

Application No: 21/01891/FUL Author: Rebecca Andison
Date valid: 23 August 2021 ☎: 0191 643 6321
Target decision date: 22 November 2021 Ward: Tynemouth

Application type: full planning application

Location: Land At Former Coleman N E Ltd Site, Walker Place, North Shields, Tyne And Wear

Proposal: Variation of condition 1 (approved plans) of planning approval 17/00835/FUL - revised elevation details to house types, revised ridge heights, addition of basements to plots 12 and 13 and a retaining wall (AMENDED DESCRIPTION AND PLANS)

Applicant: P North Developments Limited, C/o Agent 4-6 Market Place Alnwick NE66 1TL

Agent: George F White LLP, Stephanie Linnell 4-6 Market Street Alnwick NE66 1TL

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to a variation to the existing Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- the impact on surrounding occupiers; and
- the impact of the proposal on the character and appearance of the conservation area.

2.0 Description of the Site

2.1 The application site is located on a parcel of land situated between Walker Place, Bird Street and Brewhouse Bank. It sits in an elevated position above the

Fish Quay and is currently being developed to provide 14no. residential dwellings.

2.2 The site lies within the Fish Quay Conservation Area and the grade II listed Irvin building is located to the south east. To the west of the site are residential properties on Walker Place and to the north are newly built apartments on Bird Street.

3.0 Description of the Proposal

3.1 Planning permission is sought to vary condition 1 of the approval given under application 17/00835/FUL. Condition 1 states that the development must be carried out in accordance with the approved plans.

3.2 The following amendments are proposed:

1. It is proposed to reduce the ridge height of the plots 6, 7 and 8 by approximately 300mm and raise plots 12, 13 and 14 by approximately 500mm to account for ground levels and allow DDA compliant entrances to be provided on the western elevation.
2. Basements are proposed to plots 12 and 13 with an associated retaining wall on the east side of the development.
3. The door on the west side of plot 12 has been amended to remove the alcove and reposition the bin store.
4. It is proposed to amend the roofline of plots 13 and 14 from a 38-degree pitch to a 45-degree pitch.
5. Plot 3 has been amended to include a larger bathroom window in the west elevation with a 2nd west facing bathroom window omitted. The south elevation now features a projecting element with full height windows over 3no. floors. First and second floor east facing Juliette balconies and an east facing rooflight are also proposed.
6. It is proposed to amend the roof design of plot 3 with an increase in height of 109mm to the main ridgeline and 412mm to the roof apex.
7. Amendments are proposed to the detailed design of the east facing windows and balconies.
8. The approved plans are incorrectly labelled (north, south, east and west). This has been corrected.

4.0 Relevant Planning History

17/00835/FUL - Development of 14 no three storey townhouses with associated vehicle parking and landscaping (Various amendments 23.10.17 including amendments to heights of certain plots and alterations to garaging arrangements).

Permitted 02.08.2018

15/01172/FUL: Development of 27no. apartments along with associated vehicle parking and landscaping (amended plans)

Refused 16.02.2016

16/00005/S78TPA – Appeal in respect of the above application allowed

15/00865/FULDEM - Demolition of the existing building

Permitted 28.07.2015

5.0 Government Policy

5.1 National Planning Policy Framework (July 2021)

5.2 Planning Practice Guidance (As amended)

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

6.0 Development Plan

6.1 North Tyneside Local Plan 2017

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- the impact on surrounding occupiers; and
- the impact of the proposal on the character and appearance of the conservation area.

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

8.0 Impact on Residential Amenity

8.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. 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 quality of life.

8.2 The NPPF states that planning should always seek to ensure that developments 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.

8.3 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.

8.4 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.

8.5 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.

8.6 Several amendments are proposed to the approved development including changes to the height of the development, the window sizes/positions and the addition of Juliette style balconies.

8.7 Letters of objection have been received from residents of Renaissance Point regarding the impact of the proposed changes in terms of privacy, light and outlook.

