



**North Tyneside Council**

# Planning Committee

26 July 2019

To be held on **Tuesday 6 August 2019** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>  To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>  To be informed of the appointment of any substitute members for the meeting.	
<b>3. To receive any declarations of interest</b>  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.	
<b>4. Minutes</b>  To confirm the minutes of the meeting held on 9 July 2019.	<b>3</b> Continued overleaf

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## 5. Planning officer reports

To give consideration to the planning applications contained in the above report relating to:

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- 5.1 19/00669/OUT  
Scaffold Hill Farm, Whitley Road, Benton  
(Killingworth Ward)
- 5.2 18/01226/FUL  
Murton House Farm, Rake Lane, North Shields  
(Collingwood Ward)
- 5.3 18/01227/LBC  
Murton House Farm, Rake Lane, North Shields  
(Collingwood Ward)
- 5.4 19/00047/FUL  
Benton House, Benton Business Park, Bellway Industrial Estate,  
Benton  
(Killingworth Ward)
- 5.5 19/00739/FUL  
Unit 41, Bellingham Drive, North Tyne Industrial Estate, Benton  
(Killingworth Ward)
- 5.6 18/01414/FUL  
Blocks F, K, H, J, M & L, The Killingworth Site, Harvey Combe,  
Killingworth  
(Camperdown Ward)
- 6 24 Marine Avenue, Whitley Bay Tree Preservation Order 2019  
(Whitley Bay Ward)

### Members of the Planning Committee:

Councillor Ken Barrie

Councillor Trish Brady (Deputy Chair)

Councillor Brian Burdis

Councillor Linda Darke

Councillor Sandra Graham

Councillor Muriel Green

Councillor Frank Lott (Chair)

Councillor Paul Richardson

Councillor Willie Samuel

Councillor John Stirling

Councillor Frances Weetman

## **Planning Committee**

**9 July 2019**

Present: Councillor F Lott (Chair)  
Councillors T Brady, B Burdis, L Darke,  
S Graham, M A Green and P Richardson.

### **PQ07/07/19 Apologies**

Apologies for absence were received from Councillors C Johnson, W Samuel and F Weetman.

### **PQ08/07/19 Substitute Members**

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

Councillor J Stirling for Councillor C Johnson  
(Councillor Stirling was not present at the meeting.)

### **PQ09/07/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **PQ10/07/19 Minutes**

**Resolved** that the minutes of the meeting held on 11 June 2019 be confirmed as a correct record and signed by the Chair.

### **PQ11/07/19 Planning Officer's Reports**

The Chair reported that he had agreed to consideration of applications 18/01373/FUL and 18/01374/LBC in relation to Holywell Engineering, Station Road, Backworth, being deferred at the request of Northumberland Estates so that the applications could be considered together with a separate application relating to an adjacent site.

**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: 19/00436/FUL Ward: Riverside  
Application Type: Full planning application  
Location: 26 - 37 Clive Street North Shields Tyne And Wear NE29 6LD  
Proposal: Demolition of the former North Eastern Rubber Company factory buildings and construction of three residential apartment blocks, comprising of 49no one bedroomed and two bedroomed apartments and 1no two bedroom townhouse and associated parking.  
Applicant: J C Quay Limited

The Committee gave consideration to a report of the planning officer in relation to the application, together with an addendum to the report which had been circulated to the members of the committee at the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

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

- a) the nature and extent of the Council's public consultation in relation to the application;
- b) the design of the proposed development and its impact on the Fish Quay and New Quay Conservation Areas;
- c) the height of the development, its relationship with neighbouring properties and its impact on residents in Yeoman Street;
- d) officer advice that from the information submitted, the proposal complied with the accessibility and internal space standards as set out in Policy DM4.9 of the Local Plan; and
- e) the proposed condition requiring the applicant to submit for approval a car parking management scheme which would address the risk of members of the public inadvertently parking their cars in residents' car parking spaces.

### **Decision**

The application be permitted, subject to the conditions set out in the planning officer's report, as the proposed development will bring back into use a derelict site and enhance the appearance and character of the North Shields Fish Quay and New Quay Conservation Areas. The development was also considered to be acceptable in terms of its design, scale and height and its impact on car parking, highway safety, the amenity of residents and biodiversity in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.

**Resolved** that the Head of Law and Governance and the Head of Environment, Housing and Leisure be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following road improvements:

- upgrade of footpaths abutting the site;
- associated street lighting;
- associated drainage;
- associated road markings;
- associated traffic regulation orders; and
- associated street furniture and signage.

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



Application No: 18/01749/REM Ward: Chirton  
 Application Type: Approval of reserved matters  
 Location: West Chirton Industrial Estate South, Norham Road, North Shields  
 Proposal: Application for reserved matters for the appearance, landscaping, layout, and scale in accordance with condition 1 of outline approval 14/01018/OUT for the demolition of existing buildings and redevelopment of the site for 399 dwellings.  
 Applicant: Miller Homes Ltd. and Northern Trust Co. Ltd.

The Committee gave consideration to a report of the planning officer in relation to the application, together with two addenda to the report which had been circulated to members of the Committee prior to, and at, the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

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

- a) the timescales associated with the proposed condition requiring the applicant to submit for approval a butterfly mitigation strategy;
- b) the outcome of a viability assessment which had concluded that a maximum of 8 affordable homes (2%) could be provided without an adverse impact on the viability of the development; and
- c) the benefits of the main access to the development being from a signalised junction with Norham Road and Verne Road as opposed to a roundabout.

### Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

(The Committee indicated that they were minded to approve the application subject to:

- a) there being no objections from the Council's Biodiversity Officer in respect of the planting plan submitted by the applicant;
- b) the conditions set out in the planning officer's report incorporating the proposed amendments set out in the addendum; and
- c) the addition or omission of any other conditions considered necessary by the Head of Environment, Housing and Leisure.)

Application No: 19/00641/FUL Ward: Chirton  
 Application Type: Full planning application  
 Location: Units 3F to 3J Plymouth Road, West Chirton Industrial Estate, North Shields  
 Proposal: Change of use to revert back to industrial Use Class B2 which is in keeping with the surrounding industrial estate.  
 Applicant: Northern Trust Co. Ltd.

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.

## **Decision**

The application be permitted, 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 surrounding occupiers and on the highway network and in bringing vacant buildings back into use in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.

## **PQ12/07/19 Exclusion Resolution**

**Resolved** that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act.

## **PQ13/07/19 Planning Appeal 18/00081/OUT, Scaffold Hill, Whitley Road, Benton (Previous Minute PQ41/12/18)**

(Councillor L Darke indicated that she had submitted an objection to planning application 18/00081/OUT but she had an open mind to the matters now under consideration.)

At its meeting on 18 December 2018 the Committee had refused an outline planning application for up to 38 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments at Scaffold Hill, Whitley Road, Benton for the following reasons:

1. The proposed development would have a detrimental impact on road safety due to the lack of suitable crossing points on the A191, contrary to the advice in NPPF and Policy DM7.4 of the North Tyneside Local Plan 2017.
2. The proposed development is harmful to biodiversity in the area, contrary to Policy DM5.5 of the North Tyneside Local Plan 2017.
3. The proposed development would result in an overdevelopment of the site, having regard to the housing construction to the north of the application site, contrary to Policy DM6.1 of the North Tyneside Local Plan 2017.
4. The additional houses would have a detrimental impact in terms of flood risk to the local area, contrary to Policy DM5.12 of the North Tyneside Local Plan 2017.

The applicant had submitted an appeal to the Planning Inspectorate against the decision together with a claim for costs to be awarded against the Council.

The Committee gave consideration as to how the Council should respond to the appeal.

**Resolved** that the Head of Environment, Housing and Leisure be authorised to:

- i) defend the decision of the Committee to refuse planning application 18/00081/OUT on the grounds that the proposed development is harmful to biodiversity in the area;
- ii) withdraw the reasons for refusal relating to road safety, overdevelopment and flood risk; and
- iii) inform the appellant, Northumberland Estates, and the Planning Inspectorate as to how the Council will be proceeding with the defence of its decision.

## **PLANNING COMMITTEE**

**Date: 6 August 2019**

### **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.

1	19/00669/OUT	Killingworth
	Scaffold Hill Farm Whitley Road Benton NEWCASTLE UPON TYNE NE12 9ST	
	Speaking rights requested -Mr Keith Page, 17 St Cuthberts Way Holystone	
2	18/01226/FUL	Collingwood
	Land At Murton House Farm Rake Lane North Shields Tyne And Wear	
3	18/01227/LBC	Collingwood
	Land At Murton House Farm Rake Lane North Shields Tyne And Wear	
4	19/00047/FUL	Killingworth
	Benton House Benton Business Park Bellway Industrial Estate Benton NEWCASTLE UPON TYNE NE12 9SA	
5	19/00739/FUL	Killingworth
	Unit 41 Bellingham Drive North Tyne Industrial Estate Benton NEWCASTLE UPON TYNE NE12 9SZ	
6	18/01414/FUL	Camperdown
	Block F, K, H, J, M & L The Killingworth Site Harvey Combe Station Industrial Estate Killingworth NEWCASTLE UPON TYNE	

**Item No:** 1  
**Application No:** 19/00669/OUT  
**Date valid:** 22 May 2019  
**Target decision date:** 21 August 2019  
**Author:** Julie Lawson  
**☎:** 0191 643 6337  
**Ward:** Killingworth

Application type: outline planning application

**Location:** Scaffold Hill Farm, Whitley Road, Benton, NEWCASTLE UPON TYNE, NE12 9ST

**Proposal:** Outline application for up to 35 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments (resubmission)

**Applicant:** The Northumberland Estate, Estates Office Alnwick Castle Alnwick NE66 1NQ

**Agent:** Pegasus Group, Ms Sandra Manson Pavilion Court Green Lane Garforth Leeds LS25 2AF

**RECOMMENDATION:** Minded to grant legal agreement req.

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues in this case are:

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

#### 2.0 Description of the Site

2.1 The site to which this application relates consists of fields to the south of an existing committed housing development. The site measures 6.25 hectares.

2.2 To the west of the site is the A191 Holystone bypass with residential dwellings beyond. To the east is the A19. To the south is the Scaffold Hill Farm, fields and woodland within the Rising Sun Country Park.

2.3 The northern part of the site is designated as an existing housing site under Policy S4.2(b) in the Local Plan (2017), and the area to the south of the existing



footpath is allocated as open space under Policy DM5.3. A wildlife corridor crosses the site.

2.4 The northern part of this application site was originally intended to be used for allotments as part of the approved housing scheme for 460 dwellings, currently under construction to the north of the site.

### 3.0 Description of the Proposed Development

3.1 Outline planning permission is sought for the construction of up to 35 residential dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments. It is a resubmission of an application refused in December 2018 for up to 38 dwellings. An appeal is currently under consideration by the Planning Inspectorate (PINS) against that refusal.

3.2 The application is seeking outline planning permission only with all matters reserved, including layout, access, scale, appearance and landscaping for future approval.

3.2 Indicative layout plans have been submitted. Access to the development will be taken at two separate points to the north of the site through the consented residential development to the north which, in turn, is accessed off the A191.

3.3 Allotments are proposed to the existing grazed field to the south western part of the site. Dedicated parking would be provided for the allotments.

3.4 The residential element of the proposed scheme is to be restricted to the western end of the site, with the land to the east being subject to a landscaping scheme which will provide biodiversity enhancement.

3.5 The applicant has indicated that 25% of the dwellings will be for affordable purposes. The application forms indicate that 26 dwellings will be for market housing and 9 for social housing. The applicant has indicated that the density would be 19 dwellings per hectare.

3.6 The proposal includes the undergrounding of the existing pylons crossing the site. The applicant has indicated that the pylon currently in the field to the western part of the site will be changed to a different pylon. The two pylons to the north of the Scaffold Hill Farm right of way will be removed, as will the pylon to the east adjacent to the A19.

### 4.0 Relevant Planning History

18/00081/OUT: Outline application for up to 38 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments:  
Refused 20.12.18

The above application was refused for the following reasons:

1. The proposed development would have a detrimental impact on road safety due to the lack of suitable crossing points on the A191, contrary to the advice in NPPF and Policy DM7.4 of the North Tyneside Local Plan 2017.

2. The proposed development is harmful to biodiversity in the area, contrary to Policy DM5.5 of the North Tyneside Local Plan 2017.
3. The proposed development would result in an overdevelopment of the site, having regard to the housing construction to the north of the application site, contrary to Policy DM6.1 of the North Tyneside Local Plan 2017.
4. The additional houses would have a detrimental impact in terms of flood risk to the local area, contrary to Policy DM5.12 of the North Tyneside Local Plan 2017.

An appeal has been submitted to the Planning Inspectorate against this refusal. On 9<sup>th</sup> July 2019 members of the planning committee determined not to defend the reason for refusals numbers 1, 3 & 4, leaving reason 2 as the only reason to be defended.

