

**Item No:** 5.6  
**Application No:** 18/00072/REM  
**Date valid:** 16 January 2018  
**Target decision date:** 17 April 2018  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Cullercoats

Application type: approval of reserved matters

**Location:** Site Of Former Wallington Court, Wallington Avenue, Cullercoats, Tyne and Wear

**Proposal:** Reserved matters application, all matters reserved; for the erection of 12 residential bungalows

Applicant: Compass Developments, Brian Morris Unit 9 Trafalgar Court South Nelson Industrial Estate Cramlington NE1 4DR

Agent: Napper Architects, 3 Waterloo Square Newcastle Upon Tyne NE1 4DR

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues for Members to consider in this case are whether the reserved matters relating to the layout, scale, appearance, landscaping and access for outline planning permission 17/00801/OUT are acceptable.

#### 2.0 Description of the Site

2.1 The application relates to a vacant site, formerly occupied Wallington Court sheltered housing scheme. It is situated on the corner of Wallington Avenue and Bavington Gardens and has an area of 0.37 hectares.

2.2 To the north of the application site are two storey semi-detached properties fronting onto Wallington Avenue and Rothley Gardens. Access to Monkhouse Primary school is located immediately to the east. To the south and west the site is surrounded by two storey semi-detached and terraced properties on Bavington Gardens.

2.3 The site is allocated for housing within the Local Plan.

#### 3.0 Description of the Proposed Development

3.1 Outline consent was granted in 2017 for 12no. 2-bed residential dwellings. This application seeks consent for reserved matters relating to approval of the layout, scale, appearance, landscaping and access for the development of 12no. dwellings. In support of the application the following reports/documents have been submitted:

- Phase 2 Ground Investigation and Assessment
- Design and Access Statement
- External lighting report
- Noise assessment
- Preliminary ecological appraisal
- Tree constraints assessment
- Construction method statement

#### 4.0 Relevant Planning History

08/01374/OUT - Demolition of existing flats and provision of a two storey and three storey development for sheltered accommodation to provide 29 flats (including communal facilities) and accommodation for the warden – Permitted 07.08.2008

16/00735/DEMGDO - Prior approval for demolition of residential two storey care home – Permitted 24.05.2016

17/00801/OUT - Outline planning for the development of 12 residential bungalows with associated car parking within private driveways and landscaping – Permitted 18.07.2017

#### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

#### 6.0 Government Policy

6.1 National Planning Policy Framework

6.2 Planning Practice Guidance (As amended)

6.3 Draft revised National Planning Policy Framework (March 2018)

6.4 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities to apply a presumption in favour of sustainable development proposal. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the National Planning Policy Framework.

### **PLANNING OFFICERS REPORT**

#### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are whether the reserved matters relating to the layout, scale, appearance, landscaping and access for outline planning permission 17/00801/OUT are acceptable.

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

## 8.0 Preliminary Matters

8.1 The principle of building up to twelve residential dwellings on this site was granted outline planning permission on 18 July 2017. Therefore the principle of the development has already been firmly established.

## 9.0 Layout

9.1 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment. It states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

9.2 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.3 The NPPF outlines 12 core planning principles which should underpin decision taking. It states that local planning authorities should contribute to conserving and enhancing the natural environment and reducing pollution. It goes on to state that new and existing development should be prevented from contributing to unacceptable levels of air or noise pollution. To prevent unacceptable risks from pollution local planning authorities should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

9.4 Local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

9.5 The NPPF defines pollution as 'anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.'

9.6 Policy S1.4 of the North Tyneside Local Plan 2017 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.

- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

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

9.8 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. Proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.9 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

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

9.11 LDD12 Transport and Highways SPD set out the parking standards for new development.

9.12 The proposed layout is similar to the indicative site layout which was submitted as part of the outline application (17/00801/OUT). The proposed dwellings are arranged around a new access road, which runs south from Wallington Avenue. Six semi-detached and six detached dwellings are proposed. Each property is provided with parking to the front or side, and garden areas.

