



North Tyneside Council

Planning Committee

24 August 2018

To be held on **Tuesday 4 September 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 7 August 2018.	3 Continued overleaf

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5. Planning officer reports

	To give consideration to the planning applications contained in the above report relating to:	8
5.1	18/00452/REM Field North of 45 Sunholme Drive, Wallsend (Northumberland Ward)	13
5.2	17/01689/FUL Preston Towers, North Shields (Preston Ward)	36
5.3	18/00937/FUL 17B Front Street, Whitley Bay (Monkseaton South Ward)	76
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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

7 August 2018

Present: Councillor F Lott (Chair)
Councillors T Brady, M A Green,
John Hunter, P Mason, J Mole,
J O'Shea and L Spillard.

PQ12/08/18 Apologies

Apologies for absence were received from Councillors J M Allan, S Graham, D McMeekan and M Reynolds.

PQ13/08/18 Substitute Members

Pursuant to the Council's Constitution the appointment of the following substitute members were reported:

Councillor J Mole for Councillor D McMeekan
Councillor J O'Shea for Councillor S Graham

PQ14/08/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

Councillor M A Green indicated that although she had been asked by residents to organise and chair a public meeting in relation to application 17/01543/FUL she had not pre-determined the application.

Councillor L Spillard indicated that although she lived in close proximity to the application site in respect of application 18/00680/FUL she had not pre-determined the application.

PQ15/08/18 Minutes

Resolved that the minutes of the meeting held on 10 July 2018 be confirmed as a correct record and signed by the Chair.

PQ16/08/18 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:	17/00243/FUL	Ward:	Riverside
Application Type:	full planning application		
Location:	Land at Marina Frontage, Albert Edward Dock, Coble Dene, North Shields		
Proposal:	Development of two apartment blocks consisting of 36 no residential units and associated parking		
Applicant:	Cussins Property Group Ltd		

The Committee gave consideration to a report of the planning officer 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:

Miss J Casson of 51 Commissioners Wharf
Mrs V Lynn of 30 Commissioners Wharf
Mrs A Thomson of 33 Commissioners Wharf
Mr K Lynn of 30 Commissioners Wharf
Mr C Senior of 56 Chirton Dene Quays
Mr M Flinders of 24 Commissioners Wharf
Mrs F Gray of 39 Commissioners Wharf
Mrs L Flinders of 24 Commissioners Wharf

Following a request from the Chair that the speakers appoint a spokesperson, they had agreed that Mr P Walton of the Royal Quays Action Group would address the Committee on behalf of the residents.

Mr Walton stated that the applicant had not made any attempt to consult with the existing residents and there had only been one letter of support for the development. He explained that the poor design of the proposal would not produce an iconic building on the site. He also referred to the lack of parking provision on the site, the distance to the nearest Metro station and explained that the proposed access to the development was dangerous as it was on a bend in the road. He referred to existing parking around the site from cruise passengers to avoid parking charges. Reference was also made to the proposals for sound attenuation and he explained that the proposed mitigation would not be sufficient to block out the noise from the cruise ships which moored nearby. He also explained that the development would prevent residents putting on live music events in the future. In addition he questioned the need for the development as there was already a lot of development going on in the area and he also referred to the modest Section 106 contribution requested of the developer.

Mr A Kahn, Port of Tyne, explained that he did not wish to address the Committee but was happy to answer Members' questions.

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

- a) the design of the proposed development and its impact on the character and appearance of the area;
- b) the commercial viability of the development if the developer was required to provide 25% affordable homes and a S106 contribution;

- c) the status of the site which had not been allocated for housing use in the Local Plan;
- d) the previous planning history of the site;
- e) the impact of the proposed development on the operation of the port; and
- f) the proposed provision of 34 car parking spaces on site and the likely impact of the development on car parking and road safety in the surrounding area.

Decision

Application refused on the grounds that:

1. The proposed development is of a poor standard of design, which fails to reflect the prominence of the site, and is 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 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.
4. Insufficient parking has been provided to meet the needs of the development, resulting in an adverse impact on the highway network, which is contrary to policy DM7.4 of the North Tyneside Local Plan 2017, LDD12 'Transport and Highways (2017)' and the National Planning Policy Framework (2018).
5. The development would impact on the security of the Tyne Commission Quay, adversely affecting Port operations; contrary to the NPPF (2018).

Application No:	17/01543/FUL	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	

The Committee gave consideration to a report of the planning officer 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 granted speaking rights:

Mr J Harbottle of 23 The Villas; and
Mr K Dowd of Roscobie, Sandy Lane.

Following a request from the Chair that the speakers appoint a spokesperson, they had agreed that Mr Harbottle would address the Committee and Mr Dowd would be available to answer Member's questions.

Mr Harbottle explained that the proposed development would have an adverse impact on the character and appearance of the conservation area, the green belt and the adjacent SSSI. He explained that he considered that the proposal was an over development of the site, being 56% larger than the footprint of the previous building on the site and it was not in keeping with the existing properties in the conservation area and did not accord with the conservation area character appraisal. Reference was also made to the recent loss of protected trees in the locality.

Mr R Wood, R and K Wood Planning LLP, attended the meeting on behalf of the applicant. He responded to the points raised by the speaker and explained that the scheme had evolved to take account of the concerns raised. The site had previously been developed and this proposal was for a residential development in a residential area, being for short term lets to professionals. He also explained that the trees on site could be protected during construction.

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

- a) The proposed use of the property and the measures in place to deal with noise and disturbance;
- b) Access to and parking on the site;
- c) The effect of the development on the biodiversity of the area; and
- d) the Sacred Heart Church, Wideopen Conservation Area Character Appraisal

Decision

Application refused on the grounds that:

1. The application site occupies a prominent position within the Sacred Heart Conservation Area. The proposed development would result in an overdevelopment of this site to the detriment of the character and appearance of this part of the conservation area. As such the proposed development is contrary to Policies DM6.1 and DM6.6 of the North Tyneside Council Local Plan (2017) and the Sacred Heart Church, Wideopen Conservation Area Character Appraisal, January 2009.
2. The proposed development by virtue of its design, siting and appearance would result in an unacceptable impact on the character and appearance of the immediate surrounding area including the Sacred Heart Conservation Area. As such the proposed development is contrary to Policies DM6.1 and DM6.6 of the North Tyneside Council Local Plan (2017) and the Sacred Heart Church, Wideopen Conservation Area Character Appraisal, January 2009.
3. The proposed development would result in an unacceptable impact on biodiversity as it would not contribute to or enhance the natural environment. As such the

proposed development is considered to be harmful to the biodiversity and visual amenity of the area contrary to NPPF and Policy DM5.7 of the Local Plan (2017).

4. The proposal would introduce a business use (Short term residential lets) that due to the increased activity in terms of comings and goings and additional noise associated with the use would have an adverse impact upon the amenity and character of the surrounding residential area contrary to the advice in NPPF and Policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

Application No:	18/00680/FUL	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	

The Committee gave consideration to a report of the planning officer in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs.

Members of the Committee asked questions of the officers and made comments. In doing so the Committee gave particular consideration to:

- a) the expected lifespan of the material used to stabilise the land;
- b) that the application was for a like for like development
- c) the fact that a precautionary approach had been adopted and no development would take place until the land had been properly stabilised.

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, ecology 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.

PLANNING COMMITTEE

Date: 4 September 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
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Item No:	5.1		
Application No:	18/00452/REM	Author:	Maxine Ingram
Date valid:	12 April 2018	☎:	0191 643 6322
Target decision date:	12 July 2018	Ward:	Northumberland

Application type: approval of reserved matters

Location: Field North of 45 Sunholme Drive, Wallsend, Tyne And Wear

Proposal: Reserved matters for the submission of details of; Appearance, Landscaping, Layout and Scale in respect of erection of 295 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Revised site layout)

Applicant: Persimmon Homes, Mr Richard Holland 2 Esh Plaza Sir Bobby Robson Way Newcastle Upon Tyne NE13 9BA

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.1 The main issues for Members to consider in this case are whether the reserved matters, for the final part of Phase B and C, relating to the layout, scale, appearance and landscaping for outline planning permission 12/02025/FUL are acceptable.

2.0 Description of the Site

2.1 The application site forms part of a wider residential development that was allowed at appeal on 15 December 2014. The site relates to the next phases of this approved development. To the east of the site there will be a landscape buffer, this landscaping is associated with Phase A of the development and it is currently being planted. Beyond this area of landscaping is a public right of way (PROW) and the Rising Sun Country Park (RSCP) which is designated as a Local Wildlife Site (LWS) and a Site of Local Conservation Importance (SLCI). The area of land sited between the northern edge of the proposed built development and the PROW to the north of the application site will be a landscape buffer, this landscaping is associated with the later phases of the overall approved development.

2.2 The existing Sustainable Urban Drainage System (SUDs) is sited in the south east corner of the wider approved development. Building works associated with Phase A of the overall development are still underway.

3.0 Description of the Proposed Development

3.1 In 2014, a hybrid application was allowed at appeal. This application granted consent for a full application for 225 dwellings and outline consent for 425 dwellings, including approximately 718 sqm of commercial space.

3.2 This application seeks approval of all of the matters reserved under condition 2 of the hybrid consent for the final part of Phase B and Phase C. A total of 295 dwellings are proposed, including 25% affordable housing.

3.3 In support of the application, the following reports/documents have been submitted:

- Planning Statement and Affordable Housing Statement
- Design and Access Statement
- Economic Statement

Documents submitted with the original planning permission:

- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy Rev B
- Ground Investigation Report (December 2013) and Addendum
- Transport Assessment

3.4 The following house types are proposed:

- 11no. Callerton (4 bed)
- 7 no. Laurel (4 bed)
- 25 no. Horton (3 bed)
- 29 no. Polwarth (4 bed)
- 22no. Roseden (4 bed)
- 71 no. Kirkley (3 bed)
- 70 no. Seaton (2 bed)
- 14 no. Clayowrth (4 bed)
- 4no. Glamis (5 bed)
- 11no. Prestwick (3 bed)
- 31no. Morden (2 bed)

3.5 Of the 295 dwellings, 74 dwellings would be affordable:

- 56no. Social Rent Units
- 18no. Discounted Market Value Units

3.6 Members are advised that the affordable housing scheme will need to be submitted as a requirement of the signed S106 Agreement attached to planning application 12/02025/FUL.

4.0 Relevant Planning History

17/01224/REM - Reserved matters for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Amended site plan received 6.10.17, drainage and highway plans received 16.10.17). Discharge of conditions for Phase B (Part 1) only: 12 (gas), 13 (gas), 14 (contaminated land), 20 (refuse storage), 26 (pollution prevention), 36 (bus stop), 38 (cycle storage), 39 (multi

user links), 41 (traffic calming), 42 (surface water disposal), 43 (foul disposal) of 12/02025/FUL – Permitted 23.11.2017

12/02025/FUL - Hybrid application comprising: Outline planning permission with all matters reserved: Development of 18.976ha for residential uses capable of accommodating approximately 425 dwellings and approximately 400sqm of A1 retail use, 318sqm of D1 health centre use and associated car parking. Full planning permission: Erection of 225 dwellings, construction of a 3 arm roundabout at the roundabout at the A186 (Station Road) and provision of associated open space, landscaping and SUDs and strategic open space. EIA Development – Refused 24.10.2013 . Allowed at appeal 15.12.2014.

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 (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 reserved matters relating to the layout, scale, appearance and landscaping for the final part of Phase B and Phase C of the outline planning permission 12/02025/FUL are acceptable.

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

8.0 Local Plan Strategic Policies

8.1 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.

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 Preliminary Matters

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 The site is designated as a housing site with existing planning permission in the Local Plan.

9.5 The principle of building up to 650 residential dwellings on this site was allowed at appeal on the 15.12.2014. This consent granted a full permission for 225 residential dwellings and outline planning permission for up to 425 residential dwellings. Therefore, the principle of residential development has already been firmly established.

10.0 Layout, including access

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 127 of the NPPF states that planning policies and decisions, amongst other matters, should ensure that developments:

- will function well and add to the overall quantity of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.3 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.

10.4 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

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

10.6 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.

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

10.8 Policy DM6.1 states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

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 is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

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

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

10.12 The application site relates to the final part of Phase B and part of Phase C as approved under the hybrid approval in 2014. These phases are accessed from the internal primary loop road formed as part of Phase A.

10.13 The overall layout of the development is similar to the indicative layout submitted as part of the hybrid application (12/02025/FUL). Members are advised that a parcel of land that would have formed the north east corner of Phase C, as identified on the agreed phasing plan, falls outside the redline boundary of this

application. As part of the hybrid application a condition was imposed to restrict the number of residential units within Phases A, B and C to no more than 650. The applicant has advised that the changes in market conditions have led to a higher proportion of small housing being provided on the site due to the unprecedented interest and take up which also meets with the needs of North Tyneside Council in their most recent Strategic Housing Marketing Assessment (SHMA). Therefore, the applicant has indicated that the parcel of land outside the redline boundary will be subject to a separate planning application. Members are advised that they are only considering whether the reserved matters within the red line boundary are acceptable.

10.14 The Design Officer has been consulted. He has advised that submitted layout continues the same street network and architectural design as the earlier phases of this site. This application will therefore contribute towards the overall Masterplan for the site creating a cohesive and well designed place. The layout is easy to navigate around and will facilitate movement for vehicles and pedestrians.

10.15 All units front onto roads and open space; units have also been placed to maximise key vistas in the layout. The units that are sited along the northern edge of Phase C front into the site. The rear gardens of these properties will back onto an area of landscaping. This landscaping will soften the visual appearance of these rear gardens when viewed from the north.

10.16 It is noted that the Design Officer has advised that the less successful element of the overall layout relates to the car parking strategy which has led to clusters of long stretches of car parking. He has advised that this is likely to dominate the street in some places. Members are advised that these concerns have been raised with the applicant and some amendments have been made to reduce the impact of car parking within the street scene. The Design Officer has advised that there are still pockets of car parking which he is concerned about (i.e. 431-433 and 402-404). However, whilst some parking concerns are noted, the Design Officer is supportive of the scheme.

10.17 The Police Architectural Liaison Officer has raised no objection to the layout of the development from a crime point of view.

10.18 The Manager for Environmental Health has been consulted. She has advised that properties located to the north and north west of the site will need to incorporate sound attenuation measures as they will be affected by road traffic noise from Station Road North. However, Members are advised that the noise scheme for this site was addressed under the original grant of planning permission. On this basis, it is the view of officers that appropriate mitigation can be achieved to ensure that future occupants are protected from road traffic noise. Conditions relating to noise were imposed as a phased condition and the hours of construction was imposed as a standard condition as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application. It is therefore not necessary to duplicate the condition.

10.19 The Highway Network Manager has advised that the proposed layout provides sufficient parking and access in accordance with current standards. The proposed layout also demonstrates that cycle parking by way of a shed will be provided in the rear garden of each property. Bin collection points have also been identified on the proposed site layout. The site has access to public transport, local services and the existing public right of way networks. On this basis, he has recommended approval. Conditions relating to adoptable estate roads, bus stops, refuse and cycle parking were imposed as phased conditions as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application. Should Members be minded to approve this application the following conditions are considered to be reasonable and necessary: site construction method statement, wheel wash and parking provision.

10.20 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.

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

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

10.23 The Council's Local Lead Flood Authority (LLFA) has been consulted. He has advised that a Flood Risk Assessment (FRA) was submitted as part of the hybrid application (12/02025/FUL). This phase of development compliments the original drainage strategy and approval is recommended. Conditions relating to flood risk and surface water drainage were imposed as phased conditions as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

10.24 Northumbrian Water has been consulted. They have raised no objections to this phase of the development.

10.25 Members need to consider whether the layout of the proposed development is acceptable and whether it would accords with the advice in NPPF, policies DM7.4, DM5.19, DM5.15 and DM6.1 of the North Tyneside Local Plan and the 'Design Quality' SPD and weight this in their decision. Subject to conditions, it is officer advice that the proposed appearance is acceptable and accords with national and local planning policies.

11.0 Scale

11.1 The NPPF states that local planning policies and decisions should ensure that developments that are sympathetic to local character, including the built environment, while not preventing or discouraging appropriate innovation or change (such as increased densities).

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

11.3 The Design Quality SPD states that the scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting.

11.4 The detailed design of the application is consistent with the design principles set out in the hybrid application and the previously agreed phases of the wider development. The development includes a variety of building heights, which seeks to form a unique and contemporary character for this part of the borough. The majority of the units are two storeys however; some units provide accommodation over three floors by accommodating dormer windows. The proposed scale is consistent with the adjacent phases.

11.5 Conditions relating to levels was imposed as a phased condition as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application.

