



North Tyneside Council

Planning Committee

27 July 2018

To be held on **Tuesday 7 August 2018** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. To receive any declarations of interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes To confirm the minutes of the meeting held on 10 July 2018.	3

Continued overleaf

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5.	Planning officer reports	9
	To give consideration to the planning applications contained in the above report relating to:	
5.1	17/00243/FUL Land at Marina Frontage, Albert Edward Dock, Coble Dene, North Shields, Tyne and Wear (Riverside Ward)	14
5.2	17/01543/FUL Land at former School House, Sandy Lane, North Gosforth, Newcastle upon Tyne (Weetslade Ward)	49
5.3	18/00680/FUL Site of former 12, 14-18, 26-30,90-93a, 94-95 Bayfield, West Allotment, Newcastle upon Tyne (Valley Ward)	94

Members of the Planning Committee:

Councillor Jim Allan	Councillor Gary Madden
Councillor Trish Brady	Councillor David McMeekan (Deputy Chair)
Councillor Sandra Graham	Councillor Paul Mason
Councillor Muriel Green	Councillor Margaret Reynolds
Councillor John Hunter	Councillor Lesley Spillard
Councillor Frank Lott (Chair)	

Planning Committee

10 July 2018

Present: Councillor F Lott (Chair)
Councillors S Graham, M A Green,
John Hunter, G Madden, P Mason,
D McMeekan, J Mole and L Spillard.

PQ06/07/18 Apologies

Apologies for absence were received from Councillors J M Allan, T Brady and M Reynolds.

PQ07/07/18 Substitute Members

Pursuant to the Council's Constitution the appointment of the following substitute member was reported:

Councillor J Mole for Councillor T Brady

PQ08/07/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

Councillor S Graham indicated that although application 17/00817/FUL was located within her ward she had not pre-determined the application.

PQ09/07/18 Minutes

Resolved that the minutes of the meeting held on 12 June 2018 be confirmed as a correct record and signed by the Chair.

PQ10/07/18 Planning Officer's Reports

Resolved that (1) permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and

(2) any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

Application No: 17/00817/FUL

Ward: Whitley Bay

Application Type:	full planning application
Location:	Site of former Coquet Park and Marine Park First Schools, Coquet Avenue, Whitley Bay
Proposal:	Residential development of 64 units consisting of 16no houses (3 and 4 bedroom), 44no apartments (1 and 2 bedroom), 4no flats over garages (2 bedroom) with associated parking and landscaping
Applicant:	Places For People

The Committee gave consideration to a report of the planning officers in relation to the application, together with an addendum circulated to the Committee prior to the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, the following people had been permitted speaking rights:

Mrs Belinda Butler of 33 Coquet Avenue
Mr Ed Schwalbe of 20 Marine Gardens
Ms Gillian Dunn of 6 Coquet Avenue
Mr Matthew Unthank of 20 Coquet Avenue
Ms Jean Laurie of 7 Coquet Avenue
Mrs Anne Hodgkiss of 29 Coquet Avenue
Ms Ruth Sutcliffe of Marine Park First School

Following a request from the Chair that the speakers appoint spokespersons, they had agreed that Ms Ruth Sutcliffe would address the Committee on behalf of Marine Park First School and Mr Matthew Unthank would speak on behalf of local residents.

Ms Sutcliffe challenged the evidence on which the applicant's transport statement had been based, including the estimated trip rate and a failure to recognise the characteristics of the surrounding area. She commented on the extent and nature of the proposed on site car parking, its visual impact and the likely impact of the development on car parking in the area, highway and pedestrian safety and congestion at the beginning and end of the school day. Parents were concerned that many of the proposed apartments would overlook the playground at the school. The proposed restrictions on the timing of construction traffic were unacceptable as they would allow traffic at the start and end of the school day.

Mr Unthank stated that residents were supportive of the principle of residential development of the site but they objected to this application on the grounds that:

- a) the proposed development would lead to a loss of 30 on street car parking places in the area thereby creating car parking problems and congestion in the area;
- b) the height and size of the proposed development would detract from the culturally important listed buildings in the area; and
- c) the development would discourage the use of Whitley Park and its games area.

Councillor John O'Shea, the local ward councillor for the Whitley Bay Ward was permitted to speak to the Committee. Councillor O'Shea believed the application was not in accordance with the Council's Local Plan because:

- a) the construction of 65 units was above the indicative figure of 41 stated in the plan and so it was a high density and an overdevelopment of the site; and
- b) the applicant proposed to provide 11 affordable homes which represented 17% of the units on the site, contrary to the Council's policy contained in the Local Plan requiring 25% affordable homes.

Councillor O'Shea also considered that the 4 storey design of the apartment block on Park Road was out of character with the area and would have a detrimental impact on the Grade

II Listed St Edward's Church. He also referred to the significant loss of on street car parking which would lead to car parking problems in the area.

Ms Nilam Buchanan, on behalf of the applicants, Places for People, was permitted to speak to the Committee to respond to the points raised by the speakers. She was accompanied by Mark Massey of IDPartnership. Ms Buchanan explained that Places for People was a registered social landlord who aimed to create sustainable places to live for everyone, providing a choice of homes. The proposed development had been designed to meet housing demand, to fit into the location and to comply with planning and building regulations. The development would include 91 car parking spaces within the site which met the Council's parking standards and the height of the apartments adjacent to St Edwards had been reduced to reduce its visual impact. The applicant was committed to providing 11 affordable homes. This figure had been subject to a robust investigation which had shown it to be a fair contribution. People for Places were happy to contribute towards the costs of a coastal warden and to comply with the proposed condition restricting the use of apartments for short terms lets.

Members of the Committee asked questions of the speakers, the ward councillor, the applicant's representatives and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the type and design of the 11 affordable homes;
- b) the commercial viability of the development if it were required to provide 25% affordable homes;
- c) the status of the site which was identified as a brownfield site in the Local Plan but it could also be considered to be a greenfield site in accordance with the definition contained within the National Planning Policy Framework (NPPF);
- d) the process through which financial contributions from several developments may be combined to meet the costs of a coastal warden;
- e) the height of the proposed development and its impact on the character and appearance of the area;
- f) the previous planning history of the site;
- g) how accessibility for disabled people had been incorporated into the design of the development; and
- h) the proposed provision of 91 car parking spaces on site and the likely impact of the development on car parking and congestion in the surrounding area.

Decision

Application refused on the grounds that:

1. The proposal development by virtue of its density and height would result in the overdevelopment of the site that would be out of keeping with its surroundings. It would have an adverse impact upon the character and appearance of the surrounding area contrary to policy DM6.1 of the North Tyneside Local Plan 2017.
2. The proposal would provide insufficient affordable housing contrary to policy DM4.7 of the North Tyneside Local Plan 2017.
3. The proposal given its bulk, height and mass would have an adverse visual impact upon the character and appearance of the site and the surroundings contrary to policy DM6.1 of the Local Plan and the advice in National Planning Policy Framework (2012).
4. The proposed development would provide insufficient parking and result in the loss of on street parking that would have a severe impact in terms of pedestrian and highway safety contrary to the advice in National Planning Policy Framework, policy DM7.4 of the North Tyneside Local Plan 2017 and the Transport and Highways Supplementary Planning Document LDD 12 (May 2017).

Application No: 17/00663/FUL

Ward: Collingwood

Application Type: full planning application

Location: Land at former 25 St Anselm Crescent, North Shields
Proposal: Proposal: Variation of condition 1 of application 16/00886/FUL (2no new 'one and a half' storey 3 bed bungalows) regarding alterations to external finishing (render), alteration to the location, height and roof style of the proposed garages, additional rear patio and two additional windows to the front elevation. (Additional information submitted - In relation to the change of description and the elevations to indicate the two additional windows to the front elevation). (Part retrospective)
Applicant: G Leisure

The Committee gave consideration to a report of the planning officers in relation to the application, together with an addendum circulated to the Committee prior to the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Mr A Hall of 2 St. Anselm Road and Mr A Scott of 8 Chirton Hill Drive were permitted to speak to the Committee. Mr Hall stated that he had not been notified that the original planning permission had been superseded by revised plans which provided for the re-location of the garages. If the application were approved the revised location of the garages would seriously restrict the outlook from his property. The original site of the garage had been in line with the gable end of his property and so had less impact.

Mr Scott spoke on behalf of a number of residents who had signed a petition. Mr Scott commented that the application was not a variation but rather it was retrospective because the works had commenced. It had been neighbouring residents who had alerted the Council to the issue. Mr Scott was concerned that the applicant had been requested on 3 occasions to cease works on site. He believed that if the application were approved this would set a precedent allowing other developers to proceed with works without the necessary planning permission. Mr Scott expressed his concerns regarding the risks of the site being contaminated and he stated that the development would not reflect and complement the surrounding area.

Mr Mark Garry of G Leisure, attended the meeting accompanied by his agent, Mr David Lawson, to respond to the points raised by the speakers. Mr Garry had acquired the site 18 months ago and had invested £250,000 to resolve the ground issues and begin construction of the bungalows. It had been decided to change the location of the garages to increase the number of on-site car parking spaces to 4 and improve access. The design of the garages had also been altered from a pitched roof to a flat roof to alleviate the concerns raised by neighbours. Mr Lawson explained that there had been a breakdown in communication between the applicant, the project manager and the Council which had led to works commencing on the revised plans before the application for a variation had been submitted. The work had stopped on the advice of the planning officers.

Members of the Committee asked questions of the speakers, the applicant, his agent and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the enforcement action taken by planning officers; and
- b) the fact no precedent would be set by the granting of the variation to the conditions.

Decision

Application refused on the grounds that the proposed alteration to the siting of the garages would have a detrimental impact on the amenity of neighbouring residents contrary to Policy DM6.1 of the North Tyneside Local Plan (2017).

Application No:	18/00415/FUL	Ward:	Camperdown
Application Type:	full planning application		
Location:	Killingworth Town Park, West Bailey, Killingworth		
Proposal:	Proposed construction of a flood storage detention basin with weir, and associated development including a new access, fishing jetties, footpaths and landscaping		
Applicant:	Northumbrian Water		

The Committee gave consideration to a report of the planning officers in relation to the application.

Decision

Application approved, subject to the conditions set out in the planning officer's report, as the development was considered to be acceptable in terms of its impact on flooding, visual and residential amenity, open spaces, biodiversity and highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's Local Plan 2017.

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Application No:	18/00596/FUL	Ward:	Longbenton
Application Type:	full planning application		
Location:	Greggs Building and Distribution Services, Benton Lane and Gosforth Park Way, Longbenton		
Proposal:	Production and freezer extensions with despatch docks. New electricity sub-station and compressed natural gas station		
Applicant:	Greggs plc		

The Committee gave consideration to a report of the planning officers in relation to the application.

Decision

Application approved, subject to the conditions set out in the planning officer's report, as the development was considered to be acceptable in terms of the principle of extending the existing factory, its impact on the character and appearance of the site and surrounding area, its impact on neighbouring occupiers, access and parking, flooding and biodiversity in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's 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 Paragraphs 186-187 of the National Planning Policy Framework.

PQ10/07/18 Chirton Green, North Shields Tree Preservation Order 2018 (Preston Ward)

The Committee were presented with details of the Chirton Green, North Shields, Tyne and Wear Tree Preservation Order 2018 together with details of three objections to confirmation of the Order.

The trees subject to the Order were currently protected by the Chirton Green, North Shields TPO 1994. It had been considered necessary to issue the Order of 2018 to maintain and safeguard the contribution made by these trees to the landscape and visual amenity of the area and to update the 1984 Order to include the new housing development at Gardener Park. The Order had to be confirmed by 8 August 2018 otherwise the Order would lapse.

The Committee gave consideration to the grounds for the objections and the comments of the Council's landscape architect who had assessed the objections. The Committee were advised that confirmation of the TPO would not prevent any necessary tree work from being carried out but would ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the trees. Anyone could apply for permission to carry out pruning work to the trees but they may also need to seek permission of the landowner.

Resolved that the Chirton Green, North Shields, Tyne and Wear Tree Preservation Order 2018 be confirmed with no modifications.

(Reason for decision: The trees are mature in age, and collectively have a strong visual presence and high amenity value. They are part of the historic fabric of the local area and along with other trees in the area have sufficient amenity value to warrant a Tree Protection Order. The Order does not prevent the felling or pruning of trees, if necessary, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.)

PLANNING COMMITTEE

Date: 7 August 2018

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

Principles to guide members and officers in determining planning applications and making decisions

Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this

does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

PLANNING APPLICATION REPORTS CONTENTS

1 17/00243/FUL

Riverside

Land At Marina Frontage, Albert Edward Dock, Coble Dene, North Shields, Tyne And Wear

Speaking rights requested -Miss Jacqueline Casson, 51, Commissioners Wharf North Shields

Speaking rights requested -Mrs Veronica Lynn, 30 Commissioners Wharf North Shields

Speaking rights requested -Mrs Alison Thomson, 33 Commissioners Wharf North Shields

Speaking rights requested -Mr Kenneth Lynn, 30 Commissioners Wharf North Shields

Speaking rights requested -Mr Chris Senior, 56 Chirton Dene Quays North Shields

Speaking rights requested -Mr Michael Flinders, 24 Commissioners Wharf Royal Quays

Speaking rights requested -Mrs Fiona Gray, 39 Commissioners Wharf North Shields

Speaking rights requested -Mrs Linda Flinders, 24 Commissioners Wharf Royal Quays

2 17/01543/FUL

Weetslade

Land At Former School House, Sandy Lane, North Gosforth, NEWCASTLE UPON TYNE

Speaking rights requested -Mr John Harbottle, 23 The Villas North Gosforth

Speaking rights requested –Mr Keith Dowd, Roscobie, Sandy Lane

3 18/00680/FUL

Valley

Site Of Former 12, 14-18, 26-30, 90-93a, 94-95 Bayfield, West Allotment, NEWCASTLE UPON TYNE

Item No: 1
Application No: 17/00243/FUL
Date valid: 17 February 2017
Target decision date: 19 May 2017
Author: Rebecca Andison
☎: 0191 643 6321
Ward: Riverside

Application type: full planning application

Location: Land At Marina Frontage, Albert Edward Dock, Coble Dene, North Shields, Tyne And Wear

Proposal: Development of two apartment blocks consisting of 36no. residential units and associated parking

Applicant: Cussins Property Group Limited And Mandale Homes Land & D..., c/o Agent

Agent: England Lyle Good, David Marjoram Gateway House 55 Coniscliffe Road Darlington DL3 7EH

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact on surrounding residents and land uses; and
- whether sufficient parking and access would be provided.

1.2 Planning law requires that application 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 materials considerations in reaching their decision.

2.0 Description of the Site

2.1 The application relates to a parcel of land to the east of the Albert Edward Dock within the Royal Quays Marina.

2.2 The site is rectangular in shape and measures 0.24 hectares in size. Its eastern boundary is formed by Coble Dene and beyond this is a large car park

and, at the river edge, a deep water berth - the Tyne Commission Quay. The promenade which runs around the edge of Albert Edward Dock forms the site's western boundary. The Earl of Zetland floating restaurant is moored to the north-west of the application site. A small car park which currently serves the restaurant lies immediately to the north of the application site.

2.3 To the south is a 4-6 storey apartment block. There is further established housing around the southern and western edges of the Dock and to the north of the marina entrance a new residential development (North Quay) is currently being constructed.

2.4 On the northern edge of the marina is the Grade II* listed Accumulator Tower, and the Grade II listed Dock Walls, Lock Gates and Lock Control Building.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the development of 36no residential units in two apartment blocks.

3.2 The two apartment blocks would be positioned within the centre of the site with car parks to the north and south. The southern block (Block A) would be 5-storeys high and the northern block (Block B) would be 4-storeys high.

4.0 Relevant Planning History

97/01649/FULDC - 74 no. bedroom limited service hotel. Construction of a new access to a highway – Approved 28.01.1998

98/01108/FUL - Construction of new hotel and associated restaurant.
Construction of a new access to a highway – Approved 27.10.1998

99/02110/OUT - Residential development. Alteration of existing access to a highway – Permitted 31.03.2000

02/03250/REM - Details of siting, design, external appearance, means of access, landscaping for residential development of 76 no. apartment flats. Approved by Outline Planning Permission 99/02110/OUT – Refused 19.12.2003 for the following reason:

“The proposed apartment building by virtue of its scale, height and external appearance is considered to be of an over-dominant appearance which is not in-keeping with the character and appearance of this area. The proposal is considered to be contrary to policy H12 and Development Control Policy Statement No.14 of the North Tyneside Unitary Development Plan which seeks to ensure that new housing provides for a standard of development which will be attractive to prospective and existing residents, to advice in PPG 1 "General Policy & Principles", which advises that development of a poor design should be rejected, and to advice in PPG 3 "Housing" which seeks to ensure that efficient use is made of land without compromising the quality of the environment.”

Subsequent appeal (04/00004/S78TPA) dismissed on 21.09.2004 on the following grounds:

- the harmful effect of the proposal on the character and appearance of the area;

- the proposal falling short of the high quality of design accepted as necessary for this important and prominent site;
- the proposal, in light of new international port security measures, would be liable to compromise the ability of the Tyne Commission Quay to obtain necessary security clearance which could have a damaging effect on the regeneration of the Tyne Gateway and broader economic fortunes of the area.

04/03792/OUT - Application under Section 73 of Town and Country Planning Act 1990 for variation of condition 2 of Planning permission 99/02110/OUT - to extend the time to submit reserved matters to 31st. March 2005 with implementation by 31st. March 2006 (indicative plans submitted) – Refused 01.04.2005 on grounds that there had been a material change in planning circumstances since the granting of the outline permission, namely the introduction of maritime security requirements which now constrain the development of this site. It was considered that the granting of an extension of the time limit for the submission of reserved matters, in the form of a new and unfettered outline permission, could result in a development of a design and layout which is incompatible with surrounding land uses and its environment by virtue of its impact on the continued operation of the Tyne Commission Quay.

05/02818/FUL - Development of 67 apartments in two blocks with open space, landscaping, car parking and access – Refused 16.01.2006 for the following reasons:

1) The proposed development is of an unattractive design and of an inappropriate height and scale which is not in keeping with the character and appearance of this area and which will adversely affect the quality of the environment and will affect views to and from north and south of the river. The proposal is contrary to policy H11 and DCPS No.14 of the North Tyneside Unitary Development Plan.

2) The proposed residential development is of a noise sensitive nature and is located in close proximity to a commercial quay the use of which can give rise to noise and disturbance. The introduction of residential development on this site is contrary to policy E4 and DCPS No.7 of the North Tyneside Unitary Development Plan which seek to ensure that noise sensitive development and potentially noisy developments are located away from one another. If permitted, residential development would have a prejudicial impact on the future use of the Tyne Commission Quay where intensified activities could lead to complaints and the curtailment of commercial activities.

Subsequent appeal dismissed on the following grounds:

- The stark and obtrusive appearance of the buildings due to their height and largely blank eastern elevations, and impact on views from the river, Tyne Commission Quay and adjacent car park.
- The development would be inappropriate in its context and fails to take opportunities to improve the character and quality of the surroundings.
- The harmful effect of the proposal on the character and appearance of the area.
- Harm to the setting of the listed Accumulator Tower, with particular regard to the height of the development.
- Harm to the living conditions of future residents due to noise and disturbance.

- Unacceptable harm to neighbouring land uses, due to the increased risk of limitations being imposed on the operations of the Tyne Commission Quay.

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (July 2018)

6.2 National Planning Practice Guidance (NPPG) (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the character and appearance of the site and the surrounding area;
- the impact upon neighbours living conditions with particular regard to outlook and privacy;
- the impact on the Port of Tyne's operations; and
- whether sufficient parking and access would be provided.

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

8.0 Principle of the Proposed Development

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, a social objective and an environmental objective.

8.2 In relation to housing, 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. In order to achieve this objective government requires that authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements plus an additional

buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery the buffer should be increased to 20%.

8.3 The NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

8.4 Policy DM1.3 of the Local Plan 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. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.5 Policy S1.4 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.

8.6 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable Greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.7 The Local Plan specifically allocates sites to meet the overall housing needs. Members are advised that the site, subject of this application, is not allocated for housing in the Local Plan.

8.8 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and, g. Demonstrate that they accord with the policies within this Local Plan.

8.9 As is evident from the site's planning history, the principle of developing this site for residential purposes was accepted in 2000 when outline planning permission was granted for residential development. When the Council refused to grant reserved matters approval in 2004, this refusal was on the grounds of the

inappropriate design of the development and not the principle of the use. In considering the appeal against this refusal, the Inspector too was clear that the appeal related to reserved matters and was considered in light of the principle of residential development having been established such that this was not at dispute during the appeal inquiry. The subsequent refusals to extend the life of the 2000 outline planning permission and for full planning permission in 2005 were on grounds of design and the impact on the operations of the Tyne Commission Quay. The principle of residential development was not disputed.

8.10 Since these previous applications there has been a significant change in policy through the adoption of the Local Plan 2017 and the NPPF. Policy DM4.5 of the Local Plan relates to housing development on un-allocated sites.

8.11 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and point (a) of Policy DM7.4. Issues relating to the impact of this scheme upon local amenities and existing land uses are discussed later in this report

8.12 Having regard to the above; the principle of the proposed development should be considered acceptable subject to consideration of the following matters:

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 67 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include 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 2018 5-year Housing Land Supply Summary identifies the total potential 5-year housing land supply in the borough at 5,276 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 5.4 year supply of housing land). It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.4 year supply of housing land. Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing. NPPF makes it clear that housing applications should be considered in the presumption in favour of sustainable development.

