

Officer Report

Reference:2020/0198/01/DET

Proposal: Erection of 38 no. sheltered apartments (Class C3) with associated care and support provision and external works

Location: Street Record Brunel Terrace

Applicant: Tolent Living Ltd

Author: Stephen Edwards

Area Team:

Ward: 18ELSW

Parish:

Not Within A Parish Boundary

Expiry Date: 20-05-2020

EOT Date

24-06-2020

Introduction

1. Full planning permission is sought for the erection a block of 38 sheltered accommodation apartments comprising of eight, 1-bedroom flats and thirty, 2-bedroom flats. The properties will be accessible and adaptable dwellings to suit households with physical disabilities (with associated care and support needs).

Site Description

2. The site extends to 0.54 hectares and is located to the south of Wolsingham Street and to the west of Brunel Terrace. The south of the site is bounded by a belt of trees beyond which is a car dealers (Audi Newcastle). The western part of the site is Virginia House and grounds which provides accommodation for homeless people. To the north of the site, on the opposite side of Wolsingham Street, planning permission has been granted for the erection of 171 dwellings (Ref: 2017/1249/01/DET - Loadman Street off Westmorland Road, Beaumont Street and Wolsingham Street).
3. The application site slopes down from north to south. The site was previously occupied by a car park and two blocks of flats (Kings Meadows and Elswick Dene) which were demolished in 2012. The site is very roughly grassed over although not all remains of the previous use have been fully removed. The site is included by railings. There are some trees along the perimeter.

Proposal

4. The proposal is to develop the site for a residential block for 38 sheltered accommodation apartments. The block would contain eight, 1-bedroom flats and thirty, 2-bedroom flats. The block would also have a staff office, staff changing rooms, two communal lounges, a laundry and a mobility scoter store. The apartments would be built to accessible and adaptable dwelling standards to meet the needs of households with physical disabilities and care needs.
5. The scheme is for 100% affordable housing which will be secured via planning condition
6. The building would extend to a maximum of 4 stories when site levels are taken into account (only three floors would have accommodation). The block would take a linear form and would be sited towards the northern part of the site. Vehicular access would be from Wolsingham Street. There would be three separate access points leading to car parks with a total of 21 spaces.
7. Two trees to the north of the site would be removed and two trees towards the south of the site. Landscaping and tree planting works are proposed. To the rear of the proposed block there would be patio area, footpath as well as areas of grass, shrub planting, boulders and gravel beds.

Consultation and Publicity

8. The application has been advertised by means of a press and site notice as a major development.
9. Individual notification letters were sent to 13 neighbouring properties in the immediate area including Brunel Terrace, Sanderson Street, Clumber Street North and Georges Road. As a result no objections have been received.

10. **Local Ward Members** were consulted upon the application and no comments were received.
11. **Transportation Development (acting as local highway authority)** has raised no objection subject to conditions regarding car parking, cycle parking, completion of highways works, delivery and service plan, street phasing and completion plan, electric vehicle charging and for a construction method statement.
12. **Land Contamination** officer raised no objections subject to conditions.
13. **Public Safety and Regulation** has no objections to the proposal subject to the imposition of conditions relating to a construction method statement, sound insulation, and refuse.
14. **Flood Management** (acting of local lead flood authority) raised no objections subject to conditions.
15. **Northumbria Police** Architectural Liaison Officer raised no objections.
16. **Northumbrian Water** raised no objections subject for the development to take place in accordance with the drainage scheme.

Legislation, Planning Policy and Guidance

Legislation

17. The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 are relevant to the consideration of this application.

Planning Policy Background

18. In England there is a hierarchical structure of policy covering national and local planning. At a national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.
19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Newcastle upon Tyne are assessed against the policies in the Core Strategy and Urban Core Plan for Gateshead Newcastle upon Tyne 2010-2030 (CSUCP) together with saved policies from the Newcastle upon Tyne Unitary Development Plan (UDP) and the Walker Riverside Area Action Plan (WRAAP) and the Benwell Scotswood Area Action Plan (BSAAP). The Pre- Submission Draft Development and Allocations Plan is emerging planning policy and as it progresses through the adoption process will gain further weight in the assessment of applications.