16/00074/FUL: Variation of Condition 2 of application 15/00945/FUL - revised layout, substitutes affordable plots 281-294 and 444-455, reducing social rented and shared ownership unit and increasing discounted market value units:  
Permitted 24.03.16

15/00945/FUL: Residential development of 460 dwellings (use class C3) comprising of 115 affordable dwellings and 345 open market dwellings with associated access, infrastructure and engineering works. Extension to rising sun country park with associated habitat, landscape and recreational improvements:  
Permitted 16.11.15

## 5.0 Development Plan

### 5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance

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 in this case are:

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;

- Impact on ecology;
- Impact on highway safety;
- Other issues.

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

### 8.0 Principle of development

8.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These relate to economic, social and environmental objectives. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. At the heart of the Framework is a presumption in favour of sustainable development.

8.2 The NPPF paragraph 11 states that for decision making development proposals that accord with an up-to-date development plans should be approved without delay.

8.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.4 In relation to housing, NPPF states that the Government's housing objective is to increase significantly the delivery of new homes. In order to achieve this objective Government requires that authorities should identify and maintain a rolling supply of specific deliverable sites 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 a persistent under delivery, the buffer should be increased by 20%.

8.5 Policy S1.2 of the Local Plan 'Spatial Strategy for Health and Well-being' states that the wellbeing and health of communities will be maintained and improved by:

- a. Working in partnership with the health authorities to improve the health and well-being of North Tyneside's residents.
- b. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
  - i. Creating an inclusive built and natural environment.
  - ii. Promoting and facilitating active and healthy lifestyles, in particular walking and cycling.
  - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
  - iv. Providing good access for all to health and social care facilities.
  - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.

- c. Promoting allotments and gardens for exercise, recreation and for healthy locally produced food.
- d. Controlling the location of, and access to, unhealthy eating outlets.

8.6 Policy S1.4 of the Local Plan 'General Development Principles' 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. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

8.7 Policy S4.1 'Strategic Housing' states:

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.

In doing so, this will reflect the following key priorities of:

- a. Providing enough new homes to meet current and future need and ensuring the Borough maintains a rolling five year supply of deliverable housing land;
- b. Delivering a distribution of new housing that is sustainable, taking account of the economic, social and environmental impacts of development and infrastructure requirements;
- c. The delivery of brownfield land, whilst taking into consideration the viability of land for development;
- d. Providing accommodation that is affordable for all sectors of the local community;
- e. Improving existing residential areas and bringing empty homes back into residential use;
- f. Delivering a range and type of housing that is currently under-provided for in the Borough, in order to meet identified shortfalls in need;
- g. Ensuring the delivery of specialist stock to meet specific needs such as larger housing, and extra care facilities;
- h. Promoting good management of Houses in Multiple Occupation including encouraging landlords to work with the Council through specific improvement schemes and initiatives;

- i. Offering opportunities for self-build schemes, including the identification of parcels of land on larger housing sites; and,
- j. Ensuring that there remains a choice and variety of viable housing sites, capable of meeting a range of housing needs.

8.8 DM4.5 Criteria for New Housing Development 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 DM1.3 'Presumption in Favour of Sustainable Development' states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

8.10 Policy S4.3 'Distribution of Housing Development Sites' states that the sites allocated for housing development are identified on the Policies Map.

8.11 Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

8.12 Policy S5.1 'Strategic Green Infrastructure' states that the Council will seek the protection, enhancement, extension and creation of green infrastructure in appropriate locations within, and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy. Where deficiencies in the quality of green infrastructure and in particular types of green infrastructure are identified in relevant up-to-date evidence, improvements will be targeted to those areas accordingly.

8.13 Policy DM5.2 'Protection of Green Infrastructure' states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or
- d. The proposed development would be ancillary to the use of green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

8.14 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

8.15 Proposals for new green infrastructure or improvements to existing should seek net gains for biodiversity, improve accessibility and multi functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

8.16 Policy DM5.3 'Green Space Provision and Standards' states that within North Tyneside, accessible green space will be protected and enhances to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy (GSS). Opportunities should be sought to improve provision for new and existing residents.

8.17 The Local Plan text states:

"North Tyneside's Allotment Strategy (2009-2015) sets out the Council's action plan and requirements for allotments within North Tyneside. The areas of greatest need for new allotment sites are Killingworth, North Shields/Tynemouth and Whitley Bay.

Developing new allotment provision in these areas will not only provide for the local demand but also reduce the pressure of sites in adjacent neighbourhoods."

8.18 The northern part of this application site was approved for allotment provision under the planning application for the housing that is currently under construction to the north of this site. Members are advised that this part of the site, now proposed for housing and ecological enhancement, is allocated as an existing site for housing under the Local Plan. Therefore the principle of housing on this part of the site is acceptable.

8.19 The area to the south of the footpath is allocated as open space in the Local Plan. A field in this area is now proposed for allotment provision. The site of the proposed allotments is currently a grazed field. This part of the site is indicated for agricultural grazing on the approved landscaping plan for the Country Park extension as agreed under application reference 15/00945/FUL. The provision of allotments on the site accords with the policies in the Local Plan.

8.20 The Allotment Service was consulted under the previous application and they advise that they require an appropriate number of allotments as previously agreed under the scheme reference 15/00945/FUL. The applicant has advised that the proposed allotment area extends to 1.4ha (including parking) comprising a mix of full size allotments (250sqm), half size allotments (125sqm) and quarter size allotments (60sqm). The consented area extends to 1.25ha (including parking), comprising full/half size allotments. There is, therefore, a net increase in provision.

8.21 The detailed layout of the allotments can be dealt with under the reserved matters application. It is considered that there is sufficient detail to demonstrate that the proposal is acceptable in terms of the amount of allotment provision. Conditions are recommended to ensure a satisfactory layout for allotments is provided.

## 9.0 North Tyneside 5-Year Housing Land Supply

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

9.2 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 6.1 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.

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

10.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

10.2 Policy DM4.6 'Range of Housing Types and Sizes' states that to ensure that new residential development provides a mix of homes, to meet current and future demand, and to create sustainable communities, applications for new housing development will be considered with regard to the Council's most up-to-date evidence, including housing need and local housing market conditions.

10.3 Policy DM 4.7 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 1000sqm. Developments will be required to provide a mix of affordable housing for rent and intermediate housing.

10.4 Policy DM 4.9 sets out housing standards.

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

10.6 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.

10.7 Policy 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. DM6.6 Protection, Preservation and Enhancement of Heritage Assets  
Proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

10.8 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.

10.9 The applicant has submitted an addendum to their original Design and Access Statement to address the reason for refusal 3 relating to overdevelopment of the site, although it is noted that this reason has now been withdrawn by the Council. The applicants have referred to the criteria set out in Policy DM6.1.

10.10 With regards to criteria (a), they have advised that the proposed development responds to the site context, in particular, its proximity to The Rising Sun Country Park and its integration into the wider consented scheme to the north. They refer to pre-application discussions, which reduced the development from 54 units down to 35 as now proposed. They have reduced the number of dwellings by 3 from the previous planning application, reducing the overall density from 21 plots per hectare to 19. They have reduced the road and hardstanding to the west of the development and proposed additional landscaping to the rear of those homes to the west of the development. With regards to criteria (b), the applicant has advised that the removal of the pylons will provide a visually positive contribution to the area and allow for a more active frontage of development to both the Country Park and other major distributor roads which surround the site to the north. With regards to criteria (c & d), the proposed indicative layout shows dwellings which provide a positive and active frontage to the street scene with clearly defined public, semi-private and private space. With regards to criteria (e), the applicant advises that the proposed car parking has been carefully integrated into the scheme so that the public realm environment is not overly dominated by vehicles. Visitor parking is also provided in accordance with the Local Authority's standards and is integrated throughout the development in areas which are easily accessible. With regards to criteria (f), all the proposed dwellings will have access to their own private rear and front garden space.

10.11 A Landscape Visual assessment has been submitted which considers the impact of housing on this site. This states that the development will have localised visual impacts. It is considered that the undergrounding of the pylons will have a beneficial effect on the Country Park.

10.12 The application is in outline form only therefore the layout of the development would be determined at a future reserved matters stage. However, the LPA needs to be satisfied that the proposed number of dwellings can be

accommodated on the site in a satisfactory manner. The Design Officer has advised that the layout links in well with the approved scheme to the north of the site and largely provides a positive development edge with units overlooking the Country Park. This is further complimented by the existing hedgerow which is to be retained and enhanced and will form a landscape buffer between the development and the Country Park. Plots 1 to 10 overlook the site entrance and contribute towards creating a distinctive point of entry.

10.13 The applicant has advised that all residential curtilages will fall outside of the defined easement area for the electric cables.

10.14 The impact on the setting of Scaffold Hill Farm is also important. The Design Officer advises that Scaffold Hill Farm is located to the south of the site and is an undesignated heritage asset, which has some significance and contributes towards the character and appearance of the area. The layout and buffer around the Farm is considered acceptable. The highway nearest the Farm is overly engineered and should be less formal in this location, but this could be addressed during the reserved matters application. He advises that he is supportive of the application and any outstanding matters can be dealt with under the reserved matters application.

10.15 Members need to consider whether the proposal would be acceptable in terms of its impact on the character and appearance of the area. It is officer advice that it is.

#### 11.0 Impact on 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 Policy DM5.19 Pollution states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

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

11.6 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.

11.7 The Manager of Environmental Health has advised that certain plots will require screening as the side of the gardens may have line of sight of the A191 and the noise levels will be above the WHO guidance level of 55 dB LAeq for good outdoor amenity. Given the layout is indicative, the layout can be controlled at reserved matters stage to ensure the gardens of properties are screened by the buildings from the A191. Conditions are therefore recommended to address noise mitigation.

11.8 The submitted layout is indicative and the layout would be a reserved matter. The proposed units will be located at least 40m from the existing dwellings to the west of the Holystone bypass. They would be to the north of Scaffold Hill Farmhouse and separated by over 30m. The indicative layout also shows a satisfactory layout between the proposed dwellings and the dwellings approved on the site to the north.

11.9 A condition is recommended requiring the reserved matters to have regard to the housing standards set out in Policy DM4.9.

11.10 Members need to consider whether the proposal would be acceptable in terms of its impact on amenity. It is therefore considered that the proposed development is acceptable in terms of its impact on the amenity of existing and proposed occupiers.

## 12.0 Highways

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 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.

12.3 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.

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

12.5 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:

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

12.6 Policy DM7.9 'New Development and Waste' states that all developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable.

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

12.8 Two objections have been received to the application on the grounds of impact on the highway network and highway safety. One of these objections refers to the lack of a safe crossing point at a particular location on the A191. One of the reasons for refusal of the last application was due to the proposed development having a detrimental impact on road safety due to the lack of suitable crossing points on the A191, contrary to the advice in NPPF and Policy DM7.4 of the North Tyneside Local Plan 2017. Since the committee decision the applicant has submitted an appeal against that refusal and on 9<sup>th</sup> July 2019 members of the planning committee have determined not to defend the road safety reason for refusal.

12.9 The applicant has submitted an additional technical note assessing issues raised around pedestrian crossing and road safety. They have advised that extensive transport infrastructure improvements have recently been carried out along the A191 corridor in the vicinity of the site, including the widening of Holystone Way, a range of junction improvements, new pedestrian crossing facilities, new pedestrian/cycle links, a new bus service and extensive improvements to the Rising Sun Country Park. These improvements have been implemented alongside the residential development to the north and have included a number of Road Safety Audits throughout the planning process to ensure that the planned crossings, junctions and links will operate safely. As part of this process, the need for any additional crossing points has been assessed. They also advise that the proposed site is accessible by sustainable transport, has satisfactory access and parking arrangements, is a low traffic generator and has a Travel Plan strategy in place to promote sustainable travel in the long term. They also advise that the location of local amenities and commercial units are predominantly to the west of the site and the current masterplan illustrates the improvements within the RSCP with regard to vehicle access and pedestrian routes/desire lines which were agreed with NTC officers during the design development stage, and supported through the previous application.

12.10 The applicants have advised that the original A191 bypass scheme design associated with the 460 residential development at Scaffold Hill did not include a proposal for an additional controlled crossing between Wheatsheaf roundabout and the new roundabout, as part of the agreed Section 106 and S278 works. The only controlled crossings are at the Wheatsheaf roundabout (via an upgraded Toucan crossing and 3m shared surface) and between the new and existing roundabouts on the A191 bypass. An improvement has been provided at this location, including a central reservation and dropped kerbs, so it is therefore considered that the Section 106 obligation has been met.

