

**Application Number:** ST/0274/17/FUL

**Date Received:** 30/03/2017

**Application Date:** 30/03/2017

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**Applicant's Name and Address**

Isos Housing Limited  
FAO Mr L. Smith  
C/O Gus Robinson Developments Ltd.  
Stranton House  
West View Road  
Hartlepool  
TS24 0BW

**Agent's Name and Address**

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**LOCATION** **Gordon House**  
**Gordon Street**  
**South Shields**  
**NE33 4JP**

**PROPOSAL** Existing site and associated hard standing is to be redeveloped to provide 18no. dwellinghouses with associated parking and landscaping.

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**RECOMMENDATION:** Minded to Grant Permission

Subject to:

- (1) The Head of Legal Services being authorised to complete a planning obligation with regards to:-
    - The proposed Habitats Regulations Assessment mitigation and its maintenance (referred to at paragraphs 3.46-3.49 of this report).
  - (2) The Head of Development Services being authorised to:-
    - Issue the planning permission, on completion of the planning obligation, subject to the recommended planning conditions (and subject to any minor drafting amendments to these, if necessary).
- .....

subject to the following condition(s):

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plans as detailed below

(00)311 Rev. F received 15/06/2017  
(00)330 Rev. E received 30/03/2017  
(00)334 Rev. A received 30/03/2017  
(00)332 Rev. D received 30/03/2017  
(00)331 Rev. D received 30/03/2017

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

### 3 Contamination - Investigation and Risk Assessment

Notwithstanding the submitted Phase 2 ground investigation report and addendum gas risk assessment, post demolition sampling is required within the footprint of the office building. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health (including ground gas), property (existing or proposed) and (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination or ground gas to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

### 4 Contamination - Remediation Strategy

A Detailed Remediation Strategy for the proposed remedial works shall be submitted to, and approved by the Local Planning Authority prior to commencing remedial works. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Where remediation of gas has been identified as necessary by the site investigation a verification plan shall be submitted for the proposed gas protection measures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Development shall be carried out in accordance with the approved details.

To ensure that risks from land contamination to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

### 5 Contamination - Verification Report

Following completion of measures identified in the approved Remediation Strategy, a Verification Report that demonstrates the effectiveness of the remediation carried out

must be produced, and is subject to the approval in writing of the Local Planning Authority prior to any part of the site being first occupied.

To ensure that risks from land contamination to the future users of the development site and neighbouring have been addressed in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

## 6 Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

Development shall be carried out in accordance with the approved details.

To ensure that risks from land contamination to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

## 7 Drainage Scheme - Design and Implementation

Development shall be carried out in accordance with the drainage scheme contained within the submitted Drainage Statement (by Portland Consulting Engineers dated March 2017), received 30/03/2017; which shall ensure that foul and surface water flows discharge to the combined sewer at manhole 4702 and with surface water discharge being restricted to 5l/sec.

To ensure the discharge of surface/foul water from the site does not increase the risk of flooding in accordance with Policies DM1 and ST2 of the South Tyneside Local Development Framework.

## 8 Drainage Scheme - Maintenance and Management

Before the first occupation of any dwelling, a detailed management and maintenance plan for the drainage scheme for the lifetime of the development, including the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its life; shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

To ensure the drainage scheme is adequately maintained and managed so that it does not increase the risk of flooding in accordance with Policies DM1 and ST2 of the South Tyneside Local Development Framework.

## 9 Soft Landscaping

Notwithstanding the indicative details shown on drawing number (00)320 Rev. D received 28/06/2017 and before the first occupation of any dwelling hereby permitted, a detailed soft landscaping planting plan/specification shall be submitted to and approved in writing by the Local Planning Authority. The plan/specification shall include details of the phasing of the landscaping on a phase by phase basis, before respective dwellings are occupied.

Development shall be carried out in accordance with the approved details.

Any trees or plants, which within a period of 5 years of planting, die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species not later than the next planting season after the loss or damage has occurred (unless otherwise agreed in writing by the Local Planning Authority).

To ensure a satisfactory standard of development in the interests of visual amenity and ecology in accordance with Policy DM1, DM7 and EA3 of the South Tyneside Local Development Framework.