8.8 The nearest point of the development to properties in Renaissance Point is the corner of Plot 3 to No.38 Renaissance Point. There is a separation distance of approximately 12.5m at this point. The proposal includes an amended roof design to plot 3 with an increase of 109mm to the main ridgeline and 412mm to the roof apex. The height of the eaves has also increased by approximately 800mm.

8.9 It is acknowledged that the proposed changes to plot 3 increase the bulk of the development when viewed from Renaissance Point, but when taking into account the minimal increase to the overall height of the building it is not considered that the impact on the amenity of existing occupiers would be significant enough to warrant refusal of the application on these grounds.

8.10 The approved scheme has 4no. windows in the west elevation of plot 3. It is a condition of the planning permission that these must be obscurely glazed to prevent overlooking of Renaissance Point. It is proposed to omit 1no. window and enlarge the remaining bathroom window. Given that the condition requiring the use of obscure glazing would remain, the impact on privacy is considered to be acceptable.

8.11 It is also proposed to introduce floor to ceiling windows in the south elevation of plot 3 at ground, first and second floor level serving a kitchen/dining room, living room and bathroom. The approved scheme has only 1no. modest

size window in this elevation which serves a first floor living room. Residents of Renaissance Point are concerned that the additional windows, due to their size and projection from the building, will allow views between the development and the existing properties resulting in a loss of privacy to both existing residents and residents of the development.

8.12 The proposed windows are set in from the western edge of the development and would be positioned approximately 15m from the rear elevation of No.38 Renaissance Point. They face south and are angled away from Renaissance Point. Therefore, no direct overlooking between the properties would exist. There would be oblique views from the development towards the gardens and rear windows of No.38 Renaissance Point when standing directly in front of the proposed windows, but these would be extremely restricted due to the angle of view. Views from Renaissance Point into plot 3 would be similarly restricted with only a very limited section of the rooms visible from No.38. Furthermore, the 2nd floor bathroom window would be obscurely glazed, and a condition can be imposed to control this. The only additional impact would be from the increased size of the first-floor window and the ground floor window.

8.13 An objection has also been received from a resident of a top floor flat within the Irvin Building. The rear elevation of the Irvin Building is built into the bankside with windows at third and fourth floor level. The fourth-floor apartment (No.25) also has a balcony on the west elevation which is positioned approximately 18m from the corner of plot 3.

8.14 The ground floor level of plot 3 is approximately level with the penthouse roof of the Irvin Building. The proposed south facing windows of plot 3 would be set above the windows within The Irvin Building and at an angle that would make overlooking unlikely. There would be some overlooking No.25's roof terrace from the south and east facing windows within the development and this was also the case for the approved development, as acknowledged within the case officer report for application 17/000835/FUL. The impact on privacy was considered to be acceptable given that the roof terrace is currently overlooked from the car park of the adjacent public house and Hudson Street. It is not considered that the proposed additional windows in the south elevation of plot 3 or Juliette balconies to the east elevation would increase the degree of overlooking to an unacceptable level.

8.15 It is proposed to increase the ridge heights of plots 12, 13 and 14 by approximately 500mm and to amend the roof pitch of plots 13 and 14. These changes would have some impact on views from the properties at the northern end of Renaissance Point and North Harbour Apartments. North Harbour Apartments are located approximately 16.5m from the corner of plot 14 and are positioned at an angle to this plot. Properties on Renaissance Point are a minimum of 42m from Plot 12. Given the relatively small increase in height that is proposed and the position of plots 12-14 in relation to existing properties it is officer opinion that the impact on residential amenity is acceptable.

8.16 Having regard to the above, it is officer opinion that the proposed amendments would not result in such significant harm to the amenity of existing occupiers as to justify refusal of the application on these grounds and that the

development complies with Policies S1.4, DM6.1 and DM5.19. Members must consider whether they agree.

9.0 Impact on Character and Appearance

9.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

9.2 Par.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.3 Para.200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

9.4 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF para.201-202).