10.0 Design and Layout

10.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the

surrounding built environment and landscape setting; and establish or maintain a strong sense of place. Planning 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 (para.130). In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.2 In respect of designated heritage assets the NPPF states that in determining planning when determining the impact on the significance of a heritage asset great weight should be given to the assets 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.

10.3 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.

Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.4 At paragraph 200 of the NPPF it states:

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

10.5 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

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

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

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.

10.8 Policy DM5.9 (Trees, Woodland and Hedgerows) supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new development and, where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

10.9 The Council has produced an SPD on Design Quality, it states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness generated. It also states that all new buildings should be proportioned to have well-balanced and attractive external appearance.

10.10 It describes how the scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting, noting that the mass of a building might not simply be dealt with by reducing the overall height of a building if the general bulk of the building remains unaltered. Modern and innovative design, building and manufacturing methods are supported across the borough. The SPD defines a tall building as any structure that breaks the skyline and/or which is significantly taller than its surrounding built fabric, stating that in the right location a well-designed tall building can make a positive contribution to an area.

10.11 The proposed development comprises 1no 5-storey apartment block and 1no 4-storey apartment block. There would be 20no 2-bed apartments within the 5-storey block and 16no 2-bed apartments within the 4-storey block. Car parks

are proposed to the north and south of the two buildings, which would be located within the centre of the site, 3.5m apart.

10.12 The applicant has submitted a Design and Access and Heritage Statement. These documents advise that the development has been designed to reflect the surrounding buildings, with the 5-storey block located adjacent to the existing 6-storey flats to the south and the lower block designed to reflect the height of the Accumulator Tower. They state that the development draws influence from the design and form of the existing residential accommodation at Commissioners Wharf. The Heritage Statement acknowledges that the development would be visible from the Accumulator Tower but considers that the height would be in keeping with the structure rather than overpowering. The applicant considers that the development would allow views through to the marina and refers to the variety of materials proposed and unusual roofline of the development.

10.13 Two previous applications have been refused on grounds of poor design. The first of these (02/03250/REM) was for 76no apartments arranged in three linked blocks, up to seven storeys high. Application 05/02818/FUL proposed 67no apartments in two separate buildings of 8/9 storeys, at the southern end of the site, and 7/8 storeys to the northern end of the site. The larger southern block, reached approximately 28.8m in height while the northern block extended to approximately 25.7m in overall height.

10.14 The appeal decision made in respect of application 05/02818/FUL refers to the prominent position of the site on a bend on the river and the fact that any development is likely to be visible for significant distances along the river and from parts of South Shields. The Inspector was of the view that development on the site should aspire to be “exceptional and memorable” and to strengthen the sense of identity of Royal Quays. He noted that aside from the six-storey Commissioners Wharf building development in the dock area is mainly low rise and the land flat and open. On this basis he considered that the 8 to 9 storey development would be tall and as such should be of first class design quality. In respect of the modern design proposed he did not consider this to be unacceptable in principle. The grounds for refusal centered around the height of the buildings, their largely blank eastern elevations, and the impact this would have on views from the river, Tyne Commission Quay and adjacent car park.

10.15 The appeal decision also refers to the impact on the listed Accumulator Tower. The Inspector was clear that the site fell within the setting of the Listed Building given that the development would be seen together with the Tower from a number of viewpoints. He was of the view that a significant reduction in scale would be required between the southern and northern parts of the development, and did not consider that the proposed reduction from nine to eight storeys achieved this. The Inspector states “due to the scale and proximity to the tower the proposed eight storey building would appear over dominant to the extent that it would visually diminish the dockside stature of this important historic building when they are seen together.”

10.16 The current proposal is for a four to five storey development. The higher southern block has a maximum height of 15.6m and the northern block a

maximum height of 12.9m. This is a significant reduction from the previous proposed development which extended up to 28.8m in height. A drawing has been submitted to show the height of the development in the context of the surrounding buildings. The development is clearly subservient to the adjacent Commissioners Wharf building and the northern apartment block respects the height of the Accumulator Tower. It is officer opinion that in principle the height of the development is acceptable in the context of the surroundings and would not harm the setting of the Listed Building. The impact on views from existing residential properties is discussed in the following section of this report.

10.17 In terms of the scale/layout, the proposal is for two buildings, each with a length of 38.6m, positioned 3.5m apart. Car parks are proposed at either end of the site. Due to the length and lack of separation between the buildings the development would create a wall of development that would obstruct views of the Marina from the approach road, TCQ and the adjacent car park. It would also restrict views of the Accumulator Tower from the Marina approach road, impacting on the ability to appreciate its significance and adversely affecting its setting.

10.18 The footprint of the buildings is stepped in nature, narrowing in depth at each end, with staggered front and rear elevations. The roof is flat, sloping gently from west to east with a projecting element over upper floor balconies on the west side of the apartments. The roof height is reduced at either end of each building. The development is designed to be west facing with the main habitable windows located on this side of the apartments. The west elevation includes full height windows, glazed doors and balconies. The east elevation, facing TCQ, contains smaller kitchen, bathroom and hallway windows with a larger area of glazing to the communal hallways. A projecting bay housing the stairway, lift and ground floor plant rooms is proposed on the east side of the development. The ground floor of the bay is blank with the exception of the entrance doors while the upper levels are furnished with a glazed panel. The projecting bay would be finished in cladding while the remainder of the development is predominantly brick built.

10.19 The Design Officer has commented and objects to the application. He considers that the east elevation is bland and poorly designed, particularly at ground floor level, and that the window proportions are not appropriate for the scale of the building. He advises that the development would not contribute towards the design quality of the public realm. Concern is also raised regarding the impact on the setting of the Accumulator Tower and views of the Marina due to the width of the apartments and the lack of separation.

10.20 It has previously been accepted by the Council and the appeal Inspectors that this site is an important one as it is in a highly prominent location, directly fronting the river and within an area which has undergone steady transformation and redevelopment. Its development should be of a design which is exceptional and which will strengthen the sense of identity of the Royal Quays. It is officer opinion that the development fails to achieve this and would result in harm to the character and appearance of the area and the setting of the Listed Accumulator Tower. The appearance of the east elevation is considered to be blank, unremarkable and not of an appropriate design standard for the site. The

massing and layout of the development is also considered to be unacceptable due to the resulting harm to the character of the area through the loss of views of the Marina and the impact on views of the listed Accumulator Tower.

10.21 NPPF states that where development results in harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. This proposal would bring some benefits through the provision of 36no residential units. It is officer opinion that these benefits do not outweigh the harm to the setting of the Grade II* Listed heritage asset.

10.22 Members need to determine whether the proposed development would be acceptable in terms of its character and appearance upon the site, the surrounding area and the setting of the listed building. It is officer opinion that the impact is not acceptable and that the development fails to comply with NPPF, Policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan, and the Design Quality SPD.

11.0 Impact on Residential Amenity

11.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

11.2 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

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

11.4 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

11.5 The application site is located approximately 400m to the east of existing residential properties on Chirton Dene Quays. These properties currently benefit

from uninterrupted views towards the river. It is located approximately 13m from the closest apartments on Commissioners Wharf and is set at an oblique angle. The vast majority of objections that have been received in respect of the application are from properties on these two streets. The concerns raised include loss of view, outlook, light and privacy.

11.6 In officer opinion the separation distance of approximately 400m is sufficient to prevent residents of Chirton Dene Quays being affected in terms of loss of light, outlook or privacy. The impact on the amenity of residents on Commissioners Wharf is also considered to be acceptable given that the development would be offset from these properties with no direct overlooking. It is acknowledged that views of the river would be affected. However it has been firmly established through planning case law that the impact on private views is not a material consideration. The impact of the development on public views has been discussed in the previous section of this report.

11.7 The proposed development is located adjacent to a working marina, boatyard and port where there are existing noise levels. The berths at Northumbrian Quay are used by ferry operations and cruise liners. Noise will arise from the loading and unloading of goods, people and their vehicles and the PA systems. The Earl of Zetland bar/restaurant is located to the north of the site. The bar has the potential to generate noise through music and raised voices if people congregate outside.

11.8 The applicant has submitted a Noise Impact Assessment to assess the impact on noise from commercial activity on the amenity of future residents.

11.9 The noise assessment for the port activities is based on noise data obtained from cruise terminal operations at a different port as no cruise ship was docked at the time the assessment was carried out. Noise monitoring was undertaken for the Earl of Zetland. The report considers the Port's plans to expand their operations to include the use of shuttle buses along the quay.

11.10 The assessment of cruise ship noise predicts daytime noise rating levels of up to 71 dB based on three ships being docked with three refrigerated HGV's idling. The night time noise rating level is assessed as 43dB, based on three cruise ships with auxiliary engines only and a reduction due to the location of the bedrooms in relation to the noise source. The daytime noise level is assessed as being 21dB above background noise levels, resulting in a significant adverse impact, and the night time levels as being 1 dB below background levels, indicating a low impact. Noise from vehicle movements along the adjacent road is assessed as being significantly below the predicted noise levels of activities at the Quay.

11.11 To mitigate the impact of noise the Noise Assessment specifies a glazing configuration to achieve internal noise levels of 35dB for day time and 30dB for night time, with System 4 mechanical ventilation. It is proposed to locate all the bedrooms on the west side of the development, with no bedroom windows facing the Northumbrian Quay. The east elevation contains windows to the communal stairway and hallways and some windows relating to open plan living/kitchen areas. The applicant has confirmed that these windows would be fixed shut.

The end elevations of the buildings also contain windows relating to open plan living/kitchen areas. These would also be fixed shut. All other windows facing the marina would be openable.

11.12 The Manager of Environmental Health has considered the noise assessment and provided comments. She notes that the noise monitoring was carried out during October and that external customer noise at the Earl of Zetland is likely to be higher during the summer months. She also advises that complaints have been received from nearby residents regarding noise from motorbikes that congregate outside the pub in the evening. The gable elevation of Block B faces towards the Earl of Zetland and the Manager of Environmental health considers that this would provide some screening, as there would be no openable windows facing onto the Earl of Zetland. She advises that screening would be required to protect the balconies from noise disturbance.

11.13 The Manager of Environmental Health disagrees with the background noise levels used within the report and considers that these should be 8dB lower. She also advises that night time noise generated by the Port activities is likely to be higher than set out in the report, some 10dB above background levels, and therefore considered to give rise to significant adverse impact. The habitable rooms would be orientated towards the Marina, and the Manager of Environmental Health considers that the building itself should provide sufficient mitigation from Port related noise.

11.14 Other potential noise sources in the area are the lock gates, a restaurant adjacent to the Marina, the mooring of fishing vessels and repairs being carried out to boats in the marina. In respect of these noise sources the Manger of Environmental Health notes that the majority of fishing vessels moor during the winter when weather conditions area poor and residents are less likely to have windows open, and that the lock gates have recently been fitted with a less intrusive type of alarm.

11.15 The NPPF aims to prevent noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Advice in NPPG indicates that noise impacts can be mitigated using a variety of measures including an engineered solution to mitigate noise at its source, designing the layout of new development to minimise exposure to noise, using planning conditions to restrict activities and mitigation measures including optimising the sound insulation of the new development's building envelope. NPPG advises that consideration should be given to whether adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time. In both cases a suitable alternative means of ventilation is likely to be necessary.

11.16 In this case it has been shown that without mitigation noise from commercial and marine related activity is likely to result in a significant adverse impact on the amenity of future residents. Mitigation measures have been proposed to address potential noise disturbance. The layout ensures that openable windows relating to habitable rooms face away from Northumbrian Quay, and the provision of mechanical ventilation will enable residents to have

adequate ventilation without needing to open windows during the night time and early hours of the morning when there could be noise from cruise ships.

11.17 The Environmental Health Officer has recommended that, should the application be approved, conditions should be imposed relating to the submission of details of a scheme for window glazing in accordance with the noise report, ventilation details, fixed shut windows to the gable and eastern elevations, screening for the balconies, hours of construction and piling, and dust and mud mitigation.

11.18 The proposed development is located next to a river and marina where there are harbour and port activities with existing noise levels. Future residents would be aware of this when buying their houses. For many this will be part of the appeal of the location and they will accept the noise that goes with such a location. The proposed development achieves acceptable internal noise levels in the dwellings with windows closed and the use of System 4 mechanical ventilation so there will be no significant harm to occupiers with windows closed. The proposal to fix shut all windows in the eastern and gable elevations is considered to be acceptable given that these are either non-habitable windows or secondary windows to habitable rooms which have other sources of ventilation.

11.19 Members must decide whether or not mitigation for noise proposed for the development is acceptable and whether there will be any significantly adverse impacts to the amenities of the residents.

11.20 On balance, subject to the conditions recommended by the Manager of Environmental Health, it is officer opinion that an acceptable standard of amenity would be provided for future occupiers.

12.0 Impact on Neighbouring Land Uses

12.1 The Port of Tyne has objected to the application on grounds that noise complaints from future residents could result in additional restrictions being placed on the Port's operations with a potential impact on jobs, the cruise ship industry, the future expansion of the Port and the wider economy.

12.2 The NPPF states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

12.3 National Planning Practice Guidance states that the potential effect of new residential development located close to an existing business that gives rise to noise should be carefully considered. Existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents.

12.4 NPPF states that planning policies and decisions should promote public safety and take into account wider security and defence requirements. It advises that planning decisions should ensure that operational sites are not affected adversely by the impact of other development proposed in the area.

12.5 Three planning applications have previously been refused on grounds of the harm to neighbouring land uses due to the increased risk of limitations being

imposed on the operations of Northumbrian Quay. In the appeal decision made in respect of application 05/02818/FUL the Inspector considered that complaints would be highly likely as a result of noise conditions during both day and night. He had regard to the fact that the Quay is likely to be used more intensively in the future and the increased frequency of high noise levels.

12.6 The current proposal differs in layout to the scheme previously considered, and as discussed above the Manager of Environmental Health is of the opinion that noise could be sufficiently mitigated through the use of appropriate glazing, fixed shut windows to the west side of the development and mechanical ventilation. There is still however the potential for complaints if residents chose to leave their windows open.

12.7 The impact on the security of the port, cruise ships and its future use by Royal Navy vessels has also been raised as a concern by local residents. Clarification regarding this impact has been sought from the Port of Tyne and the Royal Navy. An update will be reported at the Committee meeting.

12.8 Members must consider whether the potential impact on the adjacent Quay and marina is acceptable. Noise from cruise ships and other port and marina activities does not occur all the time, and residents would have the option to close their windows and use mechanical ventilation to ensure satisfactory internal noise levels. Therefore, on balance, it is officer advice that the impact on surrounding land uses is acceptable.

13.0 Car Parking and Access

13.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

13.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

13.3 Paragraph 109 of NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

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

13.5 The Council's adopted parking standards are set out in LDD12 'Transport and Highways'.

13.6 The development contains 36no 2-bed units. 2no car parks containing a total of 34no parking spaces are proposed. 4no parallel bays are also proposed in laybys on the adjacent highway. The proposed car parks would be accessed via 2no new access points from Coble Dene. The applicant has submitted a Car Parking Provision Strategy. This advises that the 34no bays would be leased by residents outside the leasehold for their flat. The Strategy notes that the site is within 15-20 minutes walk of Meadow Well Metro station and less than 10 minutes from the nearest bus stop on Chirton Dene Way, which provides services to Newcastle, North Shields, the Metrocentre and the Silverlink.

13.7 Under the maximum parking standards set out in LDD12 36no parking spaces plus 12no visitor bays would be required.

13.8 The Highway Network Manager has commented and recommends that the application should be approved. He notes that the development fails to meet the maximum parking standards but considers this is acceptable when taking into account that there is a large public car park opposite the site and that the site has reasonable links with public transport.

13.9 He recommends a condition requiring that a scheme for monitoring the impact on the adjacent highway, and any necessary parking control measures, must be agreed following the first 6 months of occupation.

13.10 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and LDD12 and weight this in their decision. It is officer advice that while the development fails to meet the parking standards set out in LDD12 the impact on the highway network would be acceptable when taking into account the Car Parking Provision Strategy and the proximity to public transport.

14.0 Other Matters

14.1 Contamination

14.2 NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

14.3 Policy DM5.18 of the Local Plan states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which shows that investigations have been carried and setout detailed measures to allow the development to go ahead safely and without adverse affect.

14.4 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

14.5 Flooding

14.6 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment

14.7 Policy DM5.12 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.

14.8 All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and

b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

14.9 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

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

14.11 A Flood Risk Assessment has been submitted as part of the application. The proposed development would be constructed at a height of 4.5m AOD which is above the height identified by the Environment Agency as being at flood risk in this location. The Flood Risk Assessment advises that finished floor levels will be a minimum of 5.15m AOD and that safe routes to be used in the event of flooding will be identified into and out of the site.

14.12 The Council as Local Lead Flood Authority has been consulted and raises no objections subject to the imposition of a condition requiring that a surface water management scheme is provided.

14.13 Northumbrian Water has commented and recommend that a detailed scheme for the disposal of foul and surface water will be required. They advise that this can be dealt with by a condition.

14.4 The Environment Agency has reviewed the Flood Risk Assessment. They have no objections to the development subject to it being carried out in accordance with the mitigation measures detailed in the Flood Risk Assessment

14.14 Subject to conditions requiring detailed schemes for the disposal of foul and surface water and a surface water management scheme, it is considered that the proposal would accord with the flooding advice in NPPF.

14.15 Biodiversity

14.16 The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.

14.17 Paragraph 175 states that 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.

14.18 Paragraph 177 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

14.19 Policy DM5.5 of the Local Plan states that all development proposals should:

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

14.20 Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. Expert advice will be sought on such proposals and, if necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects.

14.21 The applicant has submitted a Habitats Regulation Screening Report. The report concludes that the development would not result in additional disturbance within the Northumbria Coast SPA due to its characteristics and location.

14.22 Natural England has commented and disagrees with the conclusions of the HRA. They consider that without mitigation the development has the potential to adversely affect the Northumbrian Coast SPA and Ramsar as a result of additional visitor numbers.

14.23 The Biodiversity Officer has commented and agrees with Natural England's comments. She advises that a financial contribution towards coastal interpretation/wardens will be required to mitigate the impact on the Northumbria Coast SPA and Ramsar Site. She also recommends conditions requiring a

detailed landscape scheme, bird and bat boxes, the eradication of Cotoneaster from the site and to control the removal of vegetation and lighting.

14.24 It is officer opinion that the impact on protected habitats and species could be mitigated through a financial contribution towards the SPA, and the conditions recommended by the Biodiversity Officer. However the applicant is not offering any contribution for this purpose and this will be dealt with in the next section.

14.25 S106 Contributions

14.26 NPPF states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

14.27 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is;

- necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably relates in scale and kind to the development.

14.28 The Council's adopted SPD on Planning Obligations LDD8 states that a Section 106 Agreement, is a formal commitment undertaken by a developer to mitigate site specific impacts caused by new development. They must be necessary and used directly to make a development acceptable.

14.29 The SPD also states that the Council is concerned that planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon economic viability of development and sets out appropriate procedure to address this. However, the SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

14.30 Policy S7.1 of the Local Plan states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision. The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding. New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
 - b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable.
- In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.

14.31 Policy DM7.2 states that the Council is committed to enabling viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. In these circumstances the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;
- b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

14.32 Policy DM4.7 Affordable Housing of the Local Plan states that the Council will seek 25% of new homes to be affordable, on new housing developments of 11 or more dwellings and gross internal area of more than 1000m², taking into consideration specific site circumstances and economic viability.

14.33 The Council are seeking the following S106 contributions:

£12,978 for play sites;
£2,700 towards the provision of 1 new allotment plot;
25% affordable housing;
£8,244 for parks;
£10,926 for informal recreation/open space;
£3,510 for strategic semi-natural open space;
£7,236 for libraries; and
£21,600 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

14.34 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

14.54 The applicant has advised that the provision of affordable housing and S106 contributions would make the development unviable. A Viability Assessment has been submitted. This has been independently assessed to determine its robustness. The review of the appraisal disagrees with applicants Viability Assessment and concludes that the development would be viable with 25% affordable housing and full S106 contributions.

14.36 It is officer advice that the Council should maintain its position and insist upon 25% affordable housing and all of the S106 contributions sought as these are required to mitigate the impacts of the developments. The applicant has failed to demonstrate that the site is not viable and that all of the required S106 contributions cannot be afforded.

14.37 Local Financial Considerations

14.38 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).

14.39 The proposal involves the creation of 36no new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax.

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

14.41 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.

15.0 Conclusion

15.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

15.2 Specifically NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However NPPF also recognises that 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.

15.3 The application site has no designation within the Local Plan. The Council is not dependent upon its development to achieve a five year housing land supply.

15.4 In terms of the impact of the development, it is considered that the development is acceptable in terms of its impact on the highway network, the amenity of future occupants and surrounding land uses, and contaminated land issues.

15.5 However, it is officer opinion that the design of the development is unacceptable. The need to address issues of noise has been at the expense of good design. This has resulted in a development which fails to reflect the importance and prominence of the site, or to enhance the character of the area. The massing of the development obstructs views of the marina and the Listed Accumulator Tower, adversely affecting the setting of a designated heritage asset. In addition, the development does not make contributions to infrastructure requirements to make the impacts of the development acceptable.