National Planning Policy Framework (NPPF)

20. The Government's planning policies for England are set out in the National Planning Policy Framework (NPPF) which states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - an economic, social and environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
21. The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance (such as habitat sites, Green Belt land, Local Open Space, designated heritage assets and areas at risk of flooding) provide a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.
22. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
23. Further government guidance on a range of planning related subjects is set out in National Planning Policy Guidance (NPPG). The NPPF and NPPG can be viewed at:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Core Strategy and Urban Core Plan (CSUCP)

24. The following CSUCP policies are material to the consideration of this application:

CS1 Spatial Strategy for Sustainable Growth

CS3 Spatial Strategy for Neighbourhood Area

CS5 Employment and Economic Growth Priorities

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Water Management

CS18 Green Infrastructure and the Natural Environment

The CSUCP can be viewed at <https://www.newcastle.gov.uk/services/planning-building-and-development/planning-policy/local-plan#core>

Unitary Development Plan (UDP)

25. The following saved UDP policies are considered to be consistent with the NPPF and relevant to the consideration of this planning application:

Population and Housing

H2 - Protection of residential amenity

H4 - New housing design

Built Form and Landscape

EN1.1 - Design

OS1.6 - Landscaping and trees

Open Space and Recreation

OS1, OS1.1, OS1.2 - Open space standards

Conservation of Historic Environments

C2 – Listed Buildings

Nature Conservation

NC1.7 - Requirements on development

Pollution and Other Hazards

POL6 - Contaminated land

POL8 - Noise and vibration

Transport

T4.5 - Parking - Control over development

T5.3 - Cycling

The UDP can be viewed at: <https://www.newcastle.gov.uk/services/planning-building-and-development/planning-policy/local-plan#UDP>

Development and Allocation Plan

26. The Development Allocation Plan (DAP) is part two of the Council's Local Plan and provides detailed policies for managing development together with site allocations and designations which will support the strategic policies in the CSUCP. The Submission DAP was subject to public examination in July 2019. The Inspector issued her post hearing letter on 4 November 2019. This outlines that based on evidence and discussion at the hearing sessions, subject to main modifications consultation, the Plan is likely to be capable of being found legally compliant and sound. The majority of policies have either a main or additional modification and further consultation on the Inspector's main modifications was carried out between December/February. This consultation has now closed the consultation responses have been sent to the Inspector for consideration. In accordance with Paragraph 48 of the NPPF, the emerging plan can be given some weight in decision making as the Plan is now at an advanced stage of preparation and the policies are in conformity with the NPPF.

27. The Submission DAP can be viewed at:

https://www.newcastle.gov.uk/sites/default/files/planning/dap_final_submission.pdf

28. The following Submission DAP policies are material to the consideration of this application:

DM5 Housing Sites

DM6 Accessible and Adaptable Housing

DM8 Specialist Residential Accommodation

DM10 Pedestrian and Cycle Movement

DM11 Public Transport

DM12 Parking and Servicing

DM13 Road Hierarchy

DM14 Mitigation and Highway Management

DM20 Design

DM23 Residential Amenity

DM24 Environmental and Health Impacts of Development

DM26 Flood Risk and Water Management

DM27 Protecting and Enhancing Green Infrastructure

DM28 Trees and Landscaping

DM29 Protecting and Enhancing Geodiversity, Biodiversity and Habitats

DM31 Provision of Open Space, Sports and Recreational Buildings

Supplementary Planning Documents (SPD)

29. Supplementary Planning Documents (SPDs) provide detail to support policy in higher level Development Plan Documents (DPDs) or saved UDP policies. SPDs are a material consideration in the assessment and determination of any planning application and can be viewed at <https://www.newcastle.gov.uk/services/planning-building-and-development/planning-policy/supplementary-planning-documents-and> .

30. The following SPDs are considered relevant to this application.

- Designing for Community Safety in Newcastle upon Tyne

The Designing for Community Safety SPD was produced following consultation with officers involved in Planning, Urban Design, the Community Safety Unit and the Architectural Liaison Service of Northumbria Police. This SPD gives guidance on the design and layout of the physical environment so as to reduce crime, the fear of crime and antisocial behaviour and is used to assess and determine planning applications.

- Planning Obligations

The Planning Obligations SPD sets out the council's approach to securing contributions and necessary infrastructure arising from developments through section 106 of the Town and Country Planning Act and in conjunction with the council's Community Infrastructure Levy.