9.5 At paragraph 206 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

9.6 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.

9.7 Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

9.8 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. 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.

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.

9.9 The Council has produced an SPD on Design Quality, 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.

9.10 The Fish Quay Neighbourhood Plan SPD adopted in 2013 states, amongst other things, that its priorities are to provide an environmentally, socially and economically sustainable future for the area for residents, business and visitors, and to protect and enhance the conservation area and historic environment. Design Principles are set out in chapter 4.

9.11 Amendments are proposed to the window design, including additional Juliette balconies, the roof design and heights and a retaining wall is proposed adjacent to plots 12 and 13.

9.12 The proposed changes to the roof heights and design are not considered to result in any harm to the overall appearance of the development or the character of the conservation area. Given the relatively small increase in height to plots 3,12,13 and 14 it is not considered that the amendment would have any significant impact of views from the Fish Quay.

9.13 The proposed changes to the window styles/sizes are considered to be in keeping the design principles applied to the approved development and

acceptable in terms of the impact on the character of the conservation area. The changes to the levels on plots 12 and 13 have resulted in a disjointed window design but in the overall context of the development it is not considered that this results in any significant harm.

9.14 A retaining wall is proposed to address the changes in ground levels in the north east part of the site and allow basements to be provided to plots 12 and 13. The approved development includes a high (up to 3m plus 1.1m railings) retaining wall on Bird Street. The submitted plans indicate that the proposed retaining wall would be sloping and approximately 3.2m high but limited information has been submitted regarding its appearance. It is considered that the construction of a retaining wall is acceptable in principle subject to a condition requiring that the detailed design must be submitted for approval.

9.15 Local residents have raised concern regarding the construction materials and the increased use of black cladding. The amended plans do include some additional cladding, most notably to the west elevation of plot 3. The cladding on the south elevation of plot 3 is now more disbursed and an accent feature around the windows rather than a solid block across the upper floors. It is officer opinion that the proposed changes to the use of cladding do not result in any harm to the overall design of the development.

9.16 It is officer opinion that the impact of the proposed changes on the appearance of the development and the character of the conservation area is acceptable. The proposal is considered to comply with the NPPF and Policies DM6.1 and DM6.6 of the Local Plan.

10.0 Other Issues

10.1 Local Financial Considerations

10.2 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).

10.3 The proposal involves the creation of 14no. 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.

10.4 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.

11.0 Conclusion

11.1 It is officer opinion that the proposed amendments to approved application 17/00835/FUL area acceptable in terms of the impact on the amenity of existing

occupiers, the design of the development and the character and appearance of the conservation area.

11.2 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval subject a variation to the S106 agreement.

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to a variation to the existing Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement.**

Conditions/Reasons

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

Application form

Site plan P-77-A-09-100/A

Plans first and second floor house plots 3-14 P-77-PL-101/A

House plots 1 and 2 Proposed plans and elevations P77-PL-103

Plans lower ground and ground floor house plots 3-14 P-77-PL-100/A

House plots 3-14 Proposed elevations P-77-PL-102/A

Comparative ridge dimension elevations between approved and revised planning drawings section 73 P-77_PL-501/-

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

2. Existing trees and shrubs to be retained within the site and any on adjacent sites growing close to the boundary of the development site shall be protected from damage during construction works in accordance with best practice and to BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction - Recommendations'. This shall include appropriate protective barriers and other relevant physical protection measures including ground protection and construction exclusion zones to protect the root protection areas.

Reason: To avoid physical damage to trees and root plates during construction, to ensure the satisfactory retention of existing trees and shrubs in the interests of visual amenity to preserve the character and appearance of the Conservation Area having regard to policy DM5.9 and DM6.6 of the North Tyneside Local Plan 2017.

3. Within 1 month of the date of this permission a remediation method statement and validation report for the top soil placements must be provided. This

should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included. The validation report must provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to above.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4. Restrict Hours No Construction Sun BH HOU00 *
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5. The development shall be carried out in accordance with the Construction Method Statement submitted and approved under application 20/00999/COND.