10 External lighting

Before the first occupation of any dwelling hereby permitted, full details (including samples, drawings and/or specifications) of the proposed external lighting to serve the entire development including a phasing plan to secure its completion, shall be submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development in the interests of both visual and residential amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

11 Construction working hours

No construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Public Holidays.

To safeguard the amenity of the nearby residents in accordance Policy DM1 of the South Tyneside Local Development Framework.

12 Finished floor levels

The finished floor levels of the dwellings shall be carried out in accordance with the details included on drawing number (00)0350 Rev. C, received 27/06/2017. Unless alternatives have been previously submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and development is then carried out accordance with them.

To ensure a satisfactory standard of development in the interests of both visual and residential amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

13 Materials

The external materials to be used in the construction of the dwellings and hard surface treatments shall be carried out in accordance with the details included on the following drawings

(00)360 Rev. C received 27/06/2017  
(00)330 Rev. E received 30/03/2017  
(00)334 Rev. A received 30/03/2017  
(00)332 Rev. D received 30/03/2017

(00)331 Rev. D received 30/03/2017

unless alternatives have been previously submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and development is then carried out in accordance with them.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

#### 14 Boundary treatments

Prior to the first occupation of each dwelling, the boundary treatments for the development hereby approved shall be completed on-site in accordance with the details included on the following drawings

(00)0325 Rev. C received 15/06/2017

(00)600 Rev. A received 15/06/2017

(00)700 Rev. A received 15/06/2017

(00)710 Rev. A received 15/06/2017

(00)720 Rev. A received 15/06/2017

unless alternatives have been previously submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and development is then carried out in accordance with them.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

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## **SUMMARY OF NEIGHBOUR REPRESENTATIONS:**

### **Objection**

Bird, 18 Stanhope Road, South Shields

Gatt, 24 Stanhope Road, South Shields

Riseborough, 26 Stanhope Road, South Shields (two objections)

**All of the issues raised are summarised in the body of the report**

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## **REASON FOR PRESENTATION TO PLANNING COMMITTEE**

This application is brought to the committee for determination because it is a 'major' application. The committee carried out a site visit on Friday 14 July 2017.

## **ASSESSMENT OF PROPOSAL:**

### **1.0 The Proposal**

- 1.1 Planning permission is sought for the demolition of the existing office building and redevelopment of the site, including its car park, for the provision of 18 houses with associated car parking and landscaping.

- 1.2 The applicant is a registered provider of social housing (with the Homes and Communities Agency) and all of the proposed properties are being proposed for affordable home ownership.
- 1.3 This is a Government part funded housing product (by the Homes and Communities Agency and) where homeowners rent the property at an affordable rent (80% of market value), therefore allowing them to save for a deposit and potentially purchase the property from year 5 onwards.
- 1.4 The proposed dwellings would be a mix of 5no. two bedroom properties and 13 no. three bedroom properties. The properties would be set out in semi-detached and short terraces of three properties with at least one parking space per property in their respective front garden.
- 1.5 The proposal that is subject to consideration in this committee report follows some minor changes the proposed layout which, in summary, include the provision of 3 visitor parking spaces to the side of plot 9 and some alterations to proposed boundary rear garden treatments to plots adjacent to the nursery and day centre situated to the west; plus adding a visibility splay to the south of plot 16 by altering the back garden of plot 18
- 1.6 Plan 1 at the rear of this report shows the site's location. Plan 2 shows the proposed site layout and Plans 3 to 6 show details of the proposed houses.
- 1.7 In addition to the application form and plans, the following were also submitted in support of the application:
  - Design and access statement / sustainability statement
  - Affordable housing viability statement
  - Land contamination phase 1 desk top study and coal mining risk assessment
  - Land contamination phase 2 ground investigation report
  - Drainage statement and plan
  - Preliminary ecological appraisal and bat survey report, including an amended/updated version.
  - Shadow habitat regulations assessment, including an amended/updated version.