11.6 Members need to determine whether the proposed scale is acceptable and whether it would accords with the NPPF, policy DM6.1 and the 'Design Quality' SPD and weight this in their decision. This is a residential application and the proposal is residential in terms of scale. Subject to conditions, it is officer advice that the proposed scale of the development is acceptable and accords with national and local planning policies.

12.0 Appearance

12.1 The Design Quality SPD states that the appearance and materials chosen for a scheme should create a place with a locally inspired or otherwise distinctive character. In all cases new developments should have a consistent approach to use of materials and the design and style of windows, doors, roof pitches and other important features.

12.2 The Design Officer has advised that the detailed design of the application is consistent with the design principles set out in the outline application and the first phase of development. There is a mixture of complementary house types that have a consistent use of materials and detailing (dormers, balconies and Juliette balconies) which will contribute towards creating a distinctive place. Specific corner units are also included in the housing mix. Landscaping and boundary treatments are planned to contribute towards a high quality street scene. Should Members be

mind to approve this application, it is considered reasonable and necessary to impose the following conditions: materials, boundary treatments and internal landscaping.

12.3 Members need to determine whether the proposed appearance is acceptable and whether it accords with policy DM6.1 and the Design Quality SPD and weight this in their decision. Subject to conditions, it is officer advice that the proposed appearance is acceptable and accords with national and local planning policies.

13.0 Landscaping

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

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

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

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

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

13.4 Policy DM5.7 'Wildlife Corridors' states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

13.5 The ecology issues associated with the development of this land for housing has been assessed and fully considered as part of the approved hybrid application. As part of the approved hybrid application a landscape buffer to be provided around the perimeter of the wider residential development and SUDs was secured. This landscape buffer will be provided in two phases: the landscaping to the southern and eastern boundary was secured as part of Phase A (identified as L1a and L1b on the phasing plan) and the remaining landscaping (identified as L2a and L2b) is to be secured as part of the latter phases. No part of the built development as shown in

the red line boundary on Dwg No. 298/A/GA/004 Rev D will encroach onto this landscape buffer. Members are also advised that the perimeter landscaping to the north, east and southern boundary is designated as a wildlife corridor in the Local Plan.

13.6 The northern part of this development lies adjacent to an area of land that will form a landscape buffer between the built development and the public right of way that is located to the north of the application site. This area of landscaping is identified as phases L2a and L2b on the phasing plan agreed under the hybrid approval in 2014. A condition requiring details of this landscaping and implementation is suggested prior to the commencement of any development in Phase C. This will allow this area of landscaping to mature whilst Phase C is being constructed.

13.7 Natural England has been consulted. They have advised that they have no comments to make on this reserved matters application.

13.8 The submitted layout incorporates pockets of internal landscape to assist in breaking up the built form and enhancing the overall quality of the external environment.

13.9 The Council's Biodiversity Officer has been consulted. She has not raised any objections to the proposed development subject to conditions to control the details of the internal landscaping and a condition to ensure that there are no lighting or pollution impacts on adjacent habitats. Conditions relating to light spillage into sensitive areas and drainage were imposed as phased conditions and vegetation removal as a standard condition as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

13.10 The Council's Landscape Architect has been consulted. She has raised no objections to the proposed development subject to conditions to control the details of the internal landscaping and its future management.

13.11 Should Members be minded to approve this development the following conditions are considered to be reasonable and necessary: internal landscaping details and future management, pollution prevention and the implementation of landscaping to the north of the site (identified on the phasing plan as Phase L2a and L2b).

13.12 Members need to consider whether the proposed landscaping would be acceptable and in accordance with policies DM5.7 and DM5.9 and weight this in their decision. Subject to conditions, it is officer advice that the proposed appearance is acceptable and accords with national and local planning policies.

14.0 Other Issues

14.1 The Contaminated Land Officer has been consulted. She has advised that no gas protection measures are required however; a contaminated land condition will be required. A condition relating to contaminated land was imposed as a phased condition as part of the hybrid application; the applicant will be required to comply

with the requirements of this condition relating to the phases subject of this application. It is therefore not necessary to duplicate this condition.

14.2 Highways England has been consulted. They have raised no objections to this reserved matters application.

14.3 The Tyne and Wear Archaeology Officer has been consulted. She has recommended conditional approval.

14.4 Newcastle City Council has been consulted. They have raised no objections to this reserved matters application.

14.5 Northumberland County Council has been consulted. They have raised no objections to this reserved matters application.

14.6 The issues raised by the objector are noted. Members are advised that the majority of points raised in this objection relate to the current construction on this site and are not a material planning consideration in the determination of this reserved matters application. Members are advised that all enforcement complaints that have been received to date have been investigated, or are currently being monitored. Members are also advised that the traffic impacts associated with this development were fully considered when assessing the hybrid application.

15.0 Conclusion

15.1 The principle of residential development on this site has been firmly established by the previous planning application. The application relates to those details still to be approved. Officer advice is that the layout, scale, appearance and landscaping are acceptable. Members need to decide whether they consider that these reserved matters are acceptable.

15.2 Members are advised that the conditions attached to the hybrid application remain valid as they were worded to relate to each phase of this wider residential development. Therefore, the applicant is still required to comply with these conditions as the development is progressed. It is therefore not necessary to repeat conditions which are already in place (i.e. hours of construction, levels, compliance with Flood Risk Assessment).

15.3 Approval is 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:

- Overall site plan Dwg No. 157/A/OSP/001
- Architectural layout Dwg No. 157/A/GA/004 Rev D
- Outline detailed plan Dwg No. 175/A/GA/101 Rev B
- Phasing plan 175/A/GA/101 Rev B

Housetypes
 Callerton CAL/CONT/01 and CAL/CONT/02
 Clayworth CLW/CONT/01 and CLW/CONT/02
 Glamis GLA/CONT/02
 Horton HOR/CONT/01 and HOR/CONT/02
 Kirkley KIR/CONT/01, KIR/CONT/02 and KIR/CONT/03
 Laurel CY-WD01 Rev E
 Polwarth POL/CONT/03 and POL/CONT/04
 Roseden RSD/CONT/01 and 02
 Seaton SEA/ELEVS/01, SEA/PLA/01, SEA/ELEVS/02, SEA/PLA/02,
 SEA/ELEVS/03, SEA/PLA/03
 Prestwick GF-WD10 Rev M
 Morden MRWD17 Rev P

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

3. Construction Method Statement - Major SIT007 *

4. Wheel Wash SIT008 *

5. Within six months of the approval of the reserve matters, the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 9 and 10 of 12/02025/FUL shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that the archaeological remains on the site are recorded, in accordance with paragraph 189 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

6. Within one year of the approval of the reserve matters, a report detailing the results of the archaeological fieldwork undertaken shall be produced in a form suitable for publication in a suitable and agreed journal and shall be submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 189 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

7. Notwithstanding Condition 1, prior to the commencement of any development above damp proof course level details a fully detailed scheme for the internal landscaping, a timetable for its implementation and a landscape management 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 planting, ground preparation noting the species and sizes for all new tree planting (trees to be a minimum 12-14cm girth). Thereafter, the landscaping shall be

planted in full accordance with this agreed timetable. Any trees or plants which, within a period of five years from the completion of this part of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

8. Notwithstanding Condition 1, prior to the commencement of any development above damp proof course level details of the samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

9. Notwithstanding Condition 1, prior to the commencement of any development above damp proof course level details of the boundary treatments shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

10. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of traffic calming features at the points where the Public Right of Way and unrecorded route cross the estate roads and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the traffic calming features shall be installed and in accordance with the approved details.

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

11. No development of phase C shall take place until a detailed landscaping scheme and a landscape management plan, which shall include full details of the area identified as L2a and L2b on the phasing plan ref 175/A/GA/101B, has

been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of phase A; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: This information is required prior to the commencement of phase c to ensure the landscape establishes whilst building works commence in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

12. Notwithstanding Condition 1, no development shall take place in each phase of the development hereby approved until a scheme detailing pollution prevention measures to prevent contamination watercourses or land, including a programme for implementation, has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme, which shall be retained thereafter.

Reason: This information is required from the outset to ensure adjacent watercourses are adequately protected having regard to policy DM5.7 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).

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)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

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

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close

or divert an existing route during development this should be agreed with the council's Rights of Way Officer.

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



Application reference: 18/00452/REM

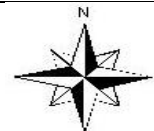
Location: Field North of 45 Sunholme Drive, Wallsend, Tyne And Wear

Proposal: Reserved matters for the submission of details of; Appearance, Landscaping, Layout and Scale in respect of erection of 295 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Revised site layout)

Not to scale

Date: 23.08.2018

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Item 5.1

Appendix 1 – 18/00452/REM

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This is a reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 295 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL. A hybrid application was granted permission on appeal in 2014 (12/02025/FUL). This application is for Phase III of the development. Another hybrid application was granted permission last year on the west side of Station Road (16/01885/FUL).

1.3 A Transport Assessment (TA) was included as part of the previous applications that assessed the local highway network and was tested in the councils Micro-simulation Transport Model. The following off site highway improvements will be carried out as part of the two previous applications:

- Toucan crossing on the A191 to the east of Proctor & Gamble connecting into existing routes.
 - Connection and enhancements to the continuous shared footway/cycle way on southern side of A191 (Whitley Road).
 - Upgrade of existing northbound bus stop on A186 Station Road North to include bus cage and 3-bay shelter.
 - Provision of pedestrian refuge on A186 Station Road to the north of the secondary access.
 - New roundabout junctions to the site accesses.
 - Provision of Toucan crossing on A186 Station Road between the two site accesses
 - Provision of bus lay-bys with 3-bay shelters on A186 Station Road between the two site accesses.
 - Provision of Pegasus crossing on A186 Station Road to the south of the site.
 - Traffic signals at the junction of Hotspur Road.
 - Localised widening at the junction of Mullen Road and Wiltshire Drive.
 - Improvements to the junction with the A1058 Coast Road.
 - Improvements to junction of A186 Station Road and A191 Whitley Road roundabout
 - Provision of 2.0-3.0m shared pedestrian/cycle way from the southern boundary of the site along A186 Station Road North and A191 Whitley Road to the Asda superstore.
- Improved multiuser links to the surrounding Public Right of Way Network and the Rising Sun Country Park.

1.4 In addition and following Section 106 contributions were secured:

£275,000 for future improvements to the A191 corridor between the junctions of Tyne View Park & Four Lane Ends

£175,000 for improved pedestrian/cycle links linking in to the existing Public Right of Way network including access to the Rising Country Park.

£15,000 to provide a new bridleway bridge on LB9.

£12,000 to provide new street lighting in the southeast corner of the site connecting the existing right of way over the proposed bridge.

£30,000 for improvements to connectivity for pedestrian/cycle routes between the southern end of the site to Redesdale School.

£12,000 per annum for Travel Plan delivery and monitoring for the duration of construction and two years post occupation of the development. The payment for the first five years (£60,000) shall be paid on commencement of development; further payments of £12,000 per year shall be paid each year thereafter until completion of the development and for two years post completion.

£132,000 Travel Plan Bond.

1.5 The principle of development has already been tested at appeal for the outline permission, approval is recommended with additional conditions to cover the construction phase and to enhance the Public Right of Way network.

1.6 Recommendation - Conditional Approval

1.7 Conditions:

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

Notwithstanding the submitted details, details of traffic calming features at the points where the Public Right of Way and unrecorded route cross the estate roads shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the traffic calming features shall be installed and in accordance with the approved details.

Reason: In the interests of highway safety.

1.8 Biodiversity Officer

1.9 The above application has not provided any details of internal landscaping for the new phase of housing. A condition will need to be attached to the application regarding internal landscaping and this landscaping should also reflect the internal landscaping details that have been approved on the first phase of the site. The scheme should also ensure that there are no lighting or pollution impacts on adjacent habitats.

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

1.11 Conditions

-Detailed landscape plans must be submitted to the Local Authority for approval prior to development commencing.

-A detailed Landscape Management Plan for the on-site landscaping must be submitted to the Local Authority for approval prior to development commencing.

-Pollution prevention measures must be submitted to the Local Authority for approval prior to development commencing to ensure there will be no contamination or pollutants entering nearby watercourses, wetlands or land.

-A detailed Lighting Strategy must be submitted for approval by the Local Authority prior to development commencing showing the location and type of lighting to be used within the scheme. Light spill must be avoided in and adjacent to areas of sensitive habitat, in particular, the new landscape buffer areas surrounding the housing site and adjacent to the Rising Sun Country Park.

-Details of drainage to be submitted to the Local Authority for approval prior to development commencing.

-No vegetation clearance will be undertaken within the bird nesting season (March-August) unless a survey by a qualified ecologist has been undertaken immediately prior to works commencing and confirmed the absence of nesting birds.

1.12 Local Lead Flood Authority (LLFA)

1.13 A Flood Risk Assessment (FRA) was submitted as part of the original application. This phase of development compliments the original drainage strategy and conditional approval is recommended.

1.14 Recommendation - Conditional Approval

1.15 Condition:

Notwithstanding the details submitted, the proposed drainage scheme including maintenance of the system shall be set out in accordance with the approved details. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of surface water management.

1.16 Design

1.17 The design and layout of this application continues the same street network and architectural design as the earlier phases of the site. This application will therefore contribute towards the overall Masterplan for the site by creating a cohesive and well designed place. The layout is easy to navigate around and will facilitate movement for vehicles and pedestrians.

1.18 All units front onto roads and open space; units have also been placed to maximise key vistas in the layout. There is a mixture of complementary house types that have a consistent use of materials and detailing which will contribute towards creating a distinctive place. Specific corner units are also included in the housing mix. Landscaping and boundary treatments are planned to contribute towards a high quality street scene.

1.19 Less successful elements of the scheme relate to the car parking strategy which has led to clusters or long stretches of car parking which is likely to dominate the street in some places. These concerns have been raised with the applicant and some amendments have been made to the layout. Examples of where car parking remains a concern is on units 431 – 433 and 402 – 404. In these areas there are clusters of parking (up to 16 spaces) without any landscape mitigation to soften the visual impact.

1.20 Overall, while some parking concerns are noted, the application is supported.

1.21 Landscape Architect

1.22 This application is for the reserved matters for the submission of details of; appearance, landscaping, layout and scale in respect of erection of 295 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Revised site layout). These comments relate to the internal landscape proposals to Phase C and part of Phase B (north section) and refers to the internal landscape of these phases.

1.23 No detail landscape plan has been submitted therefore the following conditions should be 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 planting, 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.

A detailed Landscape Management Plan for the on-site landscaping must be submitted to the Local Authority for approval prior to development commencing

2.0 Representations

2.1 One letter of objection has been received. This objection is set out below:

- Our past performance of Persimmon have been a disgrace.
- Parking on grass verges on both sides of Station Road.
- Parking on the bridleways both sides of Station Road.
- Putting construction materials next to the bridleway wrapped in plastic and when asked to move it as it was frightening the horses the manager said we will do what we want. Persimmon officers were rang about it but still waiting for response. The Council were told but did nothing.
- Persimmon and the landscapers drove up and down the bridleway behind Sunholme Drive churning up the sides and obstructing users of the bridleway.
- After Persimmon and the Council did nothing the Police were information and they put up notices stating it was an offence to park or drive on a bridleway. Persimmon did nothing.
- Rubbish on the site cement bags, plastic, insulation sheets, nylon bags in the gully and into the Rising Sun Country Park. They did not move them or any rubbish for months until the Council told them to, after I said I was putting photographs into the local paper.
- When they did the outlet into the gully on the east side of the site they left a hole eight foot deep with no proper protection around it, children played there. The Health and Safety Executive were called in and the next day it was properly protected. It had only taken seven weeks.
- The Environment Agency were called out because of silt going from the site into the gully, killing all the reeds, tadpoles and making a right mess of the gully on the east side of the site, because of the works on site a second pond was made which put

silt into the gully. The straw bales were later replaced by rolled up netting which is useless and just lying there doing nothing.

-The HSE also told them to put lifebelts around the pond, this took seven months to do by Persimmon.

-Road works left holes in the road due to unfinished kerbing very dangerous.

-People living in Sunholme Drive had rat infestations into the houses due to materials stored too close to their property (Council called someone to remove) nothing done to move materials.

-The traffic is horrendous now with more development (hold ups and traffic jams). Persimmon could not care less about the local people, the surrounding area and it appears neither do the Council. The Lord Mayor said we will look after the people of Wallsend during this development – rubbish. We will build affordable housing at £118, 000.00 young people can't afford them.

3.0 External Consultees

3.1 Highways England

3.2 No objection.

3.3 Natural England

3.4 No comment to make.

3.5 The Coal Authority

3.6 The application site does not fall within the Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted for The Coal Authority to be consulted.

3.7 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if the proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the decision notice as an informative note to the applicant in the interests of public health and safety.