Reason: To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6. The development hereby approved shall be carried out in accordance with the submitted Flood Risk and Drainage Assessment by bdn dated 19 June 2015 (submitted under application 17/00835/FUL). The drainage scheme shall ensure that foul and surface water flows discharge to the adjacent combined sewer. The surface water discharge rate shall not exceed the available capacity of 8l/sec that has been identified in this sewer.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources having regard to Policy DM5.12 of the North Tyneside Local Plan 2017 and the NPPF.

7. The scheme for surface water maintenance and managing flood risk shall be implemented in accordance with the details submitted and approved under application 20/00999/COND.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

8. Prior to occupation of the dwellings hereby approved, the new means of access shall be laid out in accordance with the details submitted and approved under application 20/00999/COND.

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. Within 6 month(s) of the new/altered access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb/removing the existing bellmouth and reinstating the footway verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. The development shall not be occupied until the following details and a timescale for their implementation have been submitted to and approved in writing by the Local Planning Authority:

- Upgrade of existing footpaths abutting the site
- Upgrade of carriageway on Walker Place
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage

Thereafter, these agreed works shall be carried out in accordance with the agreed timescales and retained thereafter.

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

11. Prior to occupation of the dwellings hereby approved, visibility splays shall be provided on both sides of the access between a point 2.4metres along the centre line of the access measured from the edge of the carriageway and a point 33 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

13. Prior to installation of windows, a noise scheme providing details of the window glazing, in accordance with the noise report by NVA(UK) reference 727.1/1, shall be submitted to and approved in writing by the Local Planning Authority. The noise scheme shall include details of glazing to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq for daytime as described in BS8233:2014 and the World Health Organisation community noise guidelines. The approved scheme shall be carried out in full, prior to occupation of the dwellings hereby permitted and retained thereafter.

Reason: To protect the occupants of the residential properties from noise and disturbance having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

14. Within 1 month of the date of this permission details of the ventilation scheme for habitable rooms must be submitted to and agreed in writing by the Local Planning Authority. The ventilation scheme shall meet as a minimum System 3 of Table 5.2 of Approved Document F Building Regulations: Means of Ventilation or mechanical ventilation, with windows closed. Where the internal noise levels specified in BS8233 are not achievable, with windows open, due to the external noise environment, an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided 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. Ventilation of the development hereby permitted shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To protect the occupants of the residential properties from noise and disturbance, to ensure good ventilation without recourse to opening windows, having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

15. Notwithstanding any indication of materials which may have been given in the application, within 1 month of the date of this permission a schedule and/or samples of all external finishing and surface materials for the development must be submitted to and approved in writing by the Local Planning Authority. The roof shall be natural slate unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

16. Details of all windows and doors must be submitted to and agreed in writing by the Local Planning Authority prior to installation. Windows should be set back within the window reveal unless otherwise agreed in writing by the Local Planning

Authority. Thereafter the windows and doors shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

17. Details and samples of metal rainwater goods must be submitted to and agreed in writing by the Local Planning Authority prior to installation. Thereafter the rainwater goods shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

18. Windows on the western elevation of plot 3 shall be obscure glazed and shall be retained as such thereafter.

Reason: To protect the amenities of occupants of nearby residential properties in Renaissance Point with regard to privacy and overlooking having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

19. The second floor bathroom window on the south elevation of plot 3 shall be obscure glazed and shall be retained as such thereafter.