Other Guidance

31. In November 2015 the Council approved Developer Guidance relating to Transport Assessments, Travel Plans and Parking. This guidance is a material consideration in the assessment and determination of any planning application and can be viewed at:

<https://www.newcastle.gov.uk/services/parking-roads-and-transport/roads-highways-and-pavements/developer-guidance>

32. The Council has also approved a range of other forms of planning guidance. In the assessment of this application the following Planning Guidance Documents are considered material in the assessment of this application:

Development Control Policy Statement 17- Spacing Standards for Housing

Planning Assessment

33. It is considered that the main issues relevant to the determination of this application are:

- Principle of the Development
- Design, Layout and Visual Impact
- Impact upon Heritage Assets

- Open Space
- Residential Amenity
- Highways and Transportation
- Landscape and Ecology
- Flood Risk
- Land Contamination
- Sustainability
- Affordable Housing
- Economic

Principle of the Development

34. The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The principle of new housing development is also supported in both the UDP and CSUCP (Policies CS1, CS3 and CS10).
35. The site (as part of Land to the north of Beaumont Street, Elswick) is proposed for residential allocation in the DAP and can be given some weight in decision making as the Plan is now at an advanced stage of preparation. There were no objections or proposed modifications to this site allocation (other than to include an indicative site capacity for all Policy DM5 sites) and the policy is in conformity with the NPPF.
36. The proposal would create 28 affordable self contained residential apartments. The application site is located in an area that is largely residential and has been in a residential use in the past. The site is accessible by public transport and is in a sustainable location with regard to access to local shops, services and community facilities. In all these respects, the proposal would accord with planning policy. The accessibility of the location would be a benefit to the future occupiers of the supported living accommodation.
37. DAP Policy DM8 (Specialist Residential Accommodation) states that all development providing specialist residential accommodation will be required to be located within an existing community and to deliver a mix of housing within that community, be easily accessible to existing local services and facilities, including local health care services; and designed to accessible and adaptable standard and/or wheelchair adaptable standard.
38. Taking the above into account it is considered that the principle of the residential development in this area is acceptable and is in accordance with the NPPF and Policies CS1, CS3, CS9, CS10 and CS11 of the CSUCP. The proposal is also considered acceptable in relation to Polices DM5 and 8 of the DAP.

Design, Layout, and Visual Impact

39. 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. The NPPF states that planning decisions should ensure that developments:
- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space and support local facilities and transport networks; and
 - f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
40. The NPPF goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
41. UDP Policy H4 seeks to ensure a high quality of design and landscaping in all housing developments with particular attention paid to the character and quality of the local environment, good standards of outlook, natural light and privacy in all dwellings, safe and convenient routes for pedestrians and measures for designing out crime.
42. CSUCP Policy CS15 requires development to contribute to good place-making through the delivery of high quality and sustainable design and the conservation and enhancement of the historic environment. UDP Policy EN1.1 seeks high standards of design in all developments. These policies aim to ensure that new development is well related to its site and surroundings, does not seriously affect nearby development, is of good design, and enhances the city's environment and distinctive identity.
43. Policy DM20 of the DAP sets out that development will be required to deliver high quality and sustainable design by, amongst other things, taking full advantage of positive site features, demonstrating a positive response to topography, incorporating hard and soft landscaping as an integral part of design.
44. The site is within an area that has previously been residential and its development for residential purposes would be in keeping with this context. The scale of the building would be appropriate for its setting taking topography into account and the consented scheme on the opposite side of Wolsingham Street.
45. The residential block would be of a simple brick construction with traditional detailing that would be appropriate for its setting. The proposed works include landscaping to help integrate the development into its setting.
46. Taking all of the above into account it is considered that the overall scale, massing and design of the development is in keeping with the surrounding area and is therefore in accordance with the NPPF, Policy CS15 of the CSUCP and Policies EN1.1 and H4 of the UDP and Policy DM20 of the DAP.

Impact upon Heritage Assets

47. The NPPF incorporates a section on conserving and enhancing the historic environment. It states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. When determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - 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.
48. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
49. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
50. CSUCP Policy CS15 requires development to contribute to good place-making through delivery of high quality and sustainable design, the conservation of the historic environment and by taking a proactive approach to sustaining the historic environment in a manner appropriate to the significance of the relevant heritage asset. UDP Policy C2 states that alterations to listed buildings which would harm their architectural or historic interest or setting will not be allowed.
51. A Heritage Statement was submitted with the application. The application site is located within the setting of three Listed Buildings. The first two are St Michael's Roman Catholic Church (Grade II*) and its presbytery (Grade II). The third is St Stephen's Anglican Church, of which only the tower and spire now survive (Grade II). All three buildings are 19th century in date and were built as urban churches to meet the religious needs of the workers employed in the engineering works located along the northern bank of the Tyne.
52. The Heritage statement states that concludes that important views of the listed buildings will not be unduly affected by the proposed development and that the construction of residential buildings is in keeping with the character of the wider area. Although there will be development within the setting of the Grade II* and Grade II listed buildings it will not have a negative impact on their significance or the ability to appreciate this significance as designated heritage assets.
53. Taking the above into account it is considered that the development is in accordance with the NPPF, Policy CS15 of the CSUCP and Policy C2, of the UDP.