9.13 Two dwellings face north onto Wallington Avenue. These are set back from the existing building line. Unit 3 has a north facing gable. This includes a living room window and a panel of cladding to add interest to the streetscene and increase surveillance levels.

9.14 The boundary with Wallington Avenue would be formed by a 1.1m high brick wall to reflect the existing boundary treatments along the street. Within the site is a mixture of low level planting, and 1.1m to 1.8m high fencing. A native hedgerow is proposed along the western boundary.

9.15 The Council's Design Officer has commented. He supports the design subject to changes to the boundary treatment on Wallington Avenue and the design of Unit 3. These changes have been made and are shown in the submitted drawings.

9.16 The impact of the proposed dwellings on the residential amenity of neighbouring occupiers with regard to outlook, daylight, sunlight and privacy is considered to be acceptable. A minimum separation distance of 18m is achieved between the development and existing dwellings to the west. There will be 13m between the development (gable elevation) and existing houses to the south. It is officer opinion that the proposed layout would ensure adequate separation between the new dwellings and surrounding properties.

9.17 The outline permission is subject to conditions to protect residents from noise disturbance from Monkhouse Primary School and dust disturbance during construction works. These conditions will have to be formally discharged and complied with by the applicant before the development progresses.

9.18 The site is currently served by a non-adopted access from Bavington Gardens. It is proposed to stop up this access and create a new access from Wallington Avenue to serve all dwellings within the development. The site layout includes a double driveway for each property and 4no visitor parking bays. Refuse and cycle storage is proposed within the rear gardens.

9.19 The Highway Network Manager has advised that the parking layout and access is in accordance with current standards. He has recommended approval of the application subject to the conditions imposed on the outline consent.

9.20 NPPF states that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development in areas at risk of flooding where informed by a site specific flood risk assessment following the Sequential Test.

9.21 Policy DM5.14 'Surface Water Run off' of the Local Plan states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

9.22 Policy DM5.15 'Sustainable Drainage' states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

9.23 When commenting on the outline application the Lead Flood Engineer advised that the site and surrounding area is at risk of surface water flooding, and as such a full flood risk assessment and drainage strategy would be required as part of the reserved matters application. He cannot recommend approval of the application until this detail has been submitted and considered. In light of this feedback, the applicant will be providing additional information. This will be assessed by the Lead Flood Engineer and his comments report to planning committee in an addendum.

9.24 Northumbrian Water has been consulted. They advise that the application does not provide sufficient detail with regards to the management of foul and surface water, and recommend that a condition is imposed to require a detailed scheme for the disposal of foul and surface water.

9.25 Members need to consider whether the layout of the proposed development is acceptable. Subject to the comments of the Local Lead Flood Authority and the suggested conditions, it is officer advice that the proposed layout is acceptable.

## 10.0 Scale

10.1 The NPPF states that local planning policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. It also seeks to secure high quality design for new development.

10.2 Policy DM6.1 'Design of Development' states that designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Amongst other criteria proposals are expected to demonstrate (a) a design responsive to landscape features, topography, site orientation and existing buildings, and (b) a positive relationship to neighbouring buildings and spaces.

10.3 LDD11 'Design Quality' states that the scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting within the wider environment.

10.4 The existing residential character of the local area is predominantly semi-detached 2-storey dwellings. Monkhouse Primary School is located to the south east of the site. The school contains single and 2-storey buildings.

10.5 A development of detached and semi-detached bungalows is proposed. While there are no other bungalows in the immediate area it is not considered that the development would appear out of keeping.

10.6 When taking into account the location of the site and the character of the surroundings, the scale of the development is considered to be acceptable.

10.7 Members need to determine whether the proposed scale is acceptable and whether it would accords with the NPPF, policy DM6.1 and LDD11 'Design Quality' and weight this in their decision.

## 11.0 Appearance

11.1 LDD11 'Design Quality' provides guidance on the design of buildings and spaces in North Tyneside. It states that the Council will encourage innovation on the design and layout provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated.

11.2 The proposed bungalows are traditional in design, with pitched roofs. They would be constructed from brick with panels of timber effect cladding and grey roof tiles. The development provides an active frontage to Wallington Avenue and includes front gardens enclosed by low level planting and brick walls. It is officer opinion that the appearance of the development is acceptable and in keeping with the character of the surrounding area.