Reason: To protect the amenities of occupants of nearby residential properties in Renaissance Point with regard to privacy and overlooking having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

20. Prior to installation of any balcony balustrading, details and samples of the balcony balustrading shall be submitted to and agreed in writing by the Local Planning Authority. The balustrade shall form an acoustic screen of minimum height 1.2 m. Thereafter the balcony balustrading shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced and to protect the amenities of occupiers of the proposed development from noise and disturbance having regard to policies DM6.1, S6.5, DM6.6, S1.4 and DM5.19 of the North Tyneside Local Plan (2017)

21. Details of all external features including extract vents, flues, meter boxes etc including location and type, must be submitted to and agreed in writing by the Local Planning Authority prior to their installation. Thereafter the vents, flues, meter boxes etc shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

22. Notwithstanding any details of means of enclosure which may have been given in the application, no means of enclosure shall be erected until details of all screen and boundary walls, fences and any other means of enclosure have been

submitted to and approved in writing by the Local Planning Authority. The details of means of enclosure shall include a 1.6m high stone wall to plot 3 and an acoustic fence to the gardens of plots 1 and 2 unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. The approved details shall thereafter be retained.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced, and to protect the amenities of occupiers of plots 1-3 from noise and disturbance within the garden areas of plots 1-3 having regard to policy DM6.1, S6.5, DM6.6, S1.4 and DM5.19 of the North Tyneside Local Plan (2017).

23. Refuse storage for plots 7-14 shall be implemented as shown on drawing P-77-A-09-100/A with two wheeled refuse bins for household waste and recycling provided per property prior to occupation of the dwellings and shall thereafter be permanently retained. Notwithstanding any details of refuse storage which may have been given in the application, details of facilities for the storage of refuse at Plots 1-6 shall be submitted to and approved in writing by the Local Planning Authority prior to construction of refuse storage facilities. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of the dwellings and thereafter permanently retained. Plots 1-6 require the provision of two wheeled bins for household waste and recycling. Plots 1-3 also require a wheeled bin for garden waste.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

24. Notwithstanding any details of landscaping which may have been given in the application, the development hereby permitted shall not be landscaped and planted until a landscaping scheme for onsite and offsite landscaping on the bankside adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping scheme shall be implemented in accordance with the approved scheme. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policies DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

25. Prior to the commencement of any landscaping, details of a management strategy for the landscaped areas outside the site boundary on the bankside to

the east of the site, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policies DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

26. Prior to occupation of the proposed development, a scheme to manage refuse collection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, refuse collection shall be carried out in accordance with the approved details.

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

27. Six bird boxes and four bat boxes/slates shall be provided on appropriate trees or buildings within the site. Prior to implementation of the bird boxes and bat boxes/slates, details including design and location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boxes shall be installed prior to occupation of the development hereby approved in accordance with the approved details and retained thereafter.

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

28. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting around the site margins and adjacent to retained areas of scrub should be low level (2m) and low lumen (less than 2 lux). Any lighting which is so installed shall not be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interest of visual amenity, biodiversity and/or highway safety having regard to policy DM6.1, S6.5, DM6.6 and DM5.5 of the North Tyneside Local Plan (2017).

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A B C D E G and H of Part 1 of Schedule 2 or Classes A and C of Part 2 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality, adequate parking is provided and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policies DM6.1, S6.5, DM6.6 and 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.



Application reference: 21/01891/FUL

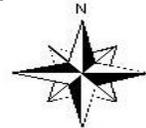
Location: Land At Former Coleman N E Ltd Site, Walker Place, North Shields, Tyne And Wear

Proposal: Variation of condition 1 (approved plans) of planning approval 17/00835/FUL - revised elevation details to house types, revised ridge heights, addition of basements to plots 12 and 13 and a retaining wall

Not to scale

Date: 03.02.2022

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Appendix 1 – 21/01891/FUL Item 1

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a variation of conditions 1 (approved plans) & 23 (windows, plot 3) of planning approval 17/00835/FUL - revised elevation details to house types. Parking and access are unaffected by the variations, approval is recommended and all other conditions & informatives apply.

1.3 Recommendation - Conditional approval

1.4 Conservation and Urban Design

1.5 Recommendation: No objection.

1.6 Following initial comments (dated 4th September) that raised concerns with the application, further information has been submitted.