Open Space

54. The NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, are safe and accessible, and enable and support healthy lifestyles. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
55. CSUCP Policy CS18 seeks to secure a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife. UDP Policy

OS1 seeks the best possible standards in the accessibility and quality of open space, whilst Policy OS1.2 states that in the determination of planning applications for residential development the Council will have regard to the standards contained in that policy regarding the appropriate amount and distribution of open space required.

56. DAP Policy DM31 states that residential development will be required to contribute to the provision of new open space, enhancements to existing open space and maintenance to meet the council's open space standards.
57. Affordable housing does generate a need for new green infrastructure and the viability of providing contributions should be assessed on a case by case basis. The proposal features open space as part of the landscaping, and this would be sufficient to meet the requirements of residents.
58. Taking the above into account it is considered that the principle of the residential development in this area is acceptable and is in accordance with the NPPF, Policy CS18 of the CSUCP, Policies OS1 and OS1.2 of the UDP as well as Policy DM31 of the DAP.

Residential Amenity

59. The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The impact of the development on residential amenity is assessed against Policy CS14 of the CSUCP and Policy H2 of the UDP which seeks to protect residential amenity.
60. Policy DM23 of the DAP sets out that Development will be required to provide a high quality environment and a good standard of residential amenity for existing and future occupants of land and dwellings.
61. There would be over 25m from the front elevation of the proposed residential block to the development site opposite on the opposite side of Wolsingham Street. The approved plans for Wolsingham Street features houses as the closest feature that would be set back from the site boundary line. Taking the size of the proposed building and the separation distances into account, the proposal would not result in any significant detrimental impacts in relation to light, outlook or overlooking of neighbouring properties. A good level of amenity would also be provided for occupiers of the proposed residential block.
62. A condition that the buildings be developed with suitable levels of sound insulation would be required. This would be to provide internal bedroom levels of 30dB(A) and internal living room levels of 35dB(A).
63. All of the apartments would be designed to relevant accessible and adaptable standards (building Regulation M4 (2) and therefore accords with DAP Policy DM6.
64. Taking the above into account it is considered that the development is in accordance with the NPPF and Policy CS14 of the CSUCP and Policy H2 of the UDP and Policies DM6 and DM23 of the emerging DAP.

Highways and Transportation

65. The NPPF states that when assessing applications for development, local planning authorities should ensure that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
66. The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.
67. CSUCP Policy CS13 seeks the enhancement and delivery of an integrated transport network to support sustainable development and economic growth. UDP Policies T2, T4.5, T5.3 and T7.1 relate to traffic management, parking, cycling and the provision of transport infrastructure. Policy T4.5 seeks to provide parking that meets operational needs. Policy T5.3 encourages cycling by ensuring cyclists' needs are considered as part of new development. Policy T7.1 requires that any new development must have regard to road safety, the environmental effects of traffic, and the ability of the highway network to cater for these demands.
68. Policy DM10 of the DAP states that development will be required to provide safe pedestrian and cycle links, provide connections through development and demonstrate that major developments are within acceptable walking and cycling distances of key local facilities and services. Policy DM11 of the DAP states that major development will be required to promote and facilitate the use of public transport and demonstrate accessibility by public transport to the Urban Core and other key local facilities. Policy DM12 of the DAP sets out that development will be required to provide safe, secure and usable vehicle and cycle parking. Policy DM13 of the DAP states that development must ensure that proposals are in accordance with the road hierarchy definitions. Policy DM14 of the DAP states that development will be required to adequately mitigate its impact on the highway network in the interests of safety, efficiency and accessibility, that development involving works to the public highway will be required to be undertaken in accordance with the standards of the highway authority and that development creating new public highway to be adopted by the council will be required to be constructed in accordance with the standards of the highway authority.
69. A Transportation Statement was submitted with the application and other issues of access are contained within the Design and Access Statement submitted with the application.
70. The proposed pedestrian routes are generally along the existing adopted highways in the area. As part of the section 278 works drop crossing will be provide in the vicinity of the site to ensure the routes are accessible.
71. An assessment of the parking requirement for the development has been provided. Given the nature of the development the spaces proposed will meet the operational need of the development allowing for care staff, visitors and some element of resident parking.
72. A condition will be required for electric changing details. A condition will also be required for details of cycle parking to be submitted and agreed.
73. A section 278 agreement will be required to carry out works within the highway. This will include the following works:
- Creation of the car park access points and paving over any redundant access point around the site.
 - Drop crossing on the adjoining highway where necessary.
 - Amendments to the highway to allow safe access / egress for refuse.