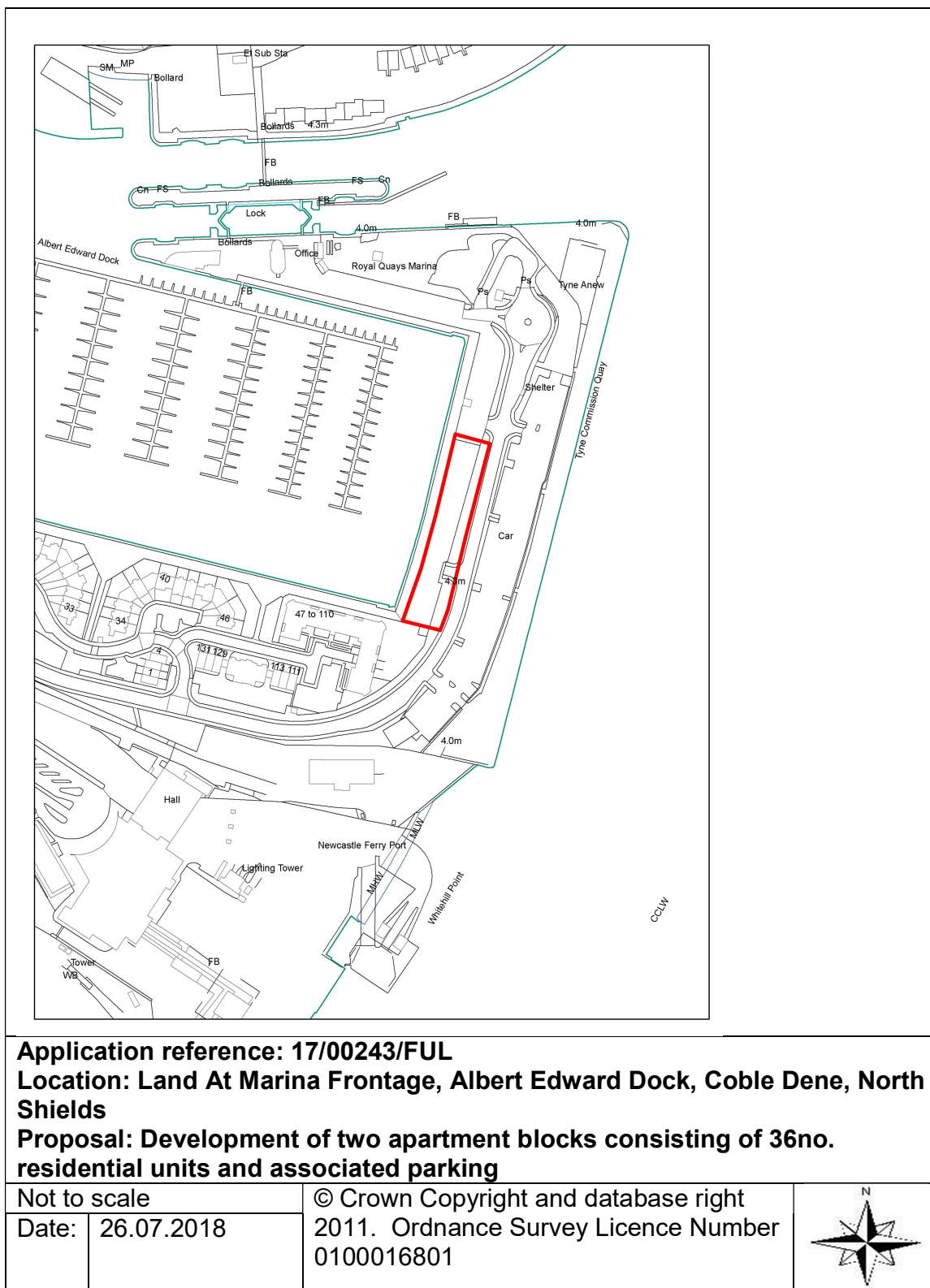
RECOMMENDATION: Application Refused

Conditions/Reasons

1. The proposed development is of a poor standard of design, which fails to reflect the prominence of the site, and of an inappropriate scale and massing. The development would result in harm to the character and appearance of the area, and adversely affect views to and from the river and the Grade II* Listed Accumulator Tower. The proposal is contrary to the NPPF, policies DM6.1, S6.5, DM6.6 of the North Tyneside Local Plan 2017 and the Design Quality SPD.
2. The applicant has failed to demonstrate that the development is not viable with the contributions that the Council is seeking, therefore the development fails to mitigate against the unacceptable impacts of the development contrary to Planning Obligations Supplementary Planning Document LDD8 and Policies S7.1 and DM7.2 of the North Tyneside Local Plan 2017.
3. The development would adversely affect protected habitats and species due to the failure to mitigate the impact of additional visitor numbers on the Northumbria Coast SPA; contrary to NPPF and Policies DM5.5 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 would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



Appendix 1 – 17/00243/FUL
Item 1

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the development of two apartment blocks consisting of 36 residential units and associated parking. The site is accessed via Coble Dene and consists of two apartment blocks and two car parking areas. Whilst parking has not been provided in accordance with the council's maximum standards, there is a large public car park opposite and the site also has reasonable links with public transport. For these reasons and on balance, conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 The applicant will be required to enter into a Section 278 Agreement with the Local Highway Authority for the following works:

New accesses

New parking lay-bys

Upgrade of existing footpaths abutting the site

Associated drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

1.5 Conditions:

ACC10 - New Access: Access before Devel

ACC15 - Altered Access: Access Alt Prior To Occ

ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 43m by 0.6m)

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No development shall commence until a scheme for the provision of secure undercover cycle 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 before the development is occupied.

Reason: In the interests of highway safety.

No development shall commence until a detailed scheme for surface water management 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 before the development is occupied.

Reason: In the interest's surface water management of the site

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.

Upon expiration of 6 months of the first occupation of the development hereby approved, a scheme for monitoring the impact of the development on Coble Dene shall be submitted for approval to the Local Planning Authority. The scheme shall include:

The scope and timing of parking surveys to be agreed

The submission of a report detailing the results of the parking surveys

Any parking control measures necessary to alleviate any overspill parking arising from the development and the method of implementation at the developers expense

Reason: To monitor the impact of the development on on-street parking in the interests of highway safety

1.6 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.

1.7 Local Lead Flood Authority

1.8 This application is for the development of two apartment blocks consisting of 36 residential units and associated parking. The buildings will be constructed at a height of 4.5m AOD which is above the height identified by the Environment Agency as being at flood risk in this location.

1.9 A condition will need to be placed on the application regarding the agreed discharge surface water discharge rate for this site and confirmation will be required from Northumbrian Water about the discharge rate that they will accept into their surface water sewer. This confirmation from NWL will help inform the applicant and the LLFA whether surface water attenuation will be required within this site. As the developments surface water will be discharging into the River Tyne there would normally be no restriction on the surface water discharge rate as this is a Tidal River, however there may be restrictions on the NWL sewer which the site will be connecting into before it discharges into the River Tyne which NWL will be able to advise on. Conditional approval is recommended.

1.10 Recommendation - Conditional Approval

1.11 Condition:

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. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

1.12 Landscape Architect

1.13 The application area consists of a flat linear strip of land, (0.17hec) in size, which forms part of land skirting the dock area between the Royal Quays Marina frontage and the Coble Dene access road. It is currently vacant of use and is maintained as an open recreational grassed area with associated ornamental shrub planting. The adjacent land uses are principally car parking areas for the adjacent Earl of Zetland (north) and the docking area and vehicle access for ships moored off the River Tyne to the east. The local built form consists of residential high-rise apartments, known as Commissioners Wharf, to the southwest with a number of associated sitting areas and informal recreational walks linking the development and riverside frontages. The location enjoys significant open views towards the River Tyne and the built environment occupying the southern banks of the river to the east. The site is accessed by road from Coble Dene and also a number of local pedestrian and cycleway routes, which culminate at the River Tyne esplanade and car parks.

1.14 The submitted documents offer no detail regarding the paving(s) proposed for the external residential areas, including the car parking facilities. The choice of surfacing materials, regarding the colour, texture finish should be submitted. The collective design palette for this specification should acknowledge the surrounding wider and immediate materials consistent with the existing developments, as well as the proposed development aspirations. This may also include outdoor furniture and/or architectural components and railings relating to marina frontage and riverside themes and how they will work in conjunction with the soft landscape planted areas.

1.15 Proposed conditions:

- In relation to the proposed residential units a detailed Landscape Scheme should be submitted, with reference to the layout of the general external areas, including their associated communal areas (hard and soft) specifying material(s) colour and type. There are trees illustrated in the submitted documents and the applicant should consider species that are proven resistant to (salt tolerant) marine locations and how they could link with existing planting and also compliment the frontage and corner site area(s) and general bio-diversity of the development. The external areas of the development may well form discreet linear tracts of land available for hedgerow elements and/or alongside shrub beds. The proposed species type (native), size and fixing method of all planted material should also be submitted, with reference to the layout of the general external and communal areas.

- The Contractors site access and site set-up are to be submitted for approval prior to commencement of any proposed works, in conjunction with the tree protection plan.

- No site storage or parking of (plant) vehicles are to be located within the root protection area of trees and shrubs or other planted material in the area or adjacent to the boundary of the property.

- All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees, hedgerows and shrubs.

1.16 Landscape Comments (updated)

1.17 Further submissions have been received in relation to the above application (March/April 2018), but the Landscape proposals have not been addressed yet. The proposed landscape design requirements should acknowledge the findings of the recently submitted documents in relation to 'Ecological and Noise Issues' and address them accordingly particularly as the site is with a wildlife corridor; accommodating the findings and proposals put forward wherever possible. Therefore the conditions relating to landscape still apply.

1.18 Design Officer

1.19 The site is on a prominent position on a bend of the River Tyne. A development on this site has the potential to strengthen the identity of Royal Quays Marina; however the proposed design fails to preserve or enhance the character and appearance of the area. The design approach to the apartments has been driven by noise concerns which are at the expense of design quality. Efforts have been made to revise the design to address the concerns; however this has not lead to a suitable solution.

1.20 The apartments front onto both the Marina and river. The west elevation facing the Marina is designed to be the primary frontage with large windows and balconies. The applicant has stated that for noise purposes, these features cannot be included on the east elevations. The east elevations facing the river have small kitchen, bathroom and hallway windows which do not achieve a good architectural approach and coordination of window proportions for the scale of the buildings. The result is a bland and poorly designed east elevation, particularly at ground floor level, which does not contribute towards the design quality of the public realm in this highly prominent position.

1.21 The width of the apartments is also of concern. The width of the buildings combined with the size of the space between the two buildings, does not allow views of the Marina or the listed accumulator tower from some important viewpoints when entering the Marina. By not responding to the views of the listed accumulator tower, the proposal affects the ability to appreciate the significance of the tower and negatively affects its setting.

1.22 The proposal fails to respond to principles of good design, in particular in relation to important views and design and detailing, and does not maximise site opportunities.

1.23 It is recommended that the application is refused due to:

- The impact on the character and appearance of the area
- The impact on the setting of a listed building

1.24 Biodiversity Officer

1.25 Information to support a Habitats Regulations Assessment for the above scheme has been submitted to enable the Local Authority to determine if there will be a likely significant effect on the Northumbria Coast SPA and Ramsar site. The information provided has concluded there will be no impact from the scheme on the Northumbria Coast SPA. However, based on the number of apartments being built and their proximity to the coast and the SPA (within 6km) it is considered that this scheme is likely to have an impact on the coast as a result of recreational impacts, particularly in combination with other projects. As a result, the Local Authority will require adequate mitigation to be provided to address this impact.

1.26 Natural England has advised that appropriate mitigation will be required and the developer should liaise with the Local Planning Authority on how to address this issue. They advise that details of a strategy to mitigate against recreational disturbance needs to be submitted. In line with the above and to address the impacts of the scheme on the SPA, it is recommended that a financial contribution is paid to the Local Authority towards a coastal mitigation service. Mitigation for the impacts on the Northumbria Coast SPA must be agreed with the Local Authority prior to the determination of the application.

1.27 With regard to landscaping associated with this application, the above site is within a wildlife corridor and adjacent to the Marina, therefore, I would like to see some native landscaping within the scheme that provides some biodiversity benefits in this location, in particular, a native species rich hedge along the western boundary. A landscape scheme has not been submitted with the current application; therefore, a condition should be attached to the application to ensure a scheme is submitted for approval by the local Authority.

1.28 I have no objection to the scheme for the development of two apartment blocks at the marina at Albert Edward Dock subject to conditions below being attached to the application and a financial contribution being agreed with the Local Authority prior to the determination of the application to address the impacts of the scheme on the Northumbria Coast SPA.

1.29 Conditions:

No vegetation clearance will take place during the bird nesting season (March-August inclusive) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. The plan should include native trees and shrubs of benefit to biodiversity with a native species rich hedge along the western boundary adjacent to the marina.

2no. house sparrow terrace nest boxes must be incorporated onto the new buildings. Details of the specification and the location of the nest boxes must be submitted to the Local Authority for approval prior to development commencing.

4no. bird boxes (hole design) must be incorporated onto the new buildings. Details of the specification and the location of the bird boxes must be submitted to the Local Authority for approval prior to development commencing.

All works should be undertaken to current Pollution Prevention Guidance (PPG).

An eradication programme must be put in place to eliminate Cotoneaster from the site prior to site clearance works. Details to be submitted to the Local Authority for approval prior to development commencing.
Lighting on site should avoid up lighting and excessive light spill into sensitive and landscaped areas associated with the scheme.

1.30 Manager of Environmental Health (Contaminated Land)

1.31 Due to the sensitive end use and the site is located within an area of known mining/quarrying the following should be attached:

Con 01

Gas 06

2.0 External Consultees

2.1 Northumbrian Water

2.2 We note that the submitted Flood Risk Assessment states that foul and surface water from the proposed development will discharge to the public sewerage network, however connection points and discharge rates have not yet been agreed with Northumbrian Water. In order for Northumbrian Water to be able to assess our capacity to treat the flows from the development, we would therefore request the following condition:

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

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

2.4 Tyne and Wear County Archaeologist

2.5 I can confirm that there are no archaeological implications arising from the proposed scheme. The issue on this site relates to the potential impact on the setting of the Grade II* listed Accumulator Tower and Grade II Dock Walls, Lock Gates and Lock Control Building.

2.6 Environment Agency

2.7 Having assessed the supporting documents made available to us, we wish to withdraw our previous objection dated 24 March 2017 (NA/2017/113578/01-L01).

2.8 The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment by Shadbolt Group of April 2017 issue 2 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

2.9 Condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Shadbolt Group of April 2017 issue 2 and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe route(s) into and out of the site to a appropriate safe haven.
2. Finished floor levels are set no lower than 5.15 m above Ordnance Datum (AOD).

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:

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.

2.10 Advice to applicant:

Under the Environmental permitting (England & Wales) (amendment) (No. 2) Regulations 2016 a permit may be required, from the Environment Agency, for any works within 16 metres of the River Tyne.

2.11 South Tyneside Council

2.12 No objections.

2.13 Port of Tyne

2.14 5no letters of objection have been submitted. The content of each is summarised below:

27 March 2017

- Northumbria Quay us the only location on the river where cruise vessels dock, which is a significant and growing part of the port's business.
- The application site has a long history of unsuccessful residential developments. These decisions were reached in part due to the noise impact of existing maritime operations on future residents, and the potential restrictions that would be imposed on operations as a result of new sensitive receptors. The appeal decisions make particular reference to the cruise ship activity and the potential for this business to grow.
- The site is not allocated for residential use within the Local Plan.
- The submitted noise survey concludes that noise from quayside operations is likely to pose a significant adverse impact on the proposed development.
- It was recognised in the determination of the previous appeal that noise levels generated by vessels berthed at the Quay is higher than 10dB above background noise levels. Activity has increased since this decision. 20 Cruise vessels visited the Quay in 2011 compared to 53 in 2017.
- Cruise ships arrive and leave at all times of day and night. Noise arises from engines, maintenance, restocking, and from cars and lorries using the ramps. The operations are incompatible with residential use.
- The Planning Inspectorate's approval of a housing development at the Ex Brims Depot in 2003 has resulted in a significant number of complaints.
- There is the potential for additional restrictions to be placed on the Port's operations if complaints are received. This could potentially impact on jobs.
- It is important that the Port is able to maintain its reputation as a cruise destination by ensuring future restrictions on growth are not introduced.

- Any impact on the cruise ship business could also impact on the wider economy. It is estimated that the cruise business brings £50-60 million per annum to the north east.
- The proposal could result in an increased security risk to passengers.

03 July 2017

- The Port of Tyne maintains its objection for the reasons previously set out.
- The noise assessment does not include further survey work to consider whether noise from cruise ships and naval vessels has been adequately assessed.
- The report states that the site layout and building fabric will provide sufficient protection from noise, but also states that operations are likely to pose a significant adverse impact.
- The report also acknowledges that noise from the Earl of Zetland has the potential to negatively impact on the development.
- There are no principle windows in the east elevation, thus creating two largely blank elevations facing the Quay. This results in a stark appearance.
- Given the site's highly visible and prominent position, the appearance of the development when viewed from the east is inappropriate.
- In the previous appeal decision the Inspector found the east elevations to be dominant and hostile.

08 December 2017

- The Port of Tyne has submitted a lawful use application for the extension of their operations at Northumbrian Quay which was granted in October 2017. This demonstrates the Port's future commitment to expanding cruise ship activity at Northumbrian Quay.
- The original noise report was undertaken in October 2016 and it was anticipated the noise survey supporting the revised Noise Impact Assessment would be carried out in the summer months whilst cruise ships/ naval vessels are docked at Northumbrian Quay. However, the BWB report states that the noise survey was carried out at the end of October 2017.
- The revised report has clearly not taken into account the recommendations of the previous NEMS report or the comments of the Council's Environmental Health Officer.
- The noise report relies on library data from noise surveys carried out at cruise ships docked in Palma. Additional noise surveys should be carried out Quay whilst cruise ships/ naval vessels are docked at the site.
- Inconsistencies between the original and revised noise reports.
- The mitigation proposed assumes closed windows. This will not allow for adequate amenity conditions for residents in warm conditions.

08 February 2018 (noise review commissioned by Port of Tyne and undertaken by Patrick Parsons)

- Regard should be had to the guidance within the Planning Practice Guidance Note on noise which acknowledges that existing businesses wanting to expand should not have unreasonable restrictions placed on them because of changes in nearby land uses.
- The noise assessment is based on 3 vessels being berthed. It does not assess potential intensification of the site.

- The noise assessment does not take into account reversing alarms, fully consider low frequency noise from engines or take into account maximum noise levels.
- If maximum noise levels are taken into account the glazing proposed does not achieve acceptable internal noise levels.
- The background noise levels in the report are not accurate.
- There is likely to be an intensification of use at the Quay with the introduction of coaches and buses to pick up and drop off passengers.
- The report does not demonstrate that noise levels can be reduced to acceptable levels on the balconies.
- Professional Practice Guidance on Planning and Noise for New Residential Development states that fixed unopenable windows for sound insulation purposes should be avoided.
- Solely relying on sound insulation of the building envelope is not regarded as good acoustic design.
- A vibration assessment has not been undertaken.

13 April 2018

- We wish to submit a holding objection pending the results of the Port's own noise survey which is due to be carried out at the end of April when a cruise ship is scheduled to be moored at Northumbria Quay.
- We note that the revised Noise Impact Assessment has sought to address activities associated with the Port's future commitment to expand their operations. However, whilst the report refers to library data associated with the Port's activities, it does not address the majority of the Port's concerns relating to noise.

2.15 Natural England

2.16 Natural England has revisited the application following a request by the Local planning Authority. In the interim period since our last consultation further work has been carried out on the potential impacts created by the increase of recreational disturbance on designated coastal sites and as such it is considered that there is an increase in potential effects on the special interest features of those sites.

2.17 As submitted, the application could have potential significant effects on Northumberland Coast Special Protection Area (SPA) and Ramsar and the Northumberland Shore Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

2.18 The following information is required:

The proposal has the potential to have significant adverse effect on the special interest features of the sites named above. It is advised that likely significant effects would be presented through recreational disturbance, increased by the provision of dwellings at this location. Without this information, Natural England may need to object to the proposal.

3.0 Representations

3.1 128no letters of objection have been received

3.2 The concerns raised are summarised below.

- Adverse effect on wildlife.
- Affect setting of listed building.
- Inadequate drainage.
- Affect Site of Spec. Scientific Interest.
- Impact on landscape.
- Inadequate drainage.
- Inadequate parking provision.
- Inappropriate design.
- Inappropriate materials
- Loss of visual amenity
- Out of keeping with surroundings.
- Pollution of watercourse.
- Precedent will be set.
- Will result in visual intrusion.
- Not in accordance with development plan.
- None compliance with approved policy.
- Nuisance – noise, disturbance, dust/dirt, fumes.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Inappropriate in special landscape area.
- Loss of/damage to trees.
- Loss of view of the river/marina.
- Impact on views from the North Quay development, and property values.
- Loss of light/sunlight.
- Violate human rights.
- Visual intrusion.
- Overlooking and loss of privacy.
- Direct overlooking between the development and Commissioners Wharf.
- Noise/disturbance during construction.
- Out of keeping with the marina outlook.
- Will detract from the surroundings.
- Poor quality/mundane design.
- Presents a blank elevation to the marina.
- Most buildings in the area are houses not flats.
- Planning permission has been previously refused for design reasons.
- Location of the site next to the port calls for high quality design.
- Site isn't large enough for the development.
- Impact on the listed accumulator tower/clock tower – would detract from the visual aspect and setting.
- No information on the construction material and finishes.
- Adverse impact on the river landscape.
- Poor layout and landscaping.
- Will obstruct views of the marina for pedestrians and passengers on ferries, cruise ships and boat tours.
- Will cut off the marina from the river.
- Overdevelopment of the area.
- Insufficient parking.

