

Item No: 5.3
Application No: 19/00436/FUL
Author: Jane Tuck
Date valid: 29 March 2019
Target decision date: 28 June 2019
☎: 0191 643 6331
Ward: Riverside

Application type: full planning application

Location: 26 - 37 Clive Street, North Shields, Tyne And Wear, NE29 6LD,

Proposal: Demolition of the former North Eastern Rubber Company factory buildings and construction of three residential apartment blocks, comprising of 49no one bedroomed and two bedroomed apartments and 1no two bedroom townhouse and associated parking

Applicant: J C Quay Limited, Mr G Green The Bailey Cumberland Road North Shields NE29 8RD

Agent: Ian Stewart, Lynwood Sealane Seaburn Sunderland SR6 8EE

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Summary of Key Issues and Considerations

1.1 The main issues are

- a) principle of residential development
- b) design and impact on the North Shields Fish Quay and New Quay Conservation Areas and adjacent listed building, the former Porthole Public House
- c) noise issues; and
- d) highway issues.

1.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

1.3 Specifically, Members need to determine whether the proposed development is acceptable in design terms, whether it would impact on the Fish Quay and New Quay Conservation Areas and adjacent listed building, whether the proposal will have any significant detrimental impacts on the amenity of occupiers of existing or proposed properties and whether the proposal will have any adverse highway impacts.

1.4 This application proposes amendments to the scheme refused in planning application 18/00300/FUL in December 2018 and which is currently the subject of an appeal.

2.0 Description of the Site

2.1 The site is located between the new Swan Quay residential development to the north and nos 1 and 5 Dukes Court to the south. The grade II listed former Porthole public house, now offices, lies to the south west of the site. Clive Street lies to the west and the River Tyne to the east.

2.2 The site lies within the North Shields Fish Quay Conservation Area and the New Quay Conservation Area.

2.3 There are three buildings on the site which were part of the former North East Rubber Company, which have been vacant for a number of years.

3.0 Description of the Proposal

3.1 Full planning permission is sought to demolish the three buildings on the site. It is proposed to build three blocks of apartments comprising 49 flats and one townhouse. Blocks A, B and C have shallow pitched roofs. The town house is two storeys. Block A/D and C are 3 and 4 storeys and Block B is 4 storeys.

3.2 Block A comprises 15 one and two bedroom apartments, Block B comprises 16 one and two bedroom apartments, Block C comprises 15 one and two bedroom apartments and Block D comprises 3 one bedroom apartments. The town house is two bedroom.

3.3 Surface car parking for 47 vehicles and 4 spaces within block C is proposed. Two vehicular access points are proposed off Clive Street.

3.4 Revisions have been made to the scheme that are set out in detail at paragraph 10.33

3.5 The applicant has advised that the proposed sequence of works on the site is demolition of the buildings, then repair and reinstatement of the river wall, and then the development itself would commence. The works to the river wall are not part of this application and are subject to extant planning permission 13/00346/FUL. Urgent repair works to the river wall have already taken place.

4.0 Planning History

18/00300/FUL Demolition of the former North East Rubber Company factory buildings and construction of three residential apartment blocks, comprising of 49 no one and two bedroom apartments and 1 no two bedroom townhouse and associated parking provision (Various amendments received 8.06.18 including reduction in the no of dwellings, reduced height of block C, omission of 4 undercroft parking spaces and elevation details) refused 19 December 2018

APP/W4515/W/19/3224819 The refusal of planning application 18/00300/FUL is currently the subject of an appeal.

18/00956/FULDEM Demolition of the buildings at 26 to 37 Clive Street, North Shields. Approved 21 September 2018

13/00346/FUL Repair works to the quay wall at 26-37 Clive Street, North Shields
Approved 17 May 2013

03/02740/FUL and 05/01378/FUL Demolition of existing factory and redevelopment of site comprising 45no. apartments. Refused and dismissed on appeal 8 September 2005.

5.0 Government Policy

National Planning Policy Framework February 2019
National Planning Policy Guidance (As amended)

6.0 Development Plan

6.1 North Tyneside Local Plan 2017

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

PLANNING OFFICERS REPORT

7.0 Planning Considerations

7.1 The main issues are;

- a) principle of residential development;
- b) design and impact on the North Shields Fish Quay and New Quay Conservation Areas and adjacent listed building;
- c) noise issues;
- d) highway issues.

7.2 Consultation responses and objections regarding the proposal are set out in Appendix 1 to this report.

8.0 Principle of residential development

8.1 This site is identified as a site for housing development on the Policies Map of the North Tyneside Local Plan 2017. It is site 68 in Policy S4.3 Distribution of Housing Development Sites. The proposed development accords with policy S4.3 of the Local Plan.

8.2 Residents have raised objections that the Fish Quay Neighbourhood Plan laid out a vision for the area that it should be a vibrant distinctive mixed use community and this proposal only proposes more housing and no amenities such as shops and leisure spaces.

8.3 The North Shields Fish Quay Neighbourhood Plan map shows the site as being in an area of mixed use. The NSFQNP states that there are opportunity sites within the Neighbourhood Plan that would be suitable for future residential development including the application site- the former North East Rubber Company, 26-37 Clive Street.

8.4 Area Policy AS8.12 of the Local Plan states that the Council will support the continuation and further development of the Fish Quay and New Quay as a characterful, vibrant mixed use area, by, amongst other things, supporting suitable residential developments in those areas shown on the Policies Map ie housing site 68.

8.5 The Neighbourhood Plan has been absorbed into the Local Plan. The Local Plan allocation for housing is more recent and carries greater weight as a development plan document.

9.0 Housing Land Supply

9.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is included in the assessment that North Tyneside has a 6.1 year supply of housing land and it is officer opinion that the proposed 50 dwellings will make a small, but valuable contribution towards the five year housing land supply.

10.0 Design and impact on heritage assets

10.1 The site is within the North Shields Fish Quay and New Quay Conservation Areas. The adjacent 11 New Quay, the former Porthole Public House, is a grade II listed building.

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

10.3 The NPPF at paragraph 192 states that in determining applications, local planning authorities 'should take account of the desirability of sustaining and enhancing the significance of heritage assets....; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness'.

10.4 The NPPF states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. 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.

10.5 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.

10.6 Local Planning Authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

10.7 A conservation area is a designated heritage asset and the NPPF states that not all elements of a conservation area will necessarily contribute to its significance. Loss of a building which makes a positive contribution to the significance of a conservation area should be treated either as substantial harm or less than substantial harm taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole.

10.8 Policy S1.4 General Development Principles of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. Proposals should meet a number of criteria including, amongst other things, impact on local amenity for new and existing residents and businesses, address impacts on heritage assets, built and natural environment.

10.9 Policy DM1.3 Presumption in Favour of Sustainable Development states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

10.10 Policy DM6.1 Design of Development 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 and, amongst other things, should have a positive relationship to neighbouring buildings and spaces; sufficient car parking that is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.11 Design guidance for high quality design is set out in the Council's LDD11 Supplementary Planning Document on Design Quality.

10.12 Policy S6.5 of the North Tyneside Local Plan states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

10.13 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

10.14 Area policy AS8.12 of the Local Plan states that the Council will support the continuation and further development of the Fish Quay and New Quay as a characterful, vibrant mixed use area by amongst other things, supporting suitable residential developments in those areas shown on the Policies Map; giving priority to fishing industry related employment uses in those areas shown on the Policies

Map, unless alternative proposals can demonstrate that they would not have unacceptable impacts on the fishing industry and related businesses or have an adverse impact on amenity and operation of neighbouring properties; supporting a mix of other uses, such as appropriate small retail premises and small to medium sized businesses; ensuring all new development is built to the highest quality design that respects the area's special character.

10.15 The Fish Quay and New Quay Conservation Areas Management Strategy was adopted in April 2007 and sets out the agenda for action to preserve and enhance the historic environment in these conservation areas.

10.16 The North Shields New Quay and the Fish Quay Conservation Areas Character Statement 2006 demonstrates a commitment to positive action for safeguarding and enhancing the character of the conservation areas. The Rubber Company building is shown as one that detracts from the Conservation Area.

10.17 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 and that this site would be suitable for redevelopment. Design Principles are set out in chapter 4.

10.18 Demolition of buildings

10.19 This planning application is for the demolition of the buildings on this site and construction of three residential apartment blocks to provide 49 apartments and 1 townhouse. Planning application 18/00956/FULDEM for demolition only, was submitted in July 2018 as the applicant wanted to be able to progress demolition so that further works to the river wall could be take place. Planning consent (18/00956/FULDEM) was granted for demolition of the buildings in September 2018. Planning permission was granted in 2013 for repair works to the river wall adjacent to the site. Urgent repair works have taken place to the river wall.

10.20 The applicant has submitted a Heritage Statement which states that the area has lost almost all of its historic and communal value and the site has no

architectural or aesthetic interest as the site comprises empty twentieth century buildings which have been neglected and rubble and rubbish from past activities on the site. The Heritage Statement states that the large Rubber Company building and adjacent offices have limited historic value and No 26 has some traces of older brickwork but has been significantly rebuilt and altered over time.

10.21 The site comprises three buildings- the North Eastern Rubber Company Building (nos 35-37 Clive Street) and a separate office building (no 30 Clive Street) built in the 1970's and no 26 Clive Street which was last used as a metal workshop, the front part of which was built in the twentieth century and the part to the rear has been much altered throughout the twentieth century with traces of older brick work.

10.22 Historic England has advised that the issues are similar to the previous application in that the site involves the loss of one of the few remaining sets of industrial buildings along Clive Street with the proposed replacement of three apartment blocks. This follows the changes along Clive Street from industrial to domestic, a pattern of regeneration that has taken place all along the River Tyne. Historic England has no issue with the principle of redevelopment, as the site has lost much of its past historical and visual value.

10.23 The Tyne and Wear County Archaeologist has advised that an archaeological desk based assessment was produced for this site in 2007. The site is of archaeological interest because it lies within the former extent of the medieval town of North Shields. The extent of the town, particularly its western end, has not been accurately defined. It is anticipated that medieval remains could survive. The site is also of industrial archaeological interest due to the industries which were present on site in the nineteenth century. The long narrow 19th century buildings took the form of the former medieval burghage plots. Part of a former quay wall was visible in 2007 in an area of subsidence within the site, 10m back from the present river wall, and more of these are likely to survive under the site.

10.24 No. 26 Clive Street was the former Star and Garter Public House. From around 1922 the site was occupied by John J Cameron Indian Rubber Merchants. The building appears to have been significantly rebuilt probably in the 1940s or 1950s. There appears to be older brick in the rear 2-storey section.

10.25 The County Archaeologist has no objections to the proposed development and recommends conditions relating to archaeological trial trenching, excavation and the publication of a report of results of the archaeological fieldwork.

10.26 The New Quay and the Fish Quay Conservation Areas Character Statement states that the main Rubber Company building is a building that detracts from the character of the Conservation Area. The North Shields Fish Quay Neighbourhood Plan Supplementary Planning Document notes that appropriate redevelopment would be welcome at the site. In application 18/00956/FULDEM for demolition, Planning Policy (Conservation) advised that 'Overall, the (main) building has an adverse impact upon the character and appearance of the area and its demolition can be supported.'

10.27 The Heritage Statement concludes that no 26 Clive Street is of low architectural/aesthetic interest but is inconclusive about the buildings age and history. In application 18/00956/FULDEM for demolition, Planning Policy (Conservation) advised that the building sits within the historic plot pattern of Clive Street and has the potential for some evidential interest, and, on balance, it is of low heritage significance and its loss is unlikely to cause harm and therefore its demolition can be supported.

10.28 No.30 Clive Street appears to date from the mid-late twentieth century. Planning Policy (Conservation) advised in application 18/00956/FULDEM that 'Its architecture and development pattern do not contribute to the significance of the conservation area and therefore its removal is supported'. Planning Policy (Conservation) advised that a condition should be imposed of a full internal and external photographic record of no 26 Clive Street that could be used as a resource in the future to help understand the history of the site and the development of this part of North Shields.

10.29 The application to demolish the buildings only was approved in September 2018. Demolition has not yet commenced. It is officer opinion that the existing buildings have an adverse impact on the Conservation Area and that their demolition will not result in harm to the significance of the New Quay and the Fish Quay Conservation Areas.