- Amendments to lighting and drainage (if required).
- Introduction of Traffic Regulation Orders (if required).

74. It is considered that the development would not be detrimental to highway safety and is in accordance with the NPPF, Policy CS13 of the CSUCP, saved UDP policies T2, T4.5, T5.3 and T7.1 and Policies DM10, DM11, DM12, DM13 and DM14 of the DAP.

Landscape and Ecology

75. The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. When determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
76. UDP Policies EN3 and EN3.2 seek to retain and enhance woodland, trees, hedgerows and shrubs. UDP Policy NC1.5 only allows development that would harm the nature conservation value of a wildlife corridor in exceptional circumstances (as defined by Policy NC1.1) and Policy NC1.7 sets out a number of considerations when determining applications that will have a significant impact upon wildlife. CSUCP Policy CS18 seeks to secure a high quality and comprehensive framework of interconnected green infrastructure. This is achieved by, amongst other things, maintaining, protecting and enhancing the city's strategic green infrastructure network and green infrastructure assets.
77. Policy DM27 of the DAP states that development will be required to protect, maintain and enhance existing green infrastructure assets, and contribute towards the delivery of new green infrastructure assets by, amongst other things, providing on-site green infrastructure.
78. Policy DM28 of the DAP sets out that development will be required to protect, enhance and manage existing trees and landscape features.
79. Policy DM29 of the DAP states that development which may affect any designated site, biodiversity or important habitat or species, geological feature must be supported by an up to date ecological assessment to ensure the likely impact of the proposal can be assessed and mitigated. Policy DM29 also states where significant harm cannot be avoided, development will be refused unless adequate mitigation measures to offset any loss or disturbance which outweigh the harm to the biodiversity value of the site, habitat and species is secured and that in exceptional circumstances as a last resort where harm cannot be avoided or fully mitigated compensatory measures are secured.
80. The Arboricultural Impact Assessment submitted with the application identifies that 6 trees are require for removal and 3 trees are to be retained. Additional landscaping and tree planting is proposed.
81. The site lies within an Amber Wildlife Enhancement Corridor. Developments within these areas are required to create habitats to buffer and link high quality habitats within their vicinity. The site is currently dominated by grassland habitats with trees around the periphery which provide connectivity through the Wildlife Enhancement Corridor. The proposed landscaping scheme includes tree planting around the periphery of the site. This has the potential the improve connectivity through the Wildlife Enhancement Corridor. The site is dominated by grassland habitats with a scattered scrub and trees. The habitats within the site are considered to be of low value. Trees within the site have been assessed for their potential to contain roosting bats. One tree was identified as having bat roost potential. The site is

still considered to provide suitable foraging habitat for bats. A minimum of two bat boxes or bat tiles should be provided within the new development to replace lost roosting features within the site. Exact specifications and locations of the bat boxes and tiles can be conditioned. Mitigation measures and enhancements for bird species have been suggested within the Ecology report. This includes timings for vegetation clearance and the provision of bird boxes. Bird boxes suitable for use by urban bird species such as house sparrow and starling should be provided. A minimum of four bird boxes are required to be provided due to the level of habitat loss within the site. This can be secured by condition. Mitigation measures for hedgehog have been suggested within the Ecology Report and should be conditioned. These include the provision of hibernacula or habitat piles and inclusion of open board fencing or open access in part to the base of fencing to allow for connectivity through the development. In addition, due to the dense scrub within the site, searches for hedgehog should be undertaken prior to the clearance of dense vegetation within the site.

82. Taking all of the above into account it is considered that the development is in accordance with the NPPF, Policy CS18 of the CSUCP, Policies EN3, EN3.2, NC1.7 and EN1.1 of the UDP and Policies DM27, DM28 and DM29 of the emerging DAP.

Flood Risk

83. The NPPF states that local planning authorities should seek to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.
84. CSUCP Policy CS17 requires development to avoid and manage flood risk from all sources, taking into account the impact of climate change over its lifetime through: avoiding and managing flood risk to people and property ensuring water supply and foul and surface water infrastructure are provided with adequate capacity; not adversely affecting water quality and where possible seek to improve water quality; and to separate, minimise and control surface water runoff.
85. Policy DM 26 of the DAP seeks to ensure developments are designed to minimise and mitigate the risk of flooding, ensuring surface water is effectively managed on-site and to prevent any increase in flood risk elsewhere.
86. Flood Management raised no objections subject to conditions.
87. Taking all of the above into account it is considered that subject to conditions the development is in accordance with the NPPF and Policy CS17 of the CSUCP and Policy DM 26 of the emerging DAP.