3.8 Police Architectural Liaison Officer

3.9 No objections from a crime point of view.

3.10 Tyne and Wear Archaeology Officer

3.11 I have no issues with the proposed layout of the development.

3.12 However I would like to take this opportunity to remind the applicant that the archaeological conditions on 12/02025/FUL have yet to be complied with.

3.13 We have yet to receive the final archaeological excavation report of the prehistoric site. I would have expected to have received this final report by now. This needs to be submitted as soon as possible.

3.14 The results of the important archaeological excavation also require publishing in Archaeologia Aeliana (the journal of the Society of Antiquaries of Newcastle upon

Tyne) in order to make them publicly accessible and to enhance understanding as per para 141 of the NPPF.

3.15 I therefore recommend that the following conditions are imposed on the reserved matters application:

Archaeological Post Excavation Report Condition

Within six months of the granting of planning permission, the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 9 and 10 of 12/02025/FUL shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that the archaeological remains on the site are recorded, in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Publication Report Condition

Within one year of the granting of planning permission, a report detailing the results of the archaeological fieldwork undertaken shall be produced in a form suitable for publication in a suitable and agreed journal and shall be submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3.16 Northumbrian Water

3.17 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.

3.18 Having assessed the proposed development against the context outlined above, I refer you to our previous response to the application, 17/01224/REM dated 02/10/2018, and can confirm that at this stage we would have no additional comments to make.

3.19 Northumberland County Council

3.20 No objection.

3.21 Newcastle City Council

3.22 No objection.

3.23 Nexus

3.24 Nexus seeks reassurance that a travel plan will be produced for the whole development area that this development forms part of. Nexus requires that due to the size of the development, the travel plan includes two four-weekly Network One all zone travel pass per dwelling.

Item No: 5.2
Application No: 17/01689/FUL **Author:** Rebecca Andison
Date valid: 4 December 2017 **☎:** 0191 643 6321
Target decision date: 5 March 2018 **Ward:** Preston

Application type: full planning application

Location: Preston Towers, Preston Road, North Shields, Tyne And Wear, NE29 9JU

Proposal: Change of Use of Existing Preston Towers, from Nursing Home (Class C2) to 4no houses (Class C3) and 6no apartments (Class C3). Development of 4no new detached houses (Class C3). Construction of new access from Preston Road and new access from unadopted road to the south of the site (REVISED APPLICATION BOUNDARY)

Applicant: Moorland Holdings Ltd, Mr David Ratliff C/o Maurice Searle 15 Lansbury Court Newcastle Upon Tyne NE12 8RN

Agent: MS Town Planning Consultancy Services, Mr Maurice Searle 15 Lansbury Court Newcastle Upon Tyne NE12 8RN

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 upon neighbours living conditions with particular regard to outlook and privacy;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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 Preston Towers, a former residential care home located within Preston Park Conservation Area. The building dates from 1875

and is included on the Local Register. When constructed Preston Towers included a lodge at the entrance gates to the south east, and a carriage house and a stable block to the north. These buildings are still in situ but have now been converted into independent residential units. The original building was extended in the 1980's when a large extension was built on the north side of the property.

2.2 On the south side of Preston Towers are extensive grounds, dominated by mature trees along the south, east and west boundaries. The main entrance is in the south elevation of the building and faces what was originally the main drive. Trees within the site are protected by the Woodlands, North Shields TPO.

2.3 To the west of the application site are Pearey House and Clementhorpe, two large detached properties set in extensive grounds. Pearey House is a welfare centre for the visually impaired and Clementhorpe is a single dwelling. Immediately to the west of the site are six residential properties within Preston Towers Apartments.

2.4 Access to the site is from Preston Road to the east where there are two existing access points. One is located adjacent to the northern boundary and is shared with The Stables and Coach Cottage. The other is to the south and is shared with The Lodge.

3.0 Description of the Proposed Development

3.1 Planning permission is sought convert the existing building into 4no 3-bedroom residential dwellings and 6no 2-bedroom apartments. 4no new detached 4-bedroom houses and 2no new access points are also proposed.

3.2 Internal alterations are proposed to convert the existing property into residential use. Four houses are proposed within the south and east parts of the building, with six apartments to the north and west. The houses would be largely within the original building with the flats in the modern extensions. It is proposed to construct a new access off Preston Road to serve the 4no houses, while the apartments would utilise the existing northern access road.

3.3 Four new detached dwellings are proposed within the south west part of the site. The proposed dwellings have 4no bedrooms and accommodation over 3no floors, including rooms within the roof space. A new access is proposed from the un-adopted highway to the south.

3.4 The applicant has submitted a supporting statement. This is summarised below.

a) The application seeks to secure the conversion of Preston Towers by cross subsidising the conversion with the development of a modest number of houses located in a position so as not to invade the Conservation area and seeking to retain the established tree cover.

b) Preston Towers has been the subject of serious breaks-ins with significant lead theft from the roof areas and the removal of architectural items from the main staircase and entrance areas to the building.

- c) During the spring/ early summer period of 2017 action was taken to secure Preston Towers, including making the building watertight, the removal of partitioning/false ceilings and furniture, and maintenance of the grounds.
- d) A public consultation event was held on 10th August 2017. This event was well attended (over 70 residents) and it was clear that there was community concern about the future of the building, with support for the enabling scheme of four houses to be used to facilitate the successful conversion of Preston Towers.
- e) In order to demonstrate the financial requirement for the development of the four houses, a full viability appraisal was commissioned. The review by 'Capita' took a considerable amount of time and there is a considerable divergence of opinion particularly with regard to anticipated selling values of the converted dwellings and new houses. Whilst the submitted VA clearly demonstrated the requirement of enabling new development, the conclusions of the 'Capita' report do not support the principle of cross subsidy.
- f) The position of the houses has been deliberately chosen to restrict external views of the houses from outside of the site and also to protect the central open grassed area of the site which is overlooked by the principle elevation of Preston Towers.
- g) Due to the requirements of a legal agreement involving the sale of the site it has become necessary to have a decision at the Planning Committee on 4th September.
- h) In the event of a refusal decision, it is the intention of the applicant to submit a further application as a 'free go' with an amended scheme to mitigate the impact on trees. In addition a bat survey has been commissioned and another viability assessment will be commissioned.
- i) The proposal offers the opportunity to see the reinstatement of Preston Towers as an active residential development, which residents of the area are anxious to see come about since the building has remained vacant.

4.0 Relevant Planning History

88/01328/FUL - Change of use to 50 resident care home, alter to 6 private flats, alter garage/stable block to two 2 bedroom cottages, Garages, 6 units and 2 units, modification to site roads – Permitted 27.09.1988

88/02072/FUL - Residential care home for the elderly – Permitted 01.02.1989

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 Planning Practice Guidance (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 surrounding area;
- the impact upon neighbours living conditions with particular regard to outlook and privacy;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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 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

8.10 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. Paragraph 49 of NPPF makes it clear that housing applications should be considered in the presumption in favour of sustainable development.

10.0 Design and Impact on Heritage Assets

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.

10.2 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.

10.3 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.

10.4 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.

10.5 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.

10.6 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.

10.7 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."

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

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

10.10 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.

10.11 The Council has produced an SPD on Design Quality, it states that the Council will encourage innovation in the design and layout, and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

10.12 The Local Register of Buildings and Parks SPD was adopted in 2018. It notes that Preston Towers was built in accordance with the principle of having the properties set back in the building plot, creating a strong building line and open space to the south. The SPD advises that proposals for alterations to Local Register Buildings should respect the architectural quality, character and interest of the building and will be determined on their ability to do so. It notes that a building may require alteration in order to help with maintenance, preservation or viability, but expects alterations works to remain sympathetic and to be of high quality.

10.13 The development of Preston Park commenced after John Fenwick sold the area of land to four local families to build four prestigious villas. The first of these, Clementhorpe, embraced the principle of the form of development we see today. A plan deposited in 1866 (when a conservatory was added) indicates a line of future buildings to the east of the Clementhorpe with the comment that the land in front of the houses should be covenanted to remain open forever. The building of Easby House (now Pearey House) and Preston Tower in the 1870s adhered to this principle. Lincluden, Clementhorpe, and Preston Tower were all designed by the prodigious local architect F R N Haswell. Of the three Haswell buildings in the conservation area, Preston Towers possibly sits at the top of the hierarchy, due to its easily seen positioning on Preston Road, its feature tower and its numerous outbuildings.

10.14 The Preston Park Conservation Area Character Appraisal was adopted in 2009. It refers to the area's unique layout stating that no other area within the borough has such a noticeably spacious layout, which is achieved here not only by the grounds of the properties but by the undeveloped space of Preston Park.

10.15 It goes on to describe how the presence of numerous trees within private gardens results in many of the properties being partially obscured, which encourages the visitor to explore further to view more of the buildings, and also creates an "exclusive" feeling to them.

10.16 The Character Statement notes that all of the properties were constructed as single-family dwellings but some have since been converted into flats. It states that should conversions continue it could begin to harm the character and appearance as a result of incremental changes to elevations, increased parking requirements and hard-standing. For these reasons it will be important to pay particular attention to controlling increases in the number of dwellings in this area.

10.17 The proposal is to convert Preston Towers into 10no residential properties and to construct 4no new dwellings within the grounds.

10.18 The existing building has been vacant since 2012 when the former care home closed. It has been subject to break-ins and theft of internal detailing and leadwork from the roof.

10.19 Preston Towers is arguably the most important building within the conservation area. The proposed conversion to houses and apartments would secure its restoration and future use. No external alterations are proposed other than the restoration/repairs of the existing windows, doors, roof and brickwork. It is

therefore considered that the proposed conversion would conserve and enhance the character and appearance of the conservation area and the architectural quality and interest of the Local Register Building.

10.20 The applicant has advised that in order to secure the restoration and repairs to Preston Towers it is necessary to financially cross subsidise the conversion of the main building with the development of four new dwellings within the grounds. A Viability Appraisal has been submitted as part of the application, and this has been externally audited to ensure it is robust. The review of the appraisal disagrees with the applicant's Viability Assessment and concludes that the conversion of Preston Towers is viable as a stand-alone development and does not require the cross funding from the new build development. It does however acknowledge that a 3% reduction in sales values would result in the conversion scheme becoming unviable.

10.21 Four detached dwellings are proposed in the grounds to the south of Preston Towers. They would be accessed via a new driveway from Preston Park. The area where the dwellings would be located is currently occupied by a lawned area with mature trees around the periphery.

10.22 The extensive grounds of the villas in Preston Park make an important contribution to the character and appearance of the conservation area. There is an established building line between all of the villas; and any development in front of the building line would detract from the historic layout, and the character and appearance of the conservation area.

10.23 Views into the site from the east are currently screened by mature trees along the boundary. It is proposed to construct a new access from Preston Road, removing 6no trees from this side of the site and opening up views from Preston Road. A further 2no trees, plus 1no which has already been removed, would need to be removed to construct the new access from Preston Park, plus a further 2no trees for maintenance reasons. The 4no proposed dwellings, standing at some 9m in height, would be clearly visible through the trees from the public highway and would have a significant impact on views into the conservation area from the east, and views of the site from the south.

10.24 As highlighted by the Character Appraisal the trees collectively make an important contribution to the conservation area's character. The impact on trees is discussed in detail in the following section of this report. However it is clear that the development would impact on wooded character of the area due to the loss of a significant section of the grounds to the proposed dwellings, parking and access and the removal of 11no trees.

10.25 It is officer opinion that the principle of converting Preston Towers into residential units is acceptable in terms of the impact on the character of the conservation area and Local Register Building. However it is considered that the development of 4no new build properties within the grounds with associated parking and access would result in unacceptable harm to the character and appearance of the conservation area. This harm being caused by the impact on the original layout and character of the site and the impact on trees.

10.26 There is also a concern that if planning permission is granted here a precedent could be set for further development within the ground of other neighbouring villas, the cumulative impact of which would be highly damaging. A viability assessment has shown that the new build development is not required to secure the restoration and conversion of Preston Towers and as such it is not considered that there are any wider public benefits that would justify the harm.

10.27 Members need to determine whether the proposed development would be acceptable in terms of its character and appearance upon the site, and the surrounding area. 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 Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.6 Preston Towers is located approx. 4m from the gable elevation of Preston Tower Apartments. There are no windows in the gable of the apartments but there are windows in the west elevation of Preston Towers. These windows relate to ground and first floor apartments 6, 8 and 10. The main windows are affected are the bedrooms and bathroom. Outlook from the second bedroom would be affected by the proximity to the existing building but the main bedroom has an additional window in the north elevation. On balance the standard of amenity proved is considered to be acceptable. All other rooms within the existing building and the four new build houses are considered to provide an acceptable standard of accommodation.

11.7 To the north of the application site are garages and a residential dwelling (Coach Cottage). Coach Cottage is located to the north east of Preston Towers and there would be no direct overlooking between windows.

11.8 Four new dwellings are proposed in the south west section of the site. These properties would be located approx. 35m to the south of Preston Towers Apartments.

11.9 No habitable windows are proposed in the north elevation of the new build dwellings. The separation distance is considered to be sufficient to protect the amenity of existing residents.

11.10 Room sizes within the new dwellings are considered to be acceptable and the east facing windows benefit from good levels of outlook and light. However some concern exists regarding the proximity of the rear windows and outdoor amenity space to mature trees on the western boundary. This is discussed in more detail in Section 13.0 of this report. However in itself the impact on amenity due to the proximity to trees is not considered to be sufficient grounds for refusal given that the main living space is located on the east side of the development.

11.11 In officer opinion the development is acceptable in terms of the impact on the living conditions of existing occupiers.

12.0 Car Parking and Access

12.1 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.

12.2 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.

12.3 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.

12.4 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.

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

12.6 It is proposed to construct 4no new 4-bedroom dwellings and to convert Preston Towers into 4no 3-bed dwellings and 6no 2-bed apartments. Car parking areas are proposed around the existing building and to the east of the 4no proposed dwellings. A total of 14no parking spaces, plus 2no visitor bays are proposed, in addition to the parking provided from the new build dwellings. These would be accessed via the existing entrance adjacent to the northern boundary of the site and a new access from Preston Road.

12.7 The new dwellings would each be provided with a garage and driveway with a grasscrete strip to the east for visitor parking. A new access is proposed from Preston Park.

12.8 The Highway Network Manager has commented. He notes that parking has been provided in accordance with the adopted parking standards and recommends that the application should be approved.

12.9 Objections received from residents on Preston Park raise concern regarding the impact on the level of traffic using the un-adopted highway and potential conflict at the northern entrance.

12.10 The objections raised are noted. However future residents of Preston Towers would use the existing and proposed accesses from Preston Road, with only the 4no new houses accessed from Preston Park. It is not considered that the additional traffic generated by these 4no properties would have a significant impact on the highway network.

12.11 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.

13.0 Trees and 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, built and historic environment as part of this helping to improve biodiversity amongst other matters.

13.2 Para.175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

a) 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;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

13.3 Para. 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.

13.4 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.

13.5 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.

13.6 Policy DM5.7 states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

13.7 The application site contains groups of mature trees along the south, east and west boundaries. The trees are protected by virtue of their location within the Preston Park Conservation Area and by the Woodlands, North Shields TPO 2017. The serving of a TPO reflects the importance of the trees and the significant contribution they make to the conservation area and streetscene.

13.8 The applicant has submitted a Preliminary Ecological Appraisal, Shadow Habitats Regulation Assessment (sHRA) and several tree reports, including a Tree Survey, Arboricultural Impact Assessment and replanting scheme.

13.9 It is proposed to remove 11no trees to facilitate the proposed development and for arboricultural management reasons. 4no of the trees are category B trees and 7no are category U trees.

13.10 An Arboricultural Method Statement has been submitted. This contains a specification for pruning works to the retained trees, details of tree protection measures, ground protection measures, no dig porous surfacing and trenchless solutions for the underground services.

13.11 The Landscape Architect has viewed the submitted information and provided comments. She raises concern regarding the loss of 11no trees and the potential impact of the development on retained trees within the site.

13.12 The 4no proposed dwellings are located in close proximity to mature trees on the western boundary. The base of the closest trees would be approximately 4m from the new dwellings and the building footprint would conflict with the root protection areas.

13.13 The Landscape Architect notes that it is proposed to use special construction techniques in this area but considers that the harm caused by the development is a concern. She does not consider that the impact could be mitigated through the imposition of conditions.

13.14 The trees on the western boundary are between 17m and 22m in height, and would overhang the gardens and elevations of the proposed dwellings by up to 8m, leaving gardens and habitable rooms in shade for much of the year. The dominance of the trees is likely to give future residents concern regarding their safety, loss of light and falling leaves, and result in pressure for the trees to be removed or cut back.