10.30 The NPPF at paragraph 198 advises that 'local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'

10.31 New build - Design and Heritage Aspects

10.32 The application proposes the construction of 49 apartments and 1 townhouse.

10.33 The previous scheme (18/00300/FUL) was refused on design grounds and that the scheme would not enhance the character, appearance or significance of the Fish Quay and New Quay Conservation Areas. The following revisions to the design have been made:

- the red line boundary has been extended closer to Clive Street. This enables three parking spaces to be relocated so they no longer obstruct the slot view on the line of Shepherd's Quay
- improved public realm and landscaping including new public seating, and art fence made of shaped corten panels and the insertion of a new landscape edge to the site
- feature art panels mounted to the buildings to give a greater active frontage and reflect upon the sites historical past
- slatted timber shutters at ground floor level to improve the view from Clive Street
- projected balconies, finely designed roof fascias, cappings and brick openings incorporated to add further articulation to building elevations
- canopies placed above entrances in order to define the facade
- rolled lead effect (sarnafil) laid to a shallow pitch to a central gutter to the roofscape

- the structural grid altered to allow the elevations to align from top to ground floor in order to regularise the facade appearance

10.34 The applicant has advised that 'the design changes which have been made continue to work within the constraints of the site including limitations to the height of the buildings. The revised proposal respects the area's historical past whilst delivering the necessary density of development which makes the scheme financially viable; but it delivers an enhanced landscaping setting without undermining the deliverability of the scheme from a viability perspective'.

10.35 The applicant has advised in the revised Design and Access Statement that the economic viability of the scheme is impacted by the engineering challenges including major repair works to the quay wall; the existing factory structure is a reinforced concrete frame with elements of pre-stressed concrete that requires careful demolition; the existing piled foundation is substantial and the new foundation solution requires an offset grid to avoid the existing piling which has to remain in place. These factors have been recognised in the submitted Viability Assessment.

10.36 The applicant's design objectives set out in the revised Design and Access Statement are - that the proposal will have massing and orientation with varied and random heights as stated in Fish Quay Neighbourhood Plan and there will be ease of movement through the site with slot views and pedestrian permeability which will open up the quayside.

10.37 The applicant has submitted a revised Heritage Statement that states that the proposed development:

- reflects the history of the site and more recent changes to the Conservation Area
- addresses both Clive Street and the river
- provides interest to the roofscape which has been added in both the variety in height and depth by setting back the upper storey and in the materials by adding texture through a rolled lead effect to the shallow pitch of the roofs
- seeks to reflect the former warehouse style of building and varied roof lines, depth of buildings and views through to improve the overall appearance of the site
- seeks to improve the public realm through the selection of materials, enabling access to the riverside and to better reveal the heritage of the area through artwork
- sustains the setting of the former Porthole Public House when viewed from New Quay
- sustains and enhances the significance of the designated heritage assets.

10.38 Block A which is three and four storeys high and Block B which is four storeys are located on the river frontage. Block C which is three and four storeys fronts onto Clive Street. The fourth floors of blocks A and C are set back from the main elevations of these blocks. Block D is three storeys and the town house is two storeys. The blocks have shallow pitched roofs and significant amounts of glazing, some brick work, timber cladding and balconies some of which project out from the building. The town house projects out over the river including a balcony at ground floor level.

10.39 There has been one letter of objection signed by 14 occupiers of 12 residential properties in Yeoman Street. Three of these residents have also submitted additional objections. Whilst supporting the principle of development of the site, the objections are that the Fish Quay Neighbourhood Plan laid out a vision for the area that it should be a vibrant distinctive mixed use community: to the scale, mass and character of the development; to the loss of views of the river at high and low level from Yeoman Street and Clive Street; to the design that it is bland and does not enhance the neighbourhood; the development looks more suited to student accommodation in Newcastle city centre; there is not enough parking for the proposed dwellings and their visitors so parking will take place on street; traffic congestion will increase; the listed former Porthole public house will be dwarfed. These objections are set out more fully in Appendix 1.

10.40 Historic England and FISH (Folks Interested in Shields Harbour) support the principle of the proposed development. FISH welcome the revisions that have been made and although FISH considers them to be cosmetic, they also consider that they address the issues of making the development more sympathetic to the architecture of the area and to the views of the river from the bank top, and will generally improve the feel and look of the area. FISH is disappointed that issues relating to parking have not been addressed. The comments of FISH and Historic England are set out more fully in Appendix 1.

10.41 Site levels vary over the site but generally the site is higher along Clive Street than at the river. The blocks therefore have varying external ground levels but a similar finished floor level. The height and floor levels of the proposed development have been constrained by the need to address flood risk.

10.42 In the previous application Block C was reduced from five to four storeys so that the proposed development would not be visible above the roofline of the listed 11 New Quay when viewed from New Quay.

10.43 The applicant has indicated maximum heights above ordnance datum level. Block A's height is approximately 12.1m high and four storeys (16790 AOD). Block B's height is, approximately 13.7m high and four storeys (16965 AOD). Block C's height is, approximately 12.3m and four storeys (16790 AOD). At the northern end of Block A the height variation of the site enables a refuse and cycle store to be constructed below ground floor level.

10.44 There has been a succession of documents from the North Shields New Quay and Fish Quay Conservation Areas Community Character Statement to the Conservation Area Management Strategy and more recently the North Shields Fish Quay Neighbourhood Plan SPD 2013 (which has included much of the guidance in the Design Know-How document produced by North East Civic Trust and Northern Architecture in conjunction with officers from North Tyneside Council and local residents) which have referred to the height of buildings in the Fish Quay area arising from the legacy of the Dolphin Quays development.

10.45 Chapter 4 of the North Shields Fish Quay Neighbourhood Plan refers to Design Principles and sets out some principles for the height of development including that new development should not, on any one site, exceed the average

height of the development it replaces; should generally be between three and five storeys, and could be as low as one or two storeys nearer the water's edge; and should not obscure views of the quays and river from the top of the banks.

10.46 The residents of Yeoman Street consider that the proposals disregard much of the guidance in the Neighbourhood Plan, particularly in relation to heights. The NSFQNP is a set of principles to follow. The development meets the principles in that it is three and four storeys and in part is two storeys nearer the river edge and does not obscure views of the river from Yeoman Street entirely. It is officer opinion, in this instance, that the appropriate heights to consider for the proposed development is that of the buildings in its immediate vicinity which includes Dukes Court, two storeys, to the south; the listed 11 New Quay, two storeys, to the south west; and Swan Quays, four storeys to the north plus the height of the existing building on the site.

10.47 The New Quay and Fish Quay Conservation Areas Character Statement states that design cues should not be taken from Dolphin Quays which was built in the 1990's and that 'The height of new buildings must work with the topography and should be controlled very carefully to fit the context, respecting patterns of windows, eaves and roof-lines.'

10.48 When the Swan Quay development was approved by planning consent 10/01326/FUL it was accepted that the height should step down from Dolphin Quays and that to drop from 7 storeys to 2 or 3 storeys as suggested in the Fish Quay Character Statement would not be appropriate and so five storeys dropping down to four storeys was accepted. The development of this area of the Fish Quay has been the subject of planning applications and pre-application discussions for a number of years and officers have been of the view that subsequent development on the Rubber Company site would need to step down from the Swan Quay development to Dukes Court and 11 New Quay.

10.49 The proposed development is four storeys adjacent to Swan's Quay which is four storeys immediately adjacent to the application site boundary. Blocks A and B are four storeys falling to three storeys (Blocks A and D) and then the town house is two storeys adjacent to Dukes Court and 11 New Quay.

10.50 Context elevations have been submitted that show the relationship of the proposed development to neighbouring buildings. The town house is no higher than the eaves of Dukes Court. Block D is no higher than the listed 11 New Quay. Blocks A and C, are no higher than the roofline of 11 New Quay when viewed from New Quay although they are slightly higher than the roofline of 11 New Quay. Block B is slightly higher than the adjacent apartments but lower than the town houses at Swan Quays to the north. In the initial submission of the previous application, Block C was reduced in height by one storey so that Blocks A and C would not be higher than the roofline of 11 New Quay when viewed from New Quay thus reducing the impact of the proposed development on the adjacent listed building and on the New Quay Conservation Area. It is officer opinion that the relationship of the heights of the proposed buildings to existing buildings is appropriate.

10.51 Residents have raised issues about loss of views to residents and pedestrians from Yeoman Street and particularly between the five storey townhouses and the rubber factory with only narrow slot views proposed. The North Shields New Quay and Fish Quay Conservation Areas Community Character Statement and the Neighbourhood Plan refer to the principle that the height of development should not obscure views of the quays and river from the top of the banks. The applicant has provided drawings that show that a river view from Yeoman Street will be retained. It is officer opinion that the proposed development will reduce but will not entirely block the view of the river and that this is an acceptable balance between height of the proposed development and views from Yeoman Street particularly when balanced against bringing this vacant site back into use.

10.52 The reduction in height of Block C in the previous application reduced the height and number of units by four. Further reductions in height would reduce the number of units. The applicant has advised that a further reduction in the number of units would make the scheme unviable.

10.53 With regards to roofscape, the NSFQNP refers to the principle that development should involve a mix of roof forms and use of pitched roofs. Blocks A and C have the top floor set back providing roof terraces and the applicant now proposes a rolled lead effect laid to a shallow pitch to a central gutter to the roofscape that give some variety to the roof line. The applicant considered creating a profiled roof but this would have resulted in raised roof levels which would have impacts on the listed building, the conservation area and views of the river from Yeoman Street. It is officer opinion that the proposed roofscape is acceptable.

10.54 With regards to proximity to adjacent properties, 4/5 Dukes Court, a two storey dwelling, lies adjacent to the southern boundary. This has recently been renovated and has main habitable room windows and terraces facing the river. There have been no objections received from the occupiers of 4/5 Duke Street. There are windows in the side elevation of 4/5 Duke facing onto the site. These are windows to the living/ dining room area and a hall window at ground floor and windows to a bedroom and the landing at first floor level. These windows are not overlooked by any habitable room windows in the proposed townhouse and are secondary windows to those on the main frontages of the property. There is a substantial brick, stone and rendered wall between the application site and no 4/5 Dukes Court that lies within the boundary of no 4/5 Dukes Court, a remnant from previous buildings which, is equivalent of 2 and 1.5 storeys high which screens the ground floor patio. There is a balcony on the recent kitchen extension which would allow residents of 4/5 Dukes Court to look into the blank side of the town house.

10.55 The proposed town house projects over the river by approximately 1.4m, and a balcony projects over the river at ground floor level approximately a further 2m. This is further forward towards the river than 4/5 Dukes Court. The proposed town house also has a narrow balcony at first floor level overlooking the river. Due to their location in relation to 4/5 Dukes Court, it is officer opinion that the use of the balconies will not impact on the amenities of occupiers of 4/5 Dukes Court.

10.56 Block B elevation facing the river is approximately in line with the adjacent Swan Quay development, but has balconies that project out further than the building line at ground, first and second floor levels. The adjacent unit at Swan Quay has glazing on the river frontage and around the corner onto the side elevation to Block B to a living room and bedroom on the first and second floors. No objection has been received from occupiers of Swan Quay. Balconies at first and second floor of proposed Block B could result in users being able to look into the rooms in the adjacent Swan Quay unit. A condition relating to details of a boundary to the balconies to restrict overlooking is recommended.

10.57 The main elevation of 11 New Quay, a listed building, faces onto New Quay and the majority of windows to the offices are on the south and west elevations. Windows in the north elevation are mainly to a corridor. The recent extension to the building on the east elevation containing a meeting room and additional office is at its nearest 7-7.5m away from the proposed town house. It is officer opinion that the impact of the proposed development on the rooms in the extension is not so significant in terms of harm to warrant refusal.

10.58 No 11 New Quay lies to the south west of the proposed development and Dukes Court to the south. Sunpath analysis drawings have been submitted which show that the proposed development will not be have significant impact on the existing buildings in terms of loss of sunlight. No assessment of daylight and overshadowing has been submitted. It is officer opinion that the proposed development will not have a significant detrimental impact on the extension of the business premises at 11 New Quay and the secondary windows in the side elevation of 4/5 Dukes Court in terms of daylight and overshadowing to justify a reason for refusal.

10.59 Historic England does not object to the principle of redevelopment of the site and has advised that the proposal involves the loss of one of the few remaining sets of industrial buildings along Clive Street to residential use and that this is a pattern of regeneration that can be seen all along the urban stretches of the River Tyne.

10.60 The FQNP states that 'new development should make a positive contribution through sensitive design that is developed specifically in relation to the site in question'. The Rubber Company building was built in 1982 and no 26 only has traces of an older building. There have been a lot of changes to the site and the existing buildings are considered to be of low significance. The Design Officer and Historic England are of the view that proposed scheme is based on a good analysis of the site and history of Clive Street. The existing buildings are empty and derelict and have been for some time. It is officer opinion that the proposed development will ensure that this site is brought back into use and will be a positive addition to the conservation areas.