- Difficult manoeuvrability from parking bays.
- Overspill parking will be a safety hazard.
- No public parking in the vicinity.
- Additional traffic.
- Public transport should be provided.
- No footpath link to Smiths Dock.
- Parking is needed by existing business in the area.
- Car park exists are close to a blind bend.
- Coble Dene is a narrow busy road.
- Increased risk to pedestrians and vehicles.
- No provision for rubbish bins, cycle store, disabled parking.
- Difficult access for emergency services.
- Dangerous access.
- New parking on the highway encloses part of the pavement.
- Not within easy walking distance of public transport.
- Are better locations elsewhere on the river.
- Land is unsuitable for development.
- There are alternative, more suitable, brownfield sites available in the vicinity, including Smiths Dock.
- Should be developed for leisure use.
- No need for more flats.
- Land elsewhere on the marina is being similarly developed.
- No benefit for the area.
- Risk of water ingress – high water table.
- A low level development may be a fair compromise.
- Contamination risk.
- No information regarding sewage or refuse.
- No services or facilities nearby.
- Greenfield land.
- Loss of green space.
- Assessed as undevelopable by the SHLAA – not a Local Plan housing site.
- Not required to meet housing targets.
- No public consultation.
- Inadequate consultation time.
- Lack of communication with residents.
- Inadequate/ inaccurate supporting information.
- Fails to address previous refusal reasons.
- Impact on trees and shrubs.
- Bats are present in the area.
- Inaccuracies in the application.
- Will bring too many people to an enclosed area.
- Loss of property value.
- Is the only undeveloped area of land around the Marina – should be left for Port/marina.
- Security issues due to visiting Royal navy vessels.
- Royal Navy would no longer use the port.
- Has previously been judged unsuitable for housing at a public enquiry due to noise and security issues.
- Noise from the cruise ships, supply and naval ships will result in complaints.
- Vessels mostly dock in the early hours with noise from gangways, trucks, tannoys, generators etc.

- Noise from ferries and car transporters.
- Noise from ships can last all day.
- Use of the quay has increased since the previous application was refused.
- Over 50 vessels will dock at the quay in 2017.
- Noise survey was carried out when no vessels were berthed.
- Noise monitoring should take place when cruise liners and naval vessels are docked.
- Port of Tyne has expanded its operations – greater noise impacts.
- The noise report does not adequately consider all potential noise sources.
- Residents will be affected by noise from bikers and the Earl of Zetland.
- Keeping windows shut does not prevent engine noise from the cruise ships.
- Health effects from air quality, particulates, noise, light.
- Risk from flooding and tidal surges.
- Harm to economy/tourist trade if cruised ships are deterred.
- Loss of jobs related to the port, Royal Quays shopping centre and Earl of Zetland.
- Fixed shut windows are not acceptable – unpleasant living conditions.
- Shade cast will harm marine life.
- Residents will be overlooked by passengers on the cruise ships.
- No provision of affordable housing.

3.3 1no letter of support has been received

3.4 Quay Marinas, the leaseholder and operator of Royal Quays Marina state that they are in favour of residential development on the site and that a suitable scheme would contribute to the regeneration and environment of the marina. They raise concern regarding the design of the proposed development, and the impact of noise from vessels berthed in the marina, general operational noise from the marina and noise from the Earl of Zetland.

3.5 1no representation has been received.

3.6 A letter from The Earl of Zetland suggests that in view of comments relating to noise that it might be more prudent to site the buildings centrally with car parks either side.

Item No: 2
Application No: 17/01543/FUL
Author: Maxine Ingram
Date valid: 18 October 2017
Target decision date: 13 December 2017
☎: 0191 643 6322
Ward: Weetslade

Application type: full planning application

Location: Land At Former School House, Sandy Lane, North Gosforth, NEWCASTLE UPON TYNE

Proposal: Development of 8no. managed residential letting properties, including construction of new site access and parking area and removal of one protected tree (Amended plans/documents received 22.05.2018)

Applicant: Mr W Collard, Horsley Banks Farm Horsley NE15 0NS

Agent: R & K Wood Planning LLP, Mr Robin Wood 1 Meadowfield Court
Meadowfield Ind. Est. Ponteland Newcastle Upon Tyne NE20 9SD

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider are:

- The principle of the development;
- The impact on character and appearance including the conservation area, the setting of the listed building and the green belt;
- The impact upon residential amenity;
- The impact on the highway;
- The impact on biodiversity; and
- Other issues.

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

2.0 Description of the Site

2.1 The site to which this application relates is a vacant parcel of land measuring approximately 0.18 hectares (ha). It is located at the junction of B1318 and Sandy Lane. To the north the site is bound by Sandy Lane and to the west the site by the B1318. Within the site there are number of trees, these are protected by the Sandy Lane West Tree Preservation Order (TPO) 2007. Immediately beyond the southern and eastern boundaries of the site is an area of designated

green belt. This encompasses a large wooded area, the trees located within this area are also protected by the Sandy Lane West TPO. Further to the south of the site are the Sacred Heart Church, Church Hall and Presbytery. Surrounding the site to the north and west are residential properties.

2.2 The application site is located within the Sacred Heart Conservation Area.

2.3 Residential properties are located to the north and west of the site beyond the adjacent public highways.

3.0 History of the Site

3.1 The site has a detailed and complicated history. The site was formerly occupied by a Victorian building, known as the Old School House. The former buildings on the site were damaged by fire, resulting in the demolition of the buildings several years ago. Since the demolition of these buildings the site has remained vacant and undeveloped. The history of events leading to the demolition of the former buildings is not a material planning consideration in the determination of this application nor is it a reason to refuse any form of development on this site.

3.2 It is noted that there have also been a number of enforcement cases, including recent cases for the erection of fence on land further south of the application site and works to trees within the vicinity of the site. Members are advised that the historic and recent enforcement cases are not a material planning consideration in the determination of this application, which must be assessed on its own merits.

4.0 Description of the Proposed Development

4.1 Planning permission is sought for the construction of 8no. three bed dwellings to be developed in two terraced blocks. One terrace would be located on the Sandy Lane frontage and one terrace would be located on the B1318 frontage.

4.2 The proposed development would occupy a larger footprint than the former building. The ridge height of the proposed development (approximately 9m) would be of a similar height to the former buildings.

4.3 The vehicle access to the site would be via a new entrance from Sandy Lane. Parking provision would be provided on site.

4.4 The proposed development would result in the loss of 1no. tree within the application site, which is protected by a Tree Preservation Order.

4.5 The existing stone wall would be extended to the remaining west and north site boundaries. The case officer is aware that the works to the stone wall have been completed prior to this application being determined and the height of the stone wall does not comply with the boundary treatment specified on the submitted site plan. A 1.8m high close boarded timber is proposed to the eastern and southern boundaries.

4.6 The applicant has submitted the following documents in support of then application:

- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment
- Tree Protection Plan
- Arboricultural Report
- Ecology Report
- Lighting Scheme

5.0 Relevant Planning History

5.1 The planning history confirms that all applications received relating to tree works were returned.

09/03313/FUL - Demolition of existing structure and erection of a single detached dwelling house incorporating parking, guest house and landscaping/maintenance plan. Two options for design of guest accommodation (Amended proposal and additional option (2)) – Withdrawn 17.01.2013

09/03314/CON - Demolition of existing structure and erection of a single detached dwelling house incorporating parking, guest house and landscaping/maintenance plan. Two options for design of guest accommodation (Amended proposal and additional option (2)) – Withdrawn 17.01.2013

09/02158/FUL - Demolition of existing derelict building and construction of residential dwelling and detached garage – Refused 16.10.2009.
Allowed at appeal.

09/02159/CON - Demolition of existing derelict building and construction of residential dwelling and detached garage – Refused 16.10.2009.
Allowed at appeal.

08/03479/FUL - Demolition of existing building and construction of residential dwelling and detached garage – Withdrawn 26.01.2009

08/03480/CON – Demolition of existing building - Withdrawn 26.01.2009

07/00902/CON – Demolition of dangerous structure – Refused 11.05.2007

06/03017/OUT – Proposed 2 storey residential care home providing 42 private bedrooms and associated accommodation – Refused 13.12.2006

6.0 Development Plan

6.1 Local Plan (2017)

6.2 Sacred Heart Church, Wideopen Conservation Area Character Appraisal (January 2009)

7.0 Government Policy

7.1 National Planning Policy Framework (NPPF) (July 2018)

7.2 National Planning Practice Guidance (NPPG) (As amended)

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

PLANNING OFFICERS REPORT

8.0 Main Issues

8.1 The main issues in this case are:

- Principle of the development;
- The impact on the character and appearance including the conservation area, the setting of the listed building and the Green Belt;
- Impact upon residential amenity;
- Impact on highway safety;
- Impact on biodiversity;
- Other issues.

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

9.0 Local Plan Strategic Policies

9.1 The underlying principle of national planning policy is to deliver sustainable development to secure a better quality of life for everyone now and future generations. This principle is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

9.2 Strategic Policy S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would accord with strategic, development management and other area specific policies in the Plan. Amongst other matters, this includes: taking into account flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

9.3 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing.

10.0 Principle of development

10.1 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development running through both plan-making and decision taking. For decision taking this means

approving development proposals that accord with an up-to-date Plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

10.2 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. In order to achieve this objective, Government requires local planning authorities to identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

10.3 Policy DM1.3 Presumption in Favour of Sustainable Development

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.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted.

10.4 Several objections have been received criticising the local planning authority of advising the applicant of the consultee comments, resulting in the applicant submitting amended plans and revised information to overcome the comments raised. Both national and local planning policy makes it clear that the Council should work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible. Members are advised that all consultees were re-consulted following the receipt of additional information.

10.5 Several objections have been received regarding the proposed use of the development.

10.6 The site is not designated for housing; however the surrounding area is predominantly residential. Furthermore, the former use of the site was residential. The proposed development would be on previously developed land within a built up area. It is the view of the officer that the principle of residential development on this site is acceptable.

10.7 The applicant has confirmed that the proposed development is for eight residential dwellings, they have advised that the development is not flats, or houses of multiple occupation (HMO). The applicant has advised that the proposed accommodation has been designed to provide short term managed residential accommodation. The applicant has advised that there is a demand for rentable property available for limited periods by persons requiring accommodation for typically less than a six month short hold tenancy. Whilst the demand for such property types is not a material planning consideration, the use of the proposed dwellings is a material planning consideration. The submitted floor layouts provide living accommodation over three levels: kitchen, lounge and w/c at ground floor, two bedrooms (some with en-suite) at first floor and a further bedroom in the roof space. This internal layout clearly lends itself to a residential use, Use Class C3. Furthermore, each dwelling would also have some private outdoor amenity space and a parking bay.

10.8 The applicant has advised that lettings will be managed on line with day to day management addressing any problems or maintenance through a contract number for the management/letting company. Tenants will be responsible for day to day functions i.e. general cleaning and putting rubbish out. However, between lettings the management company will undertake cleaning etc. Tenants will not take on the responsibility of the outside areas management company who will appoint a grounds maintenance company. As such there is no requirement for individual garden waste bins as any green waste from the site will be removed by the management company.

10.9 The application site is located within an existing built up area and it is located within close proximity to existing local services.

10.10 Members need to determine whether the principle of developing this site for the proposed use is acceptable. It is officer advice that the proposed development accords with both national and local planning policy.

11.0 North Tyneside 5-Year Housing Land Supply

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

11.2 Planning Committee will be aware that the North Tyneside Local Plan was adopted in July 2017 and sets out the borough's housing requirement to 2032. The most up to date assessment of housing land supply informed by the December 2016 SHLAA Addendum identifies the total potential 5-year housing land supply in the borough at 5,174 new homes. This total includes delivery from sites yet to gain planning permission. This potential supply represents a surplus against the Local Plan requirement, or a 5.56 year supply of housing land.

11.3 It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan. The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.56 year supply of housing land.

11.4 Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing.

12.0 Impact on character and appearance, including the conservation area, the setting of the listed building and the green belt

12.1 Paragraph 195 of the NPPF requires local planning authorities to refuse consent for development which leads to substantial harm or total loss of significance of a designated heritage asset. This is unless substantial public benefits outweigh that harm, or the nature of the asset prevents all reasonable uses of the site; no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and the harm is outweighed by the benefit of bringing the site back into use.

12.2 Where a development 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 securing its optimum viable use (paragraph 196 of the NPPF).

12.3 Paragraph 197 of NPPF also considers the manner in which non-designated heritage assets should be considered in the determination of applications. Non-designated heritage assets include conservation areas and buildings or structures which are not in themselves listed, but which may have some historic interest or value. The NPPF directs that in considering applications that directly affect non-designated heritage assets a balanced judgement is required with regard to the scale of any harm or loss which will occur and the significance of the heritage asset. Paragraph 198 of NPPF advises that a Local Planning Authority (LPA) should not permit the loss of the whole heritage asset without taking reasonable steps to ensure the new development will proceed has occurred.

12.4 Paragraph 200 of the NPPF encourages local planning authorities to look for opportunities for new development within conservation areas or the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

12.5 Policy S6.5 Heritage Assets

North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.

- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.
- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.

12.6 Policy DM6.6 Protection, Preservation and Enhancement of Heritage Assets

"Proposals that affect heritage assets or their settings will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.

Heritage assets that are to be affected by development will require recording (including archaeological recording where relevant) before development commences.

Any heritage reports prepared as part of a development scheme will be submitted for inclusion on the Tyne and Wear Historic Environment Record (HER) and published where considered appropriate."

12.7 Paragraph 124 of the NPPF recognises 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.

12.8 Paragraph 130 of the NPPF makes it clear 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.

12.9 Policy DM6.1 Design of Development

Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

12.10 Policy DM5.9 Trees, Woodland and Hedgerows

Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the Borough, and:

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

12.11 The Council has produced an SPD on Design Quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

12.12 The Conservation Area Character Appraisal for Sacred Heart Church Conservation Area was adopted in January 2009. It acknowledges that most of the conservation area forms part of the green belt and therefore consideration must be given to how it looks when viewed from its environs, including the adjoining areas of green belt. Specific reference is made about the application site in this document stating "Whilst it is acknowledged that the derelict site cannot remain in its current state, any proposed development will be subject to intense scrutiny and extremely careful consideration to ensure that it is deemed

suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area”.

12.13 A number of objections have been received regarding the impact of the proposed development on the character and appearance of the conservation area, its design, scale and mass. These objections are noted.

12.14 The application site situated within the Sacred Heart Church Conservation Area. The conservation area has an undeveloped character, its only buildings being the Grade II Listed Sacred Heart Church, Parish Hall and Presbytery. The loss of the tree and the impact on the existing trees will be assessed in a latter part of this report.

12.15 A number of objections have been received regarding the inaccurate measurements provided by the applicant in terms of the difference in footprint between the building that formerly occupied the site and the proposed development. These concerns are noted. However, the application site has been cleared for a considerable period of time therefore the application must be assessed on the site as it is at present. The submitted plans clearly show that the proposed development, in terms of its footprint, is larger than the former building that occupied the site and it clearly occupies a larger percentage of the site. Members are advised that the application must be assessed based on the sites current state and consider whether, in their opinion, that the site is capable of accommodating the development proposed.

12.16 Based on the information provided in previous planning applications relating to this site, the ridgeline of the proposed development would be of a similar height as the former buildings. It is acknowledged that the proposed development would be different to the buildings within the conservation area and would also differ from the appearance of nearby dwellings which display a range of styles and finishes.

12.17 The Design Officer has been consulted. He considers the design of the proposed development to be acceptable.

12.18 The application site occupies a corner site within a conservation area. The wider conservation area is largely covered in mature woodland and is also designated as green belt. The development would be viewed against a heavily wooded area and it would create a strong frontage to both the B1318 and Sandy Lane. The proposed palette of materials would assist in reducing its visual impact, particularly the use of cedar cladding which would link it to the wider woodland setting. The design of the proposed development pays due respect to the former buildings by picking up details such as the gables, chimney stacks and the pitch of the roofs. In terms of the siting, layout, profile, scale and bulk of the development it is considered that the development would sit comfortably with this setting without appearing incongruous. The design would result in a building which would enhance the character and appearance of this part of the conservation area. The proposed development would not harm the setting of the listed building. On balance, it is not considered that the design of the proposed development would conflict with national or local planning policy.

12.19 Paragraph 133 of the NPPF states that the government attached great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their performance. This is supported by local planning policies S1.5 'Green Belt' and DM1.6 'Positive uses within the Green Belt'.

12.20 The application site immediately borders the Green Belt to the southern and eastern boundaries. In terms of this impact Members need to consider whether the proposed development would affect the openness of the green belt. Given that the site is well screened from views from the east and south by the woodland, it is the view of the case officer that the proposed development would not impact on the openness of the green belt.

12.21 It is noted that the submitted information makes specific reference to a stonewall and railings to the north and west boundaries. The case officer has visited the site and it is noted that a stone wall is now in situ. The height of the stone wall varies between 1.3-1.6m. It is the view of the case officer that the stone wall does not significantly detract from the character and appearance of this part of the conservation area. Should planning permission be granted, a condition is recommended to secure the final details of the boundary treatment to be used.

12.22 There are no permanent boundary treatments along the southern and eastern site boundaries. The applicant is proposes to erect a 1.8m high close boarded timber fence along these boundaries. It is the view of the case officer that the proposed boundary treatment to these boundaries is considered to be acceptable in terms of its impact on the green belt.

12.23 It is considered reasonable to impose a condition to remove permitted development rights as the site is location within a conservation area. This would allow the local planning authority to control any future extensions at this site should planning permission be granted.

12.24 Members need to determine whether the impact of the development is acceptable in terms of its impact on the character and appearance of the conservation area, it is acceptable in terms of its design, scale and mass and its impact on the green belt. It is officer advice that it is acceptable.

13.0 Impact upon residential amenity

13.1 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse impacts resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

13.2 Policy DM5.19 Pollution

Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.

13.3 The objections received regarding the impact on amenity are noted.

13.4 The proposed development would be erected on previously developed land within a suburban area. Given its detached location, the intervening distances between the proposed development and neighbouring dwellings would be such that there would be no harmful effects on the living conditions of existing occupiers in respect of overlooking, overshadowing and loss of outlook.

13.5 The Manager of Environmental Health has been consulted. She has advised that she has concerns with regard to road traffic noise from the B1318 affecting the proposed development. Members are advised that no noise assessment has been submitted to outline the impact of road traffic noise affecting the site to determine the sound attenuation measures necessary to protect the proposed development. Based on their comments, it would appear that a condition could be imposed to secure the submission of a noise assessment. This assessment would need to demonstrate that appropriate mitigation could be secured to ensure good standards of internal noise levels could be achieved for bedrooms and living rooms.

13.6 The Manager for Environmental Health has noted that outdoor amenity areas are to be provided for the properties immediately adjacent to the B1318. She considers that these garden areas would be afforded limited screening by the provision of a 1.5m high wall. It is noted that she has suggested that appropriate mitigation could be afforded by installing an acoustic boundary treatment. This would need to be at least 1.8m in height for it to be effective. The case officer has concerns regarding the height of the suggested acoustic fence, as it would be visible above the existing stone wall and it would detract from the character and appearance of this part of the conservation area. Based on the submitted site plan, these properties would have a small area of outside space to the rear of the property. On this basis, as there is an alternative area that could be used by future occupants, it is not considered necessary to insist that the garden area to the front of these properties is screened by an acoustic fence as this would result in a detrimental visual impact. Members will need to consider

whether or not an acoustic fence is necessary and whether its visual impact would be acceptable.

13.7 Members need to consider whether the proposal would avoid having an adverse impact upon future occupants' living conditions in accordance with NPPF and local planning policy DM5.19 and weight this in their decision. Officer advice is that with the imposition of conditions, the impact on the amenity of existing and future occupants is acceptable.

14.0 Highways

14.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

14.2 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

14.3 Policy DM7.4 New Development and Transport

The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.
- f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

14.4 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

14.5 The objections received regarding the impact on highway safety, traffic congestion and parking provision are noted.

14.6 Vehicular access to the site would be provided from Sandy Lane. Parking bays have been provided within the site.

14.7 The Highways Network Manager has been consulted. He has advised that parking has been provided in accordance with the standards set out in LDD12. He has also advised that the highway layout meets current standards in terms of turning areas, pedestrian access and general layout. On this basis, he has recommended conditional approval.

14.8 Refuse storage has been identified adjacent to the site access. The Team Leader for Local Environmental Services has advised that the bins will need to be collected from the highway as the land does not permit the weight of the vehicles used. A condition is recommended to secure a management plan for refuse collection.

14.9 Members need to consider whether the proposed development is acceptable in terms of its impact on highway safety and parking provision. It is officer advice that it is.

15.0 Biodiversity

15.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

15.2 Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

15.3 Paragraph 174 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 175 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

15.4 Policy S5.4 Biodiversity and Geodiversity

The Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

Policy DM5.5 Managing effects on Biodiversity and Geodiversity

All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

15.5 Policy DM5.7 Wildlife Corridors

Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

15.6 The applicant has submitted an Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and an updated Ecology Report. This information has been assessed by the Council's Biodiversity Officer and Landscape Architect.

15.7 Since the submission of this planning application the applicant has amended the development to reduce the impact on the protected trees. One tree (T15) will need to be removed to accommodate this development. The applicant has proposed to mitigate this loss by proposing a replacement tree. It is also noted that a further tree identified as T12 will be removed. Members are advised that

this tree has been categorised as category U and is not being removed as a result of this development, but is to be removed on safety grounds.