11.3 Members need to determine whether the proposed appearance is acceptable and whether it accords with policy DM6.1 and LDD11 'Design Quality' and weight this in their decision.

## 12.0 Landscaping

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

12.2 Policy DM5.9 'Trees, Woodland and Hedgerows' states that where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the Borough, and:

- a. Protect and manage existing woodland, trees, hedgerows and landscape features.
- b. Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.
- c. Promote and encourage new woodland, tree and hedgerow planting schemes.
- d. In all cases preference should be towards native species of local provenance. Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the local planning authority.

12.3 Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

12.4 Policy DM5.7 'Wildlife Corridors' states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take

account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

12.5 The application site is located within a designated wildlife corridor. The Council's Landscape Architect has noted that the proposed layout does not allow for the retention of any existing trees. She advises that the trees to be removed are of low to moderate quality, and are ornamental species that could be easily replaced. She also notes that the Ecology Report recommends that trees should be replaced on a 2:1 basis, and that the current landscape proposals do not meet this requirement. A detailed landscaping scheme is required via condition 17 of 17/00801/OUT. The applicant will have to submit the detailed landscape scheme for formal approval before occupation of the development takes place. The outline consent is also subject to conditions which require the installation of bird and bat boxes.

12.6 Natural England have commented and raise no objections to the development

12.7 Members need to consider whether the proposed landscaping is acceptable and in accordance with policy DM5.9 and weight this in their decision.

#### 13.0 Local Financial Considerations

13.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

13.2 Economically there would be benefits in terms of the provision of jobs associated with the construction of the development.

#### 14.0 Conclusion

14.1 The principle of residential development on this site has been firmly established by the previous outline planning application. The application relates to those details still to be approved. Officer advice is that the scale, appearance, landscaping and access are acceptable. Officer advice is that, subject to supportive comments from the Local Lead Flood Engineer, the layout of the proposed development is acceptable. Members need to decide whether they consider that these reserved matters are acceptable.

14.2 Conditions were attached to the outline consent dealing with cycle parking, highway work, drainage, noise, lighting, contamination, landscaping and materials. Conditions attached to the outline planning permission remain valid and will have to be complied with as any development is progressed. It is therefore not necessary to repeat conditions which are already in place. Conditions set out below address issues arising from the consideration of the reserved matters submission.

**RECOMMENDATION:     Application Permitted**



## **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.  
Proposed elevations AL(0)011 Rev.4, AL(0)012 Rev.4, AL(0)014 Rev.3  
Proposed floor plans AL(0)010 Rev.2, AL(0)013 Rev.2  
Proposed site plan AL(0)003 Rev.7  
Reason: To ensure that the development as carried out does not vary from the approved plans.
2. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.  
Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