## **2.0 Responses to Publicity and Consultations**

### **Neighbour Notification Responses**

- 2.1 In terms of publicising the planning application, 86 neighbour notification letters were sent out, 4 site notices were erected and the application has also been advertised in the local press.
- 2.2 In response to the scheme as originally submitted one objection was received from the following address:  
**26 Stanhope Road:**  
Concerned about car parking for existing residents, proposed residents or visitors and access to their property / rear yard. Concerns about whether there would be any problem families moving into the area.
- 2.3 The applicant then revised the scheme by amending some of the rear boundary treatments and the inclusion of 3 visitor parking spaces (to the side of proposed plot 9). Neighbour

letters were issued by the council to notify resident of the amended layout on 15 June 2017 and three objections were received from the following addresses:

**26 Stanhope Road:**

Live on one of the busiest roads in the borough and noise is quite high. The proposal will increase traffic in the rear lane significantly. Will lose skylight to our rear yard, which is already dark. We will lose our minuscule view to rear. The upstairs of the houses will be overlooking us.

**24 Stanhope Road:**

The parking area to the rear of our property is a cause for great concern, as when cars park over the designated area we have great difficulty getting our car in and out of the rear yard.

**18 Stanhope Road:**

Would like assurances that access into and out of my garage would be maintained, during construction and after the development is complete. Can this be a planning condition?

**External Consultees**

Northumbria Water

- 2.4 No objections. Condition suggested in relation to the applicant's submitted drainage details being carried out, including the connection point to Northumbrian Water's network and surface water discharge rate.

Northern Gas Networks

- 2.5 No objections. Copies of mains records and safe working guidance supplied.

Police Architectural Liaison Officer

- 2.6 No objections from a crime prevention point of view. The applicant usually insists on Secured by Design certification, but has not been in contact yet about this proposal.

Tyne & Wear Archaeology Officer

- 2.7 No known archaeology features on the site and archaeology work is not required.

Natural England

- 2.8 Initial response: Further information required to determine impact on designated sites – the Northumbria Coast Special Protection Area (SPA) – indirect impacts require a revised mitigation strategy.
- 2.9 Response on further information: No objection, subject to appropriate mitigation being secured by planning condition or planning obligation. The response includes reference to the mitigation set out in the applicant's amended Shadow Habitats Regulations Assessment.

**Internal Consultees**

Landscape Architect

- 2.10 The soft landscape proposals will need to be agreed by condition.

### Community Safety

- 2.11 Content with the proposed development and pleased to see the applicant's design and access statement includes mention of Secured by Design considerations. The applicant should consult with the Police ALO.

### Waste Services

- 2.12 Queried if the rear lane to the east of the site was adopted, wide enough for a refuse vehicle and are gardens big enough to store refuse containers and can they be pulled to the frontages for collection.  
*Case officer comment: Waste Services have been advised this lane is over 5.5m wide and adopted, it is presumably already used to collect waste from properties along Stanhope Road; and that each plot has space to store waste containers in their rear gardens and pull them to their frontages for collection off the street. No further comments have been received from Waste Services.*

### Traffic and Road Safety

- 2.13 No objections. Comments in relation to a traffic regulation order (yellow lines), as these might need altering to enable on-street parking on Gordon Street to the front of some of the properties and that it appears that the existing street lighting is on the building that is to be demolished.

### Environmental Protection / Environmental Health (including as Lead Local Flood Authority)

- 2.14 Land contamination: Having regard to the phase 1 desk top study, phase 2 ground investigation report and addendum gas risk assessment, four planning conditions are suggested – post office demolition additional sampling/risk assessment, remediation strategy, verification and dealing unexpected contamination.
- 2.15 Drainage / flood risk: The drainage strategy follows the drainage hierarchy and includes surface water run-off attenuation measures within the site. The details are acceptable, but a maintenance plan should be agreed by condition.

### Countryside Officer

- 2.16 The applicant has undertaken appropriate and adequate ecology survey work to inform their application. The ecological interest within the site is very limited but works should be undertaken out on-site having regard to the mitigation suggested in the amended preliminary ecological appraisal and bat survey.
- 2.17 The shadow habitats regulations assessment, which has been amended, is acceptable and the proposed mitigation needs to be carried out. Maintenance costs need to be agreed.

### Housing Strategy

- 2.18 No objections. Given the nature of this development and the product that is being developed is affordable, a section 106 planning obligation in relation to affordable housing would be unnecessary.

### Business, Employment and Skills Service

- 2.19 No objections.



