must be submitted and approved in writing by the Local Planning Authority for the purposes of discharging this condition.

Reason: In the interests of amenity, biodiversity and to ensure a satisfactory standard of landscaping having regard to policies DM5.9 and DM5.5 of the North Tyneside Local Plan (2017).

21. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme must be submitted to and approved in writing by the Local Planning Authority. Lighting should be limited to low level lighting, avoiding the use of high intensity security lighting in order to avoid affecting the site's suitability for bats.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.19 and DM5.5 of the North Tyneside Local Plan.

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

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

23. 3no. bird boxes must be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and thereafter installed in accordance with the approved details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

24. 3no. bat boxes must be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and thereafter installed in accordance with the approved details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

**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**

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

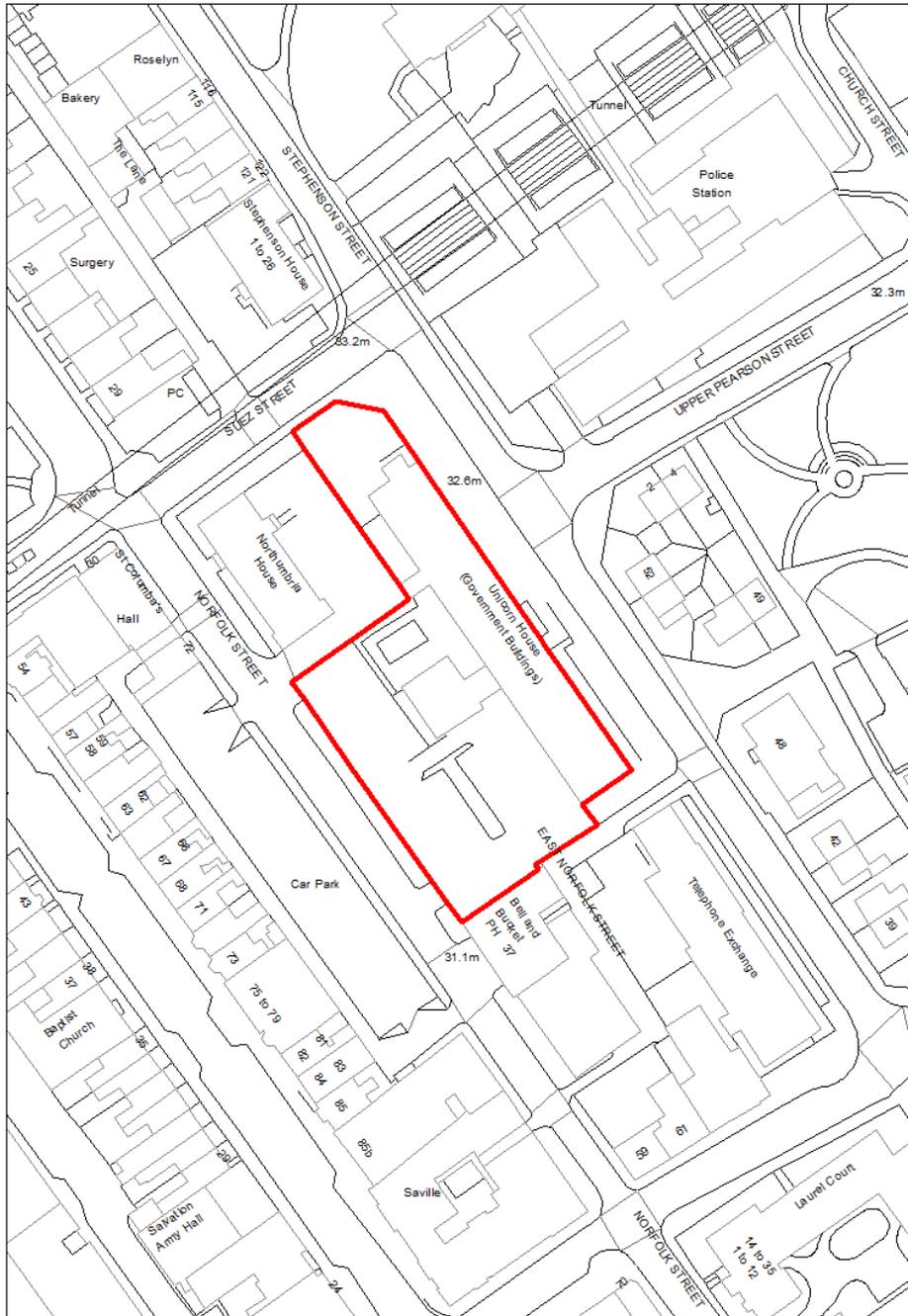
Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