## **Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

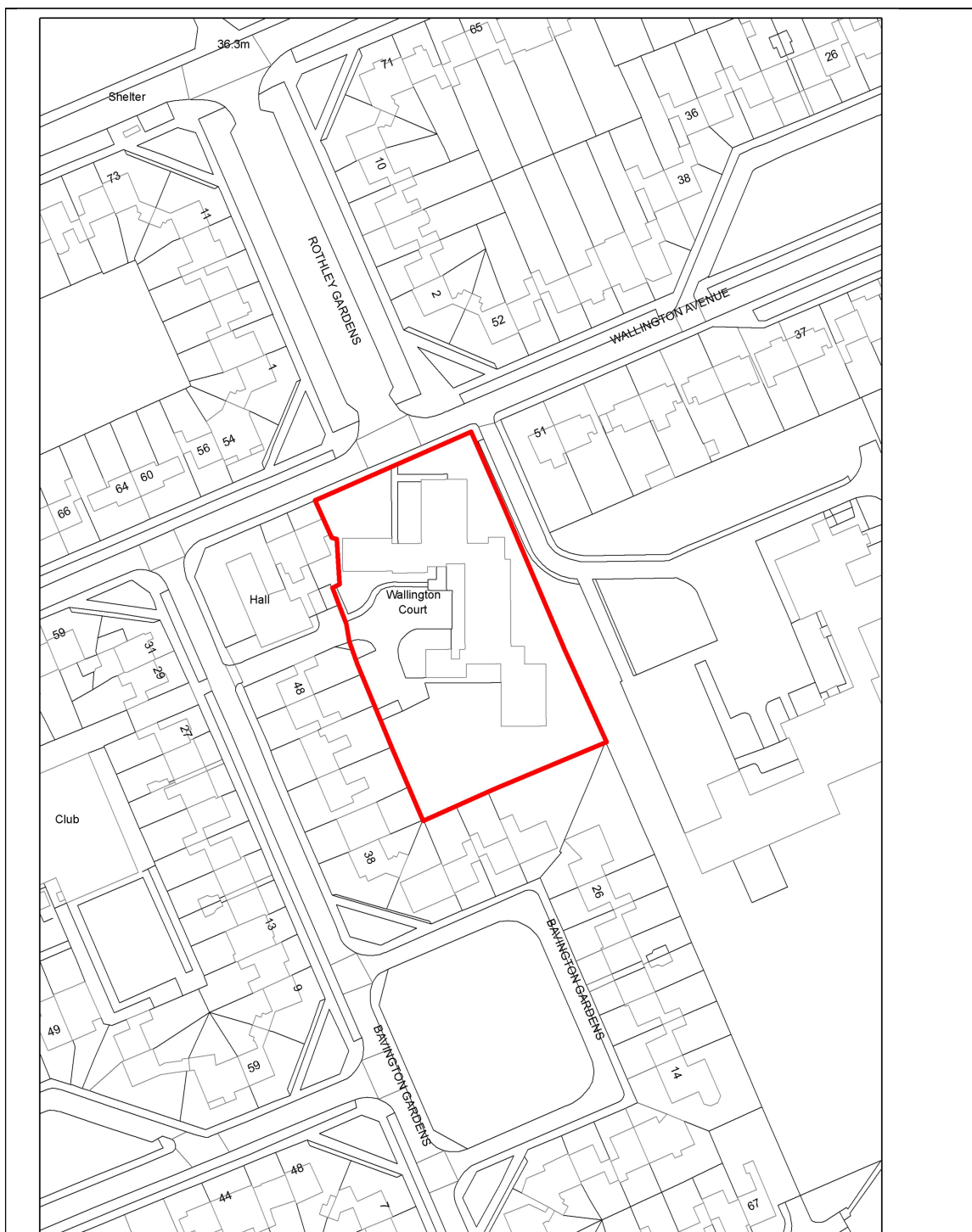
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

## **Informatives**

- Building Regulations Required (I03)
- Contact ERH Construct Highway Access (I05)
- Contact ERH Path Bridleway Xs Site (I07)
- Contact ERH Works to Footway (I08)
- No Doors Gates to Project Over Highways (I10)
- Do Not Obstruct Highway Build Materials (I13)
- Street Naming and numbering (I45)
- Highway Inspection before dvlpmt (I46)

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.



**Application reference: 18/00072/REM**

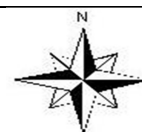
**Location: Site Of Former Wallington Court, Wallington Avenue, Cullercoats, Tyne and Wear**

**Proposal: Reserved matters application, all matters reserved; for the erection of 12 residential bungalows**

Not to scale

Date: 21.03.2018

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## **Appendix 1 – 18/00072/REM Item 6**

### **Consultations/representations**

#### 1.0 Internal Consultees

##### 1.1 Highway Network Manager

1.2 This is a reserved matters application for the erection of 12 residential bungalows. Outline approval was previously granted in 2017 (17/00801/OUT) where the principle of development was accepted. Numerous conditions and the requirement for a Section 278 Agreement for the following of site highway works were attached at the outline stage.

Upgrade of footpaths abutting site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

1.3 The proposed layout allows a refuse vehicle to turn within the site and current parking & cycle parking standards have been met. Approval is recommended with all previous conditions and informatives to apply.