12.11 The proposal indicates two access points, one from the main estate road of the housing site to the north and the other from an access road from the estate under construction, although access to the site would be controlled as a reserve matter. The Highways Network Manager has been consulted. He has advised that a Transport Statement & Travel Plan have been submitted and it is considered that promotion of sustainable measures rather than additional highway improvements are more appropriate given the amount of improvements to the network being carried out as part of other developments in the area. Conditional approval is recommended. The applicant will be required to enter into a Section 106 Agreement for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. In addition the applicant will be required to enter into a Section 106 Agreement to contribute to the provision of public transport in the wider area.

12.12 Highways England have been consulted and they have advised no objections to the proposal.

12.13 Members need to consider whether the proposal would be acceptable in terms of its impact on highway safety and whether the proposal would accord with the advice in NPPF, policy DM7.4 and LDD12 and weight this in their decision.

### 13.0 Biodiversity

13.1 The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. When determining planning applications, local planning authorities should apply the following principles 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.

13.2 Policy DM 5.2 seeks to protect green infrastructure networks.

13.3 Policy S5.4 'Biodiversity and Geodiversity' states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

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

13.4 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. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be

accompanied by a management plan and monitoring schedule, as agreed by the Council.

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

13.6 Policy DM5.7 'Wildlife Corridors' states that development proposals within a wildlife corridor 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 Rising Sun is a Local Wildlife Site. The southern part of the site is a wildlife corridor. Swallow Pond and Plantation is a Local Nature reserve. Hadrian Pond 300m to the south is a Site of Nature Conservation Interest.

13.8 One of the reasons for refusal of the last application was due to the proposed development having a detrimental impact on biodiversity.

13.9 At the planning committee which considered the last application Members were concerned about the comments of Newcastle Airport and whether the proposed landscaping would be compatible with the Airport's comments regarding the planting mix proposed with the development. Their concerns were that birds would be attracted to the planting and would then cause risk of bird strike given that the site lies within an airport flight path.

13.10 The applicants have submitted a Technical Note: Landscape and Transportation (May 2019) which sets out how the planting mix has been established, in consultation with the Council's Landscape and Biodiversity officers and with regard to the guidance given by Newcastle Airport. This has been developed in accordance with the airport's requirement that within their safeguarding zone the final scheme should not comprise more than 10% of the species listed by the Airport.

13.11 The applicant has advised that the proposal includes the introduction of an increased variety of species through the addition of ornamental and native trees, woodland and shrub planting, hedgerows, ornamental vegetation and existing ephemeral ponds will be retained and enhanced including 3 additional hibernacular features to provide additional habitat for protected species. The applicant has advised that there will be 80.4 linear metres of hedgerow removed as part of the proposed development within the site, 598 linear metres of new hedgerow will be introduced within the site.

13.12 The Biodiversity Officer and the Landscape Architect have been consulted on the proposal. Discussions took place with the applicant under the last application regarding the potential impact of the development, particularly the undergrounding of the pylons, on the existing planting and the biodiversity of the

area. They have advised that the re-submitted application has not fundamentally changed. The scheme has been reduced from 38 dwellings to 35 and this appears to have resulted in a slightly amended layout which appears to show some additional landscaping along the western end of the scheme. The Ecological Assessment has also been updated. The pond located within the Local Wildlife Site (LWS), which had not been previously surveyed for great crested newt (GCN), has been surveyed in 2019. The survey recorded no evidence of great crested newt, however, palmate and smooth newt were recorded along with common frog and common toad. They have advised that there are no objections to the proposal subject to several conditions which are proposed to deal with the potential impacts of the undergrounding and construction works on the existing trees and hedgerows at the site.

13.13 Newcastle Airport have provided comments advising no objections, but the landscaping will need to be controlled due to issues with bird strike. The applicant has submitted details of the proposed landscaping and this demonstrates that the site can be landscaped in compliance with the requirements of the Airport. Landscaping is a reserve matter.

13.14 Natural England have advised that the development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance. They therefore have advised that a payment should be made towards a Coastal Mitigation Service.

13.15 Members need to determine whether the development results in significant harm to biodiversity. It is considered that subject to conditions it is considered that the impact on landscaping and biodiversity will be acceptable.

#### 14.0 Other issues

##### 14.1 Flooding

##### 14.3 DM5.12 Development and Flood Risk

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.

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.



#### 14.4 DM5.13 Flood Reduction Works

The Council will work with Northumbrian Water Ltd, the Environment Agency and landowners to ensure the risk of flooding in North Tyneside, to existing property and infrastructure, is reduced through a planned programme of work on the existing and future components of the drainage system.

Where development is proposed, and where it is deemed to potentially impact on drainage capacity (either individually or cumulatively), applicants will be expected to contribute to off-setting these impacts and work with the Council and its drainage partners to ensure any works are complementary to wider plans and fairly and reasonably related in scale and kind to the proposed development.

#### 14.5 DM5.14 Surface Water Run off

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

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

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

#### 14.6 DM5.15 Sustainable Drainage

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

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

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

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

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

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

14.7 One of the previous reasons for refusal related to flooding. Since the submission of the appeal against that refusal the planning committee have resolved not to pursue that reason for refusal.

14.8 The applicant has submitted an addendum to the original flood risk assessment and drainage strategy. This addendum considers whether the previous conclusions for flood risk to the development site are still applicable under the revised layout and it includes details of the mitigation measures that can be undertaken to reduce flood risk for the development where appropriate as well as seeking to demonstrate that the development will not increase flood risk on or off site. The information sets out that a detention basin is proposed to help manage rainfall runoff and maintain existing greenfield runoff rates. The basin will then be connected to an existing pipe and be linked to SuDS basins within the Rising Sun Country Park that were developed as part of the previous residential scheme immediately north of the site. The addendum states that no properties fall within the area indicated to be at high risk from surface water flooding.

14.9 The addendum states:

“The revised layout has ensured no surface water displacement will occur as a result of the development. Mitigation measures will further reduce the risk of surface water flooding to plots included within the development. The drainage strategy mimics the natural drainage of the site by ensuring surface water discharge rates equivalent to Greenfield and by following the site’s natural drainage direction. This will ensure that there is no increase in flood risk off site as a result of the development. Climate change has also been considered where appropriate.”

14.10 The Local Lead Flood Authority has been consulted. He has advised that he has no objections to the surface water drainage proposals. The applicant will be attenuating surface water within the site up to a 1in100yr rainfall event plus climate change via the use of an attenuation pond and an oversized pipe within the development site. The surface water from the development will leave the site at a restricted rate equivalent to the greenfield run-off rate; this will then discharge via a pipe into the larger suds pond which serves the full Scaffold Hill development.

14.11 A condition is recommended for details of the surface water management scheme to be submitted and agreed.

14.12 Northumbrian Water have been consulted and they have recommended a condition be imposed regarding details of foul and surface water drainage.

14.13 Members need to consider whether the proposed development is acceptable in terms of flood risk.

## 15.0 Contamination

15.1 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.

### 15.2 DM5.18 Contaminated and Unstable Land

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

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

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

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

15.4 Policy DM5.17 states:

Mineral resources and related infrastructure will be managed and safeguarded to meet current and future needs. A contribution to the region's supply needs will be made to ensure an adequate and steady supply of minerals in a way that supports the Borough's social, environmental and economic objectives.

Mineral resources will be safeguarded from other forms of development that would prejudice future mineral extraction. Mineral Safeguarding Areas have been defined for shallow coal, marine and estuarine sand and gravel, basal sand, lower magnesian limestone, and glacial sand and gravel resources in the plan area and their extent is shown on the Policies Map. These resources will be safeguarded from non-mineral development that would needlessly sterilise the resource and prejudice future mineral extraction. Planning permission will not be granted for any form of development within a Mineral Safeguarding Area that is incompatible with safeguarding the mineral unless an assessment is submitted in which the applicant can demonstrate to the satisfaction of the Local Planning Authority:

- i. that the mineral concerned is no longer of any value or potential value; or
- ii. the mineral can be extracted satisfactorily prior to the incompatible development taking place; or
- iii. the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
- iv. there is an overriding need for the incompatible development; or
- v. it constitutes exempt development, namely householder applications; changes of use; infilling in existing built up areas.

15.5 The Contaminated Land Officer has been consulted. She has no objections subject to conditions.

15.6 The Coal Authority has been consulted. They have advised that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. They note that a Geo-Environmental Desk Study has been submitted and they recommend a condition requiring intrusive site investigation works to be undertaken prior to development. These investigations should either confirm, or discount, the presence of the mine entry on the application site, and propose any necessary remedial works and no build zones to address the risks posed by this feature. They consider that an adequate assessment of the coal mining risks associated with this site has been carried out.

15.7 A mineral extraction feasibility study has been submitted. The site is within a Mineral Safeguarding Area and the site has been further identified on the Coal Authority database as being within a Surface Coal Resource Area. Based upon the current value of coal, the maximum values of potentially extractable coal and volumes of overburden required to be excavated and replaced, it is calculated that the shallow coal seams identified beneath the site are not of economic value. Furthermore, the overall economic and enviro-social benefit of the proposed development outweighs the potential loss of the uneconomic resource. The Coal Authority have advised that the submitted report appears to have been informed by an appropriate range of sources of information and they note that the report identifies that significant losses would be incurred for extracting and back filling with none of the shallow seams identified being feasible to extract and replace and that it is calculated that the shallow coal seams identified beneath the site are not of economic value.

15.8 Members need to determine whether the proposed development is acceptable in terms of whether the contaminated land can be appropriately mitigated.

#### 16.0 Other Issues

16.1 The Police Architectural Liaison Officer has no objections to the proposal.

16.2 Policy DM6.7 Archaeological Heritage states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. The Archaeology Officer has advised no objections and no archaeological work is required.

#### 17.0 S106 Contributions

17.1 The NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

17.2 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 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 related in scale and kind to the development.

17.3 The Council's adopted SPD on Planning Obligations LDD8 (2018) states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality environment where people choose to live, work, learn and play.

17.4 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.

#### 17.5 S7.1 General Infrastructure and Funding

17.6 The Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

17.7 The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding.

17.8 New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL).

17.9 Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
- b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable.

17.10 In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.

#### 17.11 DM7.2 Development Viability

17.12 The Council is committed to enabling viable and deliverable sustainable development.

17.13 If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this.

17.14 In these circumstances the Council may:

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

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

#### 17.16 DM7.5 Employment and Skills

The Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
  - i. Are related to the proposed development; or,
  - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

17.17 The applicant has agreed to the following contributions that have been requested by service areas:

- Playsites, equipped: £23,906.84
- Informal areas for play: £ 20,126.84
- Strategic greenspace: £ 6,465.79
- Parks: £ 15,186.32
- Primary education: £ 108,326.84
- Affordable housing at 25% with a 75:25 ratio (rent:intermediate)
- £ 11,052 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£22,104) shall be paid on commencement of development; further payments of £ 11,052 per year shall be paid each year thereafter until completion of the development and for two years post completion.
- £ 47,894.74 to contribute to the provision of public transport in the wider area.
- Coastal Mitigation £8,633

17.18 The above have been reported to IPB. It is considered that these contributions are required as a result of the development.

#### 18.0 Financial Considerations

18.1 The proposal involves the creation of 35 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D

Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

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

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

### 19.0 Conclusions

19.1 Members need to consider 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. Members need to consider whether the proposal will impact on existing land uses and residential amenity, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, trees, ecology and the highway network.

19.2 It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, trees, ecology and the highway network. It is considered that the proposal is in compliance with national and Local Plan policy and is recommended for approval subject to a S106 legal agreement and conditions.

### **RECOMMENDATION:      Minded to grant legal agreement req.**

It is recommended that members indicate that they are minded to grant this application subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of a Deed of Variation of the original S106 Agreement to secure the following:

- Playsites, equipped: £23,906.84
- Informal areas for play: £ 20,126.84
- Strategic greenspace: £ 6,465.79
- Parks: £15,186.32
- Primary education: £108,326.84
- Affordable housing at 25% with a 75:25 ratio (rent:intermediate)
- £ 11,052 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£22,104) shall be paid on commencement of development; further payments of £ 11,052 per year shall be paid each year thereafter until completion of the development and for two years post completion.
- £ 47,894.74 to contribute to the provision of public transport in the wider area.
- Coastal Mitigation: £8,633

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

## Conditions/Reasons

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

- Application form
- Site Location Plan N81:2091 LP-01
- Red Line Plan N81:2091 RL-01
- Illustrative Masterplan N81:2091 SL-01J
- Outline landscape strategy plan 119971/8010/ F
- Country Park Habitat Plan 119971/8011/I
- Composite Plan 119971/8016 D
- Cable Construction Zone plans 119971/8013 B
- Cable Construction Sections 119971/8015 C
- Cable Route detail 119971/8014
- Construction Method Statement Revision 21.11.18
- Existing vegetation retained removed Ref - 119971/8012 REVG

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

2. Approval of the details of the access, scale, layout, appearance and landscaping, hereafter called the "reserved matters" shall be obtained from the Local Planning Authority before any development is commenced.

Reason: That your application is expressed to be an outline application only.