10.61 Historic England had no objections to the previous scheme but recommended further consideration of a number of issues including the orientation of Block B, the line of Shepherd's Quay, roofscape, building materials and landscaping.

10.62 With regards to design, residents are of the view 'that it is bland; does not capture features of the Fish Quay; is not varied in scale, roofscape and materials; the layout does not reflect the historic development pattern of properties perpendicular to the riverside.

10.63 Principles in the FQNP refer to development being 'angular and blocky' and creating slot views 'using the form and massing of new development'. The applicant has advised that the scheme is made up of angular blocks positioned to ensure slot views through to the river. Block A and C replace the existing factory building with simple and contemporary buildings. To turn Block B through ninety degrees to reflect the historic layout would result in it being single aspect with a rear elevation facing directly onto the blank wall of Swan Quay. Historic England is of the view that although the orientation has not been altered, it does reflect the domestic purpose of the buildings where a new relationship with the river is created and required.

10.64 Residents have raised issues about loss of views of the river from Clive Street and lack of riverside access. The Neighbourhood Plan states that slot views should be created using the form and massing of new development. The applicant has advised that the slot views are 'a transient view which is taken and seen whilst on the move' Some of the existing slot views of the river from Clive Street relate to the historic layout of the site and gave access to the river for pedestrians. Three slot views are proposed. One is in front of no 11 New Quay and runs down to the river which will be reduced by the proposed town house. Shepherd's Quay which is approximately in the middle of the site, is broadly in the same location as the existing Shepherd's Quay near the river but adjusted on Clive Street to allow for Block C. Another slot view is proposed on the northern boundary of the site adjacent to Swan Quay. This currently is a narrow shared passage way between Swan Quay and the application site that is accessed from Clive Street by a gate. The proposed development would open up this view.

10.65 In the previous application the proposed slot views adjacent to Swan Quay and Shepherd's Quay would have been blocked at ground level by car parking. In the current application by amending the boundary along Clive Street, it has been possible for car parking to be removed from the slot views. This removes a significant concern of the Council's Design Officer. Views along Shepherd's Quay will be blocked by bins on bin collection day. Bins will be moved to the bin collection point on bin collection day by a management company so will be located in the slot view for a limited time.

10.66 The current state of the site is unattractive. The views of the river from Clive Street are currently either blocked by the existing buildings and containers on the site, or obstructed by gates and railings, and building materials and plant stored on the site as a result of its current use. The proposed development would significantly improve the area particularly for pedestrians and the slot views would give improved views of the river. The central slot view will also enable access to the riverside. Slot views will be maintained at Clive Street level and will be particularly visible from higher view points along Yeoman Street. Historic England is of the view that the three slot views of the river are crisper now there is no parking or trees in them.

10.67 The buildings are proposed in brick and timber cladding with balconies with glass or horizontal railings. Weathered steel panels are proposed with feature artwork built into the gables of blocks A and C and front of Block B to give a greater active frontage and reference the historical past of the site. The scheme has further design amendments including balconies to the Clive Street fascias of Blocks B and C, canopies over entrance doors and revisions to the roofs. The design now has more variety in the upper levels and this breaks up the mass of the apartment blocks. The changes to the roof considered at paragraph 10.53 add some interest to the scheme. Bin and cycle stores are proposed at the northern end of Block A in an undercroft below ground level, within Block B to the rear and a refuse store is proposed to the front of Block C.

10.68 With regards to public realm, the boundary of the application site has been extended to include an area between the back of the 2m wide footpath on Clive Street, and block C and the car parking in front of Block B. This has enabled the scheme to include bespoke new public seating and artwork fencing made of shaped corten panels to Clive Street and some soft landscaping. A ships anchor is proposed as a sculptural feature within the central slot view adjacent to Block A.

10.69 Means of enclosure indicated in the application are horizontal metal railings along the river frontage and vertical railings to the ramp accesses to the front of Block B. Lack of vegetation is a characteristic of the industrial riverside so to introduce significant planting would be inappropriate. Proposed planting is limited to shrubs and a few trees along Clive Street and some shrubs adjacent to Block C. Means of enclosure, public realm works and landscaping should be conditioned.

10.70 Historic England consider that the limited but varied pallet of brick, metal and timber are appropriate and the use of art work integrated into the architecture works well as does the public seating and artwork fencing on Clive Street.

10.71 The Design Officer has advised that the general scale and height of the scheme is acceptable and although the layout and form of buildings varies from the historic and current layout of buildings on the site, the applicant has explained the design logic for this. The layout responds to the river, Clive Street and neighbouring buildings and the design approach is simple and contemporary. The proposed scheme incorporates high quality design detailing. The proposed brickwork and timber panelling are appropriate for the site. The revisions to the proposed roof of standing seam rolls will enhance the views from Yeoman Street. The proposed commissioned artwork built into the elevations provides a reference to the industrial heritage of the site.

10.72 With regard to the heritage assets the Design Officer has advised that block C has an appropriate relationship with the listed 11 New Quay; Block C has a largely active ground floor onto Clive Street; soft landscaping, high quality setts and cobbles and bespoke boundary treatments along Clive Street will contribute towards creating a well designed street scene; the proposed development retains slot views through to the river; and overall the redevelopment of the site will improve the setting of the adjacent listed buildings (11 New Quay and the Collingwood Buildings) and preserve and enhance the character and appearance

of the Fish Quay and New Quay Conservation Areas. The Design Officer recommends conditions relating to details of architectural railings, design of planting beds and public seating, sculptural art and commissioned artwork for elevations.

10.73 Historic England has advised that the revised design and detailing is now more reflective of and sympathetic to the character of the Conservation Areas which it does by engaging with Clive Street, making connections to the river and through variety and playfulness which helps break the uniformity of the development. Historic England considers that the proposed development now makes a positive contribution to local character and the significance of the conservation area and has no objection to the application on heritage grounds.

10.74 Policy DM4.9 Housing Standards sets out for accessibility and internal space standards for new development. From the information submitted, accessibility and overall floorspaces comply with the new housing standards and in most instances the main bedroom is in excess of what is required in the new space standards.

10.75 Northumbria Police has no objection to the proposal but has raised concerns about the accessibility to the site for the pedestrians and that there is no defensible space for residents to prevent passers-by looking into apartments. Riverside access for the public has been a longstanding aspiration for the Fish Quay.

10.76 It is the officer's view that the proposed development addresses such issues as the location and height of the development in relationship to adjacent buildings including the listed 11 New Quay, retention of slot views and impacts on amenities of occupiers of adjacent buildings. The design of the scheme has been revised to give more detailing, variety, interest and more references to the historic and industrial past of the area. It is officer opinion that the proposed scheme is acceptable and will not result in harm to the significance of the adjacent listed building and the Fish Quay and New Quay Conservation Areas. It is officer opinion that the proposed development accords with policies S1.4, DM6.1, S6.5, DM6.6 and DM4.9 of the Local Plan and principles of the North Shields Fish Quay Neighbourhood Plan.

11.0 Highway issues

11.1 Policy DM7.4 New Development and Transport relates to transport requirements of new developments including parking which should be in accordance with standards set out in LDD12 Transport and Highways.

11.2 The applicant has submitted a Transport Statement which concludes that the site is a sustainable location; is very close to North Shields town centre and local buses and access to a metro station; the development would generate trips similar to the historic use of the site; and the development can be accommodated without detriment to vehicular flows and road safety on the surrounding highway network.

11.3 Objections to the scheme are to the impact of traffic generation from the scheme and in conjunction with other schemes on the Fish Quay, increased traffic congestion, impact on existing parking in the area and proposed parking.

11.4 Two vehicular accesses to the site are proposed off Clive Street. The applicant is proposing 49 one and two bedroom apartments and 1 two bedroom town house. One parking space per dwelling, including 4 garages within Block C, meets the Council's current parking standards. One additional space is proposed but other than this, no visitor parking is proposed but there is on-street and off-street parking in the vicinity of the site. Cycle parking is proposed within Blocks A and B. The site has reasonable links with public transport and North Shields town centre. The Highway Network Manager has no objection to the proposal subject to conditions relating to implementing the new accesses, visibility splays, closing up existing accesses, turning areas for refuse vehicles, s278 works, schemes to manage parking and refuse collection and to monitor the surrounding highways, submission of a construction method statement and details of wheel washing.

11.5 The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

11.6 Members must decide whether the impact on the highway network and the proposed parking is acceptable.

12.0 Noise and amenity issues

12.1 Paragraph 180 of NPPF states that planning decisions should 'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

12.2 Policy S1.4 of the Local Plan General Development Principles states, amongst other things, that proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses adjoining premises and land uses.

12.3 Policy DM5.19 Pollution 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.

12.4 Policy DM6.1 Design of Development states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; and a good standard of amenity for existing and future residents and users of buildings and spaces.

12.5 The Manager of Environmental Health has concerns with regard to noise arising from the river activities and from road traffic noise affecting the proposed site. The applicant has submitted a Noise Assessment which has looked at noise

levels from the river and the ferry terminal. The Manager of Environmental Health is of the view that the noise arising from the ferry terminal has not been assessed in accordance with the appropriate guidance and notes that noise levels are high. The noise assessment indicates that with acoustic treatment of the building design that the internal noise levels for habitable rooms can be achieved, with level of 30 dB as recommended for the residential bedrooms and 35 dB for living rooms. A number of enhanced insulation options are proposed for the building envelope. Due to the high external noise levels full details of ventilation will be required.

12.6 If the application is to be approved, the Manager of Environmental Health recommends conditions relating to the submission of a noise scheme that has considered noise from the ferry terminal and Clive Street; a sound attenuation scheme including window glazing to meet internal noise standards; details of ventilation to provide appropriate ventilation with windows closed to provide acceptable noise levels within the dwellings; hours of demolition and construction; and dust mitigation.

13.0 Biodiversity

13.1 Local Plan Policy S5.4 Biodiversity and Geodiversity and DM5.5 Managing effects on Biodiversity and Geodiversity relate to the borough's biodiversity and geodiversity resources and their protection, creation, enhancement and management and mitigation measures where required.

13.2 Policy DM5.6 Management of International Sites relates to development that is likely to have a significant effect on features of internationally designated sites, either alone or in combination with other projects. The nearby Northumbria Coast Special Protection Area, Northumbria Coast Ramsar Site and Durham Special Area of Conservation are internationally designated sites.

13.3 The site is located within a wildlife corridor and adjacent to the River Tyne Local Wildlife Site (LWS) which could potentially be impacted by works associated with the scheme. The coastline of North Tyneside is designated a Site of Special Scientific Interest.

13.4 The Council's Draft Coastal Mitigation Supplementary Planning Document was published for consultation in May 2019. The SPD provides guidance and information on the mitigation expected to be required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. The aim is to enable the Council to adequately protect European sites and be compliant with its duties under the Conservation of Habitats and Species Regulations 2017, and the requirements of the Government's National Planning Policy Framework (NPPF).

13.5 The SPD sets out a recommended developer contribution that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats that arise from development within North Tyneside. Mitigation will be through a Coastal Warden Service and delivery of relevant projects.

13.6 The Biodiversity Officer has advised that the Ecological Appraisal submitted with the application has identified that building 2, the former office building, as being used by common pipistrelle bats as a roost site and that this is a probable post hibernation transitional roost. The report also notes that there are suitable hibernation features present within the building. The Biodiversity Officer has advised that a Natural England development licence will be required prior to demolition works commencing and all works will then be completed in line with a detailed Natural England method statement; that the scheme has also recommended pole mounted maternity boxes to provide temporary roosts and hibernation mitigation and; that permanent mitigation within the new buildings should include two roost maternity bat boxes as well as a false wall and cavity to mitigate for the loss of hibernation features.

13.7 It is officer opinion that the demolition of the buildings will not have a detrimental impact on bat roosts found in the buildings provided conditions are imposed relating to the implementation of all measures set out in the Ecological Appraisal Report and details of pole mounted maternity boxes to provide temporary roosts and permanent maternity and hibernation roosts on the new building are submitted and agreed, and demolition does not take place during the bird nesting season.

13.8 The Biodiversity Officer has advised that the Ecological Appraisal submitted with the application concludes that habitat on the site is limited and of negligible to low value for biodiversity. The Biodiversity Officer recommends a number of conditions which are set out in Appendix 1 including conditions relating to an otter method statement, lighting strategy and a Pollution Control Plan to prevent pollutants from entering the River Tyne.

13.9 A separate planning application 18/00956/FULDEM was submitted and was approved in September 2018 for demolition of the buildings on the site. A number of conditions have been discharged in an application 19/00420/COND which included an otter method statement and temporary bat roosts.