Land Contamination and Stability

88. The NPPF states that local planning authorities should seek to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil or land instability. Planning decisions should ensure that the site is suitable for its proposed use taking account of ground conditions and any risks

arising from land instability and contamination.

89. CSUCP Policy CS14 seeks the wellbeing and health of communities being maintained and improved by requiring development to contribute to creating an age friendly, healthy and equitable living environment through, amongst other things, preventing negative impacts on residential amenity and wider public safety from ground instability and ground and water contamination. UDP Policy POL6 requires developers to undertake a thorough site investigation where a site is or may be contaminated and carry out remedial measures where necessary.
90. The proposal is acceptable subject to conditions regarding site characterisation (contamination), submission of remediation scheme, implementation of remediation scheme and reporting any unexpected contamination.
91. Taking all of the above into account it is considered that the development is/is not in accordance with the NPPF, Policy CS14 of the CSUCP and Policy POL6 of the UDP.

Sustainability

92. The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
93. CSUCP Policy CS16 requires development to be able to function in as changing environment and to address impacts on climate change through demonstrating a range of measures have been taken into consideration in designing the development.
94. The site is considered to be in a sustainable location, with good links to public transport and access to local shops, services, recreational and community facilities. The development would provide much needed housing for high level care and support needs. The development will need to demonstrate it is adaptable to climate change through meeting the 6 criteria set out in Policy CS16 of the CSUCP. This can be secured by way of a condition.
95. Taking all of the above into account it is considered that the development is in accordance with the NPPF and Policy CS16 of the CSUCP.

Affordable Housing

96. The NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Major housing developments should expect at least 10% of the homes to be available for affordable home ownership. Exemptions to this requirement include, specialist accommodation, development solely for build for rent or where the development is exclusively for affordable housing. Where a need for affordable housing is identified, it should be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly

justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

97. CSUCP Policy CS11 promotes lifetime neighbourhoods with a good range and choice of accommodation, services and facilities to meet varied and changing needs. This will be achieved by, amongst other things, providing 15 percent affordable homes on all developments of 15 or more dwellings, subject to development viability.
98. The proposal is for 38 residential apartments with associated care and support provision. All of the dwellings would be for people who require accessible or adaptable units and would constitute affordable housing (affordable rented) and would be controlled via planning condition.
99. It is considered that the development is in accordance with Policy CS11 of the CSUCP.

Economic

100. The NPPF states planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. CSUCP Policy CS1 seek to create and sustain thriving communities and a more prosperous economy. Policy CS5 seeks to achieve economic growth in the city by, amongst other things, attracting and supporting a skilled labour force and improving skills and access for local people to job opportunities, including through targeted recruitment and training. In this case targeted recruitment can be secured by way of a training and employment plan tied to the application by condition.
101. The proposed development is considered to be an economic benefit of the proposal. The development will allow people with high level of care and support needs to live in the community and access local shops and services. Jobs would be created during construction and the development would be a place of work for the support staff.
102. It is considered that the development is in accordance with Policies CS1 and CS5 of the CSUCP.

Conclusion and Recommendation

103. Taking into account all of the above assessment and representations received it is considered that the development is acceptable. It is recommended that planning permission for application reference **2020/0198/01/DET be granted** subject to the following conditions:

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1. The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this decision.
Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. The development to which this permission relates shall be carried out in accordance with the approved plans referenced:TOLBRU-PHS-XX-ZZ-DR-A-9010 Rev P6 Proposed Masterplan TOLBRU-PHS-XX-ZZ-DR-A-9012

Rev P2 Proposed Masterplan Servicing Plan TOLBRU-PHS-AP-ZZ-DR-A-1002 Rev P1 Proposed Elevations East and West TOLBRU-PHS-AP-ZZ-DR-A-1001 Rev P4 Proposed Elevations North & South TOLBRU PHS AP ZZ DR A 2001 Rev P2 Apartments Lower Ground & Ground Floor GA Plans TOLBRU PHS AP ZZ DR A 2002 Rev P1 Apartments First & Second Floor GA Plans

Geocellular tank assessment 19N2021(G)/GT001

SuDS Management Plan 19N2021(G)/SMP001 Rev P4

Proposed drainage layout 19N2021(G)-130 Rev P4

Underground attenuation details 19N2021(G)-137 Rev P3

Attenuation pond detail 19N2021(G)-138 rev P4

Flow control manhole 19N2021(G)-139 rev P4

Drainage details 19N2021(G)-135 Rev P1

Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework and saved Policy EN1.1 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan