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

1.5 GAS 06 and CON01 conditions were attached to 17/00801/OUT. Approval of this reserved matters application is recommended subject to the attachment of the GAS 06 and CON 01 conditions.

##### 1.6 Design Officer

1.7 The design and layout is supported subject to the following:

1.8 The 1.1m timber boarded fence should be replaced with low brick wall. This would provide a consistent boundary treatment along Wallington Avenue and follow the established boundary treatment pattern. The low brick wall should be extended along unit 1.

1.9 The side elevation of unit 3 should include some windows to provide an active street frontage and contribute towards a well-designed street scene.

##### 1.10 Landscape Architect

1.11 The proposed site area is rectangular in shape (approx.0.35ha) and the topography is generally flat with no major contours. The surface horizon consists of a mix of hard standings, with debris left from demolition of previous building on the site including various plants and trees, which have survived from the former soft landscaped areas on site. The overall landscape elements on site area are contained in and around the perimeter areas with some groupings of trees and conifer/exotic species within the central areas, which link visually to groupings of trees and hedgerow elements outside the site boundary.

1.12 The site is surrounded on two sides by residential housing (south and west) with the grounds of Monkhouse Primary School and access road immediately adjacent to the eastern perimeter with Wallington Avenue forming the boundary along the north side. Boundary treatments are a mix of low wooden fences and brick walls with existing planting, including adjacent planting from the neighbouring residential dwellings. The immediate and wider development surrounding the proposed site area is well-established residential housing with occasional concentrations and pockets of retail shops and public houses. There is vehicular access road route into the site from the west, which enters a cut through Bavington Gardens. There are very open (key) views into the site, principally from the approach on Rothley Gardens and Wallington Avenue. The site is an open area of grassland supporting groups of young to semi-mature amenity and ornamental tree species which would have formed part of an historical landscaping scheme for a former land use. There is a semi-mature Leyland cypress hedgerow forming the southern boundary.

1.13 A tree constraints plan has been submitted. The scope of the Tree Constraints Assessment (TCA) is to identify trees that are of sufficient quality to warrant consideration for retention within the site design and to identify trees that should not be considered to be a constraint. In relation to the submitted landscape design document (Proposed Landscape Plan: Drawing AL (0)003) the layout as presented does not allow for the retention of any of the tree species. The existing trees within the site to be removed are of low to moderate quality with no high quality tree species. The majority of tree species are ornamental and can be easily replaced. However, it is recommended in the submitted ecology report that *'if trees are to be lost, proposals should seek to replace them on at least a 2:1 basis with species which, when mature, will not cause future issues for the development'*. In this case, the number of replacement trees is not adequately met.

1.14 In addition, it is proposed to plant low growing ornamental hedges to the frontages of the properties and provide a mixed native hedgerow to the perimeter of the site within garden areas. In some cases, the garden spaces are so small, the long term retention of the new hedgerow will become vulnerable to removal. However, a condition should be provided that looks to retain and maintain them.

1.15 There is no objection to the proposal subject to the following conditions being applied:

- No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details of any existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. The landscape scheme should include for new tree planting where space allows and in line with the recommendation in the ecological report i.e. 2 for 1 replacements and native species.
- Any trees, shrubs or hedges removed without consent, or which die or become severely damaged or seriously diseased with five years from the completion of

the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

- The landscape scheme shall be completed in full accordance with the approved plans during the first planting season (October to March) following commencement of the development unless otherwise approved in writing by the Local Planning Authority.

#### 1.16 Local Lead Flood Authority

1.17 When commenting on the outline application the LLFA advised that a Flood Risk Assessment (FRA) & drainage strategy will be required prior to or at the reserved matters stage. A Flood Risk Assessment (FRA) has not been provided as part of the reserved matters and as such one will need to be provided including a copy of the micro drainage calculations before it can be determined. This is due to the risk from overland flooding.

#### 2.0 External Consultees

##### 2.1 Northumbrian Water

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

2.3 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

##### 2.4 Natural England

2.5 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

2.6 Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Northumbria Coast Special Protection Area and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

##### 2.7 Tyne and Wear County Archaeologist

No comments.