15.8 The Landscape Architect has advised that the submitted reports identify trees T1-13 and group G1 as being outside the site boundary. However, she has advised that it is likely that works associated with the development will impact on these trees. Ground protection measures have been proposed to minimise the impacts on the retained trees particularly in relation to the resurfacing of the car parking area around T14. The kerb lines have been re-aligned to accommodate most of the root systems within T16 and T17. She has also advised that the site entrance and external area will impact slightly on the root protection areas (RPA's) of trees T1, T9, T10 and T14. She has advised that the ground levels in these areas should not be changed as raising or reducing ground levels can impact on tree roots. It is the view of officers that conditions could be imposed regarding the construction and protection of tree roots.

15.9 The submitted AIA confirms that special construction techniques will be required to minimise the impacts on these trees. The Landscape Architect has advised the ground protection works should help minimise any impacts on the root system of T14. It is the view of officers that conditions could be imposed to control the necessary construction techniques required to minimise the impacts on these trees. These conditions must also extend to include the additional works such as the installation of lighting and boundary treatments which fall within the RPA's of the retained trees.

15.10 With regards to drainage both the Biodiversity Officer and Landscape Architect have raised concerns regarding the impact of the drainage route upon the adjacent woodland. The case officer is aware of recent works in the adjacent woodland that were undertaken to accommodate a residential development within the administrative boundary of Newcastle City Council. Members are advised that these works were not as a result of this proposed development. Heavy machinery accessed the woodland area from the application site between existing trees causing compaction and branch damage to a number of trees. The Landscape Architect has advised that rather than forming a second access through the woodland, the access created by Barratt's should be used to create the connection from the attenuation tanks to the burn to avoid any further disruption to the retained trees. The concerns raised by the Consultees relate to the impact on the adjacent woodland, bats and the watercourse. However, it is clear from their comments that these concerns could be adequately mitigated through appropriately worded conditions.

15.11 The impacts of the removal of tree T15 have been assessed in terms of its impact on protected species (bats). The Ecology Report has confirmed that this tree would be of low suitability for roosting bats with no survey work recommended. The submitted lighting scheme confirms that lighting will be low level and low lux. The Biodiversity Officer has advised that this is unlikely to have a significant impact on the adjacent woodland habitat. She considers the submitted lighting strategy to be acceptable.

15.12 The Biodiversity Officer has advised that the submitted plans show an adequate area of soft landscaping to be provided within the site. However, she

has requested that a detailed landscape scheme must be conditioned to secure appropriate types of planting.

15.13 Members need to determine whether the development results in significant harm to ecology trees and adjacent woodland. It is officer advice that the development would not result in significant harm.

16.0 Other issues

16.1 Flooding

16.2 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

16.3 Policy DM5.14 Surface Water Run off

Applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

Policy DM5.15 Sustainable Drainage

Applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

The following destinations must be considered for surface water management in order of preference:

- a. Discharge into the ground*;
- b. Discharge to a surface water body;
- c. Discharge to a surface water sewer; or,
- d. Discharge to a combined sewer.

Only in exceptional circumstances, where a Flood Risk Assessment, local site conditions, and/or engineering report show that sustainable drainage systems will not be feasible will the discharge of rainwater direct to a watercourse, surface water drain or to a combined sewer be considered.

Where SuDS are provided, arrangements must be put in place for their whole lifetime management and maintenance.

Where appropriate, SuDS should be designed and located to improve biodiversity, the landscape, water quality and local amenity.

* Deep drainage structures are not suitable in the Borough due to actively managed mine water levels and raising groundwater levels.

16.4 The Local Lead Flood Authority (LLFA) has advised that the surface water management proposal includes an attenuation tank under the car parking area which will discharge into the nearby watercourse. He has recommended conditional approval to secure the details of the size of the attenuation tank and the proposed surface water discharge rate.

16.5 Northumbrian Water has been consulted. They have recommended conditional approval.

16.6 Members need to determine whether the proposed development is acceptable in terms of flood risk and drainage. It is officer advice that it is.

16.7 Archaeology

16.8 Paragraph 189 of the NPPF states that where a site on which a development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

16.9 Policy DM6.7 Archaeological Heritage

The Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.

The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development.

Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.

16.10 The Tyne and Wear Archaeology Officer has been consulted. She has advised that there are no archaeological constraints affecting this site.

16.11 Members need to determine whether the proposed development is acceptable in terms of its impact on archaeology. It is officer advice that it is.

16.12 Contamination

16.13 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

16.14 Policy DM5.18 Contaminated and Unstable Land

Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse effect, including, as appropriate:
 - i. Removing the contamination;
 - ii. Treating the contamination;
 - iii. Protecting and/or separating the development from the effects of the contamination;
 - iv. Validation of mitigation measures; and
 - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse effect, these will be required as a condition of any planning permission.

16.15 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

16.16 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

16.17 Members need to determine whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

16.18 Aviation

Newcastle International Airport has raised no objections to the proposed development subject to conditions.

16.19 North West Villages Sub Area

16.20 The application site is located in an area identified as being within the North West Sub Area. The proposed development would not prevent the aims of Policy AS8.24 being met.

17.0 Financial Considerations

17.1 The proposal involves the creation of eight dwellings. The Government pays New Homes Bonus to local authorities to assist them with costs associated with

housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

17.2 As the system currently stands, for North Tyneside, for the new increase in dwellings built in 2016/17, the Council will receive funding for the six years from 2018/19. It should be noted, however, that the Government are currently reviewing the operation of the New Homes Bonus Scheme, including reducing the numbers of years for which payments are made. This was outlined in the Government Consultation paper “New Homes Bonus: sharpening the incentive: technical consultation”, which they issued in December 2015. This Consultation closed on 10 March 2016, and the Government are yet to report their findings.

17.3 In addition, the units will bring in revenue as a result of Council tax.

17.4 Officers have given weight, amongst all other material considerations, to the benefit accrued to the Council as a result of the monies received from Government.

18.0 Conclusions

18.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be afforded to this as well as current local planning policy.

18.2 Specifically NPPF states that LPA’s should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

18.3 The application site is not designated as a housing site within the Council’s Local Plan (2017). However, it would make a small, but valuable contribution to the Council’s five year housing land supply. In terms of the impact of the development, Consultees are satisfied that the development is acceptable in terms of its design, its impact on the highway network, flood risk, contaminated land and its impact on existing trees and biodiversity. It is the view of officers that the proposed development is acceptable.

18.4 Having regard for the above approval is recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

INIT

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
Existing topographical survey THD17-032-05
Proposed elevations Dwg No. THD17-032-20 Rev G
Proposed plans 1 Dwg No. THD17-032-25 Rev G
Proposed site plan THD17-032-10 Rev D
Proposed site finishes THD17-032-12 Rev C
Proposed plans 2 Dwg No. THD17-032-30 Rev F
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. Notwithstanding Condition 1, 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 the Sustainable Urban Drainage System (SuDS) maintenance programme and the SuDS management company. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: This information is required pre-development in the interests of surface water management having regard to NPPF and policy DM5.12 of the North Tyneside Local Plan (2017).

4. Notwithstanding Condition 1, no development shall commence until a scheme and methodology for pollution control during the construction period 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 for the entire duration of the construction period.

Reason: This information is required pre-development in the interests of surface water management having regard to NPPF and policy DM5.12 of the North Tyneside Local Plan (2017).

5. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above ground level the applicant/developer will be required to enter into an appropriate Legal Agreement for the following works:

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

These details shall also include a timetable for their implementation.

Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan (2017).

6. 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).

7. Exist Access Closure Misc Points By ACC01 *
7

8. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 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).

9. Turning Areas Before Occ ACC02 *vehicles
5

10. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement, including a tree protection measures and tree protection plan for the trees and any other landscape features to be retained, 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. Cabins, storage of plant and materials, parking are not to be located within the root protection area of the retained tree groups as defined by the Tree Protection Plan and maintained for the duration of the works.

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, DM5.9 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

11. Wheel Wash SIT008 *

12. Notwithstanding Condition 1, prior to the occupation of any dwelling hereby approved details of facilities to be provided for the storage of refuse and recycling at the premises shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy DM6. 1 of the North Tyneside Local Plan (2017).

13. 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).

14. No part of the development hereby approved shall be occupied until a scheme to manage refuse collection has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details prior to the occupation of any dwelling and retained thereafter.

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

15. 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 prior to the occupation of any dwelling and retained thereafter.

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

16. No part of the development shall be occupied until a scheme for the provision of secure undercover cycle parking has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details prior to the occupation of any dwelling and retained thereafter.

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

17. Gas Investigate no Development	GAS00 6	*
18. Contaminated Land Investigation Housing	CON00 1	*
20. Restrict Hours No Construction Sun BH	HOU00 4	*

21. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme must provide details of the window glazing to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014. Thereafter the development shall be carried out in accordance with these agreed details which shall be implemented prior to the occupation of each dwelling and permanently retained.

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

22. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course a ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority 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, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system 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.

Thereafter the development shall be carried out in accordance with these agreed details which shall be implemented prior to the occupation of each dwelling and permanently retained.

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

23. All lighting on site shall be undertaken in accordance with the submitted lighting scheme and approved plans (condition 1).

Reason: To ensure impacts on the adjacent mature woodland are mitigated in the interests of protecting wildlife having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

24. Felling of the tree (T15) shall only be undertaken under the supervision of a licensed bat ecologist and immediately after a precautionary check for bats shall be undertaken.

Reason: To protect wildlife having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

25. Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests immediately prior to works commencing.

Reason: To protect wildlife having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

26. All groundworks will follow the submitted Reptile and Amphibian Method Statement set out in Appendix 2 of the E3 Ecology Report (May 2018).

Reason: To protect wildlife having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

27. Within two months of any works of commencing on site, a checking survey for any red squirrel dreys or badger setts, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed development shall only be carried out in accordance with these details.

Reason: This is required pre-development to protect wildlife having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

28. 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: To protect wildlife having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

29. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above ground level details of 2no. bird boxes locations and specifications to be provided on the trees adjacent to the site and 2no. 2no. Schwegler bat boxes locations and specifications to be provided on the trees adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these agreed details shall be installed and retained prior to the occupation of any dwelling hereby approved.

Reason: To protect wildlife having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

30. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans (Arboricultural Impact Assessment/Tree Protection Plan - Woodsman) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: In the interest of protecting existing trees having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

31. Prior to the commencement of works on the site, the trees within or adjacent to and overhang the site which are subject of a Tree Preservation Order (TPO), including roots and crowns, are to be protected by fencing of a type to be agreed in writing with the Local Planning Authority. The line of the protective fence is to be submitted on a separate plan (for clarity) based on the positioning as shown on the Arboricultural Impact Assessment and Tree Protection Plan by Woodsman Consultancy. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning

Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

Reason: This is required pre-development to ensure that existing trees are adequately protected during construction having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

32. All works outside the fence line but within the RPA of protected trees (kerb installation, fence post installation, lighting) are to be carried out in accordance with the Arboricultural Method Statement and BS 5837:2012 National Joint Utilities Guidance Volume 4 Guidelines for the Planning, Installation And Maintenance Of Utility Apparatus in Proximity To Trees issue 2 and the following recommendations :

- Where large roots are encountered they should be bridged with a curb which can rest on blocks or similar either side of the bridge.

- Excavations should be kept to a minimum with levels being raised rather than lowered if possible.

- All works are to be carried out in accordance with the Arboricultural Method Statement and BS 5837:2012 and the National Joint Utilities Guidance Volume 4 Guidelines for the Planning, Installation and Maintenance Of Utility Apparatus in Proximity To Trees issue 2.

- No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

- All works including demolition, excavations, soil stripping within the RPA of the protected trees which are to be retained (both inside and outside the protective fence line) are to be excavated by using an air spade. Tree roots greater than 25mm diameter should not be cut and worked around and must not be severed unless following approval from the sites Arboricultural Consultant.

- All operations on site in connection with the development shall be carried out in accordance with the Arboricultural Method Statement, Tree Protection Plan, Arboricultural Impact Assessment and BS 5837.

- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, stockpiling or placing of site cabins or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

- No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.

Reason: This is required predevelopment to ensure that existing trees are adequately protected during construction having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

33. No development or other operations shall commence on site until a detailed levels survey and the location of any has been submitted to and approved in writing by the Local Planning Authority. The survey shall include existing and proposed spot levels at the base of and around the crown spread of all trees specified for retention. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority (LPA). Any excavations within the RPA are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air

spade. Thereafter the development shall be carried out in accordance with these agreed details.

Reason: This is required pre-development to ensure that existing trees are adequately protected during construction having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

34. Prior to the commencement of works on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012.

Reason: This is required predevelopment to ensure that existing trees are adequately protected during construction having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

35. Prior to commencement of any part of the development hereby approved details of all pruning works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed pruning works shall be carried out in full accordance with the Arboricultural Impact Assessment/Tree Protection Plan Report and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: This is required predevelopment to ensure that existing trees are adequately protected during construction having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

36. No development or other operations shall commence on site until detailed plan showing services, drainage on site and off site and lighting that require excavations, which provides for the long term protection of the existing trees on the site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority. Any excavations within the RPA (for example kerb edging, excavations) are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade. Thereafter the development shall be carried out in accordance with these agreed details.

Reason: This is required pre-development to ensure that existing trees are adequately protected during construction having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

37. An arboricultural consultant shall be appointed by the developer prior to the commencement of any works to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. A method statement shall be submitted prior to the commencement of any works on site and agreed in writing by the Local Planning Authority. This statement shall include timing of inspections, preliminary tree removal and pruning; installation of protective fencing and the monitoring of thereafter, pollution control, installation of

services near retained trees and the removal of protective measures on completion. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: This is required predevelopment to ensure that existing trees are adequately protected during construction having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

38. No development shall commence on site until a fully detailed scheme for the landscaping of the site and landscape management plan for on-site landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new native tree planting, including replacement tree planting for the loss of 2no. protected (TPO) trees and ground preparation noting the species and sizes for all new tree planting (trees to be a minimum 12-14cm girth) and native shrubs of value to wildlife such as heather, lavender and thyme. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: This is required predevelopment to ensure that an appropriate landscaping scheme can be delivered having regard to policies DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

39. Notwithstanding Condition 1, prior to the commencement of construction works of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required 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).

40. Notwithstanding Condition 1, prior to the construction of any dwelling above ground level a schedule and/or samples of all surfacing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. These details shall include surfacing materials for the garden areas and areas of hardstand, all rainwater goods shall be metal, windows timber or metal and roof tiles natural slate. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

41. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above ground level construction details of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority (LPA). Windows shall be set back within the window reveal

unless otherwise agreed in writing by the LPA. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

42. No alarm boxes or other external features, including meter boxes, satellite dishes or ventilation extraction shall be installed unless approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

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

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

44. Should any construction equipment above 35m in height i.e. crane etc. the developer shall ensure that:

- The jib is only in the raised position during use.

- The Airport's air traffic control service is informed before each use (contact ATC Watch Manager - ATsmanagementteam@newcastleinternational.co.uk 0191 2143250)

- The crane is fitted with low intensity lighting (200cd steady red) at its highest point.

- Work should cease during poor visibility and low cloud ceilings (below 1500m visibility or cloud ceiling below 750ft).

Reason: This information is required from the outset in the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

45. All street lighting and any other lighting associated with the development must be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

46. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2, Class A of Part 2 of Schedule 2, Part 14 Classes A, B and H of Part 14 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to policies DM6.1 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 Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

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)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

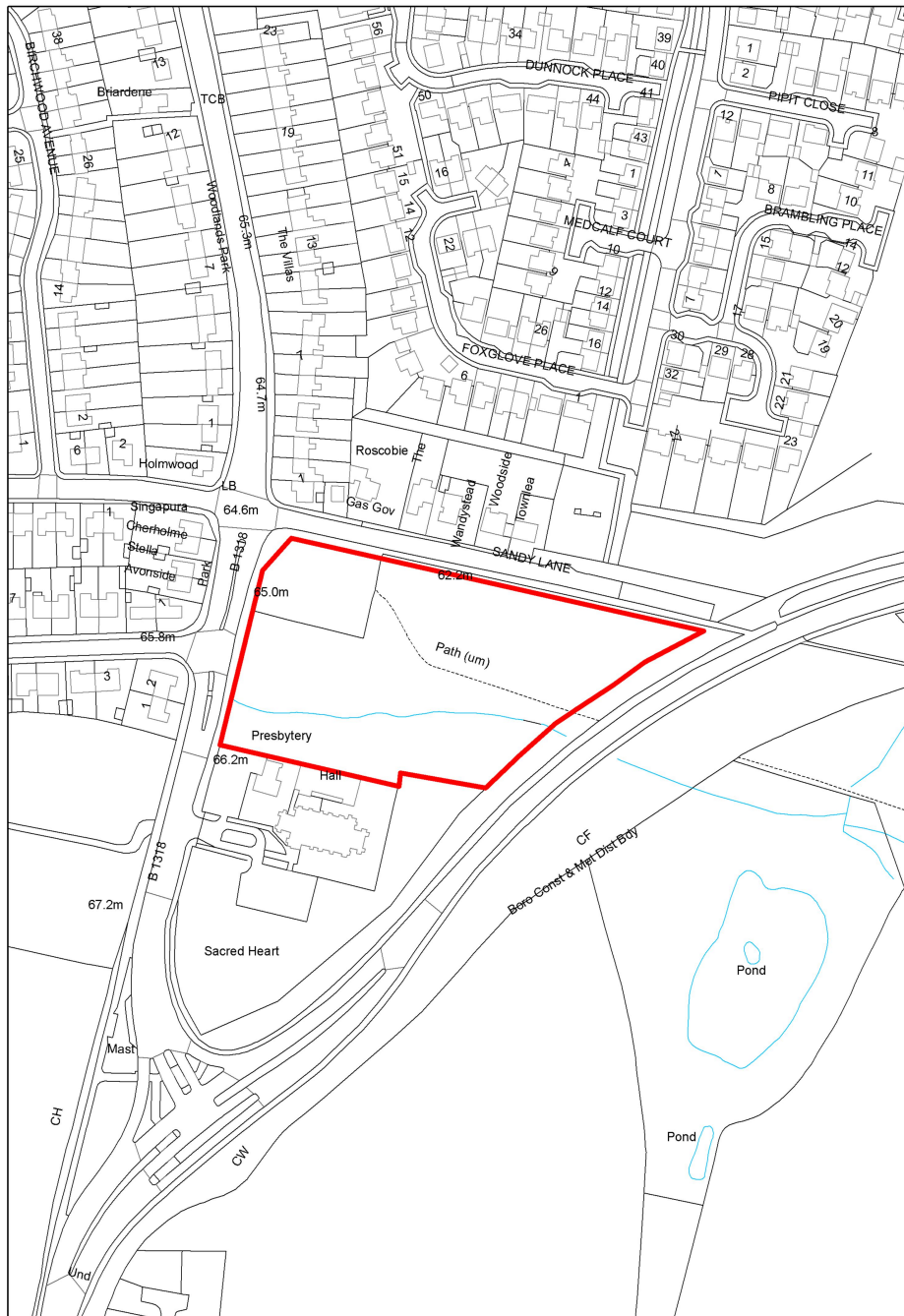
INIT

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 Developer should develop their Surface Water Drainage solution for condition 48 by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:- -Soakaway - Watercourse, and finally -Sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646. Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.



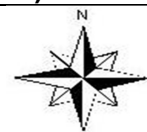
Application reference: 17/01543/FUL

Location: Land At Former School House, Sandy Lane, North Gosforth
Proposal: Development of 8no. managed residential letting properties, including construction of new site access and parking area and removal of one protected tree (Amended plans/documents received 22.05.2018)

Not to scale

Date: 26.07.2018

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Appendix 1 – 17/01543/FUL
Item 2

Consultations/representations

1.1 Councillor Muriel Green

1.2 I would like this revised application to go to Planning Committee for the following reasons:

Great amount of concern from nearby residents who are concerned about:

- Size of development;
- Implications of development on TPO and status of whole site; and
- Use of properties for business purposes in a residential area.

1.3 Councillor Joanne Cassidy

- Inappropriate design.
- Out of keeping with surroundings.
- This is outside the footprint of original buildings.
- I object to the removal of the trees in wooded area they are an integral part of wooded area and have TPOs.
- Holiday let business is inappropriate for this residential area.
- Can we refer this to planning committee as considerable objections to this scheme from local residents and I believe thus will be overdevelopment.

1.4 Councillor Anthony McMullen

- Affect character of conservation area.
- Inappropriate design.
- Loss of/damage to trees.
- None compliance with approved policy.
- Out of keeping with surroundings.

I believe the over development of nine units compared to past development of three units I do not believe the description of the above does not fulfil a legal category.

There seems to be a conflict/discrepancy with the TPO explanation within the plan, it's my understanding that all the trees were covered but these plans consider two to be exempt.

This is a business operating in a residential area.

There does not seem to be a clear operating schedule included to how explain how it will operate and that it will be suitably let.

I wish to further raise that I am concerned over the impact of vehicle movements and the subsequent light pollution to the local amenity being residential properties and wildlife within the wood.

Whilst I understand the height is meant to be similar to the previous structure. The pitching of the roof is significantly different, in such that a third habitable storey would not be possible. With the new design proposed this would lead to over looking and oversight into neighbouring properties.

I feel that this site is becoming over developed and not in keeping with the building that was under a conservation area and thus is out of character, with a significant footprint increase.