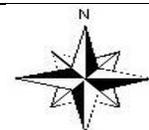
Due to the age of the building there is the potential for it to contain asbestos. A pre demolition asbestos survey must be carried out and any asbestos removed accordingly by suitably licensed contractors prior to site redevelopment.



**Application reference: 21/00029/FUL**  
**Location: Unicorn House, Stephenson Street, North Shields**  
**Proposal: Creation of 28 units (Use Class C3) comprising of 22 town houses and 6 apartments, together with vehicle parking and associated works**

Not to scale  
 Date: 30.03.2021

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**Appendix 1 – 21/00029/FUL**  
**Item 1**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the creation of 28 units, comprising of 22 town houses and 6 apartments, together with vehicle parking and associated works. The town houses will have driveways with direct access onto Norfolk Street & Stephenson Street with additional parking to the rear via an access from Stephenson Street. The apartments are accessed via another separate access from Stephenson Street.

1.3 An appropriate level of parking will be provided and whilst some existing on-street provision will be lost from Norfolk Street & Stephenson Street and the council's Regeneration Team have confirmed that the loss of this parking will not significantly impact on the overall town centre plan. The site has excellent links with public transport and cycle parking is proposed. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 The applicant will be required to enter into an appropriate Legal Agreement for the following works:

- New car park accesses
- Individual footway crossings
- Upgrade of footpaths abutting the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

1.6 Conditions:

- ACC11 - New Access: Access prior to Occ
- PAR04 - Veh: Parking, Garaging before Occ
- REF01 - Refuse Storage: Detail, Provide Before Occ
- SIT07 - Construction Method Statement (Major)

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 car park accesses
- Individual footway crossings
- Upgrade of footpaths abutting the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interest of highway safety

#### 1.7 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 dv/pt

#### 1.8 Local Lead Flood Authority

1.9 I have carried out a review of planning application 21/00029/FUL. I can confirm in principle I have no objections to the proposals as the applicant will be providing surface water attenuation on site via the use of an underground attenuation tank and permeable paving and will be restricting the discharge rate to 5l/s before discharging into local sewer network. I note the permeable paving on the submitted drawings does not appear to be linked to the surface water drainage network. The applicant should confirm that these areas will have positive drainage linked to them as the underlying ground conditions will not allow for infiltration. I will also require confirmation as to who will be responsible for the long-term maintenance of the areas of permeable paving and attenuation tank.

1.10 I would recommend the following conditions are placed on the application;

- Detailed drainage design to be submitted to LLFA for approval prior to construction.

- Details of the appointed Suds management company to be provided to LLFA upon completion of development.

#### 1.11 Manager of Environmental Health (Contaminated Land)

1.12 I have read the Phase 1 report submitted with this application and I note that this states the following:

“It has been assumed that current buildings will be subjected to a pre demolition asbestos survey, and any asbestos removed accordingly by suitably licensed contractors prior to site redevelopment.

There is a potential for contamination to be present on the site from former vehicle refuelling and servicing, and from demolition of buildings.”

1.13 As potential contaminant linkages have been identified the following must be applied:

Con 003

Con 004

Con 005

Con 006

Con 007

1.14 Due to the age of the building there is the potential for it to contain asbestos. A pre demolition asbestos survey must be carried out and any asbestos removed accordingly by suitably licensed contractors prior to site redevelopment.