### **3.0 Planning Assessment**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.
- 3.2 The statutory development plan is the Council's adopted Local Development Framework development plan documents. These are in **bold** text below. Adopted supplementary planning documents are capable of being material considerations in planning decisions. These are in *italic* text below.
- 3.3 In deciding whether to grant planning permission the Council must have due regard to the three equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.
- 3.4 The National Planning Policy Framework (NPPF), introduced in March 2012 to replace all existing government planning policy guidance, is a material consideration in all planning applications.
- 3.5 To assist in the assessment of the application, development plan policies have been grouped together under the main themes of the LDF.

#### **Strategic Policies and Delivering Sustainable Communities**

**ST1 Spatial Strategy for South Tyneside (LDF Core Strategy)** sets out the spatial strategy for the development of South Tyneside and that the use of planning obligations is essential to the delivery of the overall strategy.

**ST2 Sustainable Urban Living (LDF Core Strategy)** promotes the highest standards of design, environmentally sound practices, (including on site generation of renewable energy) and sustainable drainage, gives priority to alternative modes of transport to the private car, addresses the need to design out crime and eliminate the fear of crime and promotes biodiversity interests.

**SC1 Creating Sustainable Urban Areas (LDF Core Strategy)** says that to deliver sustainable communities, development proposals will be focused and promoted within the built up area.

**SC3 Sustainable Housing Provision (LDF Core Strategy)** promotes the renovation of existing housing stock where viable and managed redevelopment in order to create sustainable residential communities and manages the phased release of land for new housing developments.

**SC4 Housing Needs, Mix and Affordability (LDF Core Strategy)** seeks to ensure a range and choice of good quality affordable homes to meet identified housing needs.

**DM1(J) Energy Efficiency and Resilience to the Affects of Climate Change (LDF Development Management Policies)** is to ensure that developments are designed to achieve lower carbon emissions and to have greater resilience to the affects of climate change.

*SPD1 Sustainable Construction and Development: requires applicants for certain larger scale or significant schemes to demonstrate the sustainability credentials of their proposals.*

*SPD4 Affordable Housing: sets out how the affordable housing requirement in policy SC4 is to be provided through the planning process.*

*SPD5 Planning Obligations and Agreements: provides guidance on the planning obligations and agreements that will be required to ensure that new development can be accommodated in the Borough.*

- 3.6 The application site comprises a vacant office building with associated car park and they are situated within a built up area. The immediate surrounds comprise a mix of residential properties to the east and south. There are commercial uses, such as a health centre, doctors surgery, children's nursery and day centre to the north and west.
- 3.7 There are bus stops within a short walking distance on Stanhope Road to the east and Chichester metro station is also nearby and within walking distance to the north. There are also local shops or other amenities nearby, for example on Stanhope Road or Dean Road.
- 3.8 It is therefore considered that the application sites location would accord with Policy SC1 which seeks to focus new development in built up areas.
- 3.9 The application site is not allocated for new housing or any other proposed land use for that matter within the various LDF allocation publications. But, it could further contribute to the supply of housing sites in the borough (as required by the NPPF).
- 3.10 The applicant is a 'registered provider' (with the Homes and Communities Agency) and is proposing that the dwellings would be for affordable home ownership (i.e. rent to buy). This is new part Government funded product (by the Homes and Communities Agency) and where homeowners rent the property at an affordable rent (80% of market value) therefore allowing them to save for a deposit and potentially purchase the property from year 5 onwards, if they wish to do so.
- 3.11 The applicant has secured £576,000 of government funding from the Homes and Communities Agency Shared Ownership and Affordable Homes programme to deliver the houses in this way.
- 3.12 Policy SC4 seeks to require 25% of all new housing be genuinely affordable and in urban areas it would apply to housing proposals of 15 or more dwellings or with a site area of 0.5 hectare or more. However, this is negotiable within reason between sites to ensure genuine affordability and to reflect local housing needs.
- 3.13 This site is approximately 0.31 hectare in area but 18 dwellings are proposed, so Policy SC4 is a relevant to the applications assessment.
- 3.14 All of the proposed dwellings would be considered as being affordable housing, having regard to the buy to rent delivery model being proposed by the applicant and the Home and Communities Agency funding they have secured to help finance it.
- 3.15 The applicant has advised that they do not wish to enter into a section 106 planning obligation that would seek to secure that a 25% proportion of the dwellings remain genuinely affordable in perpetuity; as this would undermine the proposal's viability and delivery. And, the applicant has also argued that Policy SC4 is somewhat out of date

relative to new government based definitions and funding programmes with regard to affordable housing delivery.