13.10 The Biodiversity Officer has advised that the shadow Habitats Regulations Assessment (sHRA) submitted for the scheme concludes that the scheme will not have a direct impact on the Northumbria Coast Special Protection Area and the Ramsar site within North Tyneside however, the increase in residents in combination with other developments in the area has the potential to result in an increase in recreational pressure at the coast and have an adverse effect on the SPA.

13.11 Potential recreational activities that could impact on the SPA include increased walkers from the development at the coast with dogs which could disturb nesting birds on the rocky outcrops.

13.12 The sHRA concludes that with proposed mitigation measures set out within the report there will be no likely significant effects on the qualifying features and conservation objectives of the internationally designated sites as a result of the scheme. The mitigation proposed in the report is:

- Potential walking routes in the local area will be identified and highlighted to new residents

- Homeowner packs will be provided to new residents highlighting the designated sites and providing information to minimise impacts
- A financial contribution will be made to improve visitor access within local greenspaces, such as that at Northumberland Park ~1km north east of the development.

13.13 The Biodiversity Officer has advised that there is not enough evidence to conclude that improvements at Northumberland Park would draw visitors away from the coast and therefore would not be sufficient to mitigate the impacts of the scheme on the Northumbria Coast SPA and Ramsar site. The applicant has proposed a contribution of £10,000 towards the coastal mitigation service for the SPA.

13.14 The Biodiversity Officer has no objection to the proposed development subject to the mitigation of provision of homeowner packs, advice to occupiers of potential walking routes and the contribution of £10,000 in this instance.

13.15 Natural England has no objection to the proposed development subject to appropriate mitigation so that the development does not have an adverse effect on the integrity of Northumbria Coast Special Protection Area, Northumbria Coast Ramsar and Durham Coast Special Area of Conservation or damage or destroy the interest features for which Northumberland Shore Site of Special Scientific Interest has been notified. As the proposed development has the potential to have significant adverse effect on the special interest features of these sites, the likely significant effects would be presented through recreational disturbance increased by the provision of dwellings at this location. Natural England has advised that, in this instance, the appropriate mitigation is a contribution of £10,000 towards a mitigation scheme against recreational disturbance issues at the coast and the provision of a homeowner information pack to explain the ecological importance of the coast and potential walking routes in the area to new residents.

13.16 The sHRA sets out that there will be no significant effects on the Durham Coast Special Area of Conservation as this would be unlikely to be used by new residents as it is 2.9km from the site and separated by the River Tyne. It is officer opinion that the impact on the Durham Coast SAC would be small.

13.17 It is officer opinion that with the proposed mitigation for recreational impacts, the proposed development will not have a significant effect on the internationally designated sites- the Northumbria Coast SPA, Northumbria Coast Ramsar and the Durham Coast SAC. It is officer opinion that the proposed development accords with policy S5.4, DM5.5 and DM5.6 of the Local Plan and the NPPF.

14.0 Drainage

14.1 The NPPF states that, when determining planning applications, LPA's should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA)

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

14.3 An updated Flood Risk Assessment has been submitted with the application which has examined potential flooding issues and surface water management associated with the development. The site is within Flood Zones 1, 2 and 3.

14.4 With regard to surface water, Northumbrian Water has advised that it has no issues to raise as the submitted Flood Risk assessment indicates that surface water will discharge directly to the River Tyne. With regard to foul flows, the submitted Flood Risk Assessment has not been agreed with Northumbrian Water to enable assessment of the capacity to accommodate the additional flows. Therefore Northumbrian Water has advised that they have no objection to the proposed development provided a condition is imposed that details of the disposal of foul water are agreed with the LPA.

14.5 The Environment Agency has no objection to the proposed development subject to a condition that the development should only be carried out in accordance with the submitted Flood Risk Assessment and the following mitigation measures implemented:

- identification and provision of safe route(s) into and out of the site to an appropriate safe haven;
- The minimum finished floor level of habitable rooms based on 1 in 200-year return period with allowance for climate change is 4.84m A.O.D;
- The first 600mm above the finished floor level of 4.84m A.O.D. is to be flood resilient construction to allow for freeboard;

This is to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

14.6 The Lead Local Flood Officer has reviewed the updated flood risk assessment, the developments flood risk and measures to mitigate against flood risk within the site. He has advised that the development will discharge surface water from the site into the River Tyne. A surface water attenuation system on the site will be required to hold surface water flows up to the 1 in 30-year storm event on site once the outfall becomes surcharged and a non-return flap valve will be required on the outlet to prevent backflow from the River Tyne in storm events.

14.7 The Lead Local Flood Officer has no objections to the proposed development subject to conditions relating to details of a surface water management scheme and a flood evacuation plan set out in home ownership packs; and installation of flood protection doors.

15.0 Planning Obligations

15.1 Policy S7.1 General Infrastructure and Funding of the Local Plan states that new development may be required to contribute to infrastructure provision to meet the impact of new development through the use of planning obligations where it is not possible to address unacceptable impacts through the use of a condition; and that contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable.

15.2 Policy DM4.7 of the Local Plan, which relates to affordable housing, states that the Council will seek 25% of new homes to be affordable on new housing developments of 11 or more dwellings taking into consideration specific site circumstances and economic viability. In all but the most exceptional cases the Council will require affordable housing provision to be made on-site.

15.3 Policy DM7.2 Development Viability states that if the level of contributions to fund infrastructure to support a new development would impact on the economic viability of a proposed development then robust evidence of viability should be provided.

15.4 The Council's revised Supplementary Planning Document LDD 8 on Planning Obligations was adopted in March 2018. Planning Obligations are required to ensure that new development appropriately mitigates site specific impacts on the physical, social and economic infrastructure of the borough. The SPD provides guidance on the type and extent of planning obligations that may be required in order to grant planning permission. They must be necessary and used directly to make a development acceptable.

15.5 A planning obligation must be lawful and comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. It must be necessary; directly related to the development; and fairly and reasonably related in scale and kind to the development.

15.6 Contributions were requested by service providers for parks, semi-natural green space, children's equipped play space, allotments, health facilities and for secondary and primary education, 2 apprentices or 0.5% of capital cost and 12 affordable housing units.

15.7 The applicant has submitted a Viability Assessment. Viability of the proposed development has been assessed and the assessment concluded that there is no scope for affordable housing or s106 contributions from the proposed development if the development is to be viable.

16.0 Local Financial Considerations

16.1 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).

16.2 The proposal involves the creation of 50no new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. North Tyneside Council is set to receive £503,860 in New Homes Bonus for the period 2018-19.

16.3 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

16.4 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.

17.0 Conclusion

17.1 The site is identified as a site for housing development on the Policies Map of the North Tyneside Local Plan 2017 and therefore accords with Policy S4.3. The proposal will contribute to the council's housing land supply.

17.2 It is officer opinion that the design approach including the scale, height and layout is acceptable and that the relationship of the proposed development to the river, Clive Street and neighbouring properties is acceptable and although the layout and form of buildings varies from the historic and current layout of buildings on the site, the design logic for this is accepted. The scheme allows access to the riverside and slot views of the river from Clive Street and Yeoman Street. The revised scheme has more detailing, variety, interest and more references to the historic and industrial past of the area. It is officer opinion that the proposed development will bring back into use a previously developed site that is now vacant, derelict and an eyesore that will sustain, conserve and, enhance the significance, appearance and character of the North Shields Fish Quay and New Quay Conservation Areas and the setting of the listed 11 New Quay, the former Porthole Public House.

17.3 It is officer opinion that the proposal is acceptable in parking and highway terms; will not have a significant adverse impact on adjacent residential or business properties; that acceptable internal and external noise environments within the proposed dwellings can be provided with appropriate noise mitigation measures; that the proposed mitigation for bats present in the existing buildings and impacts on the coast is acceptable. It is officer opinion that the proposed development accords with policies in the North Tyneside Local Plan and the National Planning Policy Framework and that planning permission should be granted subject to conditions.

17.4 Members must balance all the issues against the benefits of bringing this vacant site back into use and development that will enhance the significance, appearance and character of the New Quay and Fish Quay Conservation Areas and setting of the adjacent listed building and decide whether or not planning permission should be granted.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate they are minded to approve the application and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application subject to:

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:
a contribution of £10,000 for a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area**

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

**Upgrade of footpaths abutting site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage**

The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

Conditions/Reasons

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

- AL(0) LP01 rev 5 - Location Plan
- AL(0) 01 rev 17 Proposed Site Plan
- AL(0) 02 rev 7 Existing Site Plan
- AL(0) 03 rev 12 Proposed and Existing Site Plan
- AL(0) 10 rev 8 Block A, Block D and Town House Ground and First Floor
- AL(0) 11 rev 10 Block A, Block D and Town House Upper Floor Plans
- AL(0) 20 rev 10 Block B - Floor Plans
- AL(0) 30 rev 12 Block C - Floor Plans
- AL(0) 40 rev 5 Elevations - Block A, Block B, Town House
- AL(0) 41 rev 8 Elevation Sections - Block A, Block D, Town House
- AL(0) 42 rev 5 Elevations - Block B
- AL(0) 43 rev 6 Elevations Block C
- AL(0) 44 rev 5 Sections Block A,B,C
- AL(0) 45 rev 3 Detailed Elevation / extract sample
- AL(0) 50 rev 5 Site Sections

AL(0) 60 rev 8 Context Elevation South East
 AL(0) 61 rev 6 Context Elevation North West
 AL(0) 62 rev 6 Context Elevation North East Elevation
 AL(0) 105 rev 3 Winter Solstice 3D sun path analysis
 AL(0) 106 rev 3 Summer Solstice 3D sun path analysis
 AL(0) 107 rev 3 Autumn-Spring Equinox sun path analysis
 AL(0) 201 rev 11 Perspectives 01
 AL(0) 202 rev 11 Perspectives 02
 AL(0) 203 rev 7 Perspectives 03
 AL(0) 204 rev 7 Perspectives 04
 AL(0) 205 rev 6 Perspectives 05
 AL(0) 206 rev 8 Perspectives 06
 AL(0) 207 rev 8 Perspectives 07
 AL(0) 209 rev 3 Perspectives 09
 AL(0) 210 rev 4 Slot Views
 AL(0) 211 Rev 2 Rendered River View
 AL(0) 213 Rev 1 Rendered Borough Road View
 AL(0) 214 Rev 1 Rendered Aerial View
 AL(9) 01B rev 7 Landscaping Plan and parking

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Demolition shall be carried out in accordance with the demolition method statement submitted and approved 7 June 2019 in discharge of condition application 19/00420/COND relating to planning application 18/00956/FULDEM .

Reason: To ensure that the Local Planning Authority retains control over the demolition works in the interests of protecting the adjacent listed building from damage and protecting the character and appearance of Fish Quay and New Quay Conservation Areas having regard to policy S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

4. Demolition, in the first instance, shall be to ground level only. The concrete floor within the factory can be lifted as part of the demolition. There should be no other ground disturbance, foundations should not be grubbed up and ground levels shall not be lowered until a programme of archaeological fieldwork has been agreed in writing by the Local Planning Authority in accordance with condition 15.

Reason: To prevent buried archaeological remains from being damaged during demolition works having regard to policy DM6.7 of the North Tyneside Local Plan 2017 and the NPPF.

5. All works undertaken on site shall be carried out in accordance with the measures set out in Sections H2.2; H2.3 and H.3 of the Final Ecological Appraisal by E3 Ecology Ltd dated 11 March 2019.

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

6. Pole mounted maternity bat boxes to provide temporary bat roost sites shall be installed in accordance with the details submitted and approved 7 June 2019 in discharge of condition application 19/00420/COND relating to planning application 18/00956/FULDEM. The pole mounted roost boxes shall be installed prior to demolition commencing on site of Building 2 (the former office building) and Building 3 (the former factory building) and can be installed after demolition of Building 1 (26 Clive Street) and shall be retained until permanent roosts on and within future buildings on the site are provided.

Reason: To mitigate for the loss of bat roost sites on the site and to provide temporary bat roost sites before demolition of all buildings on the site and until new development takes place in the interest of biodiversity and having regard to planning policy DM5.5 of the North Tyneside Local Plan 2017 and the NPPF.

7. No demolition works shall take place during the bird nesting season (March to August inclusive) unless a suitably experienced ecologist has confirmed the absence of active nests.

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

8. Following demolition, if works cease on the site for more than six months, ie if works to the river wall do not take place after demolition or are not completed on the site or if the construction of the residential development does not commence, then a remediation scheme to make good the site after demolition will be required and shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include how the site will be made good (ie materials and layout), details of a boundary enclosure, a timetable for remediation of the site, and how it will be maintained. Thereafter the remediation shall be carried out in accordance with the agreed details.