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4.	Restrict Hours No Construction Sun BH	HOU00	*
		4	

5.	Contaminated Land Investigation Housing	CON00	*
		1	

6.	Gas Investigate no Development	GAS00	*
		6	

7. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development hereby approved above damp proof course level details of facilities to be provided for the storage of



refuse, recycling and garden waste for the proposed residential dwelling and a refuse management collection scheme shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of the residential dwelling and thereafter permanently retained.

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

8. The details to be submitted pursuant to condition 2 above shall include a scheme for parking and garaging which shall meet the requirements and standards set out in LDD12 (private and visitor parking) and manoeuvring and the loading and unloading of vehicles. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload 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).

9. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: include tree protection measures for the trees to be retained on adjacent land, identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). There shall be no cabins, storage of plant and materials or parking within the root protection areas of any retained trees. No construction works, cabins, plant or storage or any other operation associated with the construction of the garages or boundary fence should be undertaken on adjacent land to the east of the development site. The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. Notwithstanding the details to be submitted pursuant to condition 2, prior to the occupation of any dwelling hereby approved a scheme for the provision of

secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings having regarding policy DM7.4 of the North Tyneside Local Plan (2017).

11. Notwithstanding the details submitted, the reserved matters application shall include a car park management strategy for the site. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

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

12. No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the details to be submitted and agreed by the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

13. Within 3 month(s) of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up in accordance with the details to be approved pursuant to condition 2.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the users of the highway having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

14. Notwithstanding the details submitted, the reserved matters application shall include a scheme to allow appropriate vehicles to turn within the site. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

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

15. Notwithstanding the details submitted, the reserved matters application shall include plans to demonstrate that the existing Public Rights of Way will be retained on their current alignments and widths. Thereafter, these Public Rights of Way shall be retained thereafter.

Reason: In the interests of highway safety and pedestrian permeability having regarding policy DM7.4 of the North Tyneside Local Plan (2017).

16. Notwithstanding the details submitted, the reserved matters application shall include construction details including surface treatments for all existing & proposed Public Rights of Way. Thereafter, Public Rights of Way shall be retained in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety and pedestrian permeability having regarding policy DM7.4 of the North Tyneside Local Plan (2017).

17. Notwithstanding the details submitted, the reserved matters application shall include a detailed design for the 'punaise' roundabout including levels, swept path, details of drainage, surface treatment and a stage 1 road safety audit. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of highway safety, having regard to Policy DM 7.4 of the North Tyneside Local Plan 2017.

18. Notwithstanding the details submitted, the reserved matters application shall include an amendment to section 6.22 of the Travel Plan to include two vouchers for a 1 month 'all zones' pass per household. Thereafter the Travel Plan shall be implemented in accordance with these details and continued thereafter.

Reason: In the interests of promoting sustainable transport, having regard to Policy DM 7.4 of the North Tyneside Local Plan 2017.

19. Notwithstanding the details to be submitted pursuant to condition 2, prior to the construction of the dwelling above ground level a schedule and/or samples of all external and surfacing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. These details shall include surfacing materials for the garden areas and areas of hardstand. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

20. The development hereby permitted shall include no more than 35 dwellings.

Reason: More dwellings would result in a denser form of development which would adversely affect the character and appearance of the surrounding area.

21. Notwithstanding the details to be submitted pursuant to condition 2, the reserved matters layout must demonstrate compliance with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

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

22. 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: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with NPPF.

23. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any dwelling details of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

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

Reason: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with NPPF.

25. Prior to commencement of the construction of any dwellings, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority in accordance to noise report reference number FH/SH/001 providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014. The approved scheme shall be implemented prior to the occupation of any dwellings and retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

26. Prior to commencement of the construction of any dwellings, details of a ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. The approved details shall be implemented in accordance with the approved details prior to the occupation of the dwellings and retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

27. The reserved matters shall include noise barrier calculations or modelling and any required mitigation measures to ensure compliance with the world health organisation community noise level of 55 dB whenever possible, and no greater than 59 dB for external garden use. The reserved matters shall include details of the location and heights of any required acoustic fencing to be installed serving the houses and main rear or side gardens facing the A191 and visual landscaped screening and one metre mound with hedge and any other screening. The approved details shall be implemented prior to the occupation of the dwellings and retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings and in the interests of visual amenity, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

28. Notwithstanding the details to be submitted pursuant to condition 2, details of the boundary treatments (other than those to be agreed under the reserved matters for the boundary with the A191), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of dwellings above damp proof course level. Thereafter, these approved details shall be installed prior to the occupation of the dwelling and shall be permanently retained.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

29. Prior to the commencement of development above ground level, details of the undergrounding of the power lines and timescales for the works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the pylons and electricity wires are moved prior to the occupation of any dwellings and in order to protect biodiversity in the area.

30. The reserved matters shall include details of a scheme of intrusive site investigations. This shall include details of the undertaking of the intrusive site investigations, the submission of a report of findings arising from the intrusive site investigations, the submission of a layout plan which identifies appropriate zones of influence for the mine entry on site, and the definition of suitable 'no-build' zones and a scheme of treatment for the mine entry, if found to be present on the site, for approval. The approved works shall be implemented prior to the construction of any dwellings on the site.

Reason: In the interests of land stability.

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

Reason: To protecting existing vegetation from any disturbance during construction works having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

32. No utilities or drainage should be located within the root protection areas of retained trees or hedgerows on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

Reason: To protecting existing vegetation from any disturbance during construction works having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

33. The reserved matters shall include details of the Sustainable Urban Drainage Systems (SUDS). The approved works shall be implemented prior to the occupation of any dwellings on the site and retained thereafter.

Reason: In order to minimise any risks to aircraft from the drainage works.

34. The reserved matters shall include details of the allotment site including the number, location and layout of the allotments. The details shall include details of the management and operation of the allotment site and its parking provision. The approved allotment area shall be implemented prior to the occupation of any dwellings on the site in accordance with the agreed details.

Reason: In order to ensure an appropriate amount of allotment provision is provided on site.

35. No hedgerows or parts of hedgerows within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

36. Prior to the commencement of development on site, protective fencing is to be erected around each tree or hedge to be retained in accordance with BS5837:2012. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts or Heras fencing. No site clearance works or the development itself shall be commenced until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

37. Prior to the commencement of development on site, protective fencing is to be erected around all existing ponds to be retained, in accordance with the 'Pond

Protection Plan' and BS5837:2012. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts or Heras fencing. No site clearance works or the development itself shall be commenced until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

38. Details on the protection, enhancement and management of all existing ponds and wetlands within the site and all new ponds and scrapes must be submitted to and approved in writing by the Local authority for approval prior to the commencement of development. The details shall include cross sections to show depths and profiles as well as the landscaping of these features. The development shall be carried out in accordance with the approved details within a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

39. Prior to any works starting on site and where works are proposed within the 'Root Protection Area' (RPA) and/or crown spread of a tree, an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' shall be submitted to and approved in writing by the Local Planning Authority in order to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The method Statement is to include the following and the works shall be undertaken in accordance with the approved method statement:

- Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved TPP including particulars of fencing and signage.

- Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees (including the removal of existing structures and hard standings).

- Details of construction within the RPA including hard surfaces and/or scaffolding that may impact on the retained trees including the installation of temporary ground protection

- Details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees for the location of any (and not limited to) underground services, carriage way positions, parking areas and driveways, drainage, lighting, fence posts, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage

to the retained trees and /or root systems of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details.

- Details of any changes in ground level, including existing and proposed levels and any retaining structures required within the root protection area as defined by BS5837:2012. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority and the effect they will have on finished levels and finished heights.

- Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval to the Local Planning Authority.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

40. All works including demolition, excavations, soil stripping including foundations and the laying of services within the root protection area(RPA) of hedgerows which are to be retained (both inside and outside the protective fence line) are to be excavated by using an air spade.

- Tree roots greater than 25mm diameter should not be cut and worked around and must not be severed unless following approval from the site's Arboricultural Consultant.

- Within the areas so fenced, the existing ground level shall be neither raised nor lowered.

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

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

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

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

- A programme for the regular monitoring and compliance by the pre-appointed tree specialist during construction shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any dwelling on site.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

41. Prior to the commencement of development a contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained



for the duration of the works. The works shall be undertaken in accordance with the approved details.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

42. Prior to any works starting on site, full details for the cable installation and pylon dismantling shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

43. An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement. A programme for the regular monitoring and compliance by the pre-appointed tree specialist during construction shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

44. The reserve matters for landscaping as required under condition 2 shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (Standard trees to be a minimum 12-14cm girth). Details are also to include mitigation for the loss of habitat to the allotments; habitat losses e.g. hedgerow, scrub and wetlands; enhancements to existing wetlands in the LWS; reinstatement of the Local Wildlife site (LWS) and reinstatement works within the construction working zone.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

45. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 4428: 1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

46. A 10 year landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling on the site. The management plan is to include long term design objectives,

management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan is to include survey, monitoring and reporting of Great Crested Newt (GCN) and any new habitats. The management plan shall be implemented in accordance with the approved details.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

47. All pruning works shall be carried out in full accordance with British Standard 3998: 2010 - Recommendations for Tree Works and in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

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

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

49. A detailed lighting strategy must be submitted to and approved in writing by the Local Authority prior to construction works commencing on any dwellings on the site. Lighting must be designed in accordance with Guidance Note 8 "Bats and Artificial Lighting in the UK" produced by BCT & The Institute of Lighting Professionals. This should minimise light spill and any adverse impacts on sensitive habitats within or adjacent to the site. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

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

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

51. A Great Crested Newt Method Statement must be submitted to the Local Planning Authority for approval prior to construction works commencing on site. Details should include the employment of an Ecological Clerk of Works (ECoW) to ensure all works in close proximity to the pond within the Local Wildlife Site

(LWS) are undertaken in accordance with this document and the Pond Protection Plan.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

52. Details of hibernacula to be provided within the site must be submitted to the Local Planning Authority for approval prior to construction works commencing on site. Details must include the number, specification and location of hibernacula and the timing of their installation. The details shall be implemented in accordance with the approved details.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

53. 12no. bat bricks shall be installed in new dwellings located along the southern edge of the development. Bat bricks will be installed at the level of the gutter (where there is unimpeded flight access to and from the bat roost entrance). Details of these bat bricks and their specification, locations and timing of installation must be submitted to the Local Planning Authority for approval prior to works commencing on any dwellings on the site. The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

54. A total of 6no. Schwegler 1B and 4no. Schwegler 3S nest boxes or equivalent will be fixed to retained trees or to the walls of new dwellings. Details of bird box specification, locations and timing of installation must be submitted in writing to the Local Planning Authority for approval prior to works commencing on any dwellings on the site. The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

55. A Badger checking survey must be undertaken and submitted in writing to the Local Planning Authority for approval prior to works commencing on site. The development shall be carried out in accordance with the approved details.

Reason: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

56. Prior to any use of a crane on the site a crane method statement shall be submitted to and approved in writing by the Local Planning Authority. This should set out the following and development shall only be carried out in accordance with the approved scheme:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;
- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);

- The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed.