- 3.16 On balance and in this particular instance, it is therefore considered to be better to facilitate the development without a planning obligation with regards to affordable housing and given the fact the proposal is only slightly over the Policy SC4 15 dwelling threshold (as 18 dwellings are proposed).
- 3.17 Given all of the above it is considered the proposal would reasonably accord with LDF Policies SC1, SC3 and SC4 and where guidance in the NPPF and Planning Practice Guidance has also been taken into account in reaching this view.
- 3.18 Reducing carbon emissions can be achieved by improving a building's thermal performance (i.e. fabric first approach), rather than insisting on the provision of on-site renewables (i.e. low or zero carbon technologies), which is a consideration of Policy ST2. The applicant is proposing such an approach. Furthermore, it should be noted that the Building Regulations, which is a separate regulatory regime that would apply to the proposal's construction, now require buildings to have a higher thermal performance than was the case when either the LDF core strategy was adopted in June 2007 or when the development management (DM) polices development plan document was adopted in December 2011.
- 3.19 The submitted design and access statement includes that the design would will create a safe and accessible environment with due consideration to Secured by Design. It should also be noted here that security measures now also form part of the Building Regulations regime.
- 3.20 Both the response from the Police Architectural Liaison Officer and Community Safety Team do not include any objection to the proposal on the basis of crime and/or fear of crime.
- 3.21 The proposal would accord with the strategic objectives of Policies ST1, ST2 and DM1(J).
- 3.22 Proposed drainage and ecology are considered within the 'Capitalising on our Environmental Assets/Environmental Protection' section of this report

### **Improving accessibility; highway capacity, highway safety**

**A1 Improving Accessibility (LDF Core Strategy)** seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible. Requires transport assessments or transport statements for major development proposals, having regard to the Tyneside Validation of Planning Application requirements. Parking standards will apply to new development, as set out in SPD6.

**DM1 (G, H and I) Management of Development-Highways and Access (LDF Development Management Policies)** seeks to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated and the needs of all users are considered.

*SPD6 Parking Standards: sets out the parking standards used in assessing proposals for new development.*

- 3.23 The proposed site layout has the houses facing outwards to the existing highways adjacent to the sites northern, eastern and southern sides.

- 3.24 Each house would have at least one parking space within their front garden. A visitor parking lay-by with three visitor parking spaces is proposed to the side of plot 9 and any other visitor parking would be reliant upon on-street parking. The applicant is also proposing to re-surface the existing lane that is to rear of the existing properties along Stanhope Road and that runs along the eastern side of the planning application site.
- 3.25 Given the small size of the site and the width of the existing highways that surround it, to the north and south in particular and that could enable some on street parking; the proposal level of resident and visitor parking within the site would be acceptable having regard to parking standards set out in SPD6. In reaching this view regard to the sites excellent location with regards to proximity to public transport, such as the Chichester Metro station or bus stops at either Stanhope Road or Dean Road have been taken into account; as these are also relevant considerations in terms of SPD6.
- 3.26 Traffic and Road safety have not objected to the proposal. They suggest that the traffic regulation order - yellow lines - on Gordon Street might need to be reviewed, as part of these are to the front of proposed plots 1 to 5, but this is a separate legal process with its own procedures. Given the limited number of plots affected and that these have driveways that will partially cross over the yellow lines in any event, it is not consider to be necessary to amend the traffic regulation order to make the proposal acceptable in planning terms.
- 3.27 Traffic and Road Safety have also mentioned that some of the lighting attached to Gordon House or within its car park appears to serve as street lighting, as there are no street lighting columns on Gordon Street or along the rear lane to properties on Stanhope Road. The submitted planning application form includes that proposed street lighting is proposed, along with porch lighting to the properties; but no details have been submitted at present. A planning condition is therefore suggested in relation to the applicant submitting, agreeing and carrying out external lighting.
- 3.28 Refuse container storage locations would be within the rear gardens of the proposed plots and these could be pulled to the frontage of each plot for collection by Waste Services from the existing highways that surround the site.
- 3.29 With regards to the objection about rear access to an existing property (18 Stanhope Road), the proposed layout would not affect or obstruct it; save the very limited exception for when re-surfacing of the rear lane would take place and which would be temporary inconvenience rather than a permanent one.
- 3.30 In view of the above, the proposed layout would accord with Policies A1 and DM1 (G, H and I).
- 3.31 Informatives are suggested in relation to works requiring the consent of the highway authority and in relation to the supply of refuse containers for the future residents of this housing development.