13.15 The proximity of the new dwellings to the trees will require the canopies to be cut back to allow scaffolding, access and construction, resulting in the trees being heavily pruned on one side. In addition it will be necessary to access the RPAs of 5no trees. The Landscape Architect acknowledges that ground protection measures would be used in these areas but advises that these should only be used as a last resort and should be avoided wherever possible.

13.16 The proposed new access from Preston Park will require the removal of 2no trees but has the potential to impact on 3-4no further trees due to severance or asphyxiation of roots and the requirement for pruning. The Landscape Architect considers that even with no dig construction methods there is the high probability that this work will result in damage to the roots or pressure to remove the trees during construction.

13.17 A second new access is proposed onto Preston Road with a wall on either side. 1no category U tree has already been removed and a further 3no category B trees and 1no category C tree would need to be removed to construct the access.

13.18 Car parking spaces 11 and 12 are located beneath the canopies of 3no trees (T1A, T2C and T3A). The existing curb would need to be realigned to create space

for these parking spaces. The Landscape Architect raises concern that this would result in the severing of tree roots due to the difference in land levels at this point, with the parking spaces being cut back into the embankment.

13.19 The application site is located within a Wildlife Corridor and consists largely of broad-leaved woodland, with a small area of poor semi-improved grassland and areas of hard standing. The Preliminary Ecological Appraisal advises that the woodland is considered to be of local habitat value, whilst the grassland and hard-standing are of low habitat value.

13.20 The Preliminary Ecological Appraisal advises that Preston Towers is of moderate bat roosting suitability and that several mature trees adjacent to the southern boundary area of moderate to high suitability for supporting roosting bats. It notes that woodland habitats at the south of the site provide a small area of good quality foraging habitat for bats.

13.21 The Biodiversity Officer has commented on the application. She advises that the Ecological Appraisal does not provide adequate detail regarding the bat risk assessment. The building has been assessed as moderate bat roost suitability but no activity surveys have been recommended. In addition there is no information regarding why it was assessed as moderate suitability for bats or any indication of where potential access points are within the building. She advises that without additional information it is not possible to adequately assess the risk of the building works to bats.

13.22 The site includes an area of woodland which is a priority habitat as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The woodland provides an area of good quality foraging habitat for bats with good links to foraging habitat elsewhere within the area. The proposal would result in the loss of the semi-improved grassland and a number of trees, with a further impact on retained trees.

13.23 Natural England has commented and notes that the development would result in the partial loss of woodland priority habitat. They state that further information is required to assess the impacts on this habitat, on priority and protected species, and to demonstrate how these impacts would be avoided or mitigated. The Biodiversity Officer raises similar concerns regarding the loss of trees and grassland habitat.

13.24 The Shadow Habitat Regulations Assessment (sHRA) identifies a potential impact on the Northumbria Coast SPA, due to an increase in recreational use, and in particular dog walking at the coast, although given the small scale of the development, it advises that the potential for an adverse effect is limited. It recommends mitigation in the form of interpretation boards within the development site highlighting the proximity of Preston Park as a suitable area of green space, and the payment of a financial contribution to the Local Authority to aid in management of recreational use of the coast at Tynemouth.

13.25 The Biodiversity Officer has advised that the impact on the SPA could be mitigated through a financial contribution of £8,400 towards a coastal mitigation scheme. The developer has agreed to pay this contribution.

13.26 In officer opinion the development has an unacceptable impact on trees within the site due to the loss of trees required to construct the development, potential harm to retained trees during the construction work and future pressure to have the trees removed or cut back due to their proximity to the new dwellings. The unmitigated loss of priority woodland habitat and the failure to adequately assess the impact on bats is also considered to be unacceptable. The impact on the SPA is considered to be acceptable subject to the financial contribution as discussed above.

13.27 Members must consider whether the development is acceptable in terms of the impact on trees within the site, protected habitats and species. For the reasons set out above it is officer advice that the impact is not acceptable.

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 It is proposed to incorporate underground storage crates in order to attenuate the surface water within the southern part of the site.

14.12 The Council as Local Lead Flood Authority has been consulted and advises that further details regarding the surface water discharge rates are required to assess the surface water drainage proposals.

14.13 Northumbrian Water have commented and recommends 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.

14.14 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 S106 Contributions

14.16 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.

14.17 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.

14.18 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.

14.19 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.

14.20 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.

14.21 The Council are seeking the following S106 contributions:
25% affordable housing;
1 apprenticeship or £7,000 contribution towards training;
£8,498 towards informal green space/recreation;
£3,206 towards parks; and
£8,400 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

14.22 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.

14.33 The applicant has confirmed that they are agreeable to the financial contributions requested towards training, informal green space, parks and coastal mitigation. In respect of the affordable housing contribution they have asked for the 'vacant building credit' to be taken into account.

14.34 Para. 63 of NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount equivalent to the existing gross floorspace of the existing buildings.

14.35 Taking into account the floor area of the existing building in relation to the overall development floor area equates to an affordable housing contribution of 1.13 units. The application has offered to pay a financial contribution of £49,239.75 in lieu of on-site affordable housing provision.

14.36 The proposed financial contribution in lieu of on-site affordable housing is being considered by the Housing Strategy Manager. An update will be reported prior to the Committee meeting.

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 14no 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. Nevertheless Paragraph 49 of NPPF makes it clear that housing applications should be considered in the presumption in favour of sustainable development, and the development would make a contribution to housing supply and choice within the borough.

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. However, it is officer opinion that the proposal has an unacceptable impact on the character and appearance of the conservation area, trees within the site and protected species and habitats.

15.5 For the reasons given above, it is officer advice that on balance the impacts of the development would significantly and demonstrably outweigh the benefits of the proposal and therefore it recommended that planning permission is refused.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. The proposed development of 4no new build properties would result in unacceptable harm to the character and appearance of the conservation area due to the impact on the original layout and character of the site, and the impact on trees. The proposal is contrary to the NPPF, policies DM6.1, S6.5, DM6.6 of the North Tyneside Local Plan 2017, the Design Quality SPD and the Preston Park Conservation Area Character Appraisal.

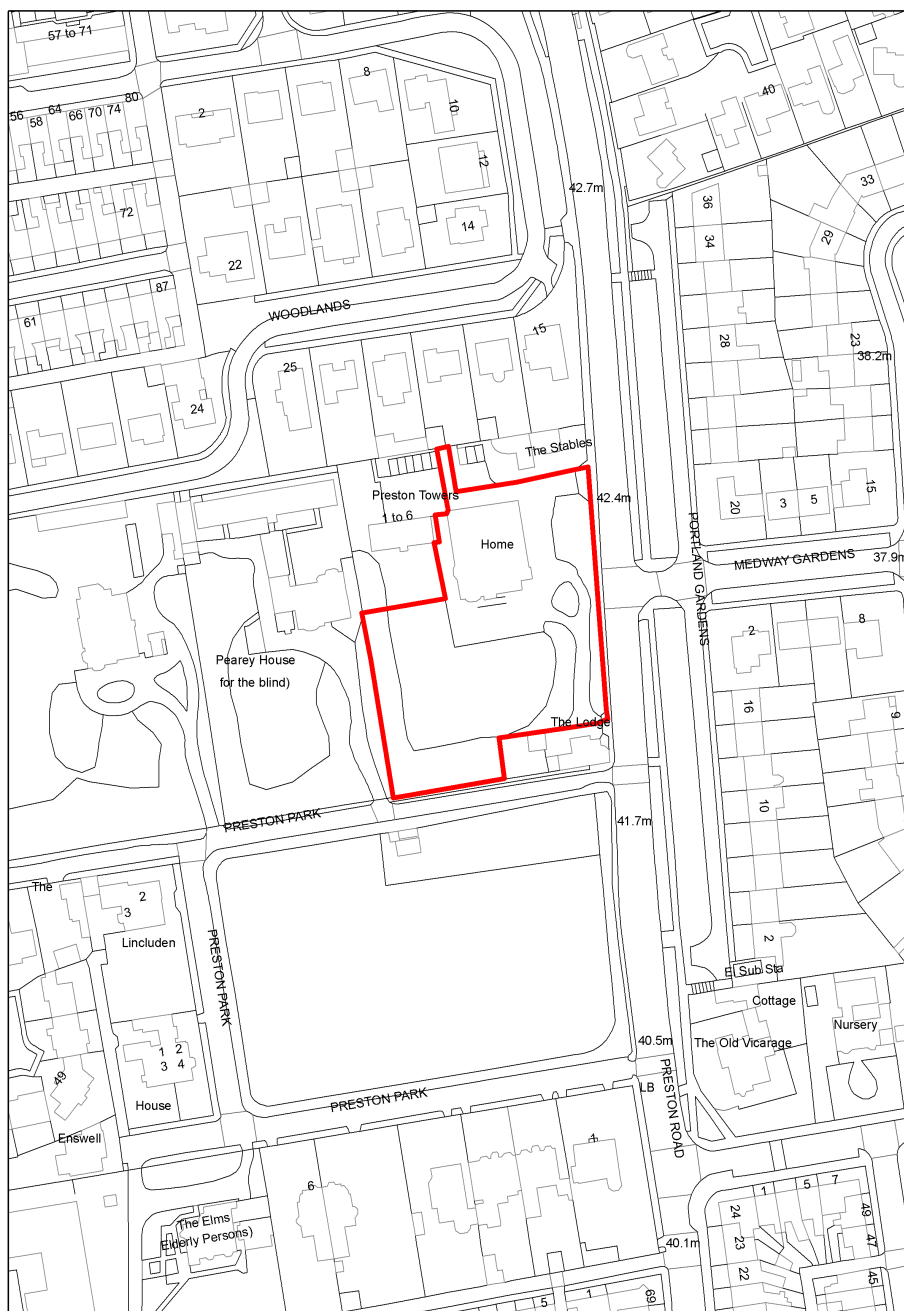
2. The development would adversely affect protected habitats and species due to the failure to adequately assess the impact on bats and the loss of woodland

priority habitat without adequate mitigation; contrary to NPPF and Policies S5.4, DM5.5 and DM5.7 of the North Tyneside Local Plan 2017.

3. The development would have an unacceptable impact on trees within the site due to the loss of trees required to construct the development, potential harm to retained trees during the construction work and future pressure to have the trees removed or cut back due to their proximity to the new dwellings. The proposal is contrary to the NPPF and policy DM5.9 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.



Application reference: 17/01689/FUL

Location: Preston Towers, Preston Road, North Shields, Tyne And Wear

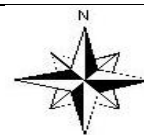
Proposal: Change of Use of Existing Preston Towers, from Nursing Home (Class C2) to 4no houses (Class C3) and 6no apartments (Class C3).

Development of 4no new detached houses (Class C3). Construction of new access from Preston Road and new access from unadopted road to the south of the site (REVISED APPLICATION BOUNDARY)

Not to scale

Date: 23.08.2018

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Item 5.2

Appendix 1 – 17/01689/FUL

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use of the existing Preston Towers from nursing home (Class C2) to 4 houses and 6 apartments, the development of 4 new detached houses and the construction of a new access from Preston Road and a new access from non-adopted road to the south of the site.

1.3 The site utilises the existing access for the former care home and provides two additional accesses - one from Preston Road and one from the non-adopted road to the south of the site, whilst closing an existing access to the lodge on Preston Road.

1.4 Parking has been provided in accordance with the standards set out in LDD12 and suitable refuse collection & servicing arrangements have been provided.

1.5 For the above reasons outlined above and on balance, conditional approval is recommended.

1.6 Recommendation - Conditional Approval

1.7 Conditions:

ACC11 - New Access: Access prior to Occ

ACC15 - Altered Access Access Alt 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.

1.8 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 dvlpmt

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.

2.0 Manager of Environmental Health (Contaminated Land)

2.1 The Phase 1 report dated 26th September 2017 contains a preliminary conceptual site model. The following conditions should be attached to this application:

CON 01
GAS 06

3.0 Manager of Environmental Health (Pollution)

3.1 I have no objection in principle. I would recommend conditions to address construction hours and dust mitigation during the construction phases.

HOU03
SIT03

4.0 Design and Conservation

4.1 The change of use of Preston Towers, from a Nursing Home to 4 houses and 6 apartments is supported.

4.2 The development of 4 new detached houses to the front of Preston towers is not supported.

4.3 Preston Towers is the most important building in the conservation area. There is an established building line between all of the villas; any development in front of the building line would be highly visible and detract from the historic layout and the character and appearance of the conservation area. Preston Towers would no longer remain as the visually prominent building from some viewpoints. The principal elevations of Preston Towers would not remain visible from all important viewpoints. The grounds of the villas in Preston Park make an important contribution to the character and appearance of the conservation area. New houses constructed to the front of Preston Towers would damage the relationship of the building with Preston Park. The new houses would be located in a highly sensitive part of the setting of Preston Towers and would have an unacceptable impact on this heritage asset.

4.4 Boundary treatments, car parking and waste storage associated with the new houses would further detract from the character and appearance of the conservation area and setting of Preston Towers.

4.5 The trees are an important feature that contributes towards the character of the conservation area. The proposals involve the removal of some of the existing trees to facilitate the proposed development. For the remaining trees, the development is likely to result in conflict between trees and new residents in terms of shade or leaf-fall. This would put increasing pressure on their removal.

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

- The impact on the character and appearance of the conservation area
- The impact on the setting of a heritage asset

5.0 Local Lead Flood Authority

5.1 As part of the submission the applicant's intentions are to incorporate underground storage crates in order to attenuate the surface water within the southern part of the site for the 4No. new homes.

5.2 In order to evaluate the developments surface water drainage proposals I will require further details on what the surface water discharge rate will be restricted to and what method the applicant will be using to control the discharge rate before it enters Northumbrian Waters drainage network. I will also require further details of the proposed surface water storage in particular what volume of surface water will be attenuated within the development.

6.0 Biodiversity Officer

6.1 Plans for the above scheme have been revised in light of previous comments with the revised layout retaining a greater number of trees by reducing size of units and repositioning the units in relation to the western and southern boundaries.

6.2 These comments should be read in conjunction with previous comments submitted on 01.03.18.

6.3 Protected Species - Bats

On 20.6.18, additional information was requested regarding the Preliminary Ecological Assessment (PEA) that was submitted by E3 and the works to be undertaken to the Preston Towers building. After a site visit to assess the site and existing building and a review of the Preliminary Ecological Assessment (PEA), concerns were raised regarding the assessment of the building for bats, specifically, that the building had been assessed as moderate bat roost suitability but no activity surveys had been recommended in line with BCT (Bat Conservation Trust) Guidelines. The PEA states in the summary:-

“Preston Tower, the only building within the development area, was considered to be of moderate bat roosting suitability. It is currently being retained within site plans and will only undergo internal renovations to construct apartments within”.

6.4 Whilst I appreciate that this is a conversion, the Ecological Appraisal does not provide adequate detail regarding the bat risk assessment. There is no information regarding why it was assessed as moderate suitability for bats or any indication of where potential access points are within the building, accompanied by plans and photos. Without this information, the Local Authority is unable to adequately assess the risk of the building works to bats. In addition to the Preliminary Ecological

Appraisal being updated to include more detail on the bat risk assessment, we will also require more information on the nature of the renovation works. For example, as well as internal works, will there be any external works to the building such as re-pointing? I am unable to fully comment on the application until this additional information has been received.

6.5 This issue had been previously raised in comments provided on the 1st March 2018 for this application in which it was highlighted that the renovation works could potentially impact bats and further information would be required from the applicant's ecologist regarding the nature of the works.

6.6 Concerns were also raised regarding the potential of some of the trees being lost within the site to support bats as there was no risk assessment undertaken on these trees. Previous comments (1.3.18) stated the following:-

"The ecology report states that there are several trees to the south of the site with a moderate to high suitability for supporting roosting bats and outlines that "only 3 trees, all of negligible bat roost suitability will be removed to facilitate site plans". We can see from the AIA and the site plans that more than 3 trees will be lost to accommodate this scheme. Some of these may be trees identified as moderate or high risk, but certainly, some of these trees (mainly sycamore but also an Ash tree) are identified in the tree survey report as containing deadwood. As many of these trees are also mature or semi-mature, a bat risk assessment would be required for all those trees identified for removal or where significant pruning or other works are required. If any of the trees identified for removal are identified as a medium or high risk, further emergence survey work would be required in line with BCTs Bat Survey Guidelines."

6.7 To my knowledge, additional information has not been submitted regarding bat risk assessment of trees to support the application.

6.8 Ecological Habitat/Landscape Assessment

Concerns had previously been highlighted regarding the impacts on trees and landscaping in comments sent to the Planning Officer on 1.3.18. This related to the loss of a number of mature and semi-mature good quality trees covered by a TPO as well as additional trees being impacted to such an extent that special tree protection measures were required. Concerns were also raised regarding the future protection of remaining trees, particularly those in very close proximity to the new residential building as there would be pressure from future residents to remove or significantly prune back trees as a result of over shading and light issues.