Reason: The development site is located close to the Airports 'approach and take-off protected obstacles limitation surface. Therefore use of cranes during construction could present a collision hazard and/or impact on the Airport protected obstacle limitation surfaces.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Building Regulations Required (I03)

Advice All Works Within Applicants Land (I29)

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

Highway Inspection before dvlpt (I46)

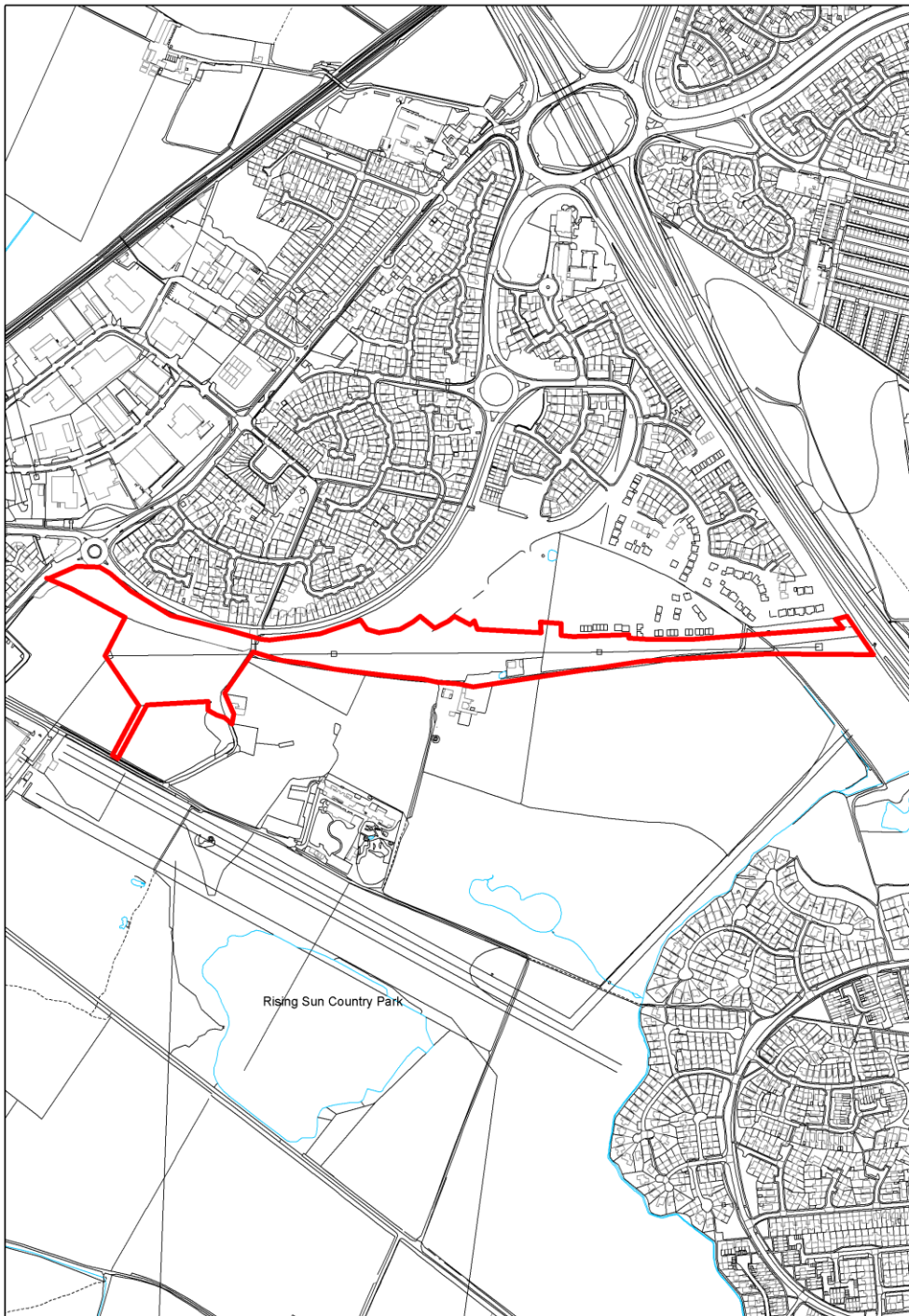
Section 106 - PAYEE (I49)

Street Naming and numbering (I45)

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development. Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

The development hereby approved lies within close proximity to the designated and well-established flightpath from Newcastle International Airport. The airport operates unrestricted, flying 365 days per year, 24 hours per day. The site is also a co-opted military airfield and therefore unrestrictedly accepts military aircraft.



**Application reference: 19/00669/OUT**

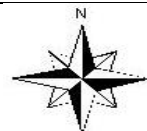
**Location: Scaffold Hill Farm, Whitley Road, Benton**

**Proposal: Outline application for up to 35 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments (resubmission)**

Not to scale

Date: 25.07.2019

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0100016801



**Consultations/representations**

1.0 Internal Consultees

2.0 Highway Network Manager

2.1 This is an outline application for up to 35 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments. It is a resubmission of application number 18/00081/OUT which was refused by planning committee in December 2018.

2.2 All matters are reserved and the site is adjacent to the previously agreed application for 460 dwellings (15/00945/FUL). A Transport Statement (TS) & Travel Plan (TP) have been included as part of application and it is considered that promotion of sustainable measures rather than additional highway improvements are more appropriate given the amount of improvements to the network being carried out as part of other developments in the area. Conditional approval is recommended.

2.3 Recommendation - Conditional Approval

The applicant will be required to enter into a Section 106 Agreement for £11,052 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£22,104) shall be paid on commencement of development; further payments of £11,052 per year shall be paid each year thereafter until completion of the development and for two years post completion.

The applicant will be required to enter into a Section 106 Agreement for £47,894.74 to contribute to the provision of public transport in the wider area.

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

Conditions:

ACC08 - New Access: Access before Devel (OUT)  
ACC16 - Exist Access Closure By (OUT) (\*6 Months)  
ACC24 - Turning Areas: Laid out before Occ (OUT)  
PAR03 - Veh: Parking, Garaging, Loading (OUT)  
REF01 - Refuse Storage: Detail, Provide Before Occ  
SIT07 - Construction Method Statement (Major)  
SIT08 - Wheel wash

Notwithstanding the details submitted, the reserved matters application shall include a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include a car park management strategy for the site. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include scheme for secure undercover cycle parking. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of promoting sustainable transport.

Notwithstanding the details submitted, the reserved matters application shall include a scheme to allow appropriate vehicles to turn within the site. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include plans to demonstrate that the existing Public Rights of Way will be retained on their current alignments and widths. Thereafter, these Public Rights of Way shall be retained thereafter.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include construction details including surface treatments for all existing & proposed Public Rights of Way. Thereafter, Public Rights of Way shall be retained in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include a detailed design for the 'punaise' roundabout including levels, swept path, details of drainage, surface treatment and a stage 1 road safety audit. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include an amendment to , section 6.22 of the Travel Plan to include two vouchers for a 1 month 'all zones' pass per household. Thereafter the Travel Plan shall be implemented in accordance with these details and continued thereafter.

Reason: In the interests of promoting sustainable transport.

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
- I13 - Don't obstruct Highway, Build Materials



- l45 - Street Naming & Numbering
- l46 - Highway Inspection before dvlp

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

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

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

#### 2.4 Local Lead Flood Officer

2.5 I can confirm I have no objections to the surface water drainage proposals, the applicant will be attenuating surface water within the site up to a 1in100yr rainfall event plus climate change via the use of an attenuation pond and an oversized pipe within the development site. The surface water from the development will leave the site at a restricted rate of 7.9l/s which is equivalent to the greenfield run-off rate; this will then discharge via a pipe into the larger suds pond which serves the full Scaffold Hill development.

2.6 I would recommend that a condition is placed on the application relating to the future maintenance of the suds pond is provided prior to the commencement of the development.

#### 3.0 Biodiversity Officer and Landscape Architect

3.1 An application has been re-submitted for the above site. The original application (18/00081/OUT) was for 38 dwellings in the same location.

3.2 In addition to existing information re-submitted from application 18/00081/OUT, the following new documents have been submitted to support the current application:-

- Illustrative Masterplan
- Landscaping Plans
- Planning Statement Addendum
- Addendum DAS Document
- Landscape & Technical Note
- FRA & Drainage Strategy
- Ecological Assessment

3.3 The re-submitted application has not fundamentally changed. The scheme has been reduced from 38 dwellings to 35 and this appears to have resulted in a slightly amended layout which appears to show some additional landscaping along the western end of the scheme.

3.4 The Ecological Assessment has also been updated. The pond located within the Local Wildlife Site (LWS), which had not been previously surveyed for great crested newt (GCN), has been surveyed in 2019. The survey recorded no evidence of great crested newt, however, palmate and smooth newt were recorded along with common frog and common toad.

3.5 There are no objections to this application subject to the following conditions being attached to the application:-

#### **Tree and Hedgerow Protection**

No hedgerows or parts of hedgerows within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

#### **Protection of Hedgerow by fencing**

Prior to the commencement on site, protective fencing is to be erected around each tree or hedge to be retained in accordance with BS5837:2012. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts or Heras fencing. No site clearance works or the development itself shall be commenced until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

#### **Protection of ponds by fencing**

Prior to the commencement on site, protective fencing is to be erected around all existing ponds to be retained, in accordance with the 'Pond Protection Plan' and BS5837:2012. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts or Heras fencing. No site clearance works or the development itself shall be commenced until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

#### **Pond Protection**

Details on the protection, enhancement and management of all existing ponds and wetlands within the site must be submitted to the Local authority for approval prior to works commencing on site. In addition, details of all new ponds and scrapes must also be submitted, including cross sections to show depths and profiles as well as the landscaping of these features.

### **Arboricultural Method Statement**

Prior to any works starting on site and where works are proposed within the 'Root Protection Area' (RPA) and/or crown spread of a tree, an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' will be required in order to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The method Statement is to include the following:

- Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved TPP including particulars of fencing and signage.
- Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees (including the removal of existing structures and hard standings).
- Details of construction within the RPA including hard surfaces and/or scaffolding that may impact on the retained trees including the installation of temporary ground protection
- Details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees for the location of any (and not limited to) underground services, carriage way positions, parking areas and driveways, drainage, lighting, fence posts, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage to the retained trees and /or root systems of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details.
- Details of any changes in ground level, including existing and proposed levels and any retaining structures required within the root protection area as defined by BS5837:2012. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. and the effect they will have on finished levels and finished heights.
- Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval.

### **Implementation of Tree Protection during development**

All works including demolition, excavations, soil stripping including foundations and the laying of services within the RPA of hedgerows which are to be retained (both inside and outside the protective fence line) are to be excavated by using an air spade.

- Tree roots greater than 25mm diameter should not be cut and worked around and must not be severed unless following approval from the sites Arboricultural Consultant.
- Within the areas so fenced, the existing ground level shall be neither raised nor lowered.

- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, stockpiling or placing of site cabins or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- Where large roots are encountered they should be bridged with a curb which can rest on blocks or similar either side of the bridge.
- No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

### **Construction Method Statement**

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works

### **Construction Method Statement:**

Prior to any works starting on site, full details for the cable installation and pylon dismantling is to be submitted for approval.

### **Arboricultural supervision**

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction

### **Landscape Plan**

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and wildflower planting and ground preparation noting the species and sizes for all new plant species (Standard trees to be a minimum 12-14cm girth). Details are also to include mitigation for the loss of habitat to the allotments (this will include enhancement of an existing horse grazing field to be managed for biodiversity); habitat losses e.g. hedgerow, scrub and wetlands;

enhancements to existing wetlands in the LWS; reinstatement of the Local Wildlife Site (LWS) and reinstatement works within the construction working zone.

### **Landscape Implementation**

All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 4428: 1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

### **Landscape/Ecological Management Plan**

A 10 year landscape management plan is to be submitted for approval. The management plan is to include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan is to include survey, monitoring and reporting of Great Crested Newt (GCN) and any new habitats. The management plan shall be implemented in accordance with the approved details.

### **Tree Pruning Works**

All pruning works shall be carried out in full accordance with British Standard 3998: 2010 - Recommendations for Tree Works. Details to be submitted for approval.

### **Protection of trees and hedgerows in relation to drainage**

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

### **Lighting Strategy**

A detailed lighting strategy must be submitted to the Local Authority for approval prior to construction works commencing on site. Lighting must be designed in accordance with Guidance Note 8 "Bats and Artificial Lighting in the UK" produced by BCT & The Institute of Lighting Professionals. This should minimise light spill and any adverse impacts on sensitive habitats within or adjacent to the site.

### **Bird nesting Season**

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

### **Great Crested Newt Method Statement**

A Great Crested Newt Method Statement must be submitted to the Local Authority for approval prior to construction works commencing on site. Details should include the employment of an Ecological Clerk of Works (ECoW) to ensure all works in close proximity to the pond within the LWS are undertaken in accordance with this document and the Pond Protection Plan.

### **Hibernacula**

Details of hibernacula to be provided within the site must be submitted to the Local Authority for approval prior to construction works commencing on site. Details must include the number, specification and location of hibernacula and the timing of their installation.

### **Bats**

12no. bat bricks will be installed in new dwellings located along the southern edge of the development. Bat bricks will be installed at the level of the gutter (where there is unimpeded flight access to and from the bat roost entrance). Details of bat brick specification, locations and timing of installation must be submitted to the Local Authority for approval within 4 weeks of works commencing on site.

### **Bird box installations**

A total of 6no. Schwegler 1B and 4no. Schwegler 3S nest boxes or equivalent will be fixed to retained trees or to the walls of new dwellings. Details of bird box specification, locations and timing of installation must be submitted to the Local Authority for approval within 4 weeks of works commencing on site.

### **Badger checking survey**

A Badger checking survey must be undertaken and submitted to the Local Authority for approval prior to works commencing on site.

### 4.0 Environmental Health (Contamination)

4.1 The site lies within 250m of known landfills and unknown filled ground. Due to the proposed sensitive end use the following must be attached:

Con 001

Con 006

### 5.0 Environmental Health (Pollution)

5.1 I have concerns with regard to potential noise from the A191 Holystone Way.

5.2 I have viewed the air quality report which has considered a construction dust assessment only. It is noted that for the size of development a full air quality assessment was not required, but that previous air quality assessment for an application for 460 residential units on the adjoining site concluded that the proposed development would result in a negligible impact. It is therefore

considered that the proposed development for residential units would not contribute to result in having a significant adverse impact on air quality in this area.