### **Capitalising on our Environmental Assets/Environmental Protection.**

**EA1 Local Character and Distinctiveness (LDF Core Strategy)** seeks to conserve the best qualities of South Tyneside's built and natural environment

**EA3 Biodiversity and Geodiversity (LDF Core Strategy)** seeks to optimise conditions for wildlife and tackle habitat fragmentation.

**EA5 Environmental Protection (LDF Core Strategy)** seeks to ensure that new development reduces levels of pollution and environmental risk.

**DM1 (K) Management of Development-Flood Risk (LDF Development Management Policies)** is to ensure that developments are designed to minimise and mitigate localised flood risk.

**DM1 (M) Management of Development-Contamination (LDF Development Management Policies)** is to ensure that risks of contamination have been assessed and, where necessary, remediation measures included.

**DM6 Heritage Assets and Archaeology (LDF Development Management Policies)** relates to the protection, preservation and enhancement of the Borough's heritage assets and their settings.

**DM7 Biodiversity and Geodiversity Sites (LDF Development Management Policies)** is to ensure the protection and enhancement of the important environmental assets of the borough.

#### Flood Risk and Drainage

- 3.32 The submitted drainage statement includes a proposed drainage design.
- 3.33 This statement considered the surface water drainage hierarchy and that the site would not be suitable for infiltration techniques (e.g. soakaway) due to underlying ground conditions and that discharge to a water course (e.g. River Tyne) would not be practicable due to distance (at approximately 1000m) and various intervening landownership constraints.
- 3.34 Therefore, in terms of surface water attenuation, this is proposed to be managed on-site by geo-cellular storage tanks under parts of the gardens for proposed plots 1 to 5 alongside an attenuated discharge rate of 5 litres per second prior to surface water leaving the site and entering Northumbrian Water's network; at a manhole to the east of plot 1. Foul drainage would also connect to Northumbrian Water's network at this same point.
- 3.35 Northumbrian Water has no objection to the applicant's proposed drainage approach provided it is done in accordance with the submitted details and that this be linked to a planning condition.
- 3.36 Environmental Protection (as Local Lead Flooding Authority) has advised the proposed drainage approach is acceptable but has requested that maintenance details for the surface water attention proposal's need to be submitted and agreed by planning condition.
- 3.37 Two conditions are therefore suggested taking into account the responses from Northumbria Water and Local Lead Flood Authority.
- 3.38 In view of the above the proposal is considered to accord with Policies EA5 and DM1(K).

#### Contaminated land

- 3.39 The phase 1 desk top study identified the site as being within an area with high risk for shallow mine workings and the potential for ground gas, whereas the phase 2 ground investigation identified no shallow mine workings on the site and that the ground contamination would not require remediation. The subsequent gas risk assessment addendum report indicates that no gas risk measures are needed.
- 3.40 The response from Environmental Protection has advised that whilst the above reports might suggest ground contamination might not require remediation and there might not be

a need for gas protection measures for the houses, further sampling post demolition of the existing office building is needed to confirm whether this is indeed the case. The response suggests four contamination conditions in light of this - post office demolition additional sampling/risk assessment, remediation strategy, verification and reporting/dealing unexpected contamination.

- 3.41 In view above, four land contamination conditions are suggested and this would accord with Policies EA5 and DM1(M)

#### Archaeology

- 3.42 Tyne and Wear Archaeology have advised that there are no known archaeological features within the site and that no archaeological work is needed with regards to this planning application.
- 3.43 The proposal would accord with Policy DM6 with regards to archaeology.