6.9 In addition to the loss of and impacts on mature trees/woodland habitat, a small area of semi-improved grassland will also be lost. Current mitigation for the

loss of trees and semi-improved grassland within the site includes 7 trees (including 2 no. holly, 1no. rowan, 1no. sweetgum and 3no. non-native birch trees). This mitigation is not adequate to address the loss of habitat within the site and consists mainly of non-native trees which is not acceptable.

6.10 Revised plans have recently been submitted showing a substantial reduction in the number of trees to be lost or impacted by the scheme. Following a site visit with the Landscape Architect on 15.6.18 the following issues were identified:-

Whilst the number of trees to be removed has been reduced, it is felt that trees to the west of the new apartment building and to the north of the car parking area for this building cannot be retained without significant impact. It is clear that the canopies will be affected by the building (Trees T55A and T53 A) and car park (T72B) and this will most likely result in these trees being heavily pruned on one side as a result. These are category A and B trees. In addition, the main existing entrance to the Preston Towers building (to the north east of the site) shows car parking spaces just off the bend. We believe these spaces will impact on Trees T1A, T2C and T3A.

The proximity of significant trees next to the proposed new apartment building means that even if the trees could be retained during construction, there will be significant pressure to continually prune these trees or remove them due to their proximity, canopy size and the amount of shading that these trees will have on the apartments.

The new entrance to the south east of the development (off the A192 road) requires the removal of 3 category B trees which appears to be unnecessary when there is already an access road to the north east of the site which could potentially provide adequate access in and out for all residents. It is not clear why the parking areas for the main building are being sub-divided other than to allow residents to park closer to their house/flat entrance.

6.11 Shadow Habitats Regulations Assessment (sHRA)

A shadow HRA has been submitted at the request of the Local Authority to allow the impacts of the scheme on the Northumbria Coast SPA (Special Protection Area) to be appropriately assessed under the Habitats Directive and to determine if there is the potential for a Likely Significant Effect (LSE) on the SPA.

6.12 The report concludes that there is the potential for a Likely Significant Effect (LSE) on the Northumbria Coast SPA due to an increase in recreational use (in particular dog walking) although this is considered to be fairly limited due to the small scale of the development. It considers that although Preston Park would provide an area for on lead dog walking, it would not be suitable for longer off lead dog walking and it is therefore considered likely that the coast would be used, with Longsands being the most likely destination.

6.13 The report recommends the following mitigation:-

- a) interpretation promoting the use of Preston Park and
- b) a financial contribution to the Local Authority for coastal management

6.14 A financial contribution towards a coastal mitigation service should be agreed between the developer and the Local Authority to address the impacts of the scheme on the Northumbria Coast SPA. This contribution must be agreed prior to the determination of the application.

6.15 Conclusion

The current scheme will result of the loss of a number of trees covered by a TPO within a Conservation Area as well as some semi-improved grassland, to facilitate the construction of buildings and hard standing areas associated with this scheme. In addition, there will also be impacts on some retained trees as a result of their proximity to the development and there are also concerns regarding the removal of trees in the future as a result of pressure from residents regarding tree proximity, over shading and light issues. Current landscape mitigation is not adequate to address the issue of habitat loss. The site is within a wildlife corridor with good quality habitat for foraging and commuting bats. This habitat would be impacted by the loss of trees and additional lighting, particularly as Preston Towers has a moderate risk of supporting roosting bats and some of the trees on the southern part of the site have been identified as having a moderate and high risk of supporting bat roosts. Those trees identified for removal have not been risk assessed for bat roost potential and insufficient information has been provided regarding the bat risk assessment undertaken on Preston Towers and the extent of the renovation works. There remains a risk, therefore, that bats could be directly impacted by this scheme.

6.16 The scheme does not currently meet North Tyneside Local Plan Policies associated with Trees, Woodland & Hedgerows (DM 5.9), Biodiversity (DM5.5 & S5.4) and Wildlife Corridors (DM 5.7) as well as policy 175 of NPPF (National Planning Policy Framework).

6.17 For the reasons set out above, I am currently unable to support this scheme.

6.18 Biodiversity Officer Initial comments (01.03.2018)

6.19 The above application is for the conversion of the existing Preston Towers nursing home into 4no houses and 6no apartments as well as the development of 4 new detached houses with the construction of a new access road to the east from Preston Road and a new access from the south of the site. The site is within a designated wildlife corridor and also a Conservation area.

6.20 Information has been submitted to enable the impacts of the scheme on biodiversity and the surrounding trees/woodland to be assessed. This includes an Ecology Report, Arboricultural Impact Assessment (AIA) and a shadow Habitats Regulations Assessment (HRA).

6.21 Arboricultural Impact Assessment (AIA)

There is an area TPO (Tree Preservation Order) on the site which includes trees 1-68 and groups 1-9 and the site is also included within the Conservation Area which also affords the trees protection. The AIA shows that in order to facilitate the construction of the buildings and associated infrastructure (new access roads, car parking etc) 17no, mature and semi-mature trees will need to be removed, many of which are category A and B trees. In addition, parts of groups

3-4, 6 and 8 will also need to be removed. These are predominantly ornamental species with some native understorey species.

6.22 In addition to the tree removals, a number of trees will also be impacted upon by the proximity of the development and its construction which will require special 'tree friendly' construction measures for trees to be in place.

6.23 Ecology Report

The ecology report states that habitats within the site provide an area of good quality foraging habitat for bats, with the woodland likely to provide sheltered foraging areas for a range of bat species present in the surrounding area. Links from the site to foraging habitats elsewhere are good, with tree lined gardens surrounding the site to the west.

6.24 The survey of the site found that it consists largely of broad-leaved woodland, with a small area of poor semi-improved grassland and areas of hard standing surrounding Preston Tower. The woodland is considered to be of local habitat value, whilst the grassland and hard standing are of low habitat value. The semi-improved grassland will be lost and as outlined above, there will be a number of trees lost and impacts on additional trees.

6.25 With regard to bat risk, the ecology report states that there are several trees to the south of the site with a moderate to high suitability for supporting roosting bats and outlines that *“only 3 trees, all of negligible bat roost suitability will be removed to facilitate site plans”*. We can see from the AIA and the site plans that far more than 3 trees will be lost to accommodate this scheme. Some of these may be trees identified as moderate or high risk, but certainly, many of these trees (mainly sycamore but also an Ash tree) are identified in the tree survey report as containing deadwood. As many of these trees are also mature or semi-mature, a bat risk assessment would be required for all those trees identified for removal or where significant pruning or other works are required. If any of the trees identified for removal are identified as a medium or high risk, further emergence survey work would be required in line with BCTs Bat Survey Guidelines.

6.26 Preston Tower, was also risk assessed for bats and was considered to be of moderate bat roosting suitability. The ecology report states that as the building is currently being retained within site plans and will only undergo internal renovations, further survey work is not recommended. However, the works may have the potential to disturb bats(if they are present) from noise or vibration, therefore, the Local authority would require something in writing from the applicants ecologist, confirming there would be no impact from the works, as well as a Method Statement covering the works.

6.27 A small number of common birds were recorded on site during the survey and the report concluded that the woodland will provide a nesting and foraging resource to an assemblage of locally common bird species, typical of urban woodland areas. The report also identified *Cotoneaster* and *rhododendron* present within the site. These species are listed on Schedule 9 of the Wildlife and Countryside Act (1981) as invasive and non-native, and if affected should be handled in accordance with appropriate method statements.

6.28 Shadow Habitats Regulations Assessment (sHRA)

A shadow HRA has been submitted at the request of the Local Authority to allow the impacts of the scheme on the Northumbria Coast SPA (Special Protection Area) to be appropriately assessed under the Habitats Directive and to determine if there is the potential for a Likely Significant Effect (LSE) on the SPA.

6.29 The report concludes that there is the potential for a Likely Significant Effect (LSE) on the Northumbria Coast SPA due to an increase in recreational use (in particular dog walking) although this is considered to be fairly limited due to the small scale of the development. It considers that although Preston Park would provide an area for on lead dog walking, it would not be suitable for longer off lead dog walking and it is therefore considered likely that the coast would be used, with Longsands being the most likely destination.

6.30 The report recommends:- a) interpretation promoting the use of Preston Park and b) a financial contribution to the Local Authority for coastal management

6.31 Conclusions

The above scheme is located within a designated wildlife corridor, a Conservation Area and the majority of the trees within the site are protected via an area Tree Preservation Order (TPO). The scheme will result in a large number of mature and semi-mature trees covered by the TPO being lost purely to facilitate development of the site (buildings, car parking and access roads). In addition, further trees will be impacted upon requiring special tree protection measures to be in place and I am also concerned that in future, there would be pressure from future residents to remove trees as a result of overshadowing and light issues. In addition to the loss of trees, a small area of semi-improved grassland will also be lost.

6.32 The area of broadleaved woodland is of local habitat value, providing an area of good quality foraging habitat for bats within the wildlife corridor with good links to foraging habitat elsewhere such as Preston Cemetery. The impacts of the scheme including loss of trees and lighting could have a detrimental impact on these species, particularly if there is the potential for roosting bats within Preston Towers and the woodland area. The trees identified for removal have also not been risk assessed for bats. The scheme will also have an indirect impact on the Northumbria Coast SPA as a result of recreational disturbance, although this is fairly limited due to the scale of the development and could be mitigated for with appropriate measures.

6.33 No landscape plans have been submitted detailing how the habitat loss on site (trees and grassland) will be mitigated.

6.34 I am unable to support the current application as a result of the loss of a significant number of mature and semi mature trees purely to facilitate the construction of buildings and hardstanding areas associated with this scheme. In addition, there will be impacts on some retained trees as a result of their proximity to the development and I also have concerns regarding the removal of trees in the future as a result of pressure from residents regarding tree proximity, overshadowing and light. The site is within a wildlife corridor with good quality habitat for foraging and commuting bats. This habitat would be impacted by the loss of trees and additional lighting, particularly as Preston Towers has a moderate risk of supporting roosting bats and some of the trees on the southern part of the site have been identified as having a moderate and high risk of supporting bat roosts. Those trees identified for removal have also not been risk assessed for bat roost potential and therefore, there remains a risk that bats could be directly impacted by this scheme.

The scheme has also not provided any detailed mitigation in the way of a landscape plan to address the issues of habitat loss.

6.35 The scheme does not meet North Tyneside Local Plan Policies associated with Trees, Woodland & Hedgerows (DM 5.9), Biodiversity (DM5.5 & S5.4) and Wildlife Corridors (DM 5.7) as well as policy 118 and 109 of NPPF (National Planning Policy Framework).

7.0 Landscape Architect

7.1 The plans have been revised in light of previous comments. The revised layout looks to retain a greater number of trees on the site achieved by reducing the size of the units by 1.0m in length; moving the units slightly closer together, repositioning the units approximately 1.0m from the western boundary and approximately 1.5m closer to the southern boundary and the trees in that location.

7.2 These comments should be read in conjunction with previous comments.

7.3 It is proposed to improve the existing building of Preston Towers and construct 4no. detached houses to the front lawned area to the south of Preston Towers.

7.4 Associated with this is the construction of a new access from Preston Road and a new access from the unadopted road to the south of the site. The properties and the large central space is characterised by mature trees. In the wider local setting, the collective tree canopies form a dense structure, linking with other groupings and solitary trees within the conservation area and the nearby Preston Cemetery. The site is located within a conservation area and a wildlife corridor (as defined by North Tyneside Council Local Plan).

7.5 A revised Arboricultural Impact Assessment (revision C) and Method statement (revision C) have been submitted along with a Tree survey and a Tree Protection Plan (TPP) showing the location of each tree and their associated RPA's (root protection areas) in relation to the proposed development. Based on the revised TPP and in order to allow the development to proceed, a number of trees that will require removal is reduced. A total of 11no. trees are to be removed (as determined by BS 5837) to facilitate the construction of the new buildings or to be removed for arboricultural management reasons. The previous number of trees to be removed previously was 22 (Shrub groups 4, 6 and 8 have already been removed).

7.6 Of the trees identified for removal, 4no. are category 'B' trees and 7no. trees have been identified as category 'U', i.e. unsuitable for retention; two of these category 'U' trees have already been removed. The survey notes that overall, the trees on the site are in a fair to good condition with a number of trees classed as category A trees.

7.7 With regard to the TPO, the proposal should seek to preserve and enhance the local landscape character wherever possible and the TPO should be safeguarded as part of the development. This is supported by Section 8 of the North Tyneside Council Local plan (DM5.9) trees, Woodland and hedgerows looks to protect and manage existing woodland, trees, hedgerows and landscape features.

7.8 With regard to the revised information submitted, the principle of the 4 detached units in close proximity to mature protected trees and within the RPA of the trees is still a major concern.

7.9 The tree group lies within the Preston Park Conservation Area, and as a group, are prominent in views when approaching Preston Towers from the north, south and east. The four detached units are to be located very close to the trees on the southern and western boundaries of the site, many of which are now shown to be retained (revised tree survey). The tree constraints plan indicates that the western and southern elevation of the 4 detached units will be approximately 4 meters from the base of the closest tree (T53A and T45A) with the footprint of the building conflicting with the root protection area of other trees along the western boundary. Whilst it proposed to use special construction techniques as detailed in the method statement, the level of harm resulting from the impacts of the development are a cause for concern. In this case, a condition would not satisfactorily mitigate the harm. The trees previously identified for removal *because* of the impacts arising from the development are now to be retained with the units 'squeezed' into a space dominated by mature trees.

7.10 This harm can be demonstrated by the following:

1) The AMS TPP rev C Plan shows the plot layout and crown spreads of the trees to Preston Towers with an indication of future potential growth. The tree group to the western boundary has a height of between 17 and 22m. The plan shows that a number of trees would overhang the north, west and southern gardens and elevations of the 4 detached units by up to approximately 8.0m in some places leaving habitable rooms and garden space in shade for most of the year. With regard to the units being located within a mature woodland setting, as stated previously, the perceived dominance and physical size of the tree in relation to garden areas and habitable rooms will give rise to concern about safety, cause obstruction of light and views, and incite objections about interference, falling leaves, blocked gutters and debris. This is usually resolved by detrimental long-term pruning pressures and /or removal of trees. If tree pruning is required to accommodate the build and maintain thereafter, then this should be an indication that the building is located too close to the trees.

2) The 4 detached units are 3 stories and approximately 9.0m high. It is clear that the canopies will be affected by the close proximity of the units (Trees T45A, T55A and T53 A) and car park (T72B) and will require the canopies to be cut back to allow scaffolding, access and construction. This will most likely result in these trees being heavily pruned on one side, questioning the future viability of the trees. This, coupled with future requests to remove, thin or cut down the trees will be detrimental to the appearance of the conservation area and the wider woodland group, to which these trees make a valuable contribution.

3) It will be necessary to have access within the root protection areas (RPAs) to trees 45, 49, 53, 55 and 72. This would require the relocation of the protective fence by 3.0 to 4.0m closer to the trees (as shown on the AMS TPP) and in some cases approximately 1.5m from the main trunk of the closest tree. The AIA outlines ground protection measures for avoiding compaction damage to the underlying roots during

construction (section 5.3 of the AIA) and is shown on the Tree Protection Plan (TPP). Whilst this methodology is in accordance with the BS and is widely recognized, it should only be used as a last resort and avoided where possible. This allows a 2.8m wide working zone around the units for the installation of scaffolding and any associated access around it. If, say, approximately 1.5 to 2.0m minimum width is required for scaffolding then there is the potential that a wider working area will be required to allow access around the scaffolding. This in turn will impact on the root zone over a greater area and push the protective fencing even closer to the trees.

4) The trees are in a location where they have been growing freely and are currently suited to their location. The trees have been subject to little or no management over the years as any management has only been required to ensure the trees are maintained in a safe condition. The target area associated with the trees is currently considered low. Trees T49, T45 T55 and T53 in particular will require crown raising and lateral reduction to provide clearance purely for the construction of the units – not because of safety or general management reasons. This pruning is unnecessary and any over pruning could lead to concerns regarding their future viability. The trees could now potentially be considered a nuisance and the number of trees to be removed from the site could increase once construction starts and the area around the units becomes unworkable.

5) The proposed new access from the *unadopted* road to the new detached units will require the removal of 2no trees (although one has already been removed). However, there is a further 3-4no trees that can be affected by severance or asphyxiation of roots or require pruning to allow access. Even though it is proposed to undertake special 'no dig' construction methods, there is a high probability that this work will still result in either damage to tree roots due to the close proximity of the trees to the proposed works and/or pressure to remove the trees during construction. Furthermore, as the 'no dig' method is construction above ground level, the access driveway will need to tie in with existing levels outside the site so it is probable that excavation will be required and root severance to trees closest to the boundary will occur. It is proposed to construct a new drainage connection from the site to the unadopted road, again severing roots to category A trees.