1.7 Concerns were raised about the proposed retaining wall to accommodate a lower ground floor for plot 12. Limited further information has been submitted about this. There are still concerns about the appearance of this and the detailed design of the retaining wall should be conditioned.

1.8 On plot 13, changes have been made to the side elevation so that the projecting gable feature is centrally placed in the roof.

1.9 The floor levels on plots 12 and 13 have been revised and the levels are different on each plot which results in a disjointed window design. A complete street scene has been submitted which shows that the impact of the changes in levels on the overall design is not significant enough to be unacceptable.

1.10 Suggested Conditions:

a) Detailed design of the retaining wall for plots 12 - 14.

2.0 Representations

2.1 37.no objections have been received. The concerns raised are summarised below:

- Adverse effect on wildlife.
- Affect character of conservation area.
- Affect setting of listed building.
- Impact on landscape.
- Inadequate parking provision.
- Inappropriate in special landscape area.
- Inappropriate design.
- Inappropriate materials.
- Loss of privacy.
- Loss of residential amenity.
- Loss of/damage to trees.
- Not in accordance with development plan.

- Will result in visual intrusion.
- Not in accordance with development plan.
- None compliance with approved policy.
- Precedent will be set.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Inadequate drainage.
- Letter or petition of support.
- Pollution of watercourse.
- Potential overlooking of rear windows and terraces within the Irvin Building.
- Can see no acceptable reason why any adjustment to the conditions should be permitted.
- The conditions were applied for good reasons.
- Unacceptable for obscure glazing to be omitted.
- Conditions relating to tree protection and construction vehicle parking have not been enforced.
- The conditions are not being adhered to.
- Overbearing impact of the proposed house on plot 3 due to proximity to houses on Renaissance Point.
- Removal of obscure glazing from plot 3 will result in loss of privacy.
- Only one small window was originally proposed in the side of plot 3.
- Plot 3 is now 3-storey with an additional large protruding south facing window.
- Future residents of plot 3 will be overlooked by existing residents and members of the public.
- Enlarged window in the west elevation of plot 3 – concerns that this may be habitable.
- Changes to the east elevation of plot 3 are not in keeping the area and harm the conservation area.
- Ongoing disruption from construction work.
- Ongoing parking and access issues.
- The site is overdeveloped and poorly controlled.
- The changes to the height of the properties will impact on views.
- Inadequate information submitted.
- Changes have been made without consent.
- Concrete has been dry cut on site resulting in dust and potentially carcinogenic materials.
- The changes cannot be classed as minor amendments.
- Little outside space within the development.
- Plans do not meet current building regulations and planning guidelines.
- Loss of light due to roof alterations.
- The revisions have taken away the good design.
- The black cladding to plot 3 will look overbearing and out of keeping.
- The addition of balconies to plot 3 will overlook the Irvin Building.
- The additional bay window to plot 3 causes overlooking and makes the building look disjointed.
- The residents of North Harbour Apartments were not consulted.
- Loss of views and light to North Harbour Apartments.
- Loss of original supporting wall in conservation area.
- Concerns over structural integrity from addition of basements.

- Concerns over increased risk of surface water as a result of raised ground levels and additional basements.
- Impact of additional building height and ground levels.
- The two dwellings on plots 13 and 14 have been merged. A new planning application should be submitted for these changes.
- The new design has a less varied roofscape.
- No information has been submitted regarding the materials.
- Impact on residential amenity due to height, overlooking and loss of light.
- Revised design is not in keeping with the conservation area.
- Increased risk of surface water flooding as a result of raised ground levels. And additional basements.
- The dwellings are now 4-storey instead of 3-storeys.
- The height issues are made worse by the proximity to houses on Renaissance Point.
- The floor area of plot 3 has increased.
- Only 1 tree has been retained.
- Damage to existing trees.
- Plots 1 and 2 have been constructed closer to the site boundary.
- The development is generating dust and mud and taking up resident's parking.