#### Ecology / Arboricultural Impacts

- 3.44 The applicant has submitted an amended Preliminary Ecological Appraisal and Bat Survey Report. This states that the site largely comprises the existing office building and its car park, but there is some limited amenity grass to the front of the building and some introduced shrub within the car park. It states that the site is considered to be of a low to negligible ecology value. It also states that the building would have a low to medium suitability to supporting bats, following an inspection of the building and a dusk bat survey. The site and building was also considered to be of low value for other species, such as otters, voles, great crested newt, birds, badger, reptile, red squirrel or invertebrates. Mitigation measures are suggested during the construction phase and that the sites proposed soft landscaping could be designed to enhance structural diversity to help maintain food resources for bats and wildlife generally. It also refers to possible impacts on statutory and non-statutory sites designated for nature conservation and did not consider there to be any impacts, but it notes that the amended Shadow Habitats Regulations Assessment (HRA) separately considers European designated Natura 2000 sites. The Natura 2000 sites are the Northumbria Coast Special Protection Area (SPA) and Ramsar site approximately 2km to the north east at the closest point) and the Durham Coast Special Area of Conservation (SAC) approximately 1.9km to the north each at the closest point.
- 3.45 The amended shadow HRA considers the development itself will not result in any loss of habitat from Natura 2000 sites or loss of other habitats considered to have a functional link with the identified protected sites. The assessment also considers given the distance from the proposed development to the Natura 2000 sites no direct impacts are envisaged.
- 3.46 The amended shadow HRA considers that the development has the potential to increase the number of dogs in the local area, but regular dog walking activity by residents will usually take place within 500m of the proposed homes. In this instance there are open spaces within this distance, for example West Park is 300m away to the south. Residents of the proposal may however also choose on occasion to travel and walk their dogs at the coast, near to the SPA and SAC and in some instances where on a longer walk they might enter these designated areas. The submitted assessment considers there is a low risk of the proposals having an adverse effect on the SPA and SAC through a slight increase in recreational activity. It therefore includes proposed mitigation so that, as a result; no likely significant effects on these sites would be anticipated. The proposed mitigation comprises in broad terms:

- A house pack to new residents providing information on the Natura 2000 sites in the local area, which should identify potential impacts upon them and suitable alternative green infrastructure in the local area; such as local walking routes that take residents away from the coast and provide circular routes particularly utilising West Park approximately 400m to the south.
- Dog waste bins to be provided on the route from the application site and within West Park to encourage dog walkers to use this route.
- An interpretation panel to be sited at a seafront parking area (near the Trow Lea car park), to identify the importance of the designated Natura 2000 sites.

- 3.47 Given the above it is considered that the site is of little ecological value and that proposed works to carry out the development at the site would be likely to have little, if any, effect in terms of protected species. And, the proposed soft landscaping would be able to improve the ecological value of the site. An informative is suggested that demolition works on-site are carried out in line with the proposed mitigation set out in the amended preliminary ecological appraisal and bat survey.
- 3.48 With regards to Habitats Regulations Assessment, both Natural England and the Council's Countryside Officer do not object to the proposal; subject to the proposed mitigation set out in the amended Shadow HRA being secured and carried out. The Council's Countryside Officer has also commented that for some of the elements being proposed maintenance must also to be agreed.
- 3.49 The applicant has agreed to enter into a planning obligation with regards to the provision of the HRA mitigation and, with regards to the bins and interpretation panel; their maintenance.
- 3.50 In view of the above the proposal would accord with Policies EA3 and DM7.

### **Other Development Management Policies**

**DM1 (A) Management of Development-Design (LDF Development Management Policies)** is to ensure that developments are designed to convey sensitive consideration of surroundings.

**DM1 (C) Management of Development-Landscaping (LDF Development Management Policies)** is to ensure that developments protect existing landscaping, where possible or provide replacement planting where necessary.

**DM1 (B) Management of Development-Residential Amenity (LDF Development Management Policies)** is to ensure that developments are acceptable in relation to any impact on residential amenity.

*SPD9 Householder Developments: provides guidance in relation to extensions and alterations to existing dwellings.*

### Layout, Design and Landscaping

- 3.51 The proposed dwellings would have a modern external finish. This would largely comprise the use two brick types; red or buff; depending on the house type/plot and a grey interlocking roof tile is proposed for all the dwellings. Some timber cladding or render is also proposed to the front elevations to provide a contrasting feature around some of the windows.