#### 1.15 Manager of Environmental Health (Pollution)

1.16 The site is located within the town centre area of North Shields with commercial and residential properties in close proximity to the site. I am concerned about road traffic noise affecting the proposed residential properties, noise from any external plant installed at nearby commercial units, noise arising from the street late at night and noise arising from customer voices and amplified music arising from the Bell and Bucket Public House. There may also be external plant consisting of extraction plant, air conditioning units and chiller units located to the rear of the public house.

1.17 No noise assessment has been provided with this application which will be required to assess the external noise sources. The applicant has advised difficulties in obtaining representative data to enable the noise assessment to be provided at the application stage. The noise assessment is necessary to ensure appropriate sound mitigation measures are provided within the build design for the residential development.

1.18 It is not clear whether the public house has a rear beer garden, and this may lead to potential restrictions on the activities of the public house as the introduction of residential housing will cause a potential nuisance to arise. Environmental Health has historically received complaints about customer noise from similar premises and therefore the noise assessment needs to ensure that potential noise arising from the public house is fully assessed to ensure appropriate mitigation measures are provided.

1.19 I note that the layout drawing shows that the proposed housing will have a gable end directly adjacent to the public house. I have viewed the external boundary wall of the public house and note that this is at a minimum height of around 4-5 metres, this will help screen noise arising from any beer garden for the new build gardens adjacent to the site. However, noise may still arise from noise breakout from the building itself as live music is played at the premises and this will affect habitable rooms for those properties located to the southern boundary and it will be necessary for sound mitigation measures to be incorporated for those habitable rooms. I would therefore recommend that the noise scheme for the housing affected by the public house incorporates a noise scheme that ensure that habitable rooms meet the NR20 criteria.

1.20 The noise scheme will need to include for a traffic noise assessment, which will need to be carried out based on the memorandum of road traffic noise and consideration should be given to ensure that gardens and internal rooms located to the north of the site are provided with appropriate noise mitigation to ensure good standards of internal noise levels in accordance with BS8233 to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved. All external gardens will need to meet the world health organisation community noise level for outside spaces to achieve noise levels below 50 dB LAeq.

1.21 If planning approval is to be given I would recommend the following conditions.

- Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme to address the road traffic noise arising from Norfolk Street and Stephenson Street and external noise arising from neighbouring commercial buildings. Details of the sound attenuating scheme in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved and external gardens meet the world health organisation community noise level for outside spaces to below 50 dB LAeq.

- Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of comfort to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night namely a minimum of night time equivalent noise level of 30 dB ( 23:00 hours to 07:00 hours and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with windows open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance.

- The residential accommodation, located adjacent to the Bell and Bucket Public House, hereby permitted shall not be occupied until a noise assessment has been submitted to and approved in writing by the Local Planning Authority, and a scheme of sound insulation works has been installed and thereafter retained. Such a scheme of works shall be capable of restricting noise breakout from the commercial use at the Bell and Bucket Public House to all adjacent residential accommodation to levels complying with the following:

- o All habitable rooms : NR20
- o All habitable rooms: LAFmax 45dB, max 10 events

Note: Noise rating curves should be measured as an LZeq(15 mins) at octave band centre frequencies 31.5Hz to 8kHz).

Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated mechanical ventilation, such as mechanical heat recovery (MVHR) system, should be provided to all habitable rooms, that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

HOU05  
HOU04  
SIT03

1.22 Planning Policy (Heritage and Design)

1.23 Comments in respect of the original proposal:

1.24 The proposed application is on the site of the former Unicorn House in North Shields. The site borders Northumberland Square conservation area and forms part of its setting.

1.25 The overall design and layout is well considered and successfully responds to the site and the surrounding area. Units front the existing streets and have complimentary landscaping proposed. Refuse is logically located to the rear of units. The units respond to the topography of the site and step up the street. The detailed design is of a contemporary nature with feature windows and brickwork. There are a number of different house types proposed which when combined create an attractive street scene. Car parking is broken up with landscaping comprising of a mixture of specimen trees, shrubs and hedge planting.