5.3 I have viewed the noise assessment which has modelled the equivalent daytime 1st floor facade noise levels at the proposed residential units for those closest to the road, based on noise monitoring carried out at one monitoring location next to the A191. The modelled noise levels across the development site at first floor level are in the region of between 65 to 70 as shown in Figure 4. The daytime noise levels for internal spaces should aim for a level of 35 dB and night time of 30dB in accordance to BS8233. This will mean that residents in the proposed new houses will need to keep windows closed and to be provided with a ventilation scheme that is able to be adjusted to cope with warm weather to enjoy a reasonable internal noise level. I would however suggest that a ventilation scheme that allows for whole house ventilation is provided.

5.4 The consultant has shown that internal noise levels can be achieved that will meet the requirements of BS8233, if an appropriate acoustic glazing and ventilation is provided. I note that the noise assessment outlines that the night time noise levels from traffic drop by at least 10 dB.

5.5 I have viewed the indicative layout plan and note that gardens for the western part of the site are facing onto the A191. I have concerns that the external noise levels for gardens in the western part of the site will not meet the world health organisation community noise level for outdoor spaces of 55dB. The external noise level for amenity use of gardens facing the A191, even with mitigation measures specified within the noise report consisting of 2.0 metre, 2.5 metre and 3.5 metre high barriers as identified in Figure 5 of the noise report indicates that noise levels will exceed the world health organisation community noise level for outdoor spaces of 55dB, for plots 001-006 and 013-014, which is a trigger for causing serious annoyance. The external noise levels in gardens facing the A191 for proposed houses range from 57 to 59 dB. I would suggest that this will cause an adverse impact on residential houses and households should not be exposed to adverse impacts and is contrary to the national planning policy framework to avoid noise from giving rise to significant adverse impacts. I would suggest that where possible houses are orientated so that gardens are screened by the buildings to mitigate against road traffic noise.

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

Prior to development submit and implement on approval of the local Planning Authority a noise scheme in accordance to noise report reference number FH/SH/001 providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels

specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

The details of location and heights of minimum 2.0, 2.5 and 3.5 metre overlapping acoustic fencing to be installed serving the houses and gardens facing the A191 must be submitted for approval and thereafter installed prior to occupation of houses. This must be supported by appropriate barrier calculations or modelling to ensure compliance with the world health organisation community noise level of 55 dB whenever possible, and no greater than 59 dB for external garden use.

SIT03

HOU04

#### 6.0 Design Officer

6.1 The design and layout links in well with the approved scheme to the north of the site and largely provides a positive development edge with units overlooking the Country Park. This is further complimented by the existing hedgerow which is to be retained and enhanced and will form a landscape buffer between the development and the Country Park.

6.2 Plots 1 – 10 overlook the site entrance and contribute towards creating a distinctive point of entry. Movement around the site works well for pedestrians and vehicles. On-plot parking does dominate the street scene in places where there is high density development.

6.3 Scaffold Hill Farm is located to the south of the site and is an undesignated heritage asset which has some significance and contributes towards the character and appearance of the area. To mitigate the impact of the proposed development on Scaffold Hill Farm, the scheme includes a small green buffer which is considered to be acceptable but not ideal. The highway nearest the Farm is overly engineered and should be less formal in this location. This could be addressed during the reserved matters application.

6.4 On balance I am supportive of this application and it is considered that the remaining concerns can be addressed during the detailed design in the reserved matters application.

#### 7.0 Representations

##### 8.0 Holystone Action Group

8.1 This revised application does nothing to address the concerns about road safety - especially for pedestrians, mothers with buggies, horses and cycles - at Crossing Point 3. This was one of the main reasons for the previous application's refusal in December 2018. The route across Crossing Point 3 is used by residents of the existing Holystone estate to access the Rising Sun Country Park.



The crossing point is on a blind bend with only very limited visibility from the Holystone side towards the Wheatsheaf Public House. The central reservation has no protective barriers to protect pedestrians should a vehicle mount the central reservation. The central reservation is not wide enough for a horse, unless it was manoeuvred to stand sideways and this is a crossing point for horses as evidenced by a previous submission from the Horse Society and also the fact that the pedestrian gate on the RSCP side of the road is a horse-rider-friendly lifting catch. The central reservation is also not wide enough for a mother to stand behind a buggy - she would have to stand next to the buggy or manoeuvre the buggy to be sideways. The Technical Note Landscape and Transport mentions in Section 4 that only a small number of residents use this crossing point. I contest that assertion due to a) there being over 400 homes in the existing Holystone estate and more in Holystone village, and b) my own local knowledge as a resident of Holystone, and it is clear more residents would use this crossing point if it was a safe crossing, which it absolutely is not. I would challenge anyone who declares this point to be safe to meet me there and bring along their young family.

## 9.0

### 1 letter of objection:

- Strongly oppose this latest application.
- Roads are already not at breaking point, but broken.
- Wildlife has been ruined.
- Please keep some green space.

## 10.0 External Consultees

### 11.0 Tyne and Wear Archaeology Officer

11.1 This site has previously been subject to archaeological desk based assessment, geophysical survey and trial trench evaluation. No further investigation is required for this application.

### 12.0 Highways Agency

12.1 Having considered the application details and being mindful of Highway England's response to the previous outline application (18/00081/OUT) for the same site, we are content that the proposed decrease in housing numbers does not result in a material change in flow at the Strategic Road Network. No objection.

### 13.0 Northumbrian Water

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

CONDITION: Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be 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.

#### How to Satisfy the Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us.

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

#### For information only

We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site.

#### 14.0 Natural England

14.1 This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

14.2 Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone. Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

14.3 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority,

as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

14.4 This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

14.5 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Advice given on other natural environment issues.

#### 15.0 Northern Gas Networks

No objections.

#### 16.0 The Coal Authority

16.1 We have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

16.2 The Coal Authority records indicate that there is a mine entry and its zone of influence, within, or within 20m of the site boundary.

16.3 The planning application is accompanied by a Geo-Environmental Desk Study, dated August 2010, prepared by Fairhurst. It is noted that this report was prepared for a wider development of which the current application site forms part of. The Report has been informed by an appropriate range of sources of information.

16.4 In addition to the above, the applicant has also submitted a Mineral Extraction Feasibility Study, dated January 2018 also prepared by Fairhurst where the report authors concludes that having considered all the information relative to surface coal / coal extraction, the overall economic and enviro-social benefit of the proposed development outweighs the potential loss of the resource.

16.5 The Coal Authority were consulted on a previous planning application for this current site: 18/00081/OUT - Outline application for up to 44 dwellings

incorporating the undergrounding of overhead power cables and re-provision of allotments where the same Reports were submitted.

16.6 The Coal Authority raised no objections to the outline consent based on the recommendations made by the report author that intrusive site investigations are undertaken in order to establish the exact situation in respect of coal mining legacy issues. We identified that these investigations should either confirm, or discount, the presence of the mine entry on the application site, and propose any necessary remedial works and no build zones to address the risks posed by this feature. The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

16.7 As no ground investigations would appear to have been undertaken, our comments for this current proposal are predominantly the same; no objection subject to the imposition of a planning condition(s) to secure the recommended site investigations.

16.8 The Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out. Therefore, in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is safe and stable for the development proposed you may wish to consider the imposition of planning conditions, which cover the issues set out below:

16.9 A condition should therefore require prior to the submission of the reserved matters:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of the intrusive investigations;
- As part of the reserved matters application the submission of a report of findings arising from the intrusive site investigations;
- As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entry on site, and the definition of suitable no-build' zones;
- As part of the reserved matters application the submission of a scheme of treatment for the mine entry, if found to be present on the site, for approval;
- A condition should also require prior to the commencement of development:
- Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

*The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and*

#### 17.0 Northumbria Police Architectural Liaison Officer

17.1 I can find no grounds on which to object to it and on looking at the changes to the layout think it is a positive move. The reduction in the numbers, although small, also in my opinion help with this application.

17.2 Therefore Northumbria Police have no objections to it progressing and at this stage have no further comments to make.

#### 18.0 Newcastle Airport

18.1 Noise: the site is not within the Airport's most recent noise contours, which model the potential noise impact for aircraft operating from the Airport up to 2035. Therefore it is not expected that noise levels will be above a level which will result in significant community annoyance.

18.2 However, aircraft flying overhead will be audible. The Airport already receives noise complaints from across North Tyneside, and therefore NIAL requests that the below informative is added to a grant of planning permission, in order to make clear the existing aircraft operations which would impact the site.

18.3 The development hereby approved lies within close proximity to the designated and well-established flightpath from Newcastle International Airport. The airport operates unrestricted flying 365 days per year, 24 hours per day. The site is also a co-opted military airfield and therefore unrestrictedly accepts military aircraft. Properties contained within the development will be exposed to aircraft noise.

#### 18.4 Planning Policy

18.5 Paragraph 123 of NPPF states that planning policies and decisions should aim to recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. This is especially relevant as NIAL wants to avoid development without suitable mitigation being approved too close to the Airport and its approach paths which would restrict development of the Airport as an existing business. The Masterplan and noise contours are the expression of future growth plans in terms of an expanded flight program at the Airport. Noise would therefore need to be considered in relation to current and future operations at the Airport.

18.6 Consideration should also be given to policy DM5.19 of the North Tyneside Local Plan, which states that "Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.

#### 18.7 Lighting

18.8 The Airport expects that all lighting be fully cut off so as to eliminate any vertical light spill into the atmosphere, which could act as a distraction for pilots

on approach or departing the Airport. There is also a risk that lighting, if set out in certain patterns, could be confused as operational lighting to pilots, especially in poor visibility. Therefore any details of permanent or temporary lighting (i.e. for construction) to be installed, which the applicant believes may distract pilots are to be consulted and approved by NIAL. This should also be conditioned as part of the planning permission.

## 18.9 Cranes

18.10 The development site is located close to the Airports 'approach and take-off protected obstacles limitation surface. Therefore use of cranes during construction could present a collision hazard and/or impact on the Airport protected obstacle limitation surfaces. The use of any crane or construction equipment above 45m in height would penetrate the surface and would require an operator's licence and the issuing of a notice to airmen for the duration of the construction period. It would also need to be fitted with medium intensity lighting. If a crane or other construction equipment is required above 45m in height above ground, it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, should be fitted with low intensity lighting, and work should cease during poor visibility and cloud ceilings.

18.11 The Airport request that the parameters and procedures of crane use for the scheme be set out in a crane method statement, which should be conditioned as part of a grant of planning consent. This should at least set out the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;
- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);
- The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed.

18.12 Cranes used during operation may be a physical hazard to airlines, as well as potentially impacting on protected navigational surfaces. In order to assess this, NIAL require the ground height of the site and an indication from the developer what the maximum height of the cranes will be.

## 18.13 Landscaping

18.14 Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. Berry bearing species should make up no greater than 10% of the planting schedule to ensure there is no increased risk of bird strikes with aircraft operating from the Airport. The following species should not be used on site in quantities greater than 10%, in order to prevent the creation of bird attracting features on site:

Berberis spp Barberry	Ilex aquifolium Holly
Cotoneaster	Sorbus aucuparia Rowan
Crataegus monogyna Hawthorn	Viburnum
Aucuba Buddleia1	Pernettya Prickly Heath
Prunus avium Wild Cherry	
Callicarpa Beauty Berry	Pyracantha Firethorn
Chaenomeles Japonica	Rhus Sumac
Clerodendrum	Ribes Ornamental Currant
Danae Butcher's Broom	Rosa canina Dog Rose
Daphne	Sambucus nigra Elder
Euonymus Spindle	Skimmia
Hypericum St John's Wort	Stranvaesia
Lonicera Honeysuckle	Symphoricarpos Snowberry
Mahonia	Taxus Yew
Malus Crab Apple	

18.15 NIAL would require a planting schedule to be conditioned as part of any future planning application decisions, which would confirm further information on the percentage mix of species on the site to determine the volume of bird attracting species.

18.16 The grouping of trees in certain arrangements can also provide a roosting habitat for species such as starlings, which can be especially hazardous to aircraft owing to the density of flocks. Therefore confirmed specific details of tree species to be planted will be required also, these are also to be conditioned at the planning decision stage.

18.17 Any on-site skips containing source of foods for birds, including soil, should also be covered.

18.18 Bird Hazard Management Plan (BHMP)

18.19 Given the proximity of the site to flightpaths, NIAL require written assurances that the Bird Hazard Management Plan (BHMP) dated 22/07/19 (file reference 7659.01\_R\_C9\_sb\_210716) would be adhered to for the land outlined within this application throughout the construction period and the lifetime of the development, and NIAL request written confirmation that this BHMP is to cover the SUDS and landscaping proposals outlined within this application.

18.20 SUDS ponds and wetlands

18.21 There is a general presumption against the creation of open water bodies within 13 km of an aerodrome, which in relation to this scheme is NIAL. This is

due to the increased likelihood of bird strike as a result of habitat formation within close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome.