3. The development shall only be carried out in accordance with the 'Annuity Phase 2 - Sustainability Statement', 'Wansford Avenue HQM Pre-Assessment Report' and 'Wansford Avenue BREEAM Pre-Assessment Report' to minimise the developments energy demand and reduce its whole life CO2 equivalent emissions.
Reason: To ensure that the development will be sustainable and able to function effectively in a changing climate and address impacts on climate emissions, in accordance with the National Planning Policy Framework and Policies CS1, CS13, CS15 and CS16 of the Core Strategy and Urban Core Plan.
4. The development shall not be brought into use until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.
Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and saved Policies T4.5 and T7.1 of the Unitary Development Plan and Policy CS13 of the Core Strategy and Urban Core Plan.
5. The development shall not be brought into use until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is brought into use. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.
Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and saved Policies T4.5 and T7.1 of the Unitary Development Plan and Policy CS13 of the Core Strategy and Urban Core Plan.
6. Development shall not be brought into use until details of the proposed highway works associated with the development have been submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until the highway works have been constructed in accordance with the approved plans.
Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and saved Policy T7.1 of the Unitary Development Plan and Policy CS13 of the Core Strategy and Urban Core Plan.

7. Twelve months after first occupation of the development details of a Full Delivery and Service Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Delivery and Service Plan shall be implemented in accordance with the approved details. This Full Delivery and Service Plan shall include: i details of and results from an initial delivery and servicing survey; ii clearly specified ongoing targets for deliveries and servicing; iii a plan for monitoring and reviewing the effectiveness of the Delivery and Service Plan; and iv a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Delivery and Service Plan.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policies CS1, CS13 and UC8 of the Core Strategy and Urban Core Plan.

8. The development shall not be occupied until details of electric vehicle charging points associated with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be occupied until the electric charging points have been carried out in accordance with the approved details and the charging points shall then be retained for use at all times thereafter.

Reason: In the interests of facilitating the use of electric vehicles to reduce the lifetime CO2 emissions arising from the development, in accordance with the National Planning Policy Framework and Policy CS13 of the Core Strategy and Urban Core Plan

9. The development shall not be brought into use until details of refuse storage facilities and refuse storage plan for the development have been submitted to and approved in writing by the Local Planning Authority. The details are to include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use/ shall be implemented before occupation. There after the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and saved Policies EN1.1, H2 and T7.1 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan.

10. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for: i. details of temporary traffic management measures, temporary access, routes and vehicles; ii. wheel washing facilities; iii. the parking of vehicles of site operatives and visitors; iv. the loading and unloading of plant and materials; v. storage of plant and materials used in constructing the development; vi. measures to control vibration; vii. measures to control the emission of dust and dirt; viii. a scheme for the recycling and disposing of waste as a result of construction works; ix. hours of operation comprising 0800 hours to 1800 hours Monday to Friday and 0800 to 1300 hours on a Saturdays only with no works on a Sunday or Bank Holiday, unless otherwise agreed in writing by the local planning authority; x. the erection and maintenance of security hoardings, including decorative displays and facilities for public viewing; and xi. communication plan for liaising with the public. xii. details of measures for the protection of the Geo-cellular tank during construction.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and saved Policies H2, POL7 and T7.1 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect residential amenity.

11. Development shall not commence until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include existing trees, shrubs and other landscape features (indicating which are to be retained and which removed); planting plans, specifications and schedules; existing and proposed levels and contours; means of enclosure, walls, retaining walls and boundary treatment; paving and other surface treatment including car parking and circulation layouts; items of landscape furniture, equipment, storage, signage, and lighting; services and drainage; location of site cabins and compounds. The approved landscape works shall be completed no later than the end of the first planting season following first occupation of the development or in accordance with a

programme agreed in writing with the Local Planning Authority. The approved landscape works shall be planted and maintained in accordance with the current versions of British Standards BS8545:2014 and BS4428 for a period of five years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established.
Reason: In the interests of the visual amenity of the locality, in accordance with the National Planning Policy Framework and saved Policies NC1.7, EN1.1, EN3 and EN3.2 of the Unitary Development Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan. The details are required to be submitted and approved in advance of works commencing on site to ensure the developments landscaping is incorporated into the design of the development in the interests of visual amenity of the area.