- 3.52 Resident's driveways would be block paved brindle (a red/grey colour mix) and grey paving slabs are proposed for footpaths and patios within each plot. The lane to the rear of properties along Stanhope Road and visitor parking spaces would have a tarmac finish.
- 3.53 Front gardens are shown as being open plan and a variety of fences are proposed to enclose the rear gardens. Four fencing styles are proposed ranging from 1.2m, 1.5m to 1.8m in height and their layout and designs would allow natural surveillance of the footways that serve the back gardens or not to dominate the adjacent day centre and nursery
- 3.54 The layout and design of the proposed dwellings is considered to be acceptable.
- 3.55 Details of the external materials for the properties, levels, hard surface treatments and means of enclosure (i.e. fences/gates) have been submitted and these are all acceptable. Planning conditions are suggested so that these are carried out, unless alternatives are previously agreed.
- 3.56 Whilst an indicative soft landscaping plan has been submitted, having regard to the Landscape response full details including the use of native species and a planting specification would need to be agreed by condition. This native planting scheme would also enhance this site in terms of biodiversity.
- 3.57 In view of the above, the proposal would accord with Policy DM1(A) and DM1(C).

#### Residential Amenity

- 3.58 The layout and design of the proposal is considered to be acceptable in terms of ensuring a reasonable level of amenity for the future occupants of the proposed new dwellings.
- 3.59 The Council's SPD9 guidance seeks to maintain a reasonable outlook from habitable room windows and it generally seeks to ensure that there is a distance of more than 14 metres between habitable room windows of neighbouring properties, especially where windows in properties are directly facing each other.
- 3.60 In terms of the existing properties that surround the planning application site, the proposed layout and design is not considered to materially harm these in terms of outlook, privacy or overshadowing having regard to the spacing of proposed houses and their finished floor levels relative to those of the existing properties.
- 3.61 The proposal would accord with guidance set out in SPD9 and a condition is suggested with regards to the houses being carried out as per the submitted finished floor levels, unless otherwise agreed.
- 3.62 In view of the above the proposal would accord with Policy DM1(B).

#### **Other matters**

- 3.63 With regards to one of the objector's comments, a loss of view is not a material planning consideration.

#### **4.0 Conclusion**



- 4.1 The proposal is considered to be acceptable in terms of its layout and design, impact on the general character of the area, amenities of the neighbours, highway safety and council objective of delivering sustainable development.
- 4.2 The potential environmental impacts of the proposal would not be harmful, subject to the conditions suggested.
- 4.3 The proposal is not considered to give rise to any likely significant effects upon Natura 2000 sites, subject to the proposed mitigation and a planning obligation in this regard.
- 4.4 In relation to affordable housing, all of the applicant's proposal would be considered as such having regard to Government definitions. But, no section 106 planning obligation is required in this particular instance to retain a 25% proportion of the affordable in perpetuity (and for the reasons set out at paragraphs 3.12-3.16 of this report).
- 4.5 The proposal is considered to accord with the Local Development Framework policies to be taken into account having regard to all relevant material planning considerations.

## **5.0 Recommendation**

- 5.1 It is recommended that Planning Committee resolve that it is minded to grant planning permission subject to:
- (1) The Head of Legal Services being authorised to complete a planning obligation with regards to:-
- The proposed Habitats Regulations Assessment mitigation and its maintenance (referred to at paragraphs 3.46-3.49 of this report).
- (2) The Head of Development Services being authorised to:-
- Issue the planning permission, on completion of the planning obligation, subject to the recommended planning conditions (and subject to any minor drafting amendments to these, if necessary).

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## **INFORMATIVES:**

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
- Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
- Unique Notes to Applicant
- 3 Refuse containers

The Council requires the developer to provide to each unit before first occupation a 240l refuse bin and a 240l recycling bin to the Council's specification in order that the council can fulfil its obligation to collect and dispose of household waste. Details of the Council's specifications can be obtained from Waste Services at South Tyneside Council

4 Highways alterations

Alterations to the existing adopted highway or creation of new highway proposed for adoption will require the separate approval of the Highway Authority under the provisions of the Highways Act 1980 (as amended). Please contact Highway Engineering Services, Adoptions and Projects Team, for further information on 0191 424 7507.

5 On-site ecology mitigation during development phase

It is advisable that any soft landscape removal, site clearance works or demolition is carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal and Bat Survey, version R02; produced by E3 Ecology Limited.

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