18.22 For any SUDS/basins that are only to be wet during time of flood, it is expected that it will drain rapidly (not more than 2 days). It is also expected that water pooling is avoided during construction. NIAL would like to know how often there would be an area of standing water. Any proposed wetland/pond/drainage areas are to be fully planted and netted in the interim whilst vegetation is established. The risk to aircraft through increased bird activity from wetland areas should also be considered in the BHMP. To discourage pooled water attracting hazardous bird species, NIAL expects any standing water to be removed in under 48 hours. These bird strike hazard mitigations are to be conditioned as part of any future planning decisions associated with this application.

18.23 Renewable energy

18.24 NIAL would require information relating to any photovoltaic cells or micro wind turbines proposed for the development.



**Item No:** 2  
**Application No:** 18/01226/FUL  
**Date valid:** 2 October 2018  
**Target decision date:** 1 January 2019  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Collingwood

Application type: full planning application

**Location:** Land At Murton House Farm, Rake Lane, North Shields, Tyne And Wear

**Proposal:** Demolition of the disused and redundant buildings and replacement with 10no residential dwellings including access, amenity space and parking (REVISED LANDSCAPING PLANS)

Applicant: Murton Farm Steading Ltd, C/O George F White LLP

Agent: George F. White, Miss Laura Dixon Arch 2 Westgate Road Newcastle Upon Tyne NE1 1SA

**RECOMMENDATION:** Minded to grant legal agreement req.

## **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 listed building and the character of the area;
- the impact on surrounding occupiers and the standard of amenity provided for future occupiers;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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

#### 2.0 Description of the Site

2.1 The application relates to Murton House Farm, which is located on the north side of the A191, at the junction with Billy Mill Lane.

2.2 The main farmhouse and the gate piers to the driveway are Grade II Listed. The farmhouse has recently been refurbished and divided into two residential dwellings. This application relates to the land to the east of the farmhouse which contains numerous derelict farm buildings. These buildings include the remains

of two terraced dwellings, located immediately to the east of the farmhouse, stables and barns.

2.3 The site is bounded by trees, hedging and agricultural land to the north, the listed farmhouse to the west and residential properties to the east. There are a number of mature trees within the site and a small wooded area to the west.

2.4 There are three existing access points to the site – one to the main farmhouse, one next to the A191 roundabout and the main farm access adjacent to the eastern boundary.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to demolish the redundant farm buildings and construct 10no residential dwellings.

3.2 The proposed dwellings are 2 - 2.5 storey and arranged in a terrace of 4no dwellings, a pair of semi-detached properties and 4no detached dwellings.

3.3 The existing access adjacent to the A191 roundabout would be modified and widened to provide access into the development. Parking is provided within the curtilage of each dwelling, with visitor parking in bays along the edge of the internal access road.

### 4.0 Relevant Planning History

18/01227/LBC - Demolition of the disused and redundant buildings and replacement with 10 no. residential dwellings including access, amenity space and parking – Pending consideration

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

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 listed building and the character of the area;
- the impact on surrounding occupiers and the standard of amenity provided for future occupiers;
- 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.

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 is proposed on a previously developed site and it would contribute to meeting the housing needs of the borough. It is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and point (a) of Policy DM4.5. Issues relating to the impact of this scheme upon local amenities and the character of the area are discussed later in this report.

8.10 Having regard to the above, the principle of the proposed development is considered acceptable subject to consideration of the following matters.

#### 9.0 North Tyneside Council Housing Land Supply

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

9.2 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 6.1 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.

#### 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 when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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.

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 or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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 Buildings and other structures that pre-date July 1948 and are within the curtilage of a listed building should be treated as part of the listed building. The site currently contains numerous derelict farm buildings, most of which date from before 1948. They are located within the boundary wall which encompasses the listed farmhouse and gate posts, and relate closely to the farmhouse in terms of their function and materials. The buildings are therefore to be treated as part of the listed building.

10.13 A structural survey has been carried out and submitted as part of the application. This shows that many of the buildings are in a very poor condition. Some of them could be saved but this would not be economically feasible. A Viability Assessment has also been submitted to consider the cost implications of retaining and converting some of the existing buildings. The assessment shows that the only viable development option is complete demolition and rebuild. The principle of demolishing the buildings is therefore considered to be acceptable.

10.14 The site is located adjacent to 2no dwellings within the listed farmhouse and an established residential area to the east. The land to the north is also allocated for residential development within the North Tyneside Local Plan. Residential use is therefore considered to be an acceptable form of development for the site.

10.15 Therefore the main issue to be considered is whether the proposal is acceptable in terms of its scale, design, layout and materials, and the impact it would have on the listed building and character of the area.

10.16 The proposal is to construct 10no residential dwellings. A mix of 2 and 2.5 storey dwellings is proposed, arranged around an internal access road.

10.17 Each property is individually designed to reflect the fact that the existing farm buildings are all different in appearance. They would be constructed predominantly from brick, with stone to the frontage of units 1 to 4. The roofs would be mainly covered in slate with corrugated fibre cement used for the roofs of some garages and the roofs of units 2 and 3 to reflect the roofing materials found in the existing farmstead. The window openings would be simple in form and random in format, again to reflect the appearance of the existing farm buildings. There are existing stone boundary walls around the southern and western boundaries of the site. These would be retained.

10.18 The site currently contains single storey buildings adjacent to the southern and eastern boundaries, and a taller group of buildings immediately to the east of the farmhouse.

10.19 The proposed development includes 4no 2-storey dwellings to the east of the farm house, on the approximate location of the existing buildings, and 2no 2-storey dwellings in the north east corner of the site which is currently undeveloped. The location and height of these dwellings is considered to be acceptable.

10.20 A 2.5 storey dwelling (unit 7) is proposed in the south east part of the site and 2-storey dwellings (units 8, 9 and 10) are proposed along the southern boundary.

10.21 The focal part of the site is currently the central group of taller buildings to the east of the farmhouse and it is officer opinion that this should be reflected in any new development. It is considered that the height of units 7- 10 results in some harm to the setting of the listed building.

10.22 The applicant has submitted a Design Information and Justification to supplement their Heritage, Design and Access Statement. This contains the following information in respect of units 7-10.

- To lower the height of unit 7 would eliminate the loft bedroom and reduce the number of bedrooms to three.
- There two options for units 9 and 10. The first being to lower the roof height which would reduce the number of bedrooms in each property from three to two due to the limited headroom. A 2-bedroom house on the site would not be viable.

- The second option is to create one dwelling from both units. This would remove the gap which allows views into the site and reduce the number of units to 9 which would not be viable.
- Lowering the roof of unit 8 would result in a 2-bedroom property instead of 4-bedroom.
- Even a minimal reduction in height would result in bedrooms being lost.

10.23 Turning to the proposed construction materials. The existing buildings within the site and the listed farmhouse are predominantly stone. It is officer opinion that the preferred solution would be for stone to be used throughout the site.

10.24 It was originally proposed to construct the frontage of unit 1 in stone with brick for the remainder of the development. The applicant has stated that using stone for additional units would make the scheme unviable and have submitted a supplementary Viability Assessment. The assessment considers the costs of constructing nine units with five built in stone.

10.25 The applicant's viability assessment has been externally audited to ensure it is robust. The assessment of the viability report shows a minimal surplus of £3,797 and acknowledges that the surplus would be susceptible to minor development cost changes with a high risk of falling into the unviable range. Officers therefore accept that 9no units with 5no built in stone would not be a viable development option for the site.

10.26 In response to officer's concerns regarding the construction materials the applicant has agreed to use stone for the frontage of units 1 to 4 which are located closest to the listed farmhouse. It is appreciated that the use of stone results in significant additional costs, and as such officers consider that using stone for the south elevation of the central block of units (units 1-4) with brick for the remaining units is an acceptable compromise.

10.27 The car port associated with units 5 and 6 and the layout of the plot boundaries, which is designed to accommodate the attenuation tank, results in an awkward layout in this part of the site. Historically there were no buildings present in this area and the addition of a car port, bin store and awkwardly positioned fencing result in an overly congested appearance. The omission of the car port would allow the attenuation tank to be repositioned and the boundary layout revised. It is officer opinion that the layout of this part of the development could be improved. However it is not considered that it results in significant harm to the setting of the listed building.

10.28 It is proposed to widen the existing entrance which requires a section of the stone boundary wall to be demolished and rebuilt, with the loss of some historic fabric.

10.29 It is officer opinion that the development would result in some harm to the setting of the listed building. It is considered that the level of harm would be less than substantial due to the fact that the applicant has agreed to construct the south elevations of units 1 to 4 in stone.



10.30 The NPPF states that 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.

10.31 In this case the development would bring benefits through the provision of additional homes, the removal of derelict buildings and the utilisation of an underused site. The applicant has stated that it would also bring community benefits by helping to address problems of antisocial behaviour. They have submitted information provided by Northumbria Police which details incidents of vandalism and anti-social behaviour between 01.01.2016 and 31.12.2018. Within a 200m buffer zone of postcode NE29 8EX 26no incidents of ASB or vandalism were recorded.

10.32 It is officer opinion that these benefits outweigh the harm to the setting of the listed building.

10.33 In addition to the impact on the listed building the impact on the streetscene must also be considered. It is officer advice that the development would enhance the streetscene by replacing the existing derelict buildings with a well-designed residential development.

10.34 The Design Officer has been consulted. His comments will be reported to committee.

10.34 Members need to determine whether the proposed development would be acceptable in terms of its impact on the listed building, the appearance upon the site and the surrounding area. It is officer opinion that the development results in less than substantial harm to the setting of the listed building, and that this harm is outweighed by the public benefits of the development. It is considered that there would be a positive impact on the streetscene. The proposal is therefore considered to accord with the NPPF and Policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan.

#### 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 Policy DM4.9 states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1 October 2018 the following standards will apply, subject to site viability:

Accessibility of homes:

Market Housing

a. For new housing developments, excluding low-rise non-lift serviced flats, 50% of homes are to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

Affordable Housing

b. For all new housing developments, excluding low-rise non-lift serviced flats, 90% of homes should meet building regulation M4(2) – ‘accessible and adaptable dwellings’.

c. 10% of new homes where the local authority is responsible for allocating or nominating a person to live in that dwelling should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area. Where there is no specific need identified, then M4 (3) (2) (a) will apply, to allow simple adaptation of the dwelling to meet the future needs of wheelchair users.

Internal Space in a Home:

d. All new homes, both market and affordable, will meet the Government’s Nationally Described Space Standard (NDSS).

11.6 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.

*11.7 Impact on surrounding occupiers –*

11.8 The application site is located between Murton Farmhouse to the west and existing residential development to the east. The rear elevations of units 7 and 8 face towards the gable elevation of 1 Rake Lane but there would be no overlooking of habitable windows, and the separation distance is sufficient to

prevent any loss of light or outlook. The relationship with the 2no dwellings in the existing farmhouse is also considered to be acceptable when taking into account the position of the proposed development in relation to this property.

#### *11.9 Amenity of future occupiers -*

11.10 The floor areas of all the dwellings exceed the minimum requirements set out in the Nationally Described Space Standard for 3 and 4 bedroom dwellings. All the bedrooms, except for two bedrooms (one double and one single) in dwelling 9, exceed the recommended bedroom widths and areas. The applicant has advised that these two bedrooms could become two single rooms with the partition wall adjusted to allow the space standards to be met.

11.11 Each dwelling is provided with a private garden which is considered to be of sufficient size for normal recreational needs.

11.12 The applicant has confirmed that the development would be designed to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

11.13 The Manager of Environmental Health has commented. She advises that there is the potential for future occupiers to be affected by traffic noise from the A191/Rake Lane. She recommends conditions in respect of acoustic glazing and a ventilation scheme to address this impact.

11.14 Members need to consider whether the impact on surrounding occupiers is acceptable and whether acceptable living conditions would be provided for future occupiers. In officer opinion the impact is acceptable subject to the conditions discussed above.

#### 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 the Transport and Highways SPD.

12.6 The site is currently accessed via three access points. It is proposed to retain the existing farmhouse access, stop up the existing access to the east of the roundabout and modify the roundabout access to serve the proposed development.

12.7 Parking has been provided in accordance with current standards and large garages are proposed to allow for cycle storage. The site is also accessible by refuse vehicles. The Highway Network Manager has been consulted and recommends conditional approval.

12.8 The Public Rights of Way Officer has commented. He states that a segregated cycle track and footway could be introduced to frontage of the site. Given the scale of the development this not considered to be reasonable or necessary to make the development acceptable.

12.9 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD. It is officer advice that the development is acceptable in terms of its impact on highway safety.

### 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 reasons 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 requires 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 DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

13.6 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.

13.7 The application site contains areas of woodland, scrub and mature trees. The agricultural land to the north is within a Wildlife Corridor. An Arboricultural Report, including a tree survey and impact assessment, has been submitted with the application. 69no trees growing as individuals and groups and one woodland area have been surveyed. A landscape strategy, detailing replacement planting, and a detailed planting plan have also been provided.