1.26 It is proposed to use 3 different contrasting colour bricks to add interest and variation. There are some concerns about the grey brick walls to the front of properties in combination with the red and buff bricks proposed for the units. A more restraint palette of materials would be more in keeping with the area with boundary walls matching the brick colour of the units.

1.27 Boundary treatments have been submitted with the application. Some amendments are required to these. On plots 7 and 8, a 1800 high timber fence is not supported to the front of the properties.

1.28 It is unclear what the proposed boundary treatment is to the side of plot 28. Boundary treatments are not shown for the private amenity space for units 1 and 4.

1.29 Due to the large extent of timber fencing to the rear of the properties it is advised that some brick piers are added between units to help break up the overall amount of timber fencing.

1.30 Overall, subject to the amendments above, the scheme is supported.

1.31 Comments in respect of the amended plans:

1.32 I have no further comments.

1.33 Landscape Architect

1.34 This application is for the creation of 28 units comprising of 22 town houses and 6 apartments, together with vehicle parking and associated works.

1.35 Unicorn House is located in North Shields between Stephenson Street and Norfolk Street. Northumberland Square conservation area is located to the west of the application site and covers all of Northumberland Square and Howard

Street. No part of the site falls within the conservation area boundary although it is within close proximity. Unicorn House is a large office block, with associated car parking which has been vacant for several years. Permission has been granted for its demolition. There are a number of mixed species trees around the site, many located to the boundaries of the site with neighbouring streets. There are level changes across the site, accommodated with retaining features and graded land. The proposed development will be accessed from the existing road network with parking to the front of properties on Stephenson Street and Norfolk Street and some parking to the rear of properties accessed via an existing lane leading to east Norfolk Street. A small parking court is proposed to serve the apartments facing onto Suez Street.

1.36 The site is not located in a wildlife corridor or designated open space as determined by the Local Plan. However, there are a number trees on the site. Policy DM5.9 applies to this site which seeks protect areas of existing woodland, trees, hedgerow and landscape features. It also seeks to secure new tree planting.

1.37 The trees have been surveyed and evaluated for the purposes of British Standard 5837:2012 'Trees in relation to design, demolition & construction', details of which are included in an arboricultural impact assessment (AIA). Twenty eight trees and 1no tree group are present on the site. None of the trees are identified as category A specimens, although 12no trees have been identified as category B trees (moderate retention). The proposal seeks to remove all of the existing trees (T1 to T28 and group 1) to facilitate the proposed development.

1.38 The trees on the site contribute to the amenity of the local landscape and category B trees are considered worthy of retention and incorporation into a development. The existing trees are sizeable and visually prominent from public footpaths and highways, are an important feature in urban landscapes and make a positive contribution to the character and quality of our landscape as well as enhancing biodiversity. The loss of the trees will be a visual change to amenity and it is unfortunate that some of the existing tree structure could not be retained to meet the requirements of Policy DM5.9. However, a number of trees appear to be struggling, likely due to the hostile environment in which they find themselves and in order to meet the requirements of DM5.9, a landscape strategy plan has been submitted that provides a comprehensive planting scheme incorporating new tree planting. This provides a new opportunity for improved landscape and streetscape enhancement.

1.39 A revised Landscape Strategy Plan (drawing 1609-1-1 Rev E) provides the planting of 26no individual trees (a loss of 2no.) but with tree species that will provide a level of visual impact and amenity. This includes the planting of 4no semi mature street trees to the highway verges to Norfolk Street which is now supported by NTC Highways. The trees to the play street have been revised to birch which will provide increased visual amenity to this area. All other trees have been proposed at a minimum size of 14 to 16cm girth.

1.40 The inclusion of larger street trees to Norfolk Street (larger trees, less numbers) and increased tree size elsewhere is sufficient mitigation for the loss of trees on the site and meets the requirements of the Local Plan Policy DM5.9.