6) The proposed new access to the eastern boundary from the A192 has been positioned where an existing tree has already been removed. This tree has been identified in the tree survey as a category U tree i.e. unsuitable for retention. To this boundary there is the greatest level change and in order to access the site it is proposed to construct a new section of wall which will return into the site and retain the land either side. This will impact on T20 (B), T22 (B) and T23 (B) and as a result are now shown to be removed. At this stage it is uncertain as to why a separate access and sub dividing the internal areas is required when the existing access road to the north east of the site could be used to access all areas. This would help resolve some awkward parking in the site (e.g parking areas 1/2 and 15/16). Car parking areas 11 and 12 appear to be located in the area of existing grass and underneath the canopy of trees T1A, T2C and T3A. The existing kerb edge is to be realigned and set approximately 1.0m further in from the existing edge to allow the two car parking spaces. As the land is higher at this point then it is expected that car parking spaces will be dug into the embankment severing tree roots with either

regrading of the surface around the trees back down to levels or some retaining structure required.

7) The site is located within a Wildlife Corridor as identified within the adopted Local Plan and the proposal would fail to protect the value and integrity of the Corridor by reason of the loss of the trees and the garden space. The replacement tree planting should be a 'like for like' replacement on numbers (including the 2no already removed), making a total of 13no. trees and of native origin. The submitted report provides 7no. replacement trees at 8-10cm which is inadequate. It will be expected that a proportion of the replacement trees are specified at a larger size. Tree replacement and tree management can be addressed by a condition.

7.11 The garden space, together with the trees within the site, is considered to be important in defining the character of this part of the Conservation Area. The proposed house would be three storeys, albeit that the third storey would be in the roof. It would be sited forward of the trees which can be seen in the background of the photo below. Although it could be said that the trees to the eastern boundary will help partially screen and filter views towards the units, the removal of 6no trees (category U) from this boundary will provide open clear views onto the units and will appear as a single structure standing on its own. Its prominence in such views would result in a change of the setting and conservation area.

7.12 The proposals presented show that this is not a suitable site for the 4 detached units, having regard to the principles of sustainable development and the effect of the proposal on the trees within the conservation area. The proposed development of the detached units would not provide acceptable living conditions for the future occupiers with regard to outlook and the development will adversely affect individual trees, the wider tree group as a whole and subsequently, in due course, to the detriment of the conservation area.

7.13 On this basis, the proposal as presented, is not supported.

7.14 Additional information required

- Cross sections east /west through the detached units to show levels

7.15 Landscape Architect Initial Comment

7.16 The detached property (Preston Towers) is set within Preston Park Conservation Area. The property has a south-facing aspect overlooking open grassed land, attenuated by mature stands of trees along the boundaries to the east, south and west. Several old tarmac access footpaths and hard standings incorporating slightly mounded grassed tree islands are located to the eastern side of the building. The general landscape character is wide open lawns incorporating areas of mature tree and shrub planting, however, some shrub planting has recently been cleared. The property is set back from Preston Road with pedestrian and vehicle access to the eastern boundary.

7.17 There are three main tree groups that visually delineate the extent of the land belonging to the Preston Towers, forming the east south and western collective boundary. The majority of the trees within the grounds of the property are covered and protected by a Tree Preservation Order, which recognise and protect their significant amenity value. Sycamore trees account for approximately 85% of the

trees on the site. The mature tree groups extend along the eastern boundary with Preston Road where they are located on land which rises to approximately one metre in height in places and extends from the main entrance to the site (Preston Road) for approximately 40 metres south.

7.18 It is proposed to improve the existing building of Preston Towers and construct 4no. detached houses to the front lawned area to the south of Preston Towers. Associated with this is the construction of a new access from Preston Road and a new access from the unadopted road to the south of the site.

7.19 Preston Towers is located in Preston Park conservation area, a small Conservation Area characterised by mainly detached Victorian villas set in large grounds or gardens set around a central open space of approximately 1 hectare in area. The properties and the large central space is characterised by mature trees. In the wider local setting, the collective tree canopies form a dense structure, linking with other groupings and solitary trees within the conservation area and the nearby Preston Cemetery.

7.20 Preston Park Conservation Area Character Appraisal describes the area as *'very natural and heavily wooded giving the area some rural sense of place but in an urban setting'*.

7.21 An Arboricultural Impact Assessment and Method statement have been submitted (revision A) along with a Tree survey and a Tree Protection Plan (TPP) showing the location of each tree and their associated RPA's (root protection areas) in relation to the proposed development. Based on the revised TPP (revision A) and in order to allow the development to proceed, a number of trees will require removal: Trees 1-3, 5, 7, 10, 12, 14, 20-23, 25-28, 44, 47, 53, 55 & 71-72 and parts of groups 3-4, 6 and 8 as identified by the arboricultural survey, totalling 22no. trees. Of this total 6no have been identified for removal (category U) for arboricultural management reasons.

7.22 It appears that of the 22no. trees identified for removal (and as determined by BS 5837), 4no. are category 'A' trees; 9no. are category 'B' trees, and 3no. are category 'C' trees. Six trees have been identified as category 'U', i.e. unsuitable for retention and two of these category 'U' trees have been recently removed.

7.23 With regard to the TPO, the proposal should seek to preserve and enhance the local landscape character wherever possible and the TPO should be safeguarded as part of the development. This is supported by Section 8 of the North Tyneside Council Local plan (DM5.9) trees, Woodland and hedgerows looks to protect and manage existing woodland, trees, hedgerows and landscape features.

7.24 Overall the trees on the site are in a fair to good condition. Whilst the proposal looks to retain many of trees on the site 16no. mature trees will require removal to facilitate the development. In this case there are major concerns in terms of the impacts on the TPO and the level of tree loss that would result. The BS5837 provides guidance on how to assess the value and quality of trees which should help decide which trees are appropriate for retention. Where trees are considered to be merit worthy, or their loss would significantly impact on the wider locality they

should be considered as a material consideration with the layout designed to accommodate them. The principle of removing trees is stated in section 5.1.1 of BS 5837 which states that *“The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration. Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification....”*

7.25 The collective grouping of mature trees and historic building is significant in terms of amenity both to the immediate area and wider setting of Preston Park and contribute to the character of the local area. There are no new builds located to the frontages of the properties surrounding Preston Park. The removal of trees to the eastern boundary with Preston Park North will open up views from public places directly onto the villa and the new detached units. Heading further south on Preston North Road, the visibility is reduced but the new entrance will provide some direct views onto the new detached properties from public footpaths and highway of Preston North Road. Further south again and looking back northwards across the central open space of Preston Park, the privet hedge forms an effective screen (if retained) with the upper story and roof line visible above the shrub level. Any removal of the low level shrub planting adjacent to Preston North Road and the unadopted driveway will open up significant and immediately apparent views of the development to the wider landscape. A condition can be placed to retain the privet hedge, but only as a large mature hedge will it be an effective screen. The proposals don't confirm if the hedge is to be retained but it is intended to reinstate railings along this boundary which may require its removal.

7.26 In this case loss of a number of high and moderate values trees protected by a TPO is sufficient to consider the trees to be of *‘such importance or sensitivity as to be a major constraint’*. The serving of the TPO has already demonstrated that the trees are important in the landscape and their loss will have a negative impact on the surrounding area, the TPO and the setting of a historical property.

7.27 Furthermore, trees can be affected by many aspects of site operations.

- The combination of new buildings, associated car parking and access will directly impact on the trees to the boundaries of the site both directly and indirectly. The 4 detached units are located within the RPA's of the retained trees and combined with site level changes (no actual detail provided) including site strip of topsoil, changes in surface materials and compaction of soils will conflict with the retained trees and likely to reduce the vigour and longevity of the trees. The site slopes into the site from the southern and western boundaries. Whilst no detail has been provided it appears that some levelling of the existing land will be required which may in turn require the construction of retaining walls to the rear gardens. Any level changes or construction within the RPA of trees (which can also affect the depth of the water table), can affect their long term retention. The line of the protective fence would have to be moved to allow access, scaffolding to be installed and construction to proceed.

- Details of any intended service runs (gas/electric) has not been submitted for comment although a drainage connection to the unadopted road has been shown. The installation of services required for the detached units can sever tree roots and impact on the long term retention. Although the arboricultural report outlines special construction recommendations this needs to be fully detailed on the proposed plan so the impact of these works can be fully assessed.

- The proposed new access from the unadopted road to the new detached units will require the removal of 2no trees (although one has already been removed). However, there is a further 3-4no trees that can be affected by severance or asphyxiation of roots or damage to the crowns. Even though it is proposed to undertake special 'no dig' construction methods, there is a high probability that this work will still result in either damage to tree roots due to the close proximity of the trees to the proposed works and/or pressure to remove the trees during construction. Furthermore, as the 'no dig' method is construction above ground level, the access driveway will need to tie in with existing levels outside the site so it is probable that excavation will be required and root severance to trees closest to the boundary will occur. It is proposed to construct a new drainage connection from the site to the unadopted road, again severing roots to category A trees.

- The proposed new access to the eastern boundary from the A192 has been positioned where an existing tree has already been removed. This tree has been identified in the tree survey as a category U tree i.e. unsuitable for retention. To this boundary there is the greatest level change and in order to access the site it is proposed to construct a new section of wall which will return into the site and retain the land either side. This will impact on T20 (B), T22 (B) and T23 (B) with levels being altered and tree roots severed, requiring the removal of these 3no trees due to reasons of instability as a result of the works.

- Future impacts on the mature tree groups are generally always overlooked. The units along the western boundary will either incorporate the mature trees within or

overhang garden space. These trees which have been previously considered suitable for their location and established in their landscape setting will now become unsuitable. Their perceived dominance and physical size in relation to garden areas and habitable rooms will give rise to concern about safety, cause obstruction of light and views, and incite objections about falling leaves and debris. This is usually resolved by detrimental long-term pruning pressures and /or removal of trees.

- The proposed site plan (revised) is an amendment to the layout shown on the TPP with alterations to the layout of the car parking to the north of the site. To accommodate the car parking (11 and 12), works to construct a hard standing is required within the RPA of 3no trees, two of which are Category A trees and may require removal. To the east of Preston Towers (and north of the proposed new access), from the 20 trees present, 9 are highlighted for removal (5 of which are category U) which will significantly alter the character of the landscape and the public amenity associated with the adjacent roads and footpaths.

- The contractor working area and it is likely that further damage to the RPA's of the trees can be expected as a result of compaction by heavy construction vehicles using the driveway. Compaction of the ground can in turn lead a depletion of

oxygen, water and minerals and any further disturbance to the trees by construction works is likely to reduce the vigour and longevity of the trees.

7.28 The loss of 16no mature healthy protected trees is unacceptable. The proposal will have a significant and adverse impact on the local landscape character and heritage assets. The property and the grounds it is set in have significant landscape character, sensitivity and amenity value, and consequently are of major importance to the character of the conservation area. Any tree removal either as a result of the development or long-term tree removal, will be harmful to the character of the area and the integrity of the TPO. Preston Towers is locally both prominent and distinctive and the combined presence of both tree cover and historic buildings contributing to the character of the conservation area. Any development in the garden space would fail to retain the character of the gardens and the building setting, typical of the landscape to this area.

7.29 The cumulative effect of the combined works, for example, driveways, new access, excavations for utilities, alteration of ground levels can all potentially disturb and damage root systems which could have a detrimental effect on the health of the trees and the overall integrity and stability of the collective group. The development so close to trees on the western could also impose on the overhanging canopies of the trees to accommodate any built form with the threat of future removals.

7.30 The construction of 4 detached units in a lawned garden fronting an historic building will have adverse impacts on the overall impression of that setting and the character of the local landscape. Based on the layout submitted the proposal does not *'preserve or enhance the character and appearance, or setting of a conservation area'* and therefore, the proposal cannot be supported.

7.31 Additional information required

- Revised TPP
- Cross sections east /west through the detached units to show levels

8.0 Representations

8.1 8no letters of objection have been received.

8.2 The concerns raised are summarised below.

- Affect character of conservation area.
- Impact on landscape.
- Inappropriate design.
- Inappropriate in special landscape area.
- Loss of visual amenity.
- Precedent will be set.
- Will result in visual intrusion.
- Loss of privacy.
- Within greenbelt/no special circumstance.
- Out of keeping with surroundings.
- Inadequate parking provision.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Overlooking of Preston Towers Apartments from the new houses.
- No objection to the conversion of Preston Towers.

- No need for the new houses.
 - Loss of green space.
 - Impact on highway safety and increased traffic.
 - Traffic flows would be increased by 40-50%.
 - No consideration has been given to the existing road layout. The southern road to Preston Park is the entrance and the north the exit.
 - Will create congestion around the north gate of the park.
 - Poor visibility of pedestrians and cyclists on Preston Road from the north gate.
- Increase risk of collisions.
- The Preston Park entrance is close to the turning into Preston Avenue, a bus stop, school crossing and post box. Risk of collisions and to pedestrians.
 - Impact on the condition of the road around Preston Park.
 - Contrary to the Character Appraisal.
 - Would set a precedent for further development.
 - Impact of the new entrance on the character of the park – demolition of wall and removal of hedge.
 - Demolition of the wall would remove a footpath and handrail which provides a safe access to reach Pearey House, leading to a risk to residents.
 - Poor design not in keeping with the area.
 - Any new development should not be visible from Preston Park.
 - New builds are not in keeping with the surroundings.
 - Building in the Park has been previously rejected.
 - Destroys the building line and obstructs views of Preston Towers.
 - Current road is not wide enough for two vehicles.
 - Loss of trees.

8.3 1no representation has been received.

8.4 Queries are raised regarding the impact on access arrangements to The Lodge.

9.0 External Consultees

9.1 Northumbrian Water

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

9.3 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:

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.

10.0 Natural England

10.1 As submitted, the application could have potential significant effects on Northumbria Coast Special Protection Area (SPA) and Ramsar. Natural England

requires further information in order to determine the significance of these impacts and the scope for mitigation.

10.2 The following information is required:

- Further information on mitigation measures to be taken forward.

Without this information, Natural England may need to object to the proposal.

10.3 This application consultation response follows a previous letter dated the 2 March 2018. In the previous correspondence we raised specific issues relating to mitigation proposals designed to counter effects created by Recreational Disturbance which would occur on the above designated sites. As the application stands further details are still required as to the detail of such mitigation measures and therefore, we still require this further information.

10.4 In addition, we note that a revision to the layout of the site and the number of trees to be removed, has been carried out. However despite this we still require further assessment as to how the proposal will affect the Priority Habitat. Further details should consist of:

- An assessment of impacts on the priority habitat as a result of trees lost or affected by the proposal
- Consideration of impacts on priority and protected species
- More detail on proposed avoidance, mitigation or compensation.

10.5 It is considered that the further submitted detail does not adequately address the points set out above.

11.0 Tyne and Wear County Archaeologist

11.1 The site does not lie within the presumed extent of Preston medieval village and no archaeological features are known here. Archaeological work is therefore not required in relation to the four proposed new houses.

11.2 The house should be deemed to be a non-designated heritage asset (ref para 135 of the NPPF).

11.3 I have read the submitted archaeological building recording report.

11.4 This report concludes that Preston Tower, a fine suburban villa, was designed by FRN Haswell, who also designed Lincluden and Clementhorpe on the north side of Preston Park, the former bank at 108 Howard Street and the Memorial Methodist Church on Albion Road. The house is dated 1875. It was built for Edward Shotton, Steamship owner. The initials EMA S on the dated cartouche relate to Edward and his wife Mary Alice Shotton.

11.5 During World War Two Preston Tower was used as the HQ by the 3rd Maritime Regiment Royal Artillery, which protected merchant vessels in the Tyne area. A marble memorial plaque was set up to the right of the steps to the front door by the War Memorials Association when Preston Tower was a nursing home. The plaque is temporarily back in the hands of the War Memorials Association, in safe storage. As discussed on pages 35-36 of the report, the plaque should be reinstated in the grounds of the house as part of the scheme. Could this be conditioned?