Reason: To ensure that the Local Planning Authority retains control over remediation of the site after demolition to preserve the character and appearance of the conservation areas having regard to policy S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

9. There shall be no demolition or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenities of neighbouring residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. Site set up including site compounds, access to the site, parking, storage, dust suppression etc during the demolition phase shall be carried out in accordance with the Demolition Method Statement submitted and approved 7 June 2019 in discharge of condition application 19/00420/COND relating to planning application 18/00956/FULDEM.

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

11. During the demolition phase, wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway shall be operated in accordance with the details submitted in discharge of condition application 19/00420/COND relating to planning application 18/00956/FULDEM and approved 7 June 2019. Demolition shall not commence on any part of the site until the agreed measures are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: To ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

12. Contaminated Land Investigation Housing CON00 *
1

13. Prior to development commencing on site a Pollution Control Plan (or CEMP) shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented.

Reason: To prevent pollutants from entering the River Tyne having regard to policy DM5.19 of the North Tyneside Local Plan 2017.

14. The Otter Method Statement submitted and approved 7 June 2019 in discharge of condition application 19/00420/COND relating to planning application 18/00956/FULDEM shall be implemented during demolition and construction phases.

Reason: To prevent harm to otters having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

15. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been submitted to and agreed in writing by the Local Planning Authority and the archaeology fieldwork has been completed. The fieldwork shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded in accordance with Policies S6.5, DM6.6 and DM6.7 of the North Tyneside Local Plan and the NPPF.

16. No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used

in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development 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.

17. No development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

18. Prior to construction above ground level, a detailed scheme for the disposal of foul water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The scheme shall be implemented in accordance with the approved details prior to occupation of any part of the development and retained thereafter.

Reason: To ensure 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.

19. Prior to construction above ground level, details of a surface water management scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of attenuation and future maintenance. The scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: To 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.

20. No works shall be undertaken to the river wall until conditions set out in planning application 13/00346/FUL have been approved and in particular archaeological building recording of the river wall has taken place in accordance with condition 3.

Reason: To provide an archive record of the historic structure having regard to policy S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

21. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 15 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policies S6.5, DM6.6 and DM6.7. of the North Tyneside Local Plan 2017 and the NPPF.

22. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified as being of potential archaeological interest. The publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with policies S6.5, DM6.6 and DM6.7. of the North Tyneside Local Plan 2017 and the NPPF.

23. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 8 March 2019 by Patrick Parsons and the following mitigation measures detailed within the FRA:

a. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

b. The minimum finished floor level of habitable rooms based on 1 in 200-year return period with allowance for climate change is 4.84m A.O.D.

c. The first 600mm above the finished floor level of 4.84m A.O.D. is to be flood resilient construction to allow for freeboard.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure safe access and egress from and to the site and to ensure a safe and timely evacuation of the development if needed.

To reduce the risk of flooding to the proposed development and future occupants having regard to policy DM5.12 of the North Tyneside Local Plan 2017.

24. The development shall be built in accordance with the levels shown on the approved plans set out in Condition 1 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

25. Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

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

26. Restrict Hours No Construction Sun BH HOU00 *
4

27. No piling activities within the site shall take place outside the hours of 10.00 - 16.00 Monday to Friday and 10.00 - 14.00 on Saturdays with no piling on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

28. Gas Investigate no Development GAS00 *
6

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

Reason: 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.

30. No construction above ground level shall take place, until the following details and a timescale for their implementation have been submitted to and approved in writing by the Local Planning Authority:

- New access
- Upgrade of footpaths abutting site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & 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).

31. Exist Access Closure Misc Points By ACC01 *
7

32. 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).

33. No part of the development shall be occupied until an area has been laid out within the site for vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

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

34. 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).

35. Prior to installation of any sound attenuation, a noise scheme that has a) considered noise arising from the North Shields Ferry Terminal and Clive Street and b) provides details of the window glazing, in accordance with the noise report ref: PP/RF/001 dated 21 December 2017 by LA Environmental Consultants 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 all habitable rooms in the development 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 from the ferry terminal and activity on Clive Street having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

36. Prior to installation of any ventilation, details of the ventilation scheme for all habitable rooms in the development shall be submitted to and agreed in writing by the Local Planning Authority. The ventilation scheme shall ensure an

appropriate standard of 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 prior to occupation of the dwellings hereby permitted 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.

37. Notwithstanding any indication of materials which may have been given in the application, no construction above ground level shall take place until a schedule and/or samples of all external finishing and surface materials for the development have been submitted to and approved 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 and New Quay Conservation Areas are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

38. Prior to installation of any balcony balustrading, details of the balcony balustrading shall be submitted to and agreed in writing by the Local Planning Authority. 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 and New Quay Conservation Areas are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017)

39. Prior to installation of the two balconies on Block B at first and second floor level immediately adjacent to Swan Quay, details of screens to the balconies shall be submitted to and agreed in writing by the Local Planning Authority. The screen of minimum height 1.8 shall be such that there shall be no overlooking of properties in Swan Quay. Thereafter the balcony screens shall be implemented in accordance with the approved details.

Reason: To protect the amenities of occupiers Swan Quays immediately adjacent to balconies on the north east corner of Block B of the proposed development having regard to policy S1.4 and DM6.1 of the North Tyneside Local Plan (2017)

40. No construction above ground level shall commence until details of rainwater goods have been submitted to and agreed in writing by the Local Planning Authority. 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 and New Quay Conservation Areas are preserved

and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

41. No construction above ground level shall commence until details of ventilation extraction, flues, meter boxes, alarm boxes, satellite dishes and any other external features including location and type, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the external features 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 and New Quay Conservation Areas are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

42. Notwithstanding any indication of the garage doors which may have been given in the application, garage doors shall not be installed until details of the garage doors have been submitted to and approved 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 and New Quay Conservation Areas are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

43. Notwithstanding any details of means of enclosure which may have been given in the application, no means of enclosure, including the artwork fencing, 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 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 and New Quay Conservation Areas are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

44. Refuse storage for household waste and recycling shall be provided in the bin stores as shown on the approved drawings prior to occupation of the dwellings and shall thereafter be permanently retained. The facilities shall include the provision of wheeled refuse bins. No bins shall be stored outside properties other than for bin collection day. On bin collection day, bins shall be stored in the location shown on the approved plans.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay and New Quay Conservation Areas are preserved and enhanced having regard to policy DM6.1, S6.5, DM6.6 and DM7.9 of the North Tyneside Local Plan (2017).

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

with the approved details and retained thereafter.

Reason: In the interests of highway safety having regard to policy DM7.4 and DM7.9 of the North Tyneside Local Plan 2017

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

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

47. No part of the development shall be occupied until a detailed methodology of monitoring the surrounding highways has been submitted to and agreed in writing by the Local Planning Authority. This monitoring shall commence upon full occupation of the development and continue for a period of 12 months. Once this monitoring has taken place and the results submitted to and analysed by the Local Planning Authority, any mitigation required by the Local Planning Authority will be implemented at the expense of the applicant.

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

48. Notwithstanding any details of landscaping which may have been given in the application and prior to the commencement of any landscaping, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and timing of native tree and shrub planting (that provides habitat for insects and foraging bats), tree pit details and ground preparation, include species and size of trees (standard trees to the frontage to be a minimum 12-14cm girth) , and a schedule of works and maintenance operations. 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, provide habitat for insects and foraging bats to contribute to the functioning of the wildlife corridor. and to ensure the character and appearance of the Fish Quay and New Quay Conservation Areas are preserved and enhanced having regard to policy DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

49. Prior to installation of the maternity roost bat boxes, details of two permanent NHBS Improved Roost-Maternity Bat Boxes (or similar) shall be submitted to and agreed in writing by the Local Authority. Details shall include the specification and location of the maternity boxes as well as the timing of their installation. The maternity boxes shall be installed on the buildings at the time and location and in accordance with the details agreed and retained thereafter.

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

50. Prior to the installation of the false wall and cavity to be built into a section of the new buildings to mitigate for the loss of hibernation features, details of the false wall and cavity shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the design and location of the features. The false wall and cavity shall be installed prior to completion of each building where a location is agreed and shall be retained thereafter.

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

51. All residents of the development shall be provided with a homeowner information pack to explain the ecological importance of the coast and potential walking routes in the local area. Details of the homeowner information pack must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development, and the agreed pack must be distributed to all future residents prior to, or on commencement of their occupation.

Reason: To mitigate the impact of additional visitor numbers on the Northumbria Coast Special Protection Area and Northumberland Shore SSSI; in the interests of ecology, having regard to the NPPF and Policy DM5.5 and DM5.6 of the North Tyneside Local Plan.

52. Prior to commencement of the construction of the buildings, details of glazing in the buildings on the river frontage shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Port of Tyne. Thereafter the glazing shall be installed in accordance with the approved scheme and retained thereafter.

Reason: To reduce the impact of large areas of glazing for the safety of river traffic having regard to policy DM6.1 of the North Tyneside Local Plan 2017

53. 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. The lighting details must a) take into account the impact on river safety and b) demonstrate that external lighting minimises impacts on bats particularly in the use of the roost features on the site. Any lighting which is so installed shall not thereafter 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 river safety, biodiversity and highway safety having regard to policy DM6.1, S6.5, DM6.6 and DM5.5 of the North Tyneside Local Plan (2017)

54. Notwithstanding the details submitted, prior to construction of any dwelling details of compliance with the housing and accessibility standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To demonstrate compliance with Policy DM4.9 of the North Tyneside Local Plan (2017).

55. Prior to occupation of the development hereby approved, a flood evacuation plan to include details of a flood evacuation warning system and safe route(s) into and out of the site to an appropriate haven shall be provided in home owner packs in accordance with details submitted to and approved in writing by the Local Planning Authority, and provided to residents upon occupation of the proposed dwellings.

Reason: To ensure safe access and egress from and to the site in the event of flooding having regard to policy DM5.12 of the North Tyneside Local Plan 2017.

56. No construction above ground level shall take place until details of windows and doors have been submitted to and agreed in writing by the Local Planning Authority. Doors and windows shall be aluminium and should be flood protection doors with the BSI Kitemark - PAS 1188-1:2014. 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 and New Quay Conservation Areas are preserved and enhanced and to reduce the risk of flooding to the proposed development and future occupants having regard to policy DM6.1, S6.5, DM6.6 and DM5.12 of the North Tyneside Local Plan (2017).

57. Notwithstanding any details of public seating and sculptural art which may have been given in the application, prior to implementation of public seating and sculptural art, details of public seating and sculptural art shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme prior to occupation of buildings.

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

58. Notwithstanding any details of the metal feature art panels on the buildings which may have been given in the application, no construction above ground level shall take place until details of the metal feature art panels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the metal feature art panels shall be installed in accordance with the approved scheme prior to occupation of buildings.

Reason: In the interest of visual amenity and to ensure the character and

appearance of the Fish Quay and New Quay Conservation Areas are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

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 Paragraph 38 of the National Planning Policy Framework.