I would support a planning permission if it were in keeping with the Old School House, however this one is a significant variation to that.

Also concerned over the term "flatlet" unsure if this means the 8no. properties could be turned into 16 dwellings.

2.0 Internal Consultees

2.1 Local Lead Flood Authority (LLFA)

2.2 The surface water management proposal includes an attenuation tank under the car parking area which will discharge into the nearby watercourse. A condition is attached for further detail on the size of the attenuation tank & the proposed surface water discharge rate. Conditional approval is recommended.

2.3 Recommendation - Conditional approval

2.4 Conditions:

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 the SuDS maintenance programme & the SuDS management company. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

No development shall commence until a scheme & methodology for pollution control during the construction period 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 for the entire duration of the construction period.

Reason: In the interests of surface water management

2.5 Highways Network Manager

2.6 Parking has been provided in accordance with the standards set out in LDD12 and the highway layout meets current standards in terms of turning areas, pedestrian access and general layout.

2.7 For the above reasons outlined above and on balance we recommend that the application be approved subject to conditions.

2.8 Recommendation - Conditional Approval

2.9 The applicant will be required to enter into an appropriate Legal Agreement for the following works:

New access

Upgrade of footpaths abutting the site

Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

2.10 Conditions:

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 43m 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

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.

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.

No development shall commence until a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

2.11 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.

2.12 Manager for Environmental Health (Pollution)

2.13 I have concerns with regard to road traffic noise from the B1318 affecting the proposed development.

2.14 No noise assessment has been provided to outline the impact of road traffic noise affecting the site to determine the sound attenuation measures necessary to protect the proposed residential properties. I note that outdoor amenity areas are to be provided for those properties immediately adjacent to the road to the western side of the site that will be afforded limited screening by the provision of a 1.5m high wall for part of the site and a 0.6m high wall with 0.85 m high railings for the remainder of the western boundary. A noise scheme will be required via condition to determine on the sound mitigation measures necessary to ensure good standards of internal noise levels in accordance with BS8233 to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 decibels for living rooms is achieved and external gardens to meet the World Health Organisation's community noise level for outside spaces to 55 dB.

2.15 If planning consent is to be given I would recommend the following:

Submit and implement on approval of the local Planning Authority a noise scheme providing details of the window glazing to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014.

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 a window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system 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.

Prior to occupation, submit details to the Local Planning Authority for approval in writing of the acoustic screening to be provided to the western boundary of the site to attenuate noise from the B1318, to ensure noise levels achieve the World Health Organisation's community noise level for outside spaces to 55 dB. Measures to be implemented and thereafter retained.

HOU04
SIT03

2.16 Contaminated Land Officer

2.17 No objection in principle. Due to the proposed sensitive end-use of the site the following conditions are recommended:

GAS 006
CON 001

INIT

2.18 Ecology Officer

2.19 The above scheme has provided updated information in relation to previous concerns raised regarding tree loss, impacts on bats and lighting. The scheme has been revised and as a result only one tree is now required to be removed to accommodate the scheme (T15). An updated Ecology Report (May 2018) has also been undertaken by E3 Ecology and submitted for review. As part of this review, the tree identified for removal (T15) was fully assessed for bat roost risk and was confirmed to be of low suitability for roosting bats with no further survey work recommended. However, should plans be altered to impact further within the woodland, further assessment with regard to bats would be required. The report also recommends that additional light spill onto these adjacent woodland areas should be avoided with lighting directed away from mature vegetation and kept low level and low lux.

2.20 As a result, a lighting scheme has been submitted which confirms that lighting will be low level and low lux and unlikely to have a significant impact on the adjacent woodland habitat. The lighting strategy submitted is therefore acceptable.

2.21 With regard to landscaping, the Proposed Site Finishes Plan (Revision C) has not addressed some of the landscaping issues raised previously relating to clarification on habitat types and provision of trees and shrubs. However, as the scheme shows an adequate area of the site allocated for soft landscaping, I am happy to agree detailed landscaping by way of condition that will be agreed by the Local Authority. Planting should consist of wildflower meadow areas around the boundaries with some native tree planting and native shrubs that are of benefit to biodiversity such as heather, lavender and thyme.

2.22 With regard to drainage, I have some concerns about the route of the drainage from the stormwater attenuation tank to the nearby watercourse south of the development. The proposed route of pipes connecting the stormwater tank to the watercourse will impact on the adjacent woodland to the south of the site which is not acceptable. The submitted plans have also not assessed the impact of drainage on existing trees to the south of the scheme and associated protected species impacts (bats). In addition there are no details regarding the mitigation measures that will be employed to ensure pollutants/silt etc do not enter the watercourse from the drainage system. Appropriate conditions will need to be attached to the application to ensure these details are submitted for approval (to ensure there are no impacts on the watercourse or the woodland). In terms of the current drainage route, this will not be acceptable and an alternative route will need to be designed. I believe that some works have already been undertaken for another scheme which has impacted some trees on site, therefore utilising the same route may be an option to minimise any further impacts.

2.23 I have no objection to the above scheme subject to the following conditions being attached to the application:-

2.24 Conditions

- Lighting on site will be undertaken in accordance with the submitted lighting scheme and site plans to ensure impacts on the adjacent mature woodland are avoided.
- Felling of the tree on the eastern boundary (T15) will be undertaken under the supervision of a licenced bat ecologist and immediately after a precautionary check for bats. Should plans for the scheme be altered to impact further within the woodland, further assessment with regard to bats would be required and details submitted to the Local Authority for approval.
- Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests immediately prior to works commencing.
- All groundworks will follow the Reptile and Amphibian Method Statement set out in Appendix 2 of the E3 Ecology Report (May 2018).
- A checking survey for any red squirrel dreys or badger setts that may have become established since the original survey will be undertaken within two months prior to commencement of works. Details to be submitted to the Local Authority for approval prior to development commencing.
- 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°.
- The roots and crowns of retained trees within and adjacent to the site will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the submitted Arboricultural Method Statement and the guidance given by BS5837:2012.
- A detailed Landscape Plan must be submitted to the Local Authority for approval prior to development commencing. Planting must include native species rich grassland, native standard trees and native shrubs of value to wildlife such as heather, lavender and thyme.
- A Landscape Management Plan for on-site landscaping must be submitted to the Local Authority for approval prior to development commencing.
- Fully detailed drainage plans must be submitted to the Local Authority for approval prior to development commencing. Any construction works associated with drainage must not impact existing trees within or adjacent to the site. In addition, measures must be incorporated into the drainage scheme to ensure any pollutants associated with surface water drainage do not enter the watercourse to the south of the site.
- 2no. bird boxes will be provided on trees within or adjacent to the site. Details of bird box specifications and locations to be submitted to the Local Authority for approval, prior to development commencing.
- 2no. Schwegler bat boxes will be provided on trees within or adjacent to the site. Details of bat box specification and locations to be submitted to the Local Authority for approval, prior to development commencing.

2.25 Landscape Architect

2.26 A revised plan has been submitted (revision D). This new information now looks to remove 2no trees (T15 Cat B and T12 Cat U) protected by a TPO. The collective trees and tree groups skirting the proposed development form part of a larger woodland area which is associated with the Sacred Heart RC Church, affording protection both by a Tree Preservation Order (A1) and by its location within the Sacred Heart Conservation Area.

2.27 An Arboricultural Implication Assessment (AIA) and Tree Protection Plan (TPP) has been submitted (dated January 2018 and revised April 2018) which has surveyed and assessed the trees in accordance with BS 5837. The report locates T1 – T13 and group G1 outside the site boundary although it is likely that works associated with the development site will impact on these trees. Ground protection measures have been proposed to minimise the impacts on the retained trees particularly in relation to the resurfacing of the car parking area around T14. The kerb lines have been re-aligned to accommodate most of the root systems with T16 and T17.

2.28 With regard to the trees to be removed, tree T15 has been classed as a category B tree in accordance with British Standard 5837:2012. T12 has now been downgraded from initial assessment to a 'U' i.e. requiring removal due to safety concerns (as defined by BS 5837:2012).

-T15 Sycamore: This tree has been surveyed as 'good condition', although ivy is present in the crown. The presence of ivy in the tree is not a consideration for its removal. The tree is to be '*removed to facilitate the construction of new parking areas*'. It has been proposed to plant 1no Oak tree as a replacement tree.

-T12 Beech there is evidence of '*Kretzschmaria deusta (fruiting bodies) at the base of the tree on the structural roots and early stages of infection by a Nectria canker on the main stem. Longitudinal wounding and cavitation in the main stem would suggest that the tree is hollow from about 2m up to the first major union.....Kretzschmaria deusta can lead to a catastrophic brittle failure of the main stem, with a ceramic like fracture surface*'. A replacement tree will be required to be planted.

2.29 Regarding the retained trees, the construction of the new site entrance and external parking area will impact slightly on the RPA's of trees T1, T9, T10 and T14 (category A and B). If ground levels are not to be changed around these trees, conditions regarding construction and the protection of tree roots can be applied. However, drawing No. THD17-032 – 12 Rev C states that a 'landscaped bund to this boundary to protect existing roots' has been shown to the eastern boundary which is not acceptable. Raising ground levels or reducing ground levels can impact on tree roots.

2.30 Excavation works, mechanical damage, changes in level around the trees, alterations to ground water, compaction, installation of services and final surfacing can all impact on the trees and reduce the long-term retention of the trees. The AIA confirms that special construction techniques will be required to minimise the impacts on these trees, detail of which are included in the report (section E and the appendices). The ground protection works should help minimise any impacts on the root system of T14 as long as any excavation/construction works are undertaken in accordance with the report. Any reference to root pruning has been removed.

2.31 Excavation with an air spade has been recommended but this must be extended to include the additional works such as the installation of lighting and installation of boundary features which fall within the RPA of the retained trees.

2.32 Recent works on site involved the connection and improvements to the burn located further south of the application site. Heavy machinery accessed the site between T17 and T18 causing compaction and branch damage to a number of trees. Rather than a second access being formed, the first access should be used to create the connection from the attenuation tanks to the burn so the trees (where shown on the plan) remain unaffected. Access and the construction of any additional manholes or silt traps should be in accordance with the recommendation as set out in the method statement (ie. Geoweb/hand dig/airspade)

2.33 Healthy trees should not be removed solely for the purpose of construction the development and the retention of trees on the site should be a driving factor in influencing the layout of the development site. It should not be said that the trees will 'withhold' the development of the site, but the scheme should be designed to positively integrate trees into the development, with sufficient space provided in the design for the existing and new tree planting to mature.

2.34 This is an improvement of the previous layout and following the recommendations set out in the AMS, the impacts should be minimised. However, the impacts of the storm water connection are still significant and not acceptable. The layout and drainage plan should be amended to make use of an already damaged access. Other issues can be address through conditions.

2.35 Conditions

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans (Arboricultural Impact Assessment/Tree Protection Plan - Woodsman) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Prior to the commencement of works on the site, the trees within or adjacent to and overhang the site which are subject of a Tree Preservation Order (TPO) are to be protected by fencing of a type to be agreed in writing with the Local Planning Authority. The line of the protective fence is to be submitted on a separate plan (for clarity) based on the positioning as shown on the Arboricultural Impact Assessment and Tree Protection Plan by Woodsman Consultancy. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

All works outside the fence line but within the RPA of protected trees (kerb installation, fence post installation, lighting) are to be carried out in accordance with the Arboricultural Method Statement and BS 5837:2012 National Joint Utilities Guidance Volume 4 Guidelines for the Planning, Installation And Maintenance Of Utility Apparatus in Proximity To Trees issue 2 and the following recommendations :

Where large roots are encountered they should be bridged with a curb which can rest on blocks or similar either side of the bridge.

Excavations should be kept to a minimum with levels being raised rather than lowered if possible.

All works are to be carried out in accordance with the Arboricultural Method Statement and BS 5837:2012 and the National Joint Utilities Guidance Volume 4 Guidelines for the Planning, Installation and Maintenance Of Utility Apparatus in Proximity To Trees issue 2.

No development shall be started until a minimum of 14 days written notice has been given to the Local Planning Authority confirming the approved protective fencing has been erected.

All works including demolition, excavations, soil stripping within the RPA of the protected trees which are to be retained (both inside and outside the protective fence line) are to be excavated by using an air spade. Tree roots greater than 25mm diameter should not be cut and worked around and must not be severed unless following approval from the sites Arboricultural Consultant.

All operations on site in connection with the development shall be carried out in accordance with the Arboricultural Method Statement, Tree Protection Plan, Arboricultural Impact Assessment and BS 5837

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, stockpiling or placing of site cabins or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.

Prior to the commencement of works on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012

No development or other operations shall commence on site until a detailed levels survey and the location of any has been submitted to and approved in writing by the Local Planning Authority. The survey shall include existing and proposed spot levels at the base of and around the crown spread of all trees specified for retention. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the RPA are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

No development or other operations shall commence on site until detailed plan showing services, drainage on site and off site and lighting that require excavations, which provides for the long term protection of the existing trees on the site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority. Any excavations within the RPA (for example kerb edging, excavations) are not acceptable unless

approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

The contractors construction method statement relating to traffic management/site compounds/contractor access must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting, including replacement tree planting for the loss of 2no. protected (TPO) trees and ground preparation noting the species and sizes for all new tree planting (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Prior to commencement, all pruning works shall be carried out in full accordance with the Arboricultural Impact Assessment/Tree Protection Plan Report and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works. Details to be submitted for approval.

An arboricultural consultant should be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. A method statement should be submitted for comment and include timing of inspections, preliminary tree removal and pruning; installation of protective fencing and the monitoring of thereafter, pollution control, installation of services near retained trees and the removal of protective measures on completion. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

2.36 Design

2.37 The design is acceptable and is supported.

2.38 As previously mentioned, the trees make a significant contribution to the character of the conservation area and the proposal is only supported if there is a clear case made for the loss of the trees. I will support the conclusions made by the council's Landscape Architect on this matter.

2.39 If the application is approved then I would recommend including the following conditions:

- Rainwater goods shall be metal, windows timber or metal and roof tiles natural slate. No development shall take place until a schedule of samples of all materials has been submitted to the LPA and approved
- Construction details of windows and doors shall be submitted to the LPA and approved. Windows should be set back within the window reveal unless otherwise agreed by the LPA
- No alarm boxes or other external features, including meter boxes, satellite dishes or ventilation extraction shall be installed unless approved by the LPA

3.0 Representations

3.1 A total of 143 representations have been received. The case officer has noted that some of the representations are duplications received from the same property. These objections are set out below.

- This development will further impact on an already congested area. The loss of yet another open space where wildlife thrives their habitats destroyed. The short term let with staff accommodate sounds a bit worrying is this to be a half way house/hostel.
- Adverse effect on wildlife.
- Affect character of conservation area.
- Impact on landscape.
- Loss of/damage to trees.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Traffic congestion.
- Within greenbelt/no special circumstance.
- Inappropriate design.
- Loss of residential amenity.
- Loss of visual amenity.
- Nuisance: noise, disturbance, dust, dirt, fumes.
- Will result in visual intrusion.
- Precedent will be set.
- None compliance with approved policy.
- Inappropriate in special landscape area.
- Inappropriate design.
- Inappropriate materials.
- Out of keeping with the early 20th century style of the buildings nearby.
- It will be a very different and unsightly design compared to the local homes.
- It will be out of character and overbearing to the nearby properties.
- It will result in two TPO trees being removed on top of what has already been removed in previous incidents.
- Eight properties plus staff accommodation on that site will be a unacceptable density especially compared to properties nearby.
- The site will be overdeveloped.
- Create a negative visual impact for all of us that look directly at the site.
- Fought against all previous planning applications.
- The new proposal is completely abhorrent, not in keeping with the surroundings and would contravene the tree protection order.
- The construction of 8 properties which will not pose as permanent dwelling for its residents is unacceptable and an unreasonable for local residents who have had to live with the unsurety of the site for the last 10 years.

- A property fitting for the site should only be considered and this proposal is certainly not it.
- My understanding is that any new residential building had to be sympathetically designed, using the existing sand stone blocks in keeping with the original building which was destroyed by fire. I have witnessed the removal of the majority of the existing sand stone blocks, which have been systematically removed from the site over the last few years. The new application is not in keeping with the surrounding residential housing, what is the meaning of short term rental, two weeks up to six months - hotel?
- As no planning approval in place why has work on the site started ? A wall and what appears to be an entrance is well underway. I have noticed the removal of stone with a general look of site clearance. I would suggest work be stopped and any building work removed until planning approval be granted. The scope of the development is way out of character with the area and looks over developed.
- There seems to be quite a lot of properties on such a small site and as the trees appear to be protected how can these be destroyed . Why is a management office needed for residential properties?
- There also seems to be a lot of parking spaces.
- The application plan is not in keeping with the surrounding area and residential housing. Transient residence are unlikely to take any pride or responsibility for the area and respect for local residents.
- I have witnessed the removal of some of the existing sand stone blocks, and building rubble disposed on the site. I have contacted NTC and Mary Glindon MP to report the Fly Tipping and have recently received the following response "Officers have attended and found the rubble, this is part of the new road being built and we understand is there as will be used in the imminent construction. Though it does look unsightly this isn't a case of fly tipping" New road and imminent building is a poor choice of words for the Community and Public Spaces Protection Manager to make, given the planning application has not been approved.
- The lane has become much busier with pedestrians walking their dogs, adults and children going and returning from work or school to the new Five Mile Park. Traffic turning the corner to park in the proposed development would be dangerous. The development would also overshadow the wooded conservation area.
- The newly erected fence appears to be too high and impedes the deer that run into the small wood where they have lived with their off spring for many years since their natural run to Ponteland was cut off when the A1 was built. Now with no access they have recently been seen on the busy Sandy Lane main road.
- It is essential that the tree preservation order remains on this wood to help the nature and ecology of the area when so much land has been taken.
- The ecology of this wood is important as each year there are more Spring daffodils and wild flowers growing. A variety of flowers and wildlife are found in this wood which are now dependent on the wood especially since a lot of their habitat was removed to build Five Mile Park.
- Additional impact on the highway network, including the Five Mile Park development and the 300 houses being built at Hazlerigg. This would increase the impact on noise and pollution to the cul-de-sac particularly during rush hour.
- The Old School House was a classic example of Victorian Gothic architecture, much loved and admired by everyone. To prevent losing this iconic building

NTC designated the site as a conservation area and protected the trees/woodland.

-Since the fire I believe the owner has submitted 12 planning applications, all of which were either refused or withdrawn and 6 planning enforcement notices served.

-As stated in the Sacred Heart Church conservation area character appraisal 2009 any proposed development will be subjected to intense scrutiny and extremely careful consideration to ensure that it is deemed suitable for this sensitive site. The Conservation area's character is gained not only from the built fabric and spaces around it, but also the atmosphere it creates. This development does not preserve or enhance the character of the conservation area.

-What is the point in having TPO if the trees can be removed?

-Whoever uses this accommodation (possibly coming and going at any time day or night) are likely to take any pride or responsibility for the area and respect local residents.

-Despite pressure from NTC the owner has done nothing to tidy up this area that he owns in the last 10 years. Without seeking permission and approval from NTC the owner has already trimmed and lopped trees in Sandy Lane. He has erected a fence and gate also without permission and both these matters are being investigated by NCT. The owner has also started erecting a stone wall in anticipation that his development will get the 'go ahead' from NTC.

-Is this a backdoor attempt to get a care facility or some other type of business up and running in a totally residential area?

-Surrounding residential developments have already affected the area, particularly an increase in the amount of traffic and heavy construction vehicles.

-Roads are now dangerous for pedestrians to cross.

-We do not have the infrastructure to support more development.

The footprint of the development is much greater than that of the Old School House. In the applicant's own Design statement it states that the footprint is 25% more than the Old School houses. This is totally wrong as it is actually 27%. So the figures in the applicant's Design statement are incorrect. Surely they have to be accurate.

-The height of the stone walls are higher than those submitted in the plans to NTC.

-If permission is granted in the face of our objections obviously we expect a dedicated contact at the council who will assume responsibility for any anti social behaviour. Is the council willing to do so?

For specific comments incorporating the North Tyneside Local Plan as adopted;

- Developments of this size in comparison to what existed at this location previously are not fitting with the legacy of the area as identified in section 11.106

- The removal of green spaces and woodland (not to mention trees under a TPO) should be discouraged to protect the bio-diversity of the area as identified in section 11.114

- Sustainable transport and traffic management is a major concern with the recent significant housing developments in the area. All efforts should be made by any applicant for development to ensure the use of sustainable transport is encouraged as identified in section 11.122 and 11.123. This specific application has no consideration whatsoever for any sustainable transport methods and goes so far as to provide for parking for 2 vehicles for each proposed property with what is considered a 'token' equality act parking space.

4.0 External Consultees

4.1 Natural England

4.2 No objection.

4.3 Northumbrian Water

4.4 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

4.5 Having assessed the proposed development against the context outlined above we have the following comments to make:

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

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

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

4.7 How To Satisfy The Condition

4.8 The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

4.9 Newcastle City Council

4.10 No observations to make.

4.11 Newcastle International Airport

4.12 Physical Development

4.13 The proposed development falls within the Airport safeguarding zone and within the Airports 'inner horizontal obstacle limitation surface', and is circa 1.4km south of the eastern approach / departure flightpath.

4.14 If a crane is needed on site beyond 35m in height it would penetrate the Airport's protected obstacle limitation surface, which the Airport would object to. If such construction equipment is required above this height it is requested that –

- The jib is only in the raised position during use.