11.6 The interior retains some fine original features, which I trust are being retained in the scheme:

Floor tiles in the corridor from the service door to main corridor

Moulded plaster border to main ceiling panel in hall

Cast iron panels of staircase balustrade

Elaborately carved finials of stair newel posts

Modillion cornice above fascia decorated with small rosettes

Decorated bracket supporting the transverse beam

Original joinery

11.7 No further archaeological work is required.

Item No: 5.3
Application No: 18/00937/FUL **Author:** Julia Dawson
Date valid: 18 July 2018 **☎:** 0191 643 6314
Target decision date: 12 September 2018 **Ward:** Monkseaton South

Application type: full planning application

Location: 17B Front Street, Whitley Bay, Tyne And Wear, NE25 8AQ,

Proposal: Proposed change of use from A1 shop to A4 public house/alterations

Applicant: Mr James Benson, 6 Engine Inn Road Wallsend Tyne And Wear NE28 7EL

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Description of the Site

1.1 The site to which the application relates is a vacant ground floor retail unit located within a row of two storey terraced properties on Front Street in Monkseaton. The immediate adjoining premises are commercial in nature (bookmakers and a plumbing/tile/electrical installers shop). Further units on this small parade are a jewellery shop and a hot food takeaway. There is a residential units at first floor level above the hot food takeaway, however planning permission has recently been granted to convert this into commercial use associated with the jewellers. Further to the south west at No.21 Front Street (adjoining the bookmakers) is a two storey residential dwelling, adjoining this is a Quakers Meeting House, and adjoining this is a three storey block of flats.

1.2 Directly opposite the application site is Monkseaton Chiropractic Clinic and the Monkseaton Arms public house. To the south west of these are a row of residential dwellings. To the north east of the application site slightly further along Front Street are further ground floor commercial uses, many with residential flats at first floor.

1.3 To the rear of the application site is the Coronation Crescent public car park. Residential dwellings face onto this from the south and east, and the rear gardens of residential dwellings (including 21 Front Street) adjoin it along the south western boundary. There is a tarmac area immediately beyond the rear boundary of the application site, which appears to be used for parking vehicles associated with the commercial uses, storage of commercial refuse bins and removable tables/chairs for the hot food takeaway. William Hill and the hot food takeaway both have rear public entrances onto Coronation Crescent. The application site and other ground floor uses have rear access doors.

1.4 The host site is located within the designated Monkseaton Conservation Area and is a 'District Centre'.

2.0 Description of the Proposed Development

2.1 The proposal relates to the change of use of the premises from a retail unit (Use Class A1) to a micro-pub (Use Class A4)

3.0 Relevant Planning History

3.1 None

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

5.2 Government Policy

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

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

5.5 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

6.0 The main issues for Members to consider are:

- Principle of the proposed development;
- Impact on neighbouring amenity;
- Impact of the proposal upon the character and appearance of the Conservation Area; and
- Impact on the highway network.

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

7.0 Material Planning Considerations

7.1 Principle of the Proposed Development

7.2 The NPPF confirms that local authorities should attach significant weight to the benefits of economic 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. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.3 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the

strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

7.4 Policy DM1.3 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.

7.5 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

7.6 Paragraph 6.1 of the Local Plan states that references within the Local Plan to 'town centres' or 'centres' apply to town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. The Local Plan identifies this part of Monkseaton as a 'district centre'. Policy S3.1 'Competitive Centres' states that within the Borough's defined centres the Council will seek ways to support their growth and regeneration, and support proposals for main town centre development, appropriate residential and mixed-use schemes that would:

- a. Contribute to the protection and enhancement of the vitality and viability of the centre.
- b. Capitalise upon the character and distinctiveness of the centre, while sustaining and enhancing its heritage assets.
- c. Support the improvement in the range and quality of shops, services and facilities.
- d. Boost the growth of small and medium sized businesses that can provide unique and niche services.
- e. Encourage the growth of the evening economy with leisure, culture and arts activities.
- f. Enhance accessibility by all modes including public transport, walking, cycling and by car.
- g. Introduce measures that reduce crime and the fear of crime and any other disorder issues

7.7 Whilst considerable support has been submitted for the proposed use (including the Council's Regeneration and Business teams), there have also been objections submitted by nearby residents with regard to the principle, due to the proximity to the residential dwellings. Several objectors have also questioned the need for a further drinking establishment. These concerns are noted.

7.8 However, an A4 Use (drinking establishment) is classed as a 'town centre use' (NPPF). As such, the principle of this use, which is to be located on the main high street running through Monkseaton district centre adjoining and in close proximity to existing commercial uses, is considered to be acceptable and in accordance with policies S1.4, S2.1 and DM3.1 of the Local Plan and the NPPF. For the purposes of

this application, the applicant is not required to demonstrate a need for the proposed micro pub, and competition with existing public houses in the Monkseaton area is not a material planning consideration.

7.9 Members need to determine whether the principle of the change of use to a micro pub (Use Class A4) is acceptable. It is Officer advice that, in planning policy terms, the proposal is in accordance with the provisions of the NPPF and Local Plan policies. It will ensure the continued active use of the host site helping to secure economic growth and contributing towards the vitality and vibrancy of the district centre and the local economy.

8.0 Impact on Surrounding Amenity

8.1 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.

8.2 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.

8.3 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.

8.4 Whilst the significant level of support for the proposed change of use is noted, it is also noted that the majority of the support does not come from the residents of the dwellings in the immediate vicinity of the application site. The main impact of the proposed use will be on the people who live close to the site, and it is noted that there have been objections from a number of these residents with regard to the impact of the proposal on their residential amenity. In particular, concerns relate to disturbance as a result of noise from customers, music, bottle emptying, deliveries, the use of the rear entrance (and customers congregating here and using the entrance as quick way to get to the bookmakers rear entrance) and the potential for tables and chairs to be placed to the front and rear of the site resulting in further disturbance.

8.5 The Council's Environmental Health Officer has also raised concerns with regard to potential noise, such as plant and equipment noise and customer noise, and other associated noise from the operation of the site as a micro pub affecting

neighbouring residential properties located at 13A and 21 Front Street, and those adjacent on Front Street and on Coronation Crescent. She has also noted that it is not clear whether amplified music is to be played, whether there are to be any external seating areas and that a noise assessment has not been submitted. However, she does not object.

8.6 The applicant has noted the content of the objections and the concerns which have been raised and has provided a comprehensive response, which is summarised below:

- The rear access will only be used for exclusive disabled access and deliveries. The front entrance cannot accommodate this, without making significant changes which would harm the historic look and feel of the village.
- The rear of the property will not be used as a smoking/drinking area for patrons. I will display signs on the inside and outside of the door to advise of the use of this access.
- This is a micro pub which means this is much smaller than a normal, typical pub.
- Increase in number of people visiting the area/site will be limited by the size of the building as the venue will only hold approximately 30 people. I expect the customer base to largely be shared from the existing micropubs and public houses in the area, rather than attracting more people.
- Given the above, there will be a minimal increase in vehicles visiting the area.
- The rear of the property will only have access for deliveries during specific times and provide access for disabled people.
- Due to the nature of the products I will be selling there will be very minimal disposal needed of any glass products. Craft beers I will be specialising in are in most cases exclusively sold in cans. I expect glass bottle kind of waste to be at a minimum.
- The size of the venue will also dictate and limit the amount of rubbish which will need to be disposed of. There will be nowhere near the amount of rubbish generated by the larger pubs.
- I have previously worked and lived next to much larger licenced premises and know how much of an impact this can have. I will take every step possible and necessary to make sure this has very minimal impact.
- There will be a small air conditioning unit which will be contained within the rear yard of the adjoining commercial premises (still within 17B boundaries). Due to the size of the venue and cool room, this will not be a large, industrial, loud air conditioning unit.
- The nature of the products I will sell will appeal to a specific group of customers. I will not sell any alcopops or beer associated with sports. I will not show any sports and will not be targeting this type of custom with discounts on mass produced beer.
- In the generalisation and stereotype of my main customer base, which people have used as an objection, I don't expect any of my customers will be leaving the premises and causing drunk and disorderly behaviour and noise within the local area.
- Due to the size of the venue do not expect to find any glasses, cans or bottles from my premises littering the local community. I will also have signs in the premises asking people who are leaving to respect the local residents and community surroundings.
- I intended to have background music throughout the day and evening but at a level which does not distract or detract from customer conversation. I have conducted

unofficial sound tests within and outside the property and am confident this will not have an impact on the surrounding area.

- I have no intention of cooking food in the premises and will have no kitchen generating noise or air pollution of this type. There will be no food waste to speak of so this will not be generating any smells from the bins.

- I have no intentions of opening another large, generic pub showing sports or serving large quantities food. My intention is to open a small, cosy, unique, atmospheric pub specialising in locally produced beer.

- I want to be involved in local community events and support the local village of Monkseaton and surrounding areas.

8.7 It is clear that one of the main concerns is in relation to the use of the rear entrance. It is considered that unrestricted use of this entrance could result in disturbance of the nature and level set out by objectors. However, the applicant's objective with regard to providing a suitable access for people who are not able to use the main front entrance is encouraged and will ensure that the proposed micropub can be used by all members of the community. Nevertheless, it is imperative that this access is controlled and that the fears of local residents do not come to fruition. As such, it is considered appropriate to attach a condition to require the applicant to submit a scheme for the management of the use of the rear access door. The door must not be used until the scheme has been agreed by the local planning authority. For example, this could be via an intercom and CCTV system and signage or similar. A condition will be attached to ensure that the front entrance is used as the main public access and egress to the premises at all times. A condition will also be attached to ensure that no tables or chairs are placed on the public footpath to the front or the tarmac area to the rear of the premises.

8.8 The concerns regarding the potential for disturbance as a result of increased numbers of people coming and going to the premises, and also congregating on outside to smoke are noted. However, due to the small size of the pub it is unlikely that it will lead to a significant number of people using Front Street as a smoking area at any one time.

8.9 The Environmental Health Officer has recommended a number of conditions which will ensure that the proposed use does not result in harm to the amenity of nearby occupants. These include the submission of a background noise assessment to ensure that any plant equipment and background music does not result in disturbance to neighbouring properties. The assessment must be undertaken and submitted for approval prior to the operation of any such equipment. Further conditions will control the opening hours, hours at which deliveries can be made, refuse storage provision, and the location of any plant/equipment (i.e. air conditioning unit).

8.10 The concerns relating to the impact on the residential amenity of nearby residents, including Coronation Crescent, Front Street and Bygate Road, are noted. However, it is considered that the suggested conditions will mitigate for any potential impact from noise. The applicant has not advised that they will be cooking any foods on the premises, as such there will be no impact from cooking smells, and this element of the operation of the proposed micro pub will be controlled via planning

condition. There is no reason to suggest that there will be any increase in litter and the proposed micro pub will provide onsite refuse storage facilities.

8.11 Members must determine whether the proposal is acceptable in terms of its impact on the residential impact on surrounding occupiers. The proposal is considered to accord with the NPPF and Local Plan policies, subject to the suggested conditions.

9.0 Impact on Conservation Area

9.1 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.

9.2 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.

9.3 Policy DM6.2 states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design.

9.4 S6.5 Heritage Assets states that 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.

9.5 The application site is located within the designated conservation area. However, the only external visible alteration will be the addition of an access ramp to the rear door. It is not considered that this will result in any harmful impact on the external fabric of the application site or the visual amenity of the rear street scene. This accords with the objectives of the NPPF, and the above policies in relation to the sympathetic and appropriate conversion of existing buildings.

9.6 The Monkseaton Conservation Area Character Appraisal was adopted in October 2006. This refers to Monkseaton as a predominantly residential area with an economy based on local services for the well-established population. It further describes it as a 'thriving suburban centre' and a 'combination of historic village and high quality suburban growth'.

9.7 Concerns have been raised that the proposed micropub will harm the character of the conservation area. However, given the location of the application site in the 'village core' where it will offer a service to the local community, alongside existing commercial uses, it is not considered that it will result in harm. The proposed micropub will be a small independent business, which is acceptable in this location in terms of its impact on the conservation area. This would also bring an existing vacant unit back into use. It is undesirable to have units within a Conservation Area and a District Centre vacant for a protracted period of time, as they detract from the character and appearance of the area.

9.8 Members need to determine whether the proposed changes are acceptable in terms of its impact on the character and appearance of the site and the Monkseaton Conservation Area. Officer advice is that the proposals will not cause any harm or detriment to the character and appearance of the Monkseaton Conservation Area in accordance with the NPPF, Local Plan policies and the Character Appraisal.

10.0 Car Parking and Access

10.1 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.

10.2 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.

10.3 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.

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

10.5 It is acknowledged that there is no existing incutillage parking provision and that none is proposed as the site cannot provide this. There have been a number of objections in relation to the highway impact of the proposal. These are noted.

10.6 However, the Council's Highways Network Manager has recommended approval of the application noting that the site is located in the local centre with good links to public transport and that there are parking controls in place in the vicinity of

the site. The proposed use is unlikely to generate significant numbers of car journeys to and from the site and there is on-street parking available on Front Street.

10.7 In summary, it is not considered that the residual cumulative impacts of the proposed development will be severe or that the proposal would have an unacceptable impact on highway safety. As such, there is no policy justification to withhold planning permission on transport grounds.

10.8 Members must determine whether the proposal is acceptable on highways grounds. It is officer advice that it is.

11.0 Other Matters

11.1 Concerns have been raised with regard to the level of public consultation carried out on the planning application. Public consultation has been carried out in accordance with the statutory requirements, which are set out in Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. This provides that an application of this type must be publicised via one of the following:

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

11.2 In this case notice was served by way of letters which were sent to a total of 97 individual addresses surrounding the application site (including those immediately adjoining the site and those to the rear and opposite, as well as the wider area). A site notice was also placed at the site and press notice was published. This is by far in excess of the minimum requirements set out within paragraph 5 of Article 15.

11.3 An objector has stated that the proposal will impact their property value. This is not a material consideration and cannot be taken into account in determination of the planning application.

12.0 Financial Considerations

12.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

12.2 Economically there would be benefits in terms of the provision of jobs via the employment of staff at the site and during the conversion phase. Socially, the proposal will add to the existing leisure facilities in this area, providing an additional service to the community and visitors.

12.0 Conclusion

12.1 On balance, and with regard to all of the above, it is considered that the proposed micro pub is an appropriate use of this existing commercial site. It will bring an existing vacant unit back into use. Subject to the suggested conditions the proposal will not result in an adverse impact on the residential amenity of surrounding residents. Approval of the application is recommended subject to conditions.

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:
 - Application Form 06.07.2018
 - Site Location Plan (scale 1:1250, application site outlined in red)
 - Site Plan (scale 1:200)
 - Proposed Floor Plan (plan nos 001, July 2018)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 premises shall not be open for business outside of 08:00 hours to 00:00 hours Monday to Saturday, and 14:00 hours to 22:00 hours Sundays and Bank Holidays.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4. There shall be no deliveries to the premises or collections from the premises outside of the hours of 07:30 and 19:00 hours Monday to Saturday.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. Prior to the operation of the approved use facilities for the storage of refuse at the premises shall be installed within the premises. The facilities shall thereafter be permanently retained and used for this purpose.

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

6. The rear access door shall not be used by any members of the public for access/egress to/from the site prior to the submission of a detailed scheme for the management of the use of the door. The scheme, which must clearly demonstrate how the use of the door will be controlled to avoid noise and disturbance to nearby residents, must be submitted to and approved in writing. Thereafter, the door may only be used in accordance with the agreed details.

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

7. The external pavement/public highway to the front of the application site and the external area to the rear shall not be used as an external amenity space/seating/drinking area in connection with the approved use at any time and there shall be no tables or chairs placed in either of these locations.

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

8. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

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

9. There shall be no cooking of foods in any form or reheating of hot foods permitted at the premises at any time. Only cold food provisions and hot and cold beverages shall be served to customers at the premises.

Reason: To safeguard the occupiers of adjacent properties from associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. There shall be no live music in the form of bands, solo and duo artists and no amplified music in the form of discos and karaoke played at the premises at any time.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

11. No amplified music in the form of DJ's or recorded background music shall be played at the premises prior to the undertaking of a full noise scheme, which

shall be submitted and approved in writing by the Local Planning Authority. The noise scheme must be carried out in accordance with BS4142 and shall determine the background noise levels during daytime and evening hours (up to

23:00 hours) without plant noise and amplified music from the premises at the boundary of the nearest residential premises and must detail appropriate mitigation measures which are necessary to ensure that the noise output level from amplified music from the premises does not exceed the agreed background noise level.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

12. Prior to commencement of the approved use and prior to its installation, full details of any air ventilation system and/or refrigeration equipment (including external unit) to be installed in connection with the approved A4 micropub use must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details, prior to the operation of the micropub, and permanently retained.

Reason: To safeguard the amenity of nearby residents and the character and appearance of the Monkseaton Conservation Area having regard to policies DM6.1, DM6.2, S6.5 and DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

13. Prior to the installation of any plant and equipment at the application site, a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme, which must be in accordance with BS4142, shall determine the current background noise levels at the nearest residential property for the times when the plant and equipment is to be operated. Thereafter, the rating level for all plant and equipment (including the combined noise created by use of all plant and equipment) shall not at any time exceed the agreed levels.

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

14. Within one month of the installation of the plant and equipment acoustic testing shall be undertaken to verify compliance with condition no.13 of this approval and the results submitted in writing for the approval of the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

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

15. Prior to the installation of any external lights full details of the location and design must be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In order to protect the residential amenity of the nearby residents and preserve the character and appearance of the conservation area having regard to policies DM6.1, DM6.2, S6.5 and DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of a micropub and for no other purpose.