Informatives

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)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

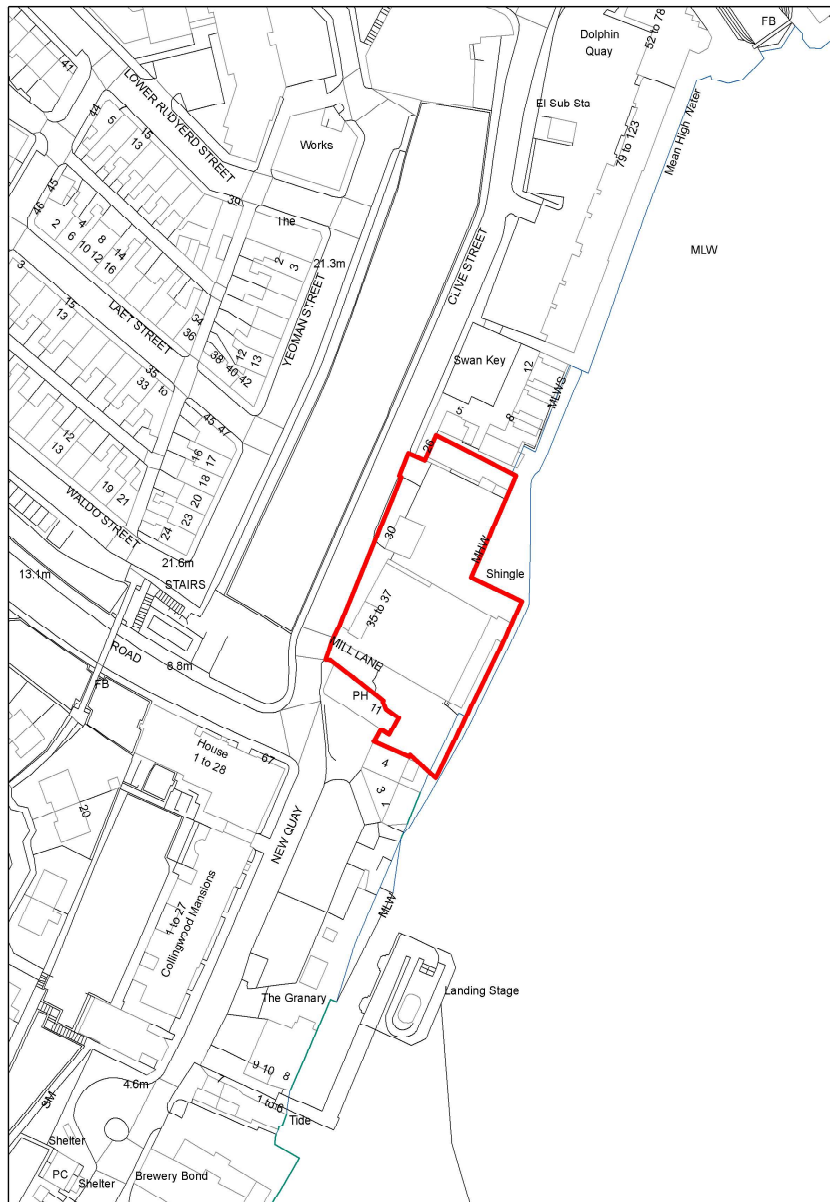
The applicant is advised that future residents may not be entitled to a parking permit under the councils residential permit scheme and the onus is on the developer to inform end users of this. For further information contact the Parking Control Team: parkingcontrol@northtyneside.gov.uk (0191) 643 2121

The applicant is advised that they should enter into an agreement indemnifying the council's refuse, recycling & garden waste collection vehicles against any claims for damages to the internal road and parking layout.

The applicant is advised that some of the parking bays do not meet recommended reversing distance of 6.0m and the onus is on them to advise future residents of this and deal with any problems that arise in terms of manoeuvrability within the site.

Demolition works should not commence until the relevant licence from Natural England has been obtained.

Building Regulations Required (I03)



Application reference: 19/00436/FUL

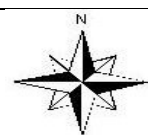
Location: 26 - 37 Clive Street, North Shields, Tyne And Wear, NE29 6LD

Proposal: Demolition of the former North Eastern Rubber Company factory buildings and construction of three residential apartment blocks, comprising of 49no one bedroomed and two bedroomed apartments and 1no two bedroom townhouse and associated parking

Not to scale

Date: 27.06.2019

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INIT

Appendix 1 – 19/00436/FUL
Item 5.3

Consultations/representations

1.0 Internal Consultees

1.1 Road Network Manager

1.2 The site is accessed from Clive Street and allocated parking has been provided in accordance with current standards. Whilst there is no visitor parking provision, it is considered appropriate in this location as on-street and off-street parking is available in the vicinity of the site. Cycle parking has also been provided and the site has reasonable links with public transport and the town centre. For these reasons and on balance, conditional approval is recommended.

1.3 The applicant will be required to enter into a Section 278 Agreement for the following works:

New access

Upgrade of footpaths abutting site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

1.3 The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

1.4 The following conditions are recommended:

ACC11 - New Access: Access prior to Occ

ACC17 - Exist Access Closure: Misc Points, By *6 months

ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 33m by 0.6m)

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

And conditions to agree schemes to manage parking and refuse collection and detailed methodology of monitoring the surrounding highways which shall commence on full occupation of the development and continue for 12 months of the site to determine whether any mitigation is required by the LPA.

Informatives:

- I05 - Contact ERH: Construct Highway Access
- I07 - Contact ERH: Footpath/Bridleway X's Site
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

The applicant is advised that future residents may not be entitled to a parking permit under the councils residential permit scheme and the onus is on the developer to inform end users of this. For further information contact the Parking Control Team: parkingcontrol@northtyneside.gov.uk (0191) 643 2121

The applicant is advised that they should enter into an agreement indemnifying the council's refuse, recycling & garden waste collection vehicles against any claims for damages to the internal road and parking layout.

The applicant is advised that some of the parking bays do not meet recommended reversing distance of 6.0m and the onus is on them to advise future residents of this and deal with any problems that arise in terms of manoeuvrability within the site.

1.5 Lead Local Flood Officer

1.6 No objections to the developments drainage / flood mitigation proposals.

1.7 As a result of the site location and the associated flood risk by being adjacent to the River Tyne. The applicant is proposing the following measures to mitigate against the flood risk within the site.

- The minimum finished floor level of habitable rooms based on 1 in 200-year return period with allowance for climate change is 4.84m A.O.D.
- The first 600mm above the finished floor level of 4.84m A.O.D. is to be flood resilient construction to allow for freeboard.
- Aluminium or PVC external doors as opposed to timber. Hollow-core timber doors particularly should be avoided. Specify doors with good locking/sealing mechanism
- Using low permeability construction materials where possible, such as a concrete ground floor
- Electrical wiring: lighting and power ring mains and consumer unit shall be minimum 600mm above finished floor level to ground floor units
- All meters to be located minimum 600mm above finished floor level to ground floor units

- Gas boiler to be located minimum 600mm above finished floor level to ground floor units
- Air vents should be located 600mm above finished floor level to ground floor units
- Concrete sealing external wall cavities up to flood level to prevent migration of floodwater into the building via cavities and service entry points to be sealed at interface with external wall and floor construction with gaskets or waterproof packing with mastic pointing
- None return valve to prevent water backflow into the property
- Electrical sockets and appliances should be installed high as possible and built in ovens must be at eye level to ground floor units
- All proposed units at ground floor level will incorporate a ground floor construction which will avoid the need for under floor ventilation using air bricks. Solid ground floor construction should be used.
- Waterproof tanking systems will be incorporated into units
- Proposed units will incorporate full height opening doors on the river facing elevation to provide escape path for water in the event of extreme flood events
- Occupants to be made aware of flood resilient measures in home information packs
- Rooms below the 4.84m level are to be flood compatible non-habitable spaces, i.e. cycle storage, refuse stores or undercroft parking.
- The closest watercourse is the River Tyne located to the east of the site boundary and can be considered suitable as a discharge point for surface water from the new development. An Althon Tideflex valve or similar approved non-return valve should be specified for the outfall to prevent backflow from the River Tyne in storm events. An attenuation system will be required that will hold surface water flows up to the 1 in 30-year storm event on site once the outfall becomes surcharged.
- The surface water attenuation within the development is to be provided by a traditional underground storage system, such as oversized pipes, tanks or crates to store the surcharged flows.

1.8 The following conditions are recommended:

No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of attenuation and future maintenance. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

The developer will be required to prepare a flood evacuation plan which will need to be approved by the local authority. This will need to include a flood evacuation warning system and is to be explained in home information packs.

The applicant is proposing using the following doors types - Aluminium or PVC external doors as opposed to timber. A condition is required that states that the proposed doors will be flood protection doors with the BSI Kitemark - PAS 1188-1:2014.

1.9 Design and Heritage Comments

1.10 The proposed scheme is based on a good analysis of the site and would be a positive addition to the conservation area when compared to the condition of the existing site and buildings.

1.11 The scheme comprises of 3 separate accommodation blocks extending between 2 and 4 storeys. The general scale and height of the scheme is considered acceptable. Although the layout and form of buildings varies from the historic and current layout of buildings on the site, the applicant has explained the design logic for this. The layout responds to the river, Clive Street and neighbouring buildings. The contemporary architectural design incorporates brickwork and timber panelling which is considered to be appropriate for the site. The scheme proposes to incorporate elements of commissioned artwork built into the elevations that provide direct reference to the industrial heritage of the site. The roof incorporates standing seam (rolls) detailing which fall towards centralised gutters. This detailing will enhance elevated views from Yeoman Street.

1.12 The site currently has existing slot views of the river from Clive Street. Some of these relate to the historic layout of the site and reflect the former quays which once gave access to and from the river for pedestrians. The slot views identified below form part of the proposed scheme. They will be particularly visible from higher level view points along Yeoman Street where a river view will be maintained.

- Shepherds Quay slot view which is approximately in the middle of the site. This is not in the exact historic location but the proposed location has been agreed with the applicant. This is the most important and largest slot view.
- A narrow lane slot view to the north of the site adjacent to Swan Quay.
- Slot view in front of the Porthole down towards the river.

1.13 A heritage assessment has been carried out for the site. The most historic parts of the site are 26 Clive Street and specifically the 2 storey element facing the River Tyne. The assessment suggests that the plot is derived of an older building but concludes it to be low architectural/aesthetic interest. After visiting the site, the 2 storey building has some interesting brickwork and original openings are still visible. The building has however been heavily altered and I accept the loss of this building.

1.14 Block C is located next to the listed Porthole and fronts onto Clive Street. The building has an appropriate relationship with the listed Porthole. Block C has a largely active ground floor onto Clive Street. Soft landscaping, high quality setts and cobbles and bespoke boundary treatments along Clive Street will contribute towards creating a well-designed street scene.

1.15 Overall the redevelopment of the site will improve the setting of the nearby listed buildings (Porthole and Collingwood buildings) and improve the character and appearance of the conservation area. The proposed scheme incorporates high quality design detailing and importantly retains slot views through to the river.

1.16 In addition to the standard conditions for materials, details of architectural railings; design of planting beds and public seating to Clive Street; sculptural art; and commissioned artwork for elevations should also be conditioned.

1.17 Manager of Environmental Health

1.18 a) Pollution

1.19 I have concerns with regard to noise arising from the river activities and from road traffic noise affecting the proposed site.

1.20 I have viewed the noise assessment report. This has not been updated to provide for any additional noise assessment of associated activities of the Ferry Terminal. The noise monitoring location 2 for the assessment of the river activities was located away from the western part of the site that would be closest to the North Shields Ferry Terminal. The noise arising from the use of the ferry terminal has not been assessed in accordance to the appropriate guidance. I would require that this is fully assessed in accordance to BS4142 guidance to ensure the noise arising from the Ferry Terminal is fully determined. I also have concerns that the weather conditions reported during the monitoring were not suitable due to snow and rain being reported.

1.21 However, it is noted that the noise levels from the monitoring are high and will require noise amelioration measures to be incorporated into the design. The noise assessment indicates that with acoustic treatment of the building design that the internal noise levels for good habitable room can be achieved, with a level of 30 dB LAeq recommended for the residential bedroom and 35 dB LAeq for living rooms. A number of enhanced insulation options are provided for the building envelope. Full details on the ventilation have not been detailed in the application and it is recommended that these are provided.

1.22 If planning consent is to be given the following conditions should be imposed:

Prior to occupation submit and implement on approval of the Local Planning Authority a noise scheme that has considered noise arising from the North Shields Ferry Terminal. Details of the sound attenuation scheme must be provided, including the window glazing to be provided to habitable rooms as outlined in noise report reference PP/RF/001 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 as described in BS8233:2014 and the World Health Organisation community noise guidelines.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, we expect that 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.

Conditions relating to hours of demolition and construction and mitigation for dust should also be imposed.

1.23 b) Contaminated Land

1.24 There is an area of unknown filled ground within 250m of the site. Due to this and to the proposed sensitive end use, conditions relating to investigation and mitigation, if required, for gas and contamination should be imposed.

1.25 Landscape Advice

1.26 There is no significant (existing) landscape infrastructure within the application area, although opposite the site to the west is a steep planted up embankment, containing ornamental shrubs and small tree groupings. The embankment areas to the north of the commercial and residential properties along Clive Street contain a range of trees and mature shrubs, that link together to collectively form the immediate and wider essential landscape structure of the Fish Quay Conservation Area.

1.27 The proposed layout of the external areas is ordered and precise and demands a landscape design approach that maximizes the space available. The New Quay Conservation Area is immediately adjacent and the proposed development intimately borders several residential and commercial properties. In terms of the scale and encroachment of the proposed development landscape design solutions should be considered, to both compliment the development and to also facilitate discreet visual buffering with the built form of the adjacent Conservation Area both with internal and external viewpoints.

1.28 The submitted documents (Landscape Plan Option B and Proposed Site Plan) detail the proposed landscape proposals within the context of the car-parking areas and adjacent paved footways and development frontage areas. There are 7no. trees proposed along the development frontage areas, adjacent to the footway with Clive Street, along with associated seating, shrub beds and an architectural rail adjacent to the car parking bays to the rear of the (protected) planting beds. A small shrub bed to the south of Block C has been proposed. There is the opportunity to include additional trees to the eastern end of the frontage to maintain the 'avenue' frontage to compliment the scale and massing of the built form as well as providing a level of biodiversity to enhance the wildlife corridor.