13.8 Revised plans have been submitted to support of the application as a result of comments made in relation to landscape and biodiversity. The revised landscape plans retain trees within the site where possible and include a number of additional native trees, including 2no on the highway boundary, as mitigation for the trees lost.

13.9 A Bat Survey and Preliminary Ecological Appraisal have been submitted.

13.10 The bat survey found no traces of bats within the buildings and no trees were identified as having bat roost potential. The occasional bat was seen foraging around the buildings. The Bat Report recommends mitigation measures

to ensure bats are protected during construction, and requiring the provision of bat crevices within the new buildings.

13.11 The ecological appraisal shows that the trees and scrub within the site have the potential to support nesting birds. The main impacts of the scheme are noted as being loss of vegetation/trees, loss of nesting habitat, damage to retained trees, potential risk to badger and hedgehog and disturbance of nocturnal species due to additional lighting. Mitigation measures are proposed to address these impacts.

13.12 The Landscape Architect and Biodiversity Officer have been consulted. Their comments note that the layout retains trees where appropriate and includes additional planting. Conditions are recommended to ensure retained trees are adequately protected and in respect of: a construction method statement; revised tree survey; detailed landscaping scheme; bat protection; bat and bird features; external lighting; vegetation removal; and to protect mammals.

13.13 A Shadow Habitat Regulations Assessment (sHRA) has been submitted in order 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 on the SPA. The Shadow Habitat Regulations Assessment concludes that without appropriate mitigation/compensation there is the potential for indirect effects associated with the proposed development, namely an increase in recreational disturbance. It recommends mitigation in the form of an information pack for new residents providing information on Natura 2000, and an interpretation board within the site to identify local walking routes.

13.14 The Council's Biodiversity Officer has advised that the proposed mitigation is not sufficient to mitigate the impacts of recreational disturbance at the coast. She recommends that a financial contribution towards the delivery of a coastal mitigation service would be an acceptable measure to help address this impact.

13.15 Natural England has been consulted and they advise that the application could have potential significant effects on Northumberland Shore Site of Special Scientific Interest (SSSI), and Northumbria Coast Special Protection Area (SPA) and Ramsar site. They do not consider that the mitigation proposed within the sHRA is adequate and recommend that consideration should be given to a financial contribution to a coastal mitigation service.

13.16 The applicant has agreed to pay £3,370 towards a coastal mitigation scheme. An appropriate assessment has been undertaken and Natural England has been notified of this. Natural England's comments will be reported to committee.

13.17 It is officer advice that the proposal is acceptable in terms of its impact on biodiversity and trees subject to conditions, a financial contribution towards the Coastal Mitigation Service, and no objections being raised by Natural England.

#### 14.0 Other Matters

#### 15.0 Flooding

15.1 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.

15.2 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.

15.3 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.

15.4 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.

15.5 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).

15.6 The applicant has submitted information in respect of drainage and would be attenuating the surface water within the site via an attenuation tank and surface water sewers. The water would then discharge at a reduced rate into the combined sewer at the rear of properties on Rake Lane. The attenuation tank is located within the garden of unit 6. The applicant has confirmed that maintenance and access rights will be secured via a restrictive covenant on the new owner.

15.7 The Local Lead Flood Officer has commented and recommends conditional approval.

15.8 Northumbrian Water has no objections subject to a condition stating that the development must be carried out in accordance with the submitted drainage strategy.

15.9 It is officer advice that that subject to the above conditions the proposed development would not have an adverse impact on flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14 of the Local Plan.

#### 16.0 Contamination

16.1 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.

16.2 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 out and that detailed measures to allow the development to go ahead safely without adverse effect.

16.3 The Coal Authority have advised that the proposal falls within the defined High Risk Area. A Coal Mining Investigation and Risk Assessment have been submitted by the applicant. The Coal Authority has no objections subject to a condition.

16.4 The Contaminated Land Officer advises no objections subject to conditions.

16.5 It is therefore officer advice that the proposal is acceptable in terms of ground conditions.

#### 17.0 Archaeology

17.1 The Tyne and Wear Archaeology Officer has commented. She states that a permanent archive of the farmstead is required to build on the information already submitted. This can be secured by a condition.

#### 18.0 S106 Contributions

18.1 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.

18.2 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.



18.3 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.

18.4 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 also 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.

18.5 The Council are seeking the following S106 contributions:

£1,950 towards greenspace;

£5,343 towards park infrastructure;

£25,000 towards primary education;

£19,000 towards secondary education;

1 apprenticeship or £7,000 contribution towards training; and

£3,370 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

18.6 The applicant has submitted a viability appraisal to demonstrate that the scheme would not be viable with the requested contributions. The Viability Assessment has been externally audited to ensure it is robust. The review of the appraisal concludes that the development appears to show a surplus of £219,225. However it also states that the appraisals presented by the developer are limited in their content that further detailed analysis of the development would only result in increased costs and a reduction in this surplus. Therefore the position is that the above contributions would make the development unviable.

18.7 A CIL payment will be required in respect of this development.

#### 19.0 Local Financial Considerations

19.1 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).

19.2 The proposal involves the creation of 10 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

19.3 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.

## 20.0 Conclusion

20.1 This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweigh the benefits that planning permission should be granted.

20.2 Members need to consider whether the proposal will impact on existing land uses, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, the setting of the listed building, trees, ecology and the highway network.

20.3 It is officer opinion that the proposal results in less than substantial harm to the setting of the listed building and that this harm is outweighed by any public benefits of the proposal which include the provision of additional homes and the utilisation of a derelict site.

20.4 It is also considered that, subject to the outstanding comments of consultees, the development is acceptable in terms of its impact on the highway network, the amenity of future occupants and surrounding land uses and ecology.

20.5 The development is considered to comply with relevant National and UDP policy and is therefore recommended for conditional approval subject to no objections being raised by Natural England and a unilateral undertaking to secure a financial contribution towards the Coastal SPA.

**RECOMMENDATION:      Mind to grant legal agreement req.**

**It is recommended that members indicate that they are minded to grant this application subject to no objections being raised by Natural England and the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of a S106 Agreement to secure the following:**

**- £3,370 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.**

## **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
- Site location plan Dwg.No.05 Rev.D

- Final site layout M577/13 Rev.G
- Site sections: before and after AA, BB, EE M577/22 A
- Site sections: before and after CC, DD, FF M577/23 A
- Proposed levels 124088/2002 A
- Indicative surface water drainage 124088/2001 B
- Detailed planting Plan 1159\_01 21.06.19
- Landscape Strategy 1159\_02 21.06.19
- Proposed dwelling one M577/16 Rev.B
- Proposed dwelling two M577/17 Rev.C
- Proposed dwellings three and four M577/18 Rev.B
- Proposed dwellings five and six M577/19 Rev.B
- Proposed dwellings seven and eight M577/20 Rev.C
- Proposed dwellings nine and ten M577/21 Rev.B
- Roof plans and planting M577/14 Rev.C

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 construction site subject of this approval shall not be operational and there shall be no construction, demolition, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

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.

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

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. Exist Access Closure Misc Points By ACC01 \*  
7

6. Turning Areas Before Occ ACC02 \*vehicles  
5

7. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 33 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. 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: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. There shall be no cabins, storage of plant or materials, or parking within the root protection areas of the retained trees. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the agreed wheel washing/road cleaning measures are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. Refuse Storage Detail Provide Before Occ REF00 \*  
1

10. No part of the development shall be occupied until a refuse collection scheme 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.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. Prior to occupation of the development details of an appointed SuDS management company and a drainage maintenance regime must be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

12. The development shall be implemented in accordance with the drainage scheme contained within the submitted document entitled "Murton Farm, North Shields Drainage Strategy (version D/I/D/124088/01)" dated "June 2018". The drainage scheme shall ensure that foul flows discharge to the transferred asset to the rear of 1 Rake Lane and ensure that surface water flows discharge to manhole 4103 at a restricted rate of 19l/s.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

13. Notwithstanding any indication of materials which may have been given in the application, prior to the construction of any dwelling above damp proof course level a schedule and/or samples of all construction and surfacing materials and finishes for the development must be submitted to and approved in writing by the Local Planning Authority. This shall include stone for the south elevations of units 1 to 4. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.2 of the North Tyneside Council Local Plan 2017.

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

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

15. Notwithstanding the details submitted, 50% of the dwellings shall meet building regulation M4(2) - 'Category 2 -accessible and adaptable dwellings'.

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

16. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

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

17. Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services) an Arboricultural Method Statement (AMS) to include a Tree Protection Plan (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' must be submitted to and approved in writing by the Local Planning Authority. The TPP must show the type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

The AMS must include details of construction for vehicular drives, parking areas, installation of kerb edges, wall construction, foundations, the laying of services, lighting and other hard surfacing (all in accordance with BS5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees') with any excavations within the root protection areas being undertaken using an air spade or dug by hand. Thereafter the development must be carried out in accordance with the agreed AMS and TPP.

Reason: To ensure trees and hedges to be retained are adequately protected from damage from the outset of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan 2017.

18. Prior to any tree pruning of retained trees being carried out, details of the pruning work must be submitted to and approved in writing by the Local Planning Authority. All tree pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

19. An arboricultural consultant must be appointed to advise on the tree management for the site and to undertake supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement. Written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction must be submitted and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

20. Prior to commencement of development, a revised Tree Survey in relation to Group 2 to determine which trees within the group are to be retained, with a method statement for their removal, must be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure trees and hedges to be retained are adequately protected from damage from the outset of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan 2017.

21. Within one month from the start on site of any operations including site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan must be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new species with specimen trees at a minimum of 12-14 cm girth, and a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation. The landscape scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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).

22. All demolition and renovation works will be undertaken in accordance with the Bat Method Statement (Section 2) of the submitted Bat Survey Report.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

23. Two integrated Build-in Wood Stone Bat Boxes must be built into west and east facing gable walls at a height 30cm below the apex of new buildings as detailed in Section 2 C.1.4 (Bat method Statement) of the Bat Survey Report.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

24. Features for swallows must be created in the design of the bin store such as overhanging eaves (30cm) on the east aspect on the sheltered aspect of the building at 2.5 to 3 metres in height. Details of swallow features and their location must be submitted to and approved in writing by the Local Planning Authority

within 4 weeks of development commencing on site and must be installed in accordance with the approved plans prior to occupation of the development.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

25. Two integrated Vivara Pro Cambridge Brick Faced Swift Nest Boxes must be installed at a height of at least 5m with a clear flight path to the entrance on an east facing wall of Dwelling 7 as detailed in Section 2 C.1.4 (Bat method Statement) of the Bat Survey Report prior to occupation of the development.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

26. Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating, parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity, highway safety and to ensure that local wildlife populations are protected having regard to policies DM5.19 and DM5.5 of the North Tyneside Local Plan (2017) and the NPPF.

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.



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

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

29. Prior to occupation of the development details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. All new and existing fencing must include hedgehog gaps (13cmx13cm). The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure a satisfactory environment within the development and to ensure that local wildlife populations are protected having regard to the NPPF and Policies DM6.2 and DM5.5 of the North Tyneside Local Plan.

30. 5no. bird boxes must be provided in suitable locations within the development site. Details of bird box specification, locations and timing of installation must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site. The boxes shall be installed in accordance with the agreed details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

31. Prior to the commencement of development a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. The approved measures and requirements shall be implemented in full prior to the occupation of the development hereby approved.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

32. No demolition or development shall take place until a second phase of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. The recording must begin before any work commences on site. Further recording will be required once the buildings have been made safe to access. The appointed archaeologist or heritage professional must advise the planning authority when the on-site work has been

completed.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

33. The buildings shall not be occupied/brought into use until the report of the results of the second phase of building recording pursuant to condition 32 has been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

34. Contaminated Land Investigation Housing      CON00      \*  
1

35. Gas Investigate no Development                      GAS00      \*  
6

36. The demolition shall be carried out in the accordance with the recommendations of the approved Demolition Survey Report (Report Number: 2016/12/21/8389/O).

Reason: To ensure that the contamination of the site does not impact on public safety regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

37. Prior to occupation of the development a noise scheme for acoustic glazing which considers road traffic noise form the A191 and Rake Lane must be submitted to and agreed in writing by the Local Planning Authority. The acoustic glazing must be in accordance with BS8233 and the World Health Organisation community noise guidelines to ensure that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and a maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms. Thereafter the scheme shall be implemented in accordance with the agreed details.

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

38. Prior to occupation of the development a ventilation scheme for all habitable rooms to ensure an appropriate standard of ventilation with windows closed must be submitted to and agreed in writing by the Local Planning Authority. Where the internal noise levels specified in BS8233 are not achievable with windows open due to the external noise environment, an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system, must be provided to addresses thermal comfort