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.

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.

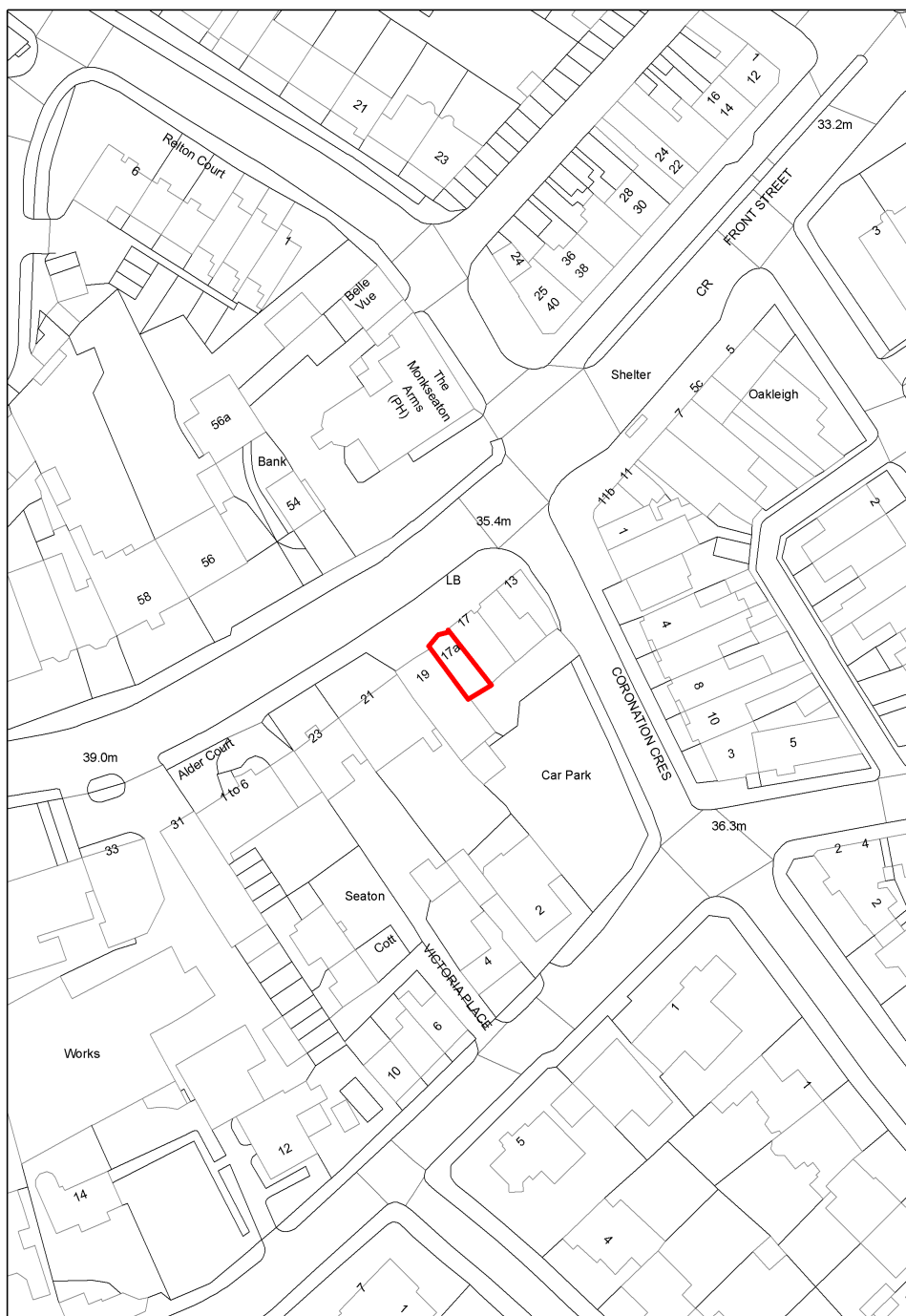
Informatives

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)



Application reference: 18/00937/FUL

Location: 17B Front Street, Whitley Bay, Tyne And Wear, NE25 8AQ

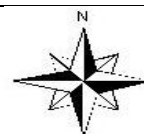
Proposal: Proposed change of use from A1 shop to A4 public house/alterations

Not to scale

Date: 23.08.2018

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Item 5.3

Appendix 1 – 18/00937/FUL

Consultations/representations

1.0 Representations

11 objections and 41 letters of support have been submitted, these are summarised below:

1.2 Objections:

- The wheelchair access entrance at the rear will be able to be used by all customers, resulting in noise customers entering and leaving via the rear entrance onto the car park. There is nothing to prevent non-disabled customers from using this entrance.
- Rear entrance will be used as access to the rear entrance to the adjoining bookmakers.
- Noise from smokers and patrons congregating around the rear and front entrance on the public footpaths and from music late into the evening seven days a week, particularly if tables and chairs are placed in these locations.
- Harmful impact on the amenity of neighbouring residential occupiers on Front Street who will not be able to enjoy any peace and quiet in their rear gardens.
- Residents of Coronation Crescent are already disturbed by noise and low level nuisance behaviour from existing public house on Front Street and users of the car park (it is like an echo chamber of an evening). The rear entrance at the host premises will be even closer to these properties, result in even more disturbance.
- After 8pm the village becomes very quite as the traffic dies down considerably and the noise from the pubs is by far the most pronounced, especially on sunny evenings, weekend evenings, bank holidays and during the football season.
- Increase in rubbish, i.e. bottles, glasses and cigarette ends.
- Another pub is not needed in this area. 6 drinking establishments exist in the immediate area of Monkseaton ie Monkseaton Arms, Black Horse, The Ship, Omni Cafe, The Left Luggage Room, The Spar Supermarket (sales only)
- Detrimental to Monkseaton Conservation Area, it will destroy the character of the area.
- Impact on existing on street parking provision. It will exacerbate existing problems, not enough on street parking available.
- A micropub should not be next to a residential dwelling.
- Decrease in residential property value.
- Disturbance from deliveries.
- Alcohol odours.
- The application site has no yard area, where will rubbish/empties be stored? In the public area?
- Noise from plant equipment, often after opening hours. Noise from inside property if rear door is propped open in warm weather.
- Noise from glass disposal.
- Car park is already overstretched with deliveries. Delivery of drinks will add to this.
- Residential location quite unsuitable for this business
- I would request that the council defers a decision on this application pending preparation and consideration of a review of "drinking establishments" in the immediate area and its effect on local residents.

The area is already becoming noisier in the evenings. How many more restaurants, bars and pubs are going to crop up in this location? Has Omni set a precedent? What if several more bars with 12AM licenses start opening in this area as a result of this?

1.3 Support:

- A micro pub in this area is a lovely idea. At the moment the 3 large pubs trade with no new interest in the area. This will bring a quieter clientele looking for specialist lagers/beer and not drop down prices.
- Will bring local beers to the community.
- Fantastic proposal and definitely something the area needs to continue the redevelopment of unused retail premises to improve the local availability of social venues for local people.
- This will be a welcome addition to Front Street, people objected to the left luggage room and this was a really successful project. I support this addition to Monkseaton.
- Individual businesses like this can only be a good thing as it brings variety and a different type of drinker to the town. Long gone are the days of stag and hen nights. Let's have a better class of people frequenting our lovely town
- Will make Monkseaton even an better community.
- More support needs to be given for local pubs to help bring communities back together.
- As an ex-resident who returns to Monkseaton regularly for family reasons, I think the addition of a small micropub would be a great benefit to the area. I have been pleased to observe the recent growth of small businesses like this in Monkseaton and Whitley Bay and I hope to see it continue.
- As has been noted, there are three large pubs nearby and a small micropub would not cause a significant increase in noise or traffic but, rather, increase the variety of options that are available to those who enjoy an evening in a quiet local pub.
- It will enhance the area and bring more business to the village - together with other local establishments Monkseaton it will attract more people and improve an already friendly and social mini-hub.
- Brilliant to see new businesses coming into the area. A venue of this size will barely change the traffic and footfall already visiting the chip shop, Chinese takeaway and 3 pubs and restaurant currently in the area. The applicant has obviously understood the area and plans to make use of existing amenities (ie public car park) without disturbing existing business and residents.
- Welcome this proposal along with others to have small establishments which attract a respectable clientele looking to drink responsibly and support local small breweries.
- The establishment is carefully designed to fit within its location and only holds a limited capacity, reducing the effect of any persons leaving after closing. Similar developments in the region have been a considerable boost to the community, providing a quieter and friendlier atmosphere for people to socialise, than the larger establishments, and tend to offer a better product with better service.
- Would be an asset to the area.
- Scale of the bar means it would be unimposing on the surroundings and would attract pleasant customers.
- A micro pub selling quality drinks in a row of properties that isn't residential will enhance the street.

The application is in keeping with other recent approvals at the metro station and on

park view and will most likely lead to increased footfall in the village without increasing traffic as the public transportation links are excellent.

- It seems rare within Whitley Bay that a bar has made such an effort for disabled access as well which to me shows a great inclusion mentality.
- Much needed regeneration to the area.

2.0 Internal Consultees

2.1 Highway Network Manager

2.2 The site is located in a local centre with good links to public transport and there are parking controls in place in the vicinity of the site. The proposed use is unlikely to generate significant numbers of car journeys to and from the site and there is on-street parking available directly outside on Front Street. For these reasons, conditional approval is recommended.

2.3 Condition:

REF01 - Refuse Storage: Detail, Provide Before Occ

2.4 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

2.5 Environmental Health (Pollution)

2.6 I have concerns with regard to potential noise, such as plant and equipment noise and customer noise, and other associated noise from the operation of the site as a drinking establishment affecting neighbouring residential flats located at 13A and 21 Front Street, and those adjacent on Front Street and on Coronation Crescent. The premise will result in an intensification of use of the area as there are already existing public houses located on Front Street and will result in additional noise from customers late evening.

2.7 The A4 Use Class use requests late evening opening hours and weekend opening hours which will give rise to associated customer noise late evening and at weekends, which will result in an intensification of noise in the street from customers. The applicant is proposing opening hours until midnight on Friday and Saturdays, which will result in a cumulative impact from the noise of customers, as well as plant noise and noise in the street when customers are likely to stand outside smoking, as there does not appear to be a designated smoking area specified on the layout plan for the site. It is not clear from the application whether any amplified music is to be played at the site or whether any external seating areas are to be provided.

2.8 No noise assessment has been provided to verify if the proposed change of use will not give rise to disturbance for nearby residential properties. Noise complaints have historically been received regarding amplified music and customer noise from other premises that open late in the evening. I have concerns that any external plant, such as compressors and air conditioning units etc will result in additional noise during the late evening. A noise scheme would be necessary to

ensure no increase in the existing background noise levels for the area. A noise verification assessment will be necessary to confirm that all new plant and equipment is compliant with the requirements of the noise scheme.

2.9 I would also be concerned about noise arising from deliveries and collections and if planning consent is to be given I would recommend a condition to restrict the hours for this activity to 07:30 and 19:00 hours Monday to Saturdays only.

2.10 If any new external lighting is installed as part of the scheme an assessment will be required to ensure it is compliant with the Lighting Engineers outdoor lighting guidance.

2.11 If minded to approval, I would recommend the following conditions:

2.12 Noise condition for plant and equipment installed:

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for the time when the plant and equipment is to be operated. The rating level for all plant must not exceed the existing background noise level for the daytime, evening and night time in accordance with BS4142.

2.13 NO104 this will include details of the noise levels expected to be created by the combined use of plant and equipment to ensure compliance with the noise rating level.

2.14 It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

2.15 NOI02; HOU03: to those on the application

Submit for approval and implement a noise management scheme for the drinking establishment with regard to any external seating areas or smoking areas to be provided at the premises, and agreed, to minimise external noise late at night. Any external seating areas, if provided, to be restricted for use to between 08:00 to 21:00 hours.

2.16 Non-standard condition: Entertainment Restrictions

No live music in the form of bands, solo and duo artists and no amplified music in the form of discos, DJ's and karaoke or any recorded background music to be permitted to be played at the premises at any time.

2.17 Deliveries and collections shall be restricted to between 07:30 and 19:00 hours Monday to Saturdays only.

2.18 EPL02; EPL03; REF01 and REF02

2.19 Non standard condition: Cooking of foods

There shall be no cooking of foods in any form or reheating of hot foods permitted at the premises at any time. Only cold food provisions and hot and cold beverages shall be permitted to be served at the premises.

2.20LIG01 for any new external lighting.

2.21 Regeneration

2.22 Both the Regeneration and Business Teams support the proposal to convert a vacant A1 shop in Monkseaton district centre into an A4 micro brewery. Given its location within a strong district centre surrounded by a mix of food and drink establishments and A1 shops, the proposal would adhere to the Authority's Local Plan, bring a vacant premises back into use and strengthen the local economy whilst also creating employment.

2.23 Contaminated Land Officer

2.24 No objections

Item No: 5.4
Application No: 18/00850/FULH **Author:** Rebecca Andison
Date valid: 22 June 2018 **☎:** 0191 643 6321
Target decision date: 17 August 2018 **Ward:** Cullercoats

Application type: Householder Full application

Location: 24 Neasdon Crescent, Tynemouth, Tyne And Wear, NE30 2TP.

Proposal: Replace existing flat/felt roofs with new tiled pitched roof to the side of the property

Applicant: Norma Redfearn, 24 Neasdon Crescent Tynemouth Tyne And Wear NE30 2TP

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- the impact upon surrounding occupiers; and
- the impact on the character and appearance.

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 south facing semi-detached dwelling, located within a residential area of Tynemouth.

2.2 On the east side of the property is a garage and a flat roofed first floor side/rear extension.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to construct a hipped roof over the existing first floor extension and a pitched roof over the front of the garage.

4.0 Relevant Planning History

08/02124/FUL - Conservatory to the rear of the property – Permitted 16.09.2008

5.0 Government Policy

5.1 National Planning Policy Framework (July 2018)

5.2 Planning Practice Guidance (As amended)

5.3 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.

6.0 Development Plan

6.1 North Tyneside Local Plan 2017

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- the impact upon surrounding occupiers; and
- the impact on the character and appearance of the area.

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 Impact on Residential Amenity

8.1 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 the Plan. 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.

8.2 Policy DM6.2 of the Local Plan states that when assessing applications for extending buildings the Council will consider the implications for amenity on adjacent properties and land such as outlook, loss of light or privacy and the cumulative impact if the building has been previously extended.

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

8.4 It is proposed to construct a tiled hipped roof over an existing first floor side/rear extension, and a small pitch over the front of the garage.

8.5 The neighbouring property has a garage adjacent to shared boundary and 1 no non-habitable first floor window in the gable elevation.

8.6 When taking into account the nature of the proposal the impact on the living conditions of the neighbouring residents, with particular regard to loss of light, outlook and privacy, is considered to be acceptable.

9.0 Design and Impact on the Streetscene

9.1 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.

9.2 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.

9.3 Policy DM6.2 states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations. DM6.2 lists the criteria that will be considered when assessing applications for extending buildings. These include whether the property is affected by any designations or considered to be a heritage asset or within the setting of a heritage asset; the location of the extension in relation to the street scene; the cumulative impact if the building has been previously extended; the effect on the existing property and whether the overall design is enhanced; and the form, scale and layout of existing built structures near the site.

9.4 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that all extensions must offer a high quality of accommodation and design that will sustain, enhance and preserve the quality of the built and natural environment. It advises that residential extensions should complement the form and character of the original building, taking cues from its design, scale and proportions.

9.5 The proposed hipped roof is in keeping with the design of the original property and in officer opinion would improve the appearance of the existing flat roofed extension.

9.6 Members must consider whether the impact on the streetscene and character of the area is acceptable. It is officer advice that the impact is acceptable.

10.0 Local Financial Considerations

10.1 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).

10.2 Economically there would be benefits in terms of the provision of jobs associated with the construction of the extension.

11.0 Conclusion

11.1 It is officer advice that the proposal is acceptable in terms of the impact on residential amenity and the streetscene, in accordance with the NPPF and Local Plan policy. 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.

Plan No.'s 001

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. | Materials External Surfaces to Match | MAT00 | * |
| | | 1 | |

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)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)



Application reference: 18/00850/FULH

Location: 24 Neasdon Crescent, Tynemouth, Tyne And Wear, NE30 2TP

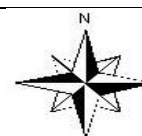
Proposal: Replace existing flat/felt roofs with new tiled pitched roof to the side of the property

Not to scale

Date: 23.08.2018

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Item 5.4

Appendix 1 – 18/00850/FULH

Consultations/representations

None received.