1.29 Submitted information includes the detailed layout and uses of the external areas in relation to hard and soft landscape planting. A condition is recommended for details of landscaping to be agreed. This should include details and timing of all new planting, tree pit details and ground preparation and indicate species of new planting and proposed tree planting to the frontage should be a minimum 12-14 girth.

1.30 Biodiversity Advice

1.31 The above site is located along the riverside at Clive Street, North Shields and includes the redundant North Eastern Rubber Company buildings. To the south and east of the site lies the River Tyne and to the north and west, Clive Street and a landscaped embankment that leads up to Yeoman street and

residential buildings. There is little landscaping on the site, the majority of the site consisting of hard standing and industrial buildings. The site, however, is located within a wildlife corridor and adjacent to the River Tyne Local Wildlife Site (LWS) which could potentially be impacted by works associated with the scheme.

1.32 The shadow Habitats Regulations Assessment (sHRA) submitted for the above scheme concludes that the scheme will not have a direct impact on the Northumbria Coast SPA and Ramsar. However, the increase in residents in combination with other developments in the area has the potential to result in an increase in recreational pressure at the coast and have an adverse effect on the SPA. The report concludes that if the proposed mitigation measures set out within the report are implemented, there will be no likely significant effects on the qualifying features and conservation objectives of the Natura 2000 sites as a result of the scheme. The following mitigation has been recommended:-

- Potential walking routes in the local area will be identified and highlighted to new residents
- Homeowner packs will be provided to new residents highlighting the designated sites and providing information to minimise impacts
- A financial contribution will be made to improve visitor access within local greenspaces, such as that at Northumberland Park ~1km north east of the development.

1.33 It is the opinion of the Local Authority that the mitigation measures proposed in the sHRA (above) are not sufficient to mitigate the impacts of the scheme on the Northumbria Coast SPA and Ramsar site as these measures will not prevent recreational impacts on the coast and there is not enough evidence to conclude that improvements at Northumberland Park would draw visitors away from the SPA. Therefore, a financial contribution will be required towards a coastal mitigation service specifically for the SPA either in combination with the proposed mitigation measures or on its own.

1.34 The following mitigation has been agreed and should therefore be conditioned as part of the application in order to address the impacts of this scheme on coastal designated sites:

- A financial contribution of £10,000 is secured for mitigating against recreational disturbance issues.
- A homeowner information pack to explain the ecological importance of the coast and potential walking routes in the area.

1.35 The Ecological Appraisal submitted for the application concludes that habitat on site is limited and of negligible to low value for biodiversity. Otters are known to be present in this area of the Tyne; therefore, the report recommends that works are undertaken to a method statement to address any low risk of harm to otter. The report also concludes that locally common species of bird may nest within the habitats and buildings on site and shoreline habitats surrounding the site have a very low potential to be used by rarer species, although the small size of these habitats is likely to make them unsuitable.

1.36 The Ecological Appraisal (August 2018) also details the findings of a bat risk assessment and bat activity surveys undertaken on the buildings identified for demolition. A bat risk assessment was undertaken on the 3 buildings on site in November 2017 and concluded that these were all low risk. The subsequent bat activity survey that was undertaken on 10th May 2018 indicated that building 2 was being used by at least 25 common pipistrelle bats with 3 roost locations noted around the building. Further emergence surveys undertaken on 31st May and 21st June recorded no emerging bats. The report concludes from the results that building 2 is being used by a small colony of pipistrelle bats as a probable post hibernation transitional roost. The report also notes that there are suitable hibernation features present within the building.

1.37 In light of the above, a Natural England development licence will be required prior to works commencing and all works will then be completed in line with a detailed Natural England method statement. The scheme has recommended pole mounted maternity boxes to provide temporary roost and hibernation mitigation. Permanent mitigation within the proposed new buildings includes two Roost-Maternity bat boxes or similar as well as a false wall and cavity to mitigate for the loss of hibernation features.

1.38 I have no objection to the above scheme subject to an appropriate financial contribution being secured towards a coastal mitigation service for the impacts on the Northumbria Coast SPA. The application should not be approved until this contribution and any other means of mitigation for the impacts on the SPA have been agreed.

1.39 The following conditions set out below should also be attached to the application:

- A financial contribution of £10,000 will be secured by the LPA towards a coastal mitigation service to mitigate against recreational disturbance on the Northumbria Coast SPA and Ramsar site.
- A homeowner information pack will be provided to all residents to explain the ecological importance of the coast and potential walking routes in the area. Details of the homeowner information pack will be submitted to the Local Planning Authority for approval prior to the occupation of housing on the site
- To undertake all measures set out in Sections H2.2; H2.3 and H.3 of the submitted Ecological Appraisal Report (E3 Ecology 2018 Final)
- Works on site to building 2 will not commence until a Natural England development licence has been obtained. Works will then be completed in line with a detailed Natural England method statement, which will include appropriate timing of works and working methods in relation to building demolition.
- Details of the pole mounted maternity boxes to be installed on site prior to demolition to provide temporary roost sites must be submitted to the Local Authority for approval prior to development commencing. Details must include the specification and location of the maternity boxes as well as the timing of their installation.
- Details of the two permanent NHBS Improved Roost-Maternity Bat Boxes (or similar) to be installed on the buildings post completion must be submitted to the Local Authority for approval prior to development commencing. Details must

include the specification and location of the maternity boxes as well as the timing of their installation.

- Details of the false wall and cavity to be built into a section of the new build to mitigate for the loss of hibernation features must be submitted to the Local Authority for approval prior to development commencing. Details must include the design and location of the features.
- Demolition works to any of the buildings will not be undertaken during the bird nesting season (March to August inclusive) unless a suitably experienced ecologist has confirmed the absence of active nests.
- A lighting strategy must be submitted to the Local Authority for approval prior to development commencing. This must demonstrate that external lighting minimises impacts on bats, particularly use of the proposed roost features.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. Landscaping must include native planting that provides habitat for insects and foraging bats and contributes to the functioning of the wildlife corridor.
- Works will be undertaken to an otter Method Statement to address the low residual risk of harm to the species. Details to be submitted to the Local Authority prior to development commencing.
- A Pollution Control Plan (or CEMP) must be submitted to the Local Authority for approval prior to development commencing detailing appropriate measures to prevent pollutants from entering the River Tyne.

2.0 Objection from Mary Glendon MP

2.1 I have been asked by my constituents to object to this planning application, therefore I object for the following reasons:

- The development would be totally inappropriate in terms of height, scale and loss of amenity. It would not just have an adverse impact on those living near the site but also on the many who visit the area for recreational purposes. The area of the 'bank top' has always been an area for locals and visitors to admire the impressive views. If this development is allowed it would have a very negative impact on those views, blocking them almost entirely from some angles.
- there has been substantial development along the quay and this further development will result in increased noise, traffic and parking problems. There are concerns over parking in this area and this development will exacerbate this and have an adverse effect on local infrastructure.
- the cumulative impact on the quayside area, for local people, which already has many of this style of developments.
- this type of development does not necessarily satisfy local housing needs nor benefit the existing community.

3.0 Representations

3.1 One letter of objection has been received and signed by 16 occupiers of 14 residential properties in Yeoman Street. Residents support development of the former rubber company site but have concerns about the proposals.

3.2 The North Shields Fish Quay Neighbourhood Plan and FISHcast Community Character Statement have been reviewed. This clearly sets out design principles

for future development to maintain the positive character and identity of the area. Both documents support creativity and innovation in design whilst setting out parameters to protect key aspects and views. We believe the proposals disregard much of the guidance provided in these documents and are concerned that if granted the proposal would set a dangerous precedent for future development.

3.3 Particular concerns are:

- scale, mass and character of the development
- loss of views at high and low levels (from Clive Street and Yeoman Street)
- traffic and parking

3.4 There has not been enough consideration or rigour shown to meet the design guidance or explain why this guidance was disregarded. Only minimal consideration has been given to the impact on the view from Yeoman Street for both pedestrians and residents.

3.5 Traffic and parking is still a major concern and has not been shown to be considered in context of wider development (Smiths Dock and future Tyne Brand development). The holistic cumulative impacts have not been analysed adequately and therefore it is unclear whether this will have a negative impact on the Fish Quay area.

3.6 This site provides an exciting opportunity for valuable mixed-use development. A development for residential development only serves to dilute the character and identity of the Fish Quay. The revisions to the original application do not address the core issues with the scheme which we consider should be fundamentally reconsidered.

3.7 The objection refers to policies and guidelines set out in the North Tyneside Local Plan, the North Shields Fish Quay Neighbourhood Plan (NSFQNP) and the FISHcast Community Character Statement (FCCS) followed by comments which are set out in summary below.

3.8 Local Plan Policy AS8.12 Fish Quay and New Quay refers to the Council's support of development of these Conservation Areas as a characterful, vibrant mixed use area. The proposals map identifies the site for mixed use development not solely residential use. Smiths Dock and the future Tyne Brand development will provide a significant amount of residential units. There is no mention of mixed use development or provision of small retail premises or small to medium sized businesses. This development will not add to the vibrancy of the area.

3.9 The NSFQNP and FCCS refer to riverside access, ensuring views of the river are not obstructed and of Yeoman Street having impressive panoramic views. The proposed development would negatively affect these views and significantly reduce the amount of the river that can be seen. Very little analysis has been undertaken from the only one view from Yeoman Street provided. This is the best case scenario, other views would be restricted further. The mass of the proposed townhouses perpetuates the current problem of separation of the public from the riverside and restricting their view onto water. Yeoman Street is a well used route due to its impressive views over the river as there is currently a wide

gap between the 5 storey townhouses and the existing factory building. Block B will impede the view for residents and pedestrians on Yeoman Street. The proposed slot view is insignificant as the gap between the proposed buildings will be very narrow and is only visible from the narrowest of angles. Oblique views along Yeoman Street should be considered and loss of view evaluated. The development will separate pedestrians from the riverside and does not protect existing views.

3.10 The design of the proposed development is bland and should be seen as an opportunity to enhance the conservation area and showcase industrial heritage rather than maximize the number of residential units on the site. The views of the scheme look better suited to the centre of Newcastle. The scheme does not capture what is distinctive to the Fish Quay and is not varied in scale, roofscape or material. The scheme is too ordered and tidy for the character and identity of the area. The design references none of the visual guidance provided in the documents ie fenestration, materials, elevation details, roofscape from street level or from above. The building mass is aligned/parallel with the river. Historically buildings along the river were aligned perpendicular to the river. The Smith's Dock development references the industrial silhouette and is aligned perpendicular to the river and Dolphin Quays whilst not a good precedent, has hinted at masses perpendicular to the river through roof forms. Development perpendicular to the river would allow more views of the river from both low and high levels.

3.11 The heights referenced in the NSFQNP appear to have been disregarded and no heights are referenced for the adjacent public house. It appears the rubber factory building and the yellow brick townhouses have been used to reference the scale of the proposed development. These shouldn't be used as reference points. Smaller scale development should be promoted. The site does not need a high quantum of units as other large scale residential developments will do this.

3.12 NSFQNP and FCCS refer to the use of a mix of roof forms including pitch roofs and how height variety is an attractive characteristic of the Fish Quay. No argument has been put forward as to why this has not been properly considered. The proposed development provides a continuous and monotonous mass. The pitched roof forms are now referenced in the perimeter fencing. Using pitched roof forms would reference the industrial nature of the area and help create an interesting roofline. The proposal is neither innovative nor eclectic and looks more suited for student accommodation in the city centre.

3.13 The proposed development dwarfs the Porthole pub. The proposed development does not provide variety of materials, textures, colour, forms, massing, orientation and juxtapositions. The design is of a formal and ordered mass and elevation and the same materials have been used in the each block. The proposed development is entirely brick, with what appears to be, metallic infill panels. The rendered views could be anywhere and not inspired by the fish quay.

3.14 The amount of development is too high and the level of parking is unlikely to be adequate for occupants and visitors. On street parking is limited in the area,

particularly on Clive Street, and could not address any additional parking demand. Yeoman Street is used as parking by people commuting to North Shields during the week. Local on street parking is already at capacity. The proposed development together with other committed developments including Smith's Dock will add to existing pressures on parking in the area. This will have a detrimental impact on public realm and a negative impact on non-motorised users accessing Clive Street.