- The Airport's air traffic control service is informed before each use (contact ATC Watch Manager - ATSmanagementteam@newcastleinternational.co.uk 0191 2143250)

- The crane is fitted with low intensity lighting (200cd steady red) at its highest point.

- Work should cease during poor visibility and low cloud ceilings (below 1500m visibility or cloud ceiling below 750ft).

4.15 Lighting

4.16 Lighting can act as a distraction to pilots whilst landing at the airport. It is not clear if new street / car park lighting is required, but the Airport request that all lighting is cut off so as to not distract pilots flying aircraft overhead.

4.17 Tyne and Wear Archaeology Officer

4.18 No archaeological constraints.

Item No: 3
Application No: 18/00680/FUL
Date valid: 22 May 2018
Target decision date: 21 August 2018
Author: Maxine Ingram
☎: 0191 643 6322
Ward: Valley

Application type: full planning application

Location: Site Of Former , 12, 14-18, 26-30, 90-93a, 94-95, Bayfield, West Allotment, NEWCASTLE UPON TYNE

Proposal: Redevelopment of site for the erection of 18 dwellings

Applicant: The Coal Authority, Mr Chritopher Telford 200 Lichfield Lane Berry Hill Mansfield Nottinghamshire NG18 4RG

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on ecology;
- Other issues.

1.1 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.

2.0 Description of the Site

2.1 The application site, comprises of two parcels measuring approximately 0.32 hectares, is located within a larger residential housing estate. The two sites are separated by an existing estate road. Existing residential properties are located immediately to the north, west and south of the site. To the east of the site is the Silverlink-Backworth waggonway, a recreational route for walking and cycling. The waggonway is part of a designated wildlife corridor and it is bounded by mature hedgerows and scrub, tree groupings and semi-improved grassland.

2.2 The Silverlink Park Local Wildlife Site (LWS) and Local Nature Reserve (LNR) are located approximately 700m to the south of the site.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to redevelop the vacant sites to construct 18 residential dwellings. These are replacement dwellings for the 18 dwellings, which have been demolished on the site due to localised subsidence. The application site has now been remediated in preparation for replacement dwellings to be constructed.

3.2 The 18 dwellings proposed are made up of the following house types:

- 4no. semi detached three bed with attached garage
- 6no. semi detached three bed with separate garage
- 3no. terrace two bed with separate garage
- 4no. terrace three bed with separate garage
- 1no. terrace with no garage

3.3 The following documents have been submitted to accompany this planning application:

- Combined statement for Design and Access, Community Engagement and Planning Justification
- Shadow Habitats Regulation Assessment (HRA) Screening Assessment
- Coal Mining Risk Assessment
- Ground Investigation Report

3.4 Background information

3.5 Members are advised that the site, subject of this application, was formerly occupied by 18 residential dwellings, which were completed as part of this wider residential estate. Whilst that development was completed in 2011, due to subsidence damage which became apparent to Bellway Homes and National House Building Control (NHBC) in March to April 2016, it has been necessary for the affected dwellings to be demolished. Following appropriate ground investigation by The Coal Authority, a comprehensive scheme of ground remediation has been designed and implemented to The Coal Authority's specification and industry standards.

3.6 The Coal Authority has carried out a number of public consultations with local residents and MPs (24.11.2016, 03.03.2017, 24.08.2017, 21.12.2016). Updates were also sent to MPs, including an update on the 19.03.2018 to Local MP Alan Campbell regarding the drilling and grouting works.

4.0 Relevant Planning History

98/00141/OUT – Residential Development (Approx.486 units) Associated Highway works & open space. Construction of a new access to a highway, alteration of an existing access to a highway – Permitted 27.11.2002

02/03215/REM - Details of siting, design, external appearance, means of access, landscaping for the erection of 530 dwelling associated highways works and open space approved by outline planning permission 98/00140/OUT (linked to S.106 agreement). Permitted 31.07.03

03/02335/REM - Residential development comprising of 121 no. dwellings substituting layout and house types previously approved by reserve matters approval 02/03215/REM. Permitted 07.11.03.

04/01501/REM - Substitution of house types stage 3, Plots 201, 202, 203, 203A, 229, 230, 230A, 235, 236 (Additional 2 plots) Plot 234 repositioned. Permission by Outline Planning Permission 98/00140/OUT – Permitted 28.06.2004

04/02744/REM - Substitution of house type on plot 108. 4 no additional flats fronting P.O.S. plots 100A, 101A, 102A, 107. plot 109 repositioned. Garages to rear of plots 105 deleted - 05.10.2004

04/03885/FUL - Proposed substitution of 1 no dwelling on plot 82 of a previously approved private residential development – Permitted 07.01.2005

04/04017/REM - Residential development, substitution of house types to Plot 229 and 234 on stage 3. Outline approval Ref 98/00140/OUT – Permitted 24.01.2005

05/03949/REM - Residential development, substitution of house types to Plot nos 202, 203, 235 and 236. Outline approval Ref 98/00140/OUT – Permitted 01.02.2006

06/01059/REM - Residential Development substitution of house types plot nos. 278 and 281, plot nos. 279 and 280 repositioned. Approved by Outline Planning Permission 98/00140/OUT – Permitted 23.05.2006

06/03362/FUL - Residential development. Substitution and adjustment of house types on 83 plots within area 4 and the erection of 11 No. additional dwellings. Decision: Permitted 25.01.07

07/01510/REM - Residential Development. Substitution and adjustment of house types between plot numbers 299-393 inclusive and 426-439 inclusive. (Balance of planning area 2) to include 4 additional plots – Permitted 17.07.2007

08/03421/FUL - Residential development, substitution of house types: plots 530, 531, 532, 550 and additional plot 550a of previously approved substitution 06/03362/FUL – Permitted 20.01.2009

09/00557/FUL - Proposed 61 dwellings comprising of substitution of house types and an addition of 18 dwellings (Inclusive of 20 affordable units) on plots 472 - 479, 483 - 488, 494 - 497, 545 - 548, 552 - 559, 470, 471, 480 - 482 (480 and 481 repositioned only), 489 - 493, 508, 533 - 539, 551 and 560 - 571 (Amended Description 17.03.09) – Permitted 09.04.2009

09/01370/FUL - Residential development:- Substitution of house types plot numbers 342, 343, 433 and 434 of previously approved substitution 07/01510/REM (Revised description) – Permitted 21.07.2009

16/01869/DEMGDO - Demolition of 12, 14, 16, 17 & 18 Bayfield. Residential properties of standard construction, brick, tiled roof, two storey – Permitted 19.12.2016

17/00491/DEMGDO - Application for prior approval for the demolition of residential properties – Permitted 28.04.2017

17/01307/DEMGDO - Demolition of properties, part demolition of number 96 and garage of number 93 Bayfield – Permitted 28.09.2017

17/01820/DEMGDO - Notification of prior approval for the demolition of the property – Permitted 02.01.2018

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (July 2018)

6.2 National Planning Practice Guidance (NPPG) (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on ecology;
- Other issues.

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

8.0 Local Plan Strategic Policies

8.1 The underlying principle of national policy is to deliver sustainable development to secure a better quality of life for everyone now and future generations. This principle is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

8.2 Strategic Policy S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would accord with strategic, development management and other area specific policies in the Plan. Amongst other matters, this includes: taking into

account flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.3 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing.

9.0 Principle of development

9.1 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development running through both plan-making and decision taking. For decision taking this means approving development proposals that accord with an up-to-date Plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

9.2 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. In order to achieve this objective Government requires local planning authorities to identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

9.3 Policy DM1.3 Presumption in Favour of Sustainable Development

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.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted.

9.4 Policy S4.3 Distribution of Housing Development Sites

The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed use schemes. The Strategic Housing Land Availability Assessment

2016 outlines that these site have an overall capacity of approximately 8, 838 homes, assessed as being deliverable and developable over the plan period to 2032.

9.5 The site, subject of this application, was previously designated as a housing site within the Council's Unitary Development Plan (2002). In 1998, following the assessment of the relevant material planning considerations, outline planning permission was granted for a residential development, which was built out. This development included constructing 18 dwellings on the site subject of this application. As this development had been built out the application site has no specific designation within the Council's Local Plan. However, 18 of these previously built out units have had to be demolished due to localised subsidence.

9.6 It is the view of officers that the site constitutes previously developed land, it is located within in an existing built up area, it is located in close proximity to existing local services (Northumberland Park) and it has access to areas of open space. Officers consider that the proposed redevelopment of this site to provide the same number of units that have been demolished accords with both local and national planning policies as it will maintain local housing needs.

9.7 Ground conditions

9.8 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

9.9 Policy DM5.18 Contaminated and Unstable Land

Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and

- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

- i. Removing the contamination;
 - ii. Treating the contamination;
 - iii. Protecting and/or separating the development from the effects of the contamination;
 - iv. Validation of mitigation measures; and
 - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.

9.10 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

9.11 The application site falls within the defined Development High Risk Area (due to its historical coal mining activity) and therefore it is supported by a Coal Mining Risk Assessment. Members are advised that this assessment has been prepared by WYG.

9.12 The wider Bayfield housing development commenced in 2007 and construction works were completed by 2012. In March 2016, it became apparent that ground movement was causing damage to residential properties at Bayfield. Following monitoring and investigation, this ground movement was established as being 'probably' as a result of historic coal mining activity. The Coal Authority accepted liability in August 2016 for a localised subsidence event at the estate. This event has affected a total of 37 dwellings: 18 dwellings have been demolished and 19 have been repaired.

9.13 The desk based review of relevant sources of coal mining and geological information identifies that mine workings are recorded in the locality in several coal seams. The shallowest of these seams being the High Main Coal seam at c.38m below ground level which was worked by the pillar and stall method with coal extractions of rates of c.45-50%. The report indicates that mining records indicate the presence of an isolated roadway within the High Main Coal seam beneath the application site with surrounding coal intact.

9.14 The submitted Coal Mining Risk Assessment summarises the findings of two phases of site investigation carried out in December 2016 and April 2017. These works established that the High Main Coal seam was 2.7m-3.4m thick at depths of 34m-43m below ground level beneath thick overlying sandstone strata. The investigations also established that the coal seam had been subject to extensive unrecorded working, with extraction rates in excess of 70% resulting in open and partially and fully collapsed workings. The report hypothesises that the thick sandstone strata may have provided a temporary support over the worked seam.

9.15 In order to stop settlement from continued collapse of workings within the High Main Coal seam, an appropriate programme of drilling and grouting stabilisation works was subsequently undertaken across the site. A grout curtain was formed consisting of 125 holes at 2m spacing and 191 infill holes drilled at 4m by 4m grid, with all of these holes being drilled down to the High Main seam at a depth of between 34m to 43m. A total of in excess of 300 boreholes have been drilled on site into the High Main workings to allow approximately 4, 000 tonnes of pressurised grout to stabilise the old workings and voids beneath the site. 21 proving holes have been drilled underneath the areas proposed for the 18 dwellings, subject of this application; with all these holes encountering grout 'proving' that the voids and broken ground within the application site have been filled.

9.16 The Coal Mining Risk Assessment advises that the ground investigation works carried out on site are considered to be adequate to establish the cause of the subsidence event that has occurred on site. The findings of these works have informed the drilling and grouting works which have been carried out and these have been implemented to the industry standard for dealing with old mine workings, voids and broken ground prior to development taking place. The treatment of the ground by grouting should ensure that there will be no further movement. However, in order to ensure that the remedial works have been successful and to confirm that further subsidence attributable to the High Main coal seam is low, an extensive suite of post treatment monitoring will be installed on site to validate the effectiveness of the drilling and grouting in order to enable confidence in this area to be provided prior to commencement of any development.

9.17 The Coal Authority has been consulted. They have advised that the submitted Coal Mining Risk Assessment and appended documents demonstrate that appropriate investigation, assessment and remediation of coal mining legacy affecting the application site has taken place. However, as ground movement is still taking place, albeit at a reduced rate, the submitted report is unable to confirm that the site is currently stable for development. In order to ensure the site is suitable for development The Coal Authority have advised that a pre-commencement condition, which requires a validation report to be submitted must demonstrate through the results of ground movement monitoring that ground movement has stopped. As The Coal Authority has advised that this can be dealt with by a condition, it is the view of officers that the future development of this site can be dealt with.

9.18 The Contaminated Land Officer has been consulted. She has advised that although grouting has taken place there may be an impact on the whole development from mine gas. Subject to the conditions relating to site investigation works and mitigation, if necessary, the proposed development is considered to be acceptable.

9.19 Members need to determine whether the principle of a residential development on this previously developed site is acceptable having particular regard to ground conditions. Based on the comments received from the statutory consultee, it is officer advice that, subject to the imposition of the suggested conditions, the principle of development on this site is considered to be acceptable. As such the proposed development accords with both national and local planning policies.

10.0 Impact on character and appearance of the site and the surrounding area

10.1 Paragraph 124 of the NPPF recognises 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.

10.2 Paragraph 130 of the NPPF makes it clear 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.

10.3 Policy DM6.1 Design of Development

Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

10.4 The Council has produced an SPD on design quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

10.5 The application site is formed by two parcels of land separated by an existing estate road. The site is located on the eastern edge of this wider residential estate and lies adjacent to an area of existing open space and public access routes. The site sits within an established residential area and is surrounded by existing residential dwellings. The existing development is formed by mainly two and three storey properties. The open space to the east of the site includes a number of trees and provides a softened boundary to the edge of the wider estate.

10.6 The existing residential dwellings have been constructed in a simple palette of materials, which includes tones of red for the brickwork, render and red and grey roof tiles. The proposed development will be constructed in similar materials.

10.7 Vehicular and pedestrian access to and from the proposed development will be facilitated by the existing roads and footways, which were constructed as part of the original housing development and are still in situ.

10.8 The layout of the dwellings is unchanged from that of the previous development on site and it will not extend into the adjacent area of informal open space. The applicant has advised that replacing the dwellings on a like for like basis was the general aspiration of the existing residents around the site. The applicant considers that this is the most appropriate form and layout for the development in order to ensure that it is sympathetic to, and reflective of, the site

context. It is the view of officers that the layout proposed is in keeping with the existing pattern of the surrounding built development.

10.9 The Landscape Architect has been consulted. Their comments regarding improving the eastern boundary of the site to soften its visual impact are noted. However, no additional landscaping was provided in this location under the original grant of planning permission. Furthermore, this land is not within the ownership of the applicant. On balance, it is the view of the case officer that it is not reasonable or necessary to request additional landscaping in this location. An internal landscaping condition and conditions to protect this area of informal open space during construction are considered to be reasonable.

10.10 In respect of the design of the properties their overall appearance remains unchanged, in the most part, from the properties which previously occupied the site. The applicant has retained the scale, mass and design of the previous properties to enable it to be in keeping with the existing properties. It is noted that some minor changes have been made including: the provision of a bathroom window to the previous blank gable to Plot 90 and the replacement of close boarded fencing with screen walling and timber infill panels to publically visible boundaries on Plots 12, 17, 18, 26, 30, 93a and 95. These alterations to the originally accepted design are considered to enhance the visual appearance of this part of the wider residential estate.

10.11 The Design Officer supports the layout as the applicants design approach enables the dwellings to blend well into the existing site layout and street scene. He has also advised that the boundary treatments have been well considered.

10.12 Parking and access provision within the development will be as previously approved, with on plot parking and garaging provided for some properties and parking provision.

10.13 The objection received regarding the current land condition (mounds) is noted. The land that has been subject of the remediation works will be reinstated and should planning permission be granted then the remainder of the site will be developed in accordance with the plans submitted.

10.14 Members need to consider whether the overall design concept and layout are appropriate and comply with current policy. Officer advice is that the scheme can be comfortably accommodated within the site without a significant adverse impact on the character and appearance of the area. It is officer advice that this application is of an appropriate design and appearance. As such the proposed development complies with both national and local planning policy.

11.0 Impact upon future occupants and existing occupants

11.1 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse

impacts resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

11.2 Policy DM5.19 Pollution

Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

11.3 The Manager for Environmental Health has been consulted. She has raised no objections to the principle of this development, subject to a condition to control the hours of construction and dust suppression measures.

11.4 The site layout, including the differing land levels, remains the same as the previously approved site layout. Therefore, each dwelling would be provided with the same level of outdoor amenity space and the previously agreed privacy distances would be achieved. The impact of redeveloping this land on existing properties to the north, west and south of the site, would be no different than previously experienced by the dwelling that were previously in situ. On this basis, it is the view of officers that the proposed development would result in an acceptable impact on the amenity of existing occupants and future occupants.

11.5 Members need to consider whether the proposal would avoid having an adverse impact upon existing and future occupants' living conditions in accordance with NPPF and local planning policy DM5.19 and weight this in their decision. It is officer advice that the proposed development would not significantly impact on the amenity of existing occupants or the amenity of future residents.

12.0 Highways

12.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

12.2 All developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

12.3 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.4 Policy DM7.4 New Development and Transport

The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken

into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.
- f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

12.5 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

12.6 The site is accessed from an existing estate road serving Bayfield. The access remains unchanged and parking has been provided in accordance with the Council's maximum parking standards.

12.7 The Highways Network Manager has been consulted. He has raised no objections to the proposed development subject to conditions to control parking provision, refuse storage and other matters associated with construction sites i.e. dust, site compounds etc.

12.8 Members need to consider whether sufficient access and parking would be provided and whether the proposal would accord with the advice in NPPF, policy DM7.4 and LDD12 and weight this in their decision. It is officer advice that the development meets with the requirements of national and local planning policies.

13.0 Biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

13.2 Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing

net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 Paragraph 174 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 175 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

13.4 Policy S5.4 Biodiversity and Geodiversity

The Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

13.5 DM5.5 Managing effects on Biodiversity and Geodiversity

All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development

clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

13.6 Policy DM5.7 Wildlife Corridors

Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

13.7 The coast is a popular place for people to visit. However, the impacts from local residents and tourists must be managed. Policy AS8.15 'The Coastal Sub Area' states how these impacts will be managed.

13.8 Since the previously approved applications on this wider site have been determined the applicant has had to submit a Shadow Habitats Regulations Assessment (HRA) Screening Assessment. This assessment is required as the application site lies approximately 4.8km from the Northumbria Coast Special Protection Area (SPA)/Ramsar. This assessment has concluded that both the relatively small scale of the proposed development and its distance from the SPA/Ramsar will significantly reduce the risk of any hydrological change to the habitats of the qualifying bird populations. Furthermore, the proposed development would not result in any significant alteration to the extent of hardstanding surfaces and there will be no changes to drainage. On this basis, it is concluded that there will be no alteration in hydrology as a result of the proposals.

13.9 The submitted HRA assessment advises that proposed development is located in an urban area that is considered to be completely unsuitable for any of the qualifying bird species, i.e. it is not a coastal habitat and is well-separated from the designated SPA/Ramsar and any potentially suitable areas of supporting habitat along the coast. On this basis, it is concluded that there will be no loss or alteration of supporting habitat as a result of this development.

13.10 The submitted HRA assessment acknowledges that increases in the presence of people and their domestic pets can result in the disturbance and displacement of birds from their breeding or wintering areas, which may have significant consequences for the populations' conservation status. The HRA for the Local Plan provides a number of recommendations for approaches to mitigate recreational effects upon the Northumberland Coast SPA/Ramsar, including the provision of suitable accessible natural green space. As this development replaces previously demolished dwellings, it is considered that there will be no overall net gain in the number of people or their domestic pets. The applicant has also acknowledged that there are already a number of alternative areas of semi-natural open space in close proximity to the site. On this basis, they conclude that no additional mitigation is considered necessary to avoid any significant effects upon the SPA/Ramsar.

13.11 The Council's Biodiversity Officer has been consulted. She has advised that the application site has groups of mature scrub and trees and semi-improved grassland directly adjacent. In addition, the Silverlink Park Local Wildlife Site (LWS) and Local Nature Reserve (LNR) is located less than 700m south of the application site. She has advised that the ponds within this site support great crested newts.

13.12 She has raised concerns regarding construction work areas and access arrangements, loss of landscaping and the impact on great crested newts. However, it is clear from her comments that all of her concerns can be adequately mitigated through imposing appropriately worded conditions on any grant of planning permission.

13.13 Natural England has been consulted. They have raised no objection to the proposed development.

13.14 Members need to determine whether the development results in significant harm to biodiversity. It is officer advice that the development would not have a harmful impact on local biodiversity and the natural environment.

14.0 Other issues

14.1 Flooding

14.2 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

14.3 The proposed development will utilise the existing drainage infrastructure and the built form of the development would be similar to what previously existed on the site.

14.4 The Local Lead Flood Authority (LLFA) has been consulted. He has raised no objection to the proposed development.

14.5 Northumbrian Water has been consulted. They have raised no objections to the proposed development.

14.6 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that the information submitted demonstrates that the proposed development is acceptable in terms of flood risk and drainage.

15.0 Local Financial Considerations

15.1 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). It is considered that the proposal would result in benefits in terms of jobs during the construction.

15.2 The previous planning consents for residential development on the application site and the wider residential development have secured financial contributions towards the following: education, transport (Metro station and traffic calming), community and recreational facilities and landscape maintenance. As this development would replace existing units and would not result in an increase the number of units, it is the view of the case officer that it is not reasonable or necessary to request any further planning obligations.

15.3 Members are advised that as part of the original planning permission (Ref: 98/00141/OUT) two of the 18 properties subject of this application were affordable housing units. The Coal Authority purchased all 18 properties which have been demolished. Two of the properties, originally affordable housing, were purchased at full market value with 53% being paid to the homeowner and 47% paid to North Tyneside Council. Therefore, an appropriate financial contribution has already been paid in lieu of direct provision on site, to be used by Bellway Homes to provide affordable properties elsewhere in the district (at the Stephenson House development, Killingworth).