#### 1.41 Conditions:

- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The tree shall be specified to sizes and locations as shown on the Landscape Strategy Plan (drawing 1609-1-1 Rev E) unless in agreement with the Planning Authority. Tree species will need to include a number of native trees. Thereafter, the Landscape scheme shall be planted in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

- Should any plant, within a period of five years after planting, is removed, dies or becomes seriously damaged or defective, it shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

#### 1.42 Biodiversity Officer

1.43 The above application is for the creation of 28 units with vehicle parking at the site of Unicorn House in North Shields.

1.44 Bat Risk Assessment: The scheme will result in the demolition of a building and loss of trees on site to facilitate the scheme, therefore, a bat risk assessment has been undertaken to assess the site for the risk of supporting roosting bats.

1.45 The Bat Risk Assessment concludes that the building and trees within the site are considered to be of negligible suitability for use by roosting bats with no potential roost features identified during the survey. The trees within the site also provide some opportunities for nesting birds, although no evidence was recorded during the survey.

1.46 Landscape Strategy: The Landscape Strategy is generally ornamental with no native trees indicated within the scheme. It is therefore, recommended that some native trees are incorporated into the planting scheme to provide some additional biodiversity value within the site. A landscape condition should be attached to the application to ensure details of landscaping are submitted for approval.

1.47 Coastal Designated Sites: The scheme will also result in an increase in residential units in North Tyneside that may impact coastal designated sites due to an increase in recreational disturbance. It is, therefore, recommended that an appropriate financial contribution is secured towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD, to

mitigate these recreational impacts. This contribution should be agreed with the LPA prior to the determination of the application.

#### 1.48 Conditions:

- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level lighting, avoiding the use of high intensity security lighting.

- No tree removal or building demolition shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

- 3no. bird boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

- 3no. bat boxes will be provided in suitable locations within the development site. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including

details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule

## 2.0 External Consultees

### 2.1 Northumbria Police

2.2 I have noted the plans and we do not have any objection to the application, we do however have the following comments:

2.3 We have noted the boundary treatments and these are acceptable, especially to the rear of the properties overlooking the communal parking, this will allow for natural surveillance of vehicles. Can it be clarified if rear garden boundaries will have timber gates installed, allowing access to the rear car parking area, if installed these need to be lockable gates and the same height as the boundary fence.

2.4 Boundary treatments to be clarified for Plot No's 1 – 6 and 28, as it is not clear from the proposed boundary treatment plan what these should be.

2.5 Street lighting in the communal parking court should comply with BS 5489-1:2013

### 2.6 Northumbrian Water

2.7 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Surface Water Drainage Assessment". The proposals in this document align with our pre-planning enquiry advice provided.

2.8 We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Surface Water Drainage Assessment" dated "December 2020". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6506 and ensure that surface water discharges to the combined sewer at manhole 6506. The surface water discharge rate shall not exceed the available capacity of 20l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

### 2.9 Tyne and Wear Archaeology Officer

2.10 I have checked the site against the HER and historic maps. The site was partly occupied by a ropery in the early 19th century (HER 4568 <https://www.twsitelines.info/SMR/4568>) but was otherwise undeveloped. It was developed for terraced housing and a tram depot in the mid 19th century. These were demolished by the 1960s and the present Unicorn house (Government Buildings) constructed.

2.11 Previous phases of building and demolition are likely to have truncated any earlier deposits and structures. I therefore consider the site to have low archaeological potential, and no archaeological work is required.

## 2.12 Natural England

### 2.13 Summary of Natural England's Advice

Internationally and nationally designated sites – no objection subject to appropriate mitigation

2.14 This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

2.15 Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

2.16 Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

2.17 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

2.18 This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

2.19 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations

2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

2.20 Natural England's advice on other natural environment issues is set out below.

2.21 Sites of Special Scientific Interest Impact Risk Zones:

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website.

### 3.0 Representations

#### 3.1 1no. representation has been received.

- Poor traffic/pedestrian safety.

- As Church Secretary of St Columba's URC I would like to point out that at on a number

of occasions members of our church have had near misses with cars coming out of the flats in Norfolk Street and coming up over onto Northumberland Square.

Norfolk street is supposed to be a one-way system. Please could you make signage clearer so that everyone is clear which way to go before there is a serious accident.