3.15 Three objections have been received from three residents of Yeomen Street who also signed the objection letter from residents in Yeoman Street. They object on the following grounds:

- Affect character of conservation area
- Affect the setting of a listed building
- impact on landscape
- Inadequate parking provision
- Inappropriate design
- Inappropriate materials
- Loss of visual amenity
- None compliance with approved policy
- Not in accordance with development plan
- Nuisance - fumes
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Will result in visual intrusion

and they amplify their objections

3.16 Loss of views from Yeoman Street. Block B would obscure from public view the river bank that can currently be seen from Yeoman Street. Block B is 4 storeys high.....not in conformity with the 2 storeys stipulated in NSFQNP, nor with the statement that existing views should be protected. The street is a popular pedestrian route for residents of North Shields who often visit as family groups to admire the views of the Tyne, the Disney Cruise ships, the Tall Ships and the arrival and departure of other impressive vessels.

3.17 Aesthetics of the proposed development. It will continue the canyon effect created by Dolphin Quays and the adjacent yellow brick town houses on Swan Quay. Planning permission for these town houses was granted in 2010 for a 4 storey construction but which in fact has 5 storeys. Four of the six houses built have remained unsold and uninhabited since completion. The yellow brick block faces onto an unsightly patch of gravel fronted by a metal railing which delineates it from the Clive Street pavement. The Swan Quay development has not been completed.

3.18 Blocks A, B and C, because of their proximity to the yellow brick block, will not enhance the appearance of Clive Street. Cosmetic additions such as the planting of trees are unlikely to ameliorate the overbearing appearance of Blocks A, B and C. The unattractiveness of this part of Clive Street would be hardly a selling point for the proposed new dwellings.

3.19 - insufficient parking areas for the proposed dwellings – overspill into nearby streets will adversely affect local residents

- increase in volume of traffic on Clive Street, especially when Smiths Dock residents are *in situ* and an increased volume of traffic fumes in the 'canyon'
- is there a need for yet more housing in addition to the provision for almost 800 households in Smiths Dock (many of the completed ones remain unsold) and in light of the Swan Quay unoccupied properties next to Blocks A, B and C?
- can existing amenities cope with such an influx of residents into the area of almost 800 dwellings on Smiths Dock plus the 50 dwellings proposed?
- too much housing on Clive Street and surrounding area. The NSFQNP graded this area as a mixed use area for housing as well as leisure, tourism and retail. From the Prince of Wales PH to the rubber factory is all housing.
- Design and Access Statement states that all apartments will have river views. Surrounding area and particularly Yeoman Street will lose theirs. Narrow corridor between blocks B and C is no compensation for present view.

3.20 The new application does not seem to alter very much from the original a year ago. It has not addressed any of my original concerns raised in my previous letter of 2 April 2018 which still stand including:

- What is the need for this housing? It is not affordable housing so does not address the housing need in the area. The units are likely to be overpriced.
- proposed parking is inadequate. Residents with more than one car and visitors will have to park on the street. During the day ferry users park on Clive Street. Parking will spill over into evenings and nights on to Waldo Street and Yeoman Street
- there is no supporting infrastructure such as shops in the area

4.0 External Consultees

4.1 Tyne and Wear County Archaeologist

4.2 An archaeological desk based assessment was produced for this site in 2007.

4.3 The site is of archaeological interest because it lies within the former extent of the medieval town of North Shields. The extent of the town, particularly its western end, has not been accurately defined.

4.4 The present form of the site still retains four or five medieval burgage plots. It is anticipated that medieval remains could survive. Land would have been reclaimed from the river on which to build. Reclamation deposits may survive.

4.5 The site is of industrial archaeological interest due to the industries which were present on site in the 19th century – a steam powered corn mill, a sail cloth manufactory and a mast and block manufactory. Part of a former quay wall was visible in 2007 in an area of subsidence within the site, 10m back from the present river wall, and more of these are likely to survive under the site.

4.6 The site was traversed by several narrow lanes which led down to the river (Elders Quay, Shepherds Quay, Bay Horse Quay and Star and Garter Quay) and there were several public houses. The long narrow 19th century buildings took the form of the medieval burgage plots.

4.7 No. 26 Clive Street was the former Star and Garter Public House. From around 1922 the site was occupied by John J Cameron Indian Rubber Merchants. The building appears to have been significantly rebuilt probably in the 1940s or 1950s. There appears to be older brick in the rear 2-storey section, probably derived from the earlier building. There are steps down to the river revealed at low tide which are of some historic interest. The North East Rubber Company building was built in the 1970s.

4.8 An archaeological excavation on the neighbouring Lilley and Gillie site in 2011 recorded post medieval remains.

4.9 The following archaeological work is required:

1. Archaeological trial trenching. This will be done after the demolition of the buildings on the site. The concrete floor within the factory can be lifted as part of the demolition, but no other ground disturbance should be undertaken until the archaeological work is finished – foundations should not be grubbed up. Care must be taken not to damage the post medieval quay wall which lies under the site as this needs to be archaeologically recorded. A specification for the trenching can be provided when required.

2. If archaeological remains are found in the preliminary trenches and if those remains are at threat from the proposed development, then those remains will need to be fully archaeologically excavated before development can proceed.

3. If the work has not yet taken place on the river wall, then the archaeological work set out in the approved Written Scheme of Investigation by Pre-Construct Archaeology needs to be undertaken.

A report of the results of the archaeological fieldwork shall be provided to the LPA and published. If works to the river wall have not yet commenced then recording of the river wall should take place prior to any demolition works.

4.10 Folks Interested in Shields Harbour (FISH)

4.11 The FISH (Folk Interested in Shields Harbour) Executive Group have reviewed updated documents from Patrick Parsons regarding the Former Rubber Company on Clive Street (planning application ref 19/00436/FUL)

4.12 In summary our view on this application is similar to our original comments on the original submission. FISH are in favour of the development, which will improve and provide necessary dwellings in the area. We welcome the changes that Patrick Parsons have proposed in this new application, but are disappointed that they are in the main cosmetic. The changes address the issue of making the development more sympathetic to the architecture of the area, and the issue of views of the river from the bank top, and as such will generally improve the feel and look of the area.

4.13 However, we are disappointed that issues relating to the environment and infrastructure of the area, e.g. potential site parking overflow onto the street, access to river side, have not been addressed. FISH believe these are important considerations as they are what make the difference in how the area will be

perceived. Whilst it is pleasing to find a good development offering the style and standard that a buyer wants, and in keeping with the architecture of the area, the local environment is just as important. Do buyers want to live in a congested, space restricted area with tightly channelled areas for access and leisure, if they can find the same at a similar price in a more open and spacious environment. We also believe that visitors will not want to come and compete for parking spaces, and then find access to or views of the river restricted or minimised. It is inevitable that there will be different goals and objectives held by all parties involved in the development of an area and its community. Our aspiration is that by constructive debate and 'buy in' by those involved, solutions/alternatives can be identified that will enable the vision of the Fish Quay Neighbourhood Plan to be delivered.

4.14 In conclusion FISH continue to believe that this is a worth while development and one we support, and we look forward to the improvement that this development will make to the Quayside.

4.15 Northumbrian Water

4.16 Northumbrian Water assesses the impact of proposed development on their assets and assesses the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows from development.

4.17 Following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on their records. Care should be taken prior and during construction work with consideration to the presence of sewers on the site.

4.18 With regard to surface water, there are no issues to raise as the submitted Flood Risk assessment indicates that surface water will discharge directly to the River Tyne. With regard to foul flows, the submitted Flood Risk Assessment has not been agreed with Northumbrian Water to enable assessment of the capacity to accommodate the additional flows. A condition is required that a detailed scheme for the disposal of foul water from the development shall be agreed by the LPA in consultation with Northumbrian Water to prevent the increased risk of flooding from any sources.

4.19 A public sewer runs adjacent to the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to their apparatus. They will work with the developer to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

4.20 Environment Agency

4.21 No objection subject to a condition that states that:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Patrick Parsons N10320a dated March 2019 and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
2. The minimum finished floor level of habitable rooms based on 1 in 200-year return period with allowance for climate change is 4.84m A.O.D.
3. The first 600mm above the finished floor level of 4.84m A.O.D. is to be flood resilient construction to allow for freeboard.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

This is

1. To ensure safe access and egress from and to the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

4.22 Historic England

4.23 We note that this is an updated proposal to one previously considered in 2018 (Ref 18/00300/FUL) to which Historic England commented in April of that year. The issues remain similar in that the proposal involves the loss of one of the few remaining sets of industrial buildings along Clive Street and their replacement with three apartment blocks. This follows a long established pattern along Clive Street, where the industrial has given way to the domestic, indeed this is a pattern of regeneration seen all along the urban stretches of the River Tyne.

4.24 A detailed heritage statement puts the development in a wider context of change to Clive Street, a key historic street whose fortunes and character constantly ebbed and flowed through the 18th to 21st centuries. The statement also considers in detail the existing buildings on the site, unpicking the complicated history of use and occupation. This insight is welcome and whilst the 20th century buildings on the site are significant as part of the story of Clive Street I'd agree with the statement that the site has lost much of its past historical and visual value and I have no issue with the principle of redevelopment.

4.25 Our advice on the previous application criticised the proposal's lack of contextual reference to the Fish Quay Conservation Area in which it is located. A number of suggestions were made to rectify this: building orientation to reflect plots moving back to the river, a more interesting roofscape and the use of building materials and landscaping.

4.26 Orientation is not vastly different but I acknowledge that this reflects the domestic purpose of the buildings where a new relationship with the river is created and required. There is more variety in the upper levels of the development and this has helped to break up the mass of the apartment blocks. A slightly better detailed roof also helps add some interest.

4.27 The main change is a greater attention to variety and playfulness whilst at the same time creating a clearer and more animated layout. For example the three sight lines to the river are now crisper, less encumbered by parking or trees. The use of art work in a bold way, integrated into the architecture, picks up

on the successful use of public art within the Fish Quay. A limited but still varied pallet of brick, metal and timber are used in a way that is interesting, traditionally referenced but not confused. The public seating and artwork fronting Clive Street is notable for the way it moves away from the hard lines of boundaries enclosing parking seen in developments further to the east. This is more inclusive urban design and helps soften the modern into the historic cluster of buildings at the junction with Borough Road.

4.28 The proposal would read as another modern redevelopment along Clive Street, in that respect it does not directly recreate the historic character that underpins the older and more significant sections of the Fish Quay and New Quay conservation areas. However it is now more reflective of and sympathetic to the character of those areas. It does this by engaging with Clive Street, making connections to the river and through a variety and playfulness which helps break the uniformity of the development and give it a more personable and individual face. In this way it reflects the richness of character within the two conservation areas.

4.29 In terms of policy we consider that the proposal now accords with paragraphs 192 and 200 of the National Planning Policy Framework which asks that new development makes a positive contribution to local character and the significance of conservation areas.

4.30 Historic England has no objection to the application on heritage grounds.

4.31 Natural England

4.32 No objection subject to appropriate mitigation

Without appropriate mitigation the application would:

- have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA), Northumbria Coast Ramsar and Durham Coast Special Area of Conservation
- damage or destroy the interest features for which Northumberland Shore Site of Special Scientific Interest has been notified

4.33 The proposal has the potential to have significant adverse effect on the special interest features of the sites named above. Likely significant effects would be presented through recreational disturbance, increased by the provision of dwellings at this location.

4.34 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured through a planning condition or obligation:

- A financial contribution of £10,000 is secured for mitigating against recreational disturbance issues.
- A homeowner information pack to explain the ecological importance of the coast and potential walking routes in the area.

4.35 Northumbria Police – Architectural Liaison Officer

4.36 I have considered the application from a crime prevention point of view and although I can find no grounds on which to object I would refer you to my previous comments in relation to Planning Application 18/00300/FUL in which I

expressed concerns that there would be permeability through the development to the quayside. Those concerns remain as there still does not appear to be any defensible space to the apartment blocks although I do acknowledge that the DAS states there will be access control to them but there will be no barriers to passers-by being able to approach the windows of the ground floor apartments and being able to look in on the occupants. I recommend that a strip of defensible space is incorporated into the design to create a buffer between the public space and the private space.

4.37 Port of Tyne

4.38 The Port of Tyne manage the stretch of the River Tyne that this development is adjacent to. The lighting from the proposed buildings should not cause any backscatter that could impact on the ability to identify a vessels navigation lights. Appropriate window glazing would be required and the Port requests that a condition is imposed on any approval requiring glazing details to be agreed with the LPA and the Port. A condition is also requested that details of any floodlighting or other external lighting are submitted to and agreed with the LPA in order to ensure navigation safety.

4.39 South Tyneside Council

4.40 No objection