12. Unless in accordance with the approved plans, no trees, hedges, or shrubs shall be removed, pruned or damaged without the prior written permission of the Local Planning Authority during construction works.
Reason: To retain existing landscape features in the interests of the visual amenity of the area, in accordance with the National Planning Policy Framework and saved Policies NC1.7, EN3 and EN3.2 of the Unitary Development Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

13. Development shall not commence until the tree protection fencing and other measures (including special construction techniques) set out in the application have been erected on site in accordance with the approved details. The fencing and other measures shall be retained intact for the duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the tree protection area. Where access is required into the tree protection area this shall be in accordance with the method statement provided as part of the approved details.
Reason: To ensure the protection of existing landscape features, in the interests of visual amenity in accordance with the National Planning Policy Framework and saved Policies NC1.7, EN3 and EN3.2 of the Unitary Development Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

14. Prior to any work commencing, certification of the installation and inspection of the approved tree protection works is to be provided to Council by a suitably qualified person (the project arborist) to ensure the proper protection and management of the tree/s required to be retained. A copy of the arboricultural supervision certificate with photo evidence is to be issued to Council within seven (7) days of the inspection and prior to any works commencing.
Reason: In the interests of the visual amenity of the locality, in accordance with the National Planning Policy Framework and saved Policies NC1.7, EN1.1, EN3 and EN3.2 of the Unitary Development Plan and Policies CS15 and CS18 of the Core Strategy and Urban Core Plan.

15. The development shall not be brought into use until the approved sustainable urban drainage scheme has been implemented. Thereafter, the sustainable urban drainage scheme shall be managed and maintained in accordance with the agreed management and maintenance plan.
Reason: To ensure a sustainable form of land drainage is implemented, in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

16. Development shall not commence until an Investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The details of the Investigation and Risk Assessment shall include measures to provide for: i a survey of the extent, scale and nature of contamination; ii an assessment of the potential risks to: · human health; · property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; · adjoining land; · ground waters and surface waters; · ecological systems; · archaeological sites and ancient monuments; and iii an appraisal of remedial options, and proposal of the preferred option(s). The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11".
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors, in accordance with the National Planning Policy Framework and saved Policy POL6 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan . The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

17. Development shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and saved Policy POL6 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan . The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

18. The Approved Remediation Scheme shall be implemented in accordance with the approved timetable of works. Within [insert] months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and saved Policy POL6 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken, and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan and Policy CS14 of the Core Strategy and Urban Core Plan.

20. The development hereby permitted shall only take place in accordance with the methods and mitigation and mitigation as set out in the Extended Phase One Habitat Survey Version 1.0 (Newcastle City Council January 2020) and . drawing number 20_05_04_Brunel_Terrace_Habitat_Mitigation (Newcastle City Council, May 2020).

Reason: In the interests of mitigating the impacts of the development on ecology, in accordance with the National Planning Policy Framework and Policy CS18 of the Core Strategy and Urban Core Plan.

21. The development shall provide 100% affordable housing for people with care and support needs. The dwellings shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2019 or any future guidance that replaces it.

Reason: In the interests of securing affordable housing in accordance with the National Planning Policy

22. The development hereby approved shall only take place in accordance with the Targeted Recruitment and Training Method Statement June 2019.

Reason: In the interests of promoting economic and training opportunities in association with approved developments, in accordance with saved UDP Policy ED5 and the National Planning Policy Framework

23. The buildings shall be constructed so as to provide sound insulation against external noise to achieve internal bedroom levels of 30dB(A) and internal living room levels of 35dB(A) with windows shut and other means of ventilation provided. Thereafter, the sound insulation shall be retained in accordance with this standard.

Reason: To prevent nuisance from noise in the interests of residential amenity, in accordance with the National Planning Policy Framework and saved Policies POL8 and H2 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan.

24. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Layout" (19N2021(G)-130 Rev P4). The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 1300 and ensure that surface water discharges to the surface water sewer at manhole 1224 at a restricted rate of 5l/sec.

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

Informatives

1. You are advised that the applicant is responsible for ensuring that the work to the trees is carried out in accordance with wildlife law particularly in relation to protected species e.g. bats, red squirrels and breeding birds. A guidance note is available from the Council's Ecology Officer on (0191) 277 7195 for further advice on this subject.

2. You are advised that under the terms of the Wildlife and Countryside Act no tree or scrub clearance should be undertaken during the bird nesting season (March-August inclusive) unless a checking survey has first been undertaken by a suitably qualified ecologist to confirm the absence of nests. You should contact the Council's Ecology Officer on (0191) 277 7195 for further information on this matter.

Case Officer

Stephen Edwards
Planning Officer

Date: 23.06.2020

Team Manager

Billy Browell

Date: 23.06.2020