16.0 Conclusions

16.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

16.2 Specifically NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

16.3 The application site lies within an existing built up area and it is located in close proximity to existing local services. The relevant statutory consultee has advised that subject to a validation report being conditioned the ground conditions would be acceptable for future development. In terms of the impact of the development, the consultees are satisfied that the development is acceptable in terms of its impact on the highway network, its impact on flood risk, ecology, the impact on the amenity of existing and future occupants and its overall design and appearance.

16.4 Approval is therefore recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

Site location plan Dwg No. CI-351352-LP-01 P1

Elevations(90, 91, 92, 93, 93a) Dwg No. CI-351352-081 P2

Plan layouts (90, 91, 92, 93 and 93a) , Dwg No. CI-351352-082 P2

Plan layout, elevations and details (15) Dwg No. CI-351352-070 P2
 Plan layout, elevations and details (16) Dwg No. CI-351352-071 P2
 Plan layout, elevations and details (94) Dwg No. CI-351352-072 P2
 Plan layout, elevations and details (95) Dwg No. CI-351352-073 P2
 Plan layout, elevations and details (12) Dwg No. CI-351352-074 P2
 Plan layout, elevations and details (14) Dwg No. CI-351352-075 P2
 Plan layout, elevations and details (17) Dwg No. CI-351352-076 P2
 Plan layout, elevations and details (18) Dwg No. CI-351352-077 P2
 Plan layout, elevations and details (29) Dwg No. CI-351352-078 P2
 Plan layout, elevations and details (30) Dwg No. CI-351352-079 P2
 Plan layout, elevations and details (26,27,28) Dwg No. CI-351352-080 P2
 Property type layout and reference drawings Dwg No. CI-351352-060 P2
 Roof plan, boundary treatment and general landscape layout Dwg No. CI-351352-061 P2

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. 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).

4. Notwithstanding Condition 1, prior to the occupation of any dwelling hereby approved details of facilities to be provided for the storage of refuse, recycling and garden waste at the premises shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

5. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement, including a tree protection measures and tree protection plan for the trees and any other landscape features to be retained on the waggonway, 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

browsers, 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. Cabins, storage of plant and materials, parking are not to be located within the root protection area of the retained tree groups as defined by the Tree Protection Plan and maintained for the duration of the works.

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, DM5.9 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6. Wheel Wash SIT008 *

7. Notwithstanding Condition 1, prior to the occupation of any dwelling hereby approved a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before each of the residential dwellings is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. No development shall commence until a scheme for surface water management 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 before the development is occupied.

Reason: This is required pre-development in the interests of highway safety having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. Contaminated Land Investigation Housing CON001 *

10. Gas Investigate no Development GAS006 *

11. Restrict Hours No Construction Sun BH HOU004 *

12. Notwithstanding Condition 1, no development shall take place on any part of the site until a validation report, prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. This report must demonstrate through the results of ground movement monitoring that ground movement has stopped. Thereafter, the development shall only be carried out in accordance with these agreed details.

Reason: This information is required from the outset to demonstrate that the site is safe and suitable for development having regard to NPPF and policy DM5.18 of the North Tyneside Council Local Plan (2017).

13. Notwithstanding Condition 1, no development shall take place on any part of the site until a gas monitoring report, prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. This report must include a report of the findings from the gas monitoring and the details of any necessary mitigation. Thereafter, the development shall only be carried out in accordance with these agreed details.

Reason: This information is required from the outset to demonstrate that the site is safe and suitable for development having regard to NPPF and policy DM5.18 of the North Tyneside Council Local Plan (2017).

14. Prior to the commencement of any development on site a Great Crested Newt working method statement must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to protect wildlife having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

15. No vegetation works will take place during the bird breeding season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing.

Reason: In the interests of wildlife protection having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

16. No trees, shrubs or hedges adjacent to the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure existing trees are protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

17. No utilities or drainage should be located within the root protection areas of retained trees on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007). Reason: To ensure existing trees are protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

18. Prior to commencement, any pruning works required to be undertaken to trees shall be detailed and submitted for approval. All works to be carried out in

accordance with British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: This information is required from the outset to ensure existing trees are protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

19. All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees, hedgerows and shrubs.

Reason: To ensure existing trees are protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

20. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof courses level a detailed internal landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting, and ground preparation noting the species and sizes for all new planting, including native species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. A schedule of works and full specification/maintenance operations should also be submitted in relation to the successful reinstatement and establishment period for those works. The landscape plan should also include measures and a specification in relation to the making good and reinstatement of areas affected by the works.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

21. Prior to the commencement of any part of the development hereby approved a detailed mitigation/reinstatement plan for any impacts associated with drainage, utilities, site compounds and construction traffic/access on the adjacent landscape habitats located to the north east of the application site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a timescale for carrying out any necessary remediation works. Thereafter the development hereby approved shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to ensure wildlife and existing landscaping is adequately protected having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

22. Notwithstanding Condition 1, prior to the commencement of construction works of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required 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).

23. Notwithstanding Condition 1, prior to the construction of any dwelling above ground level a schedule and/or samples of all surfacing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. These details shall include surfacing materials for the garden areas and areas of hardstand. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

24. Notwithstanding Condition 1, prior to the construction of any dwelling above ground level, details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these approved details shall be installed prior to the occupation of each dwelling and shall be permanently retained. Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to Policy DM6.1 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

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

INIT

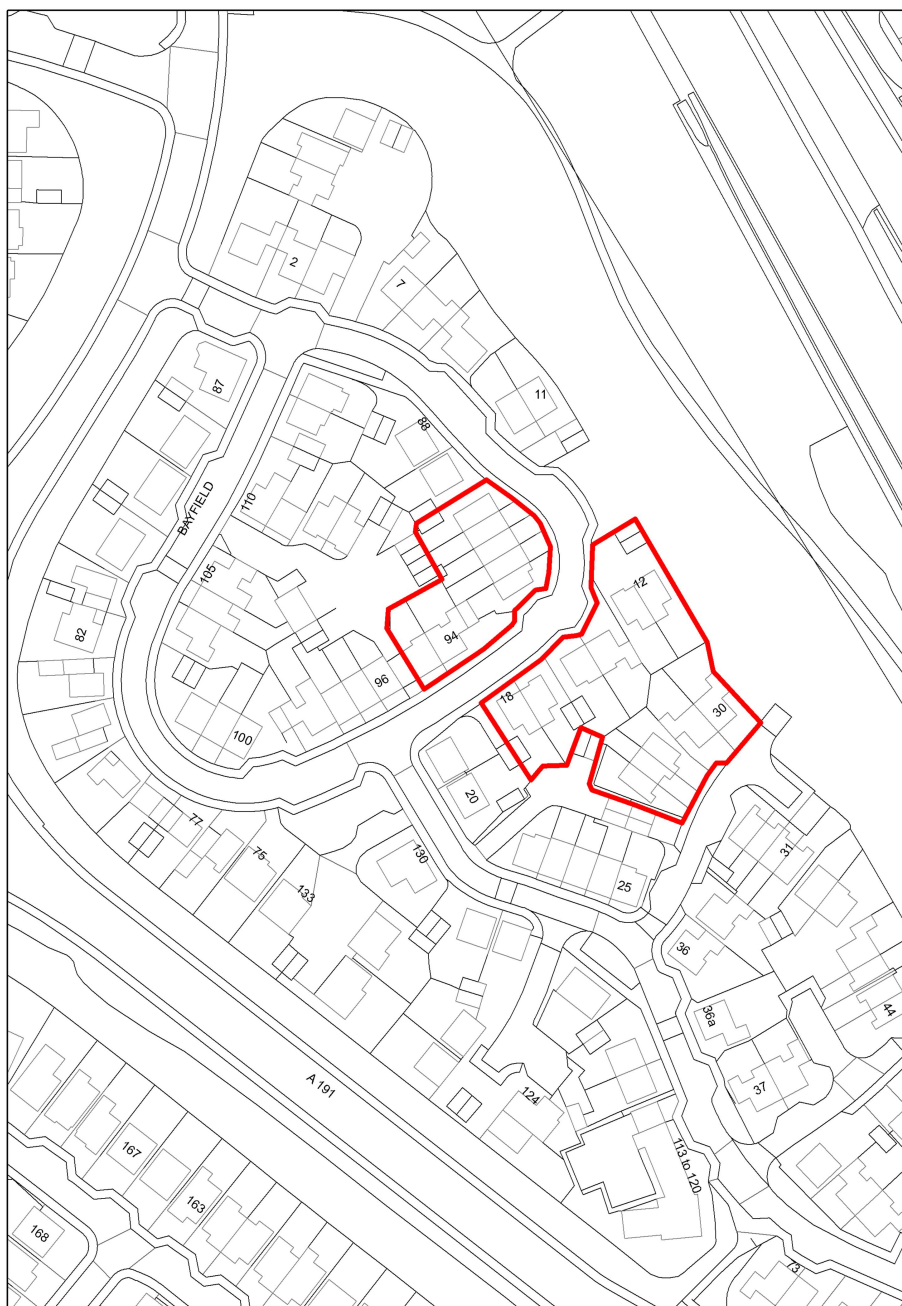
Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

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.



Application reference: 18/00680/FUL

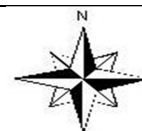
Location: Site Of Former , 12, 14-18, 26-30, 90-93a, 94-95, Bayfield, West Allotment

Proposal: Redevelopment of site for the erection of 18 dwellings

Not to scale

Date: 26.07.2018

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Appendix 1 – 18/00680/FUL
Item 3

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for the redevelopment of site for the erection of 18 dwellings. The dwellings replace those demolished as a result of subsidence. Access remains unchanged and parking has been provided in accordance with current standards. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No development shall commence until a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings.

No development shall commence until a scheme for surface water management 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 before the development is occupied.

Reason: In the interests of highway safety

1.5 Informatives:

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.

1.6 Contaminated Land Officer

1.7 A meeting with representatives of the Coal Authority and the Contaminated Land Officer concluded that although grouting had taken place there may be an impact on the whole development from mine gas. The Coal Authority were

advised that a condition would be placed requiring an assessment of the ground gas regime at the whole of the Bayfield development, as grouting may have had an impact.

1.8 Due to the proposed sensitive end use and based on the above comment the following must be applied:

Con 001
Gas 006

1.9 Manager for Environmental Health (Pollution)

1.10 I have no objection in principle to this development but would recommend conditions to address construction hours and dust mitigation.

HOU04
HOU05
SIT03

1.11 Local Lead Flood Authority

1.12 I have carried out a review of the above application and I can confirm as this application is to replace the existing damaged properties with like for like replacements I do not have any objections.

1.13 Design

1.14 The design and layout is supported. The application replaces the former units that were demolished on a like for like basis. This approach blends in well into the existing site layout and street scene. Boundary treatments are also well considered.

1.15 Biodiversity Officer

1.16 This application, is located within a residential housing estate with the B1322 to the north-west, the A191 to the south-west and to the east of the site is the Silverlink-Backworth Waggonway, a recreational route for walking and cycling. This waggonway is a linear green corridor that is part of a designated wildlife corridor. The waggonway runs from the south-east to the north-east of this site and is bounded by mature hedgerows and scrub, tree groupings and semi-improved grassland. The site proposed for housing has groups of mature scrub and trees and semi-improved grassland directly adjacent. In addition, the Silverlink Park Local Wildlife Site (LWS) and LNR is located less than 700m south of the site and the ponds within this site support great crested newt.

1.17 The proposed development is to replace 18 dwellings that previously existed on the site, but were subsequently demolished due to subsidence. No details have been submitted regarding construction work areas or access arrangements and I am concerned that this may have an impact on adjacent landscape habitats to the east of the site if any construction works are to be located in these areas.

1.18 Whilst I have no objection in principle to this scheme, further information is required to be submitted to ensure that any impacts are dealt with appropriately. This includes information relating to drainage and construction details for the site (access arrangements/routes, traffic management, site compound locations etc)

all of which could impact adjacent ecological habitats and have an adverse impact on the wildlife corridor.

1.19 This information can be conditioned as part of the application, however, any agreed working areas and access routes etc will need to be agreed with the Local Authority and must minimise disturbance and impacts on adjacent landscape habitats. 1.20 An adequate level of mitigation will also be required for any loss of landscaping associated with the scheme.

1.21 In addition to the above, a great crested newt (GCN) working method statement will also need to be submitted to ensure there are no residual impacts on this species.

1.22 Conditions

- Details of construction and access arrangements, site compounds and traffic management associated with the scheme must be submitted to the Local Authority for approval prior to development commencing. If these areas impact on adjacent landscape habitats north and east of the site, an appropriate mitigation scheme will need to be submitted for approval by the Local Authority.
- Any impacts associated with drainage and utilities on the adjacent landscape habitats to the north and east of the site must be appropriately mitigated and details submitted to the Local Authority for approval.
- Any landscaped areas damaged as part of the scheme must be re-instated with appropriate planting mixes and details submitted to the Local Authority for approval.
- A detailed Landscape Plan must be submitted to the Local Authority for approval prior to development commencing. Planting should include native species of benefit to biodiversity.
- Any trees within or adjacent to the site must be protected during construction works in accordance with BS5837:2012.
- A Great Crested Newt working method statement must be submitted to the Local Authority for approval prior to development commencing.
- No vegetation works will take place during the bird breeding season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing.

1.23 Landscape Architect

1.24 The existing application site in question at Bayfield, West Allotment is located within a larger residential housing estate site, which comprises of other housing developments which are bounded to the west and south by further residential plots and the A191 New York Road (southwest) and the B1322 (northwest). To the north and northeast the site is bounded by the (Backworth) Waggonway, a recreational cycle/walkway consisting of a linear green corridor with tree groupings, grass and scrubland. The Waggonway is an important ecological asset, wildlife and recreational corridor, which links the immediate area to the wider borough.

1.25 The proposed development is to replace 18 dwellings that previously existed on the site, which were originally completed as part of a larger development by Bellway Homes Whilst that development was completed in 2011, due to subsidence damage which became apparent to Bellway Homes and NHBC in

March to April 2016, it has been necessary for the affected dwellings to be demolished.

1.26 The proposed landscape design within the immediate housing layout, on the northeast fringe area of the development, offers no response to the immediate existing landscape element, which most of the properties overlook. The proposed landscape proposals are very piecemeal (small ornamental tree in occasional garden) and offer little in terms of the overall bio-diversity and landscape structure of the area in terms of its integration with the development layout. The development overlooks the (Backworth) Waggonway and in effect utilises this asset as part of its landscape capability.

1.27 In terms of offering a greater landscape interface with the landscape (Waggonway) structure to the northeast, further landscape enhancement measures should be offered along this important transition area and access routes into the estate, to mitigate the overall effect of the built form, which is quite stark along this section of the Waggonway. For example, native shrub planting against fence lines; wildflower seeded areas to the wagonway to replace damaged areas after construction.

1.28 The working areas may be limited during the proposed construction phase and consideration should be given, within this context, regarding the adjacent (eastern) landscape features (trees, shrubs and hedgerows) structure, as well as the wider landscape surrounding the existing development. If the applicant and/or their design team, consider that the existing landscape structure areas may be affected they should submit further documentation to demonstrate how this will be avoided and also protected.

1.29 The scheme is acceptable in principle subject to the following conditions being applied:

No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting, and ground preparation noting the species and sizes for all new planting (standard trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. A schedule of works and full specification/maintenance operations should also be submitted in relation to the successful reinstatement and establishment period for those works. The landscape plan should also include measures and a specification in relation to the making good and reinstatement of areas affected by the works.

No trees, shrubs or hedges adjacent to the site which are shown as being retained on the submitted plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within

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

No utilities or drainage should be located within the root protection areas of retained trees on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

Prior to commencement, any pruning works required to be undertaken to trees shall be detailed and submitted for approval. All works to be carried out in accordance with British Standard 3998: 2010 - Recommendations for Tree Works.

The contractors construction method statement relating to traffic management/site compounds/contractor access must be submitted in writing and approved by the Local Planning Authority and include a plan showing tree protection measures for the trees and any other landscape features to be retained on the Waggonway. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained tree groups as defined by the Tree Protection Plan and maintained for the duration of the works.

All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees, hedgerows and shrubs.

2.0 Representations

2.1 One letter of representation has been received. These comments are set out below:

-Impact on landscape.

-There are two large mounds of earth at the rear of Bayfield. One behind my property No. 41. When the coal board compound is removed what is the plans for these mounds? They are an eyesore and need to be managed and I expect the mounds to be flattened and the area returned to wild land to promote wildlife.

3.0 External Consultees

3.1 Northumbrian Water

3.2 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

3.3 Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

3.4 The Coal Authority

3.5 The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy and Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and

development plans in order to protect the public and the environment in mining areas.

3.6 The Coal Authority Response: Material Consideration

3.7 The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information suggests that historic unrecorded underground coal mining is likely to have taken place beneath the application site at shallow depth.

3.8 The planning application is accompanied by a Coal Mining Risk Assessment Report (May 2018, prepared by WYG). The submitted report provides a recent site history which highlights that the Coal Authority received numerous subsidence claims for properties within and adjacent to the application site in 2016 and 2017. Following monitoring and investigation, this ground movement was established as being 'probably' as a result of historic coal mining activity and the Coal Authority accepted liability in August 2016 for a localised subsidence event at the estate which subsequently necessitated the demolition to 18 dwellings and repairs to surrounding properties.

3.9 Based on a desk based review of relevant sources of coal mining and geological information, the Coal Mining Risk Assessment identifies that mine workings are recorded in the locality in several coal seams. The shallowest of these seams being the High Main Coal seam at c.38.0m bgl which was worked by the pillar and stall method with coal extraction rates of c.45-50%. The report indicates that mining records indicate the presence of an isolated roadway within the High Main Coal seam beneath the application site with surrounding coal intact.

3.10 The Coal Mining Risk Assessment Report goes on to summarise the findings of two phases of site investigation carried out on behalf of the Coal Authority in December 2016 and April 2017. These works established that the High Main Coal seam was 2.7m – 3.4m thick at depths of 34m – 43m bgl beneath thick overlying sandstone strata. The investigations also established that the coal seam had been subject to extensive unrecorded working, with extraction rates in excess of 70% resulting in open and partially and fully collapsed workings. The report hypothesises that the thick sandstone strata may have provided a temporary support over the worked seam.

3.11 In order to stop settlement from the continued collapse of workings within the High Main Coal seam, the Report indicates that an appropriate programme of drilling and grouting stabilisation works was subsequently undertaken across the application site, with approximately 4,000 tonnes of grout injected into the former workings. 'Proving holes' subsequently drilled demonstrated that the remedial works had filled the voids and broken ground beneath the site. These works were undertaken under the supervision of the Coal Authority's Engineering and Public Safety and Subsidence Team

3.12 The author of the Coal Mining Risk Assessment Report highlights that the grouting stabilisation works were carried out to the appropriate industry standard

for the remediation of former underground mine workings in preparation for new development and are able to conclude that the risk of further subsidence derived from mine workings within the High Main Coal seam is deemed to be low.

3.13 The report author indicates that ongoing ground movement monitoring has shown a marked decrease in the rate of movement following the undertaking of the remedial stabilisation works and they state that *“the decrease in the rate of movement is fully expected to continue and the movement will ultimately stop.”* They go on to advise that *“An extensive suite of post treatment monitoring will be installed to complement the existing ground monitoring on site and validate the effectiveness of the drilling and grouting prior to development.”*

3.14 The Coal Authority considers that the submitted Coal Mining Risk Assessment and appended documents demonstrate that appropriate investigation, assessment and remediation of coal mining legacy affecting the application site has taken place. However, as ground movement is still taking place, albeit at a reduced rate, the submitted report is unable to confirm that the site is currently stable for development.

3.15 As such, should planning permission be granted for the proposed development, the Coal Authority would recommend that a condition is imposed which requires, prior to the commencement of any development, the submission and approval by the LPA of a validation report prepared by a suitably competent person which demonstrates through the results of ground movement monitoring that ground movement has stopped and that the site is safe and stable for development.

3.16 In addition to the above, and in acknowledging that gas monitoring is also still ongoing, The Coal Authority recommends the imposition of an additional condition to require the details of the findings, together with any proposed mitigation.

3.17 The Coal Authority Recommendation to the LPA

3.18 The Coal Authority considers that the Coal Mining Risk Assessment demonstrates that appropriate investigation, assessment and remediation of coal mining legacy which has previously affected the stability of the application site has now taken place.

3.19 Notwithstanding the above, The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring no development to take place on any part of the site until a validation report has been submitted prepared by a suitably competent person which demonstrates through the results of ground movement monitoring that ground movement has stopped and that the site is safe and stable for development.

3.20 The Coal Authority recommends that the LPA impose an additional condition should planning permission be granted for the proposed development requiring the submission of a report of findings arising from the gas monitoring, together with the details of any necessary mitigation, to which the condition should ensure is integral to the development.

3.21 The Coal Authority therefore has no objection to the proposed development subject to the imposition of conditions to secure the above which will demonstrate that the site is safe and stable for redevelopment in the manner proposed, in accordance with paragraphs 120-121 of the NPPF.

3.22 Natural England

3.23 Natural England has re-assessed the above application and consequently we now raise no objection to the above development. Natural England therefore considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

3.24 This letter supersedes our previous response dated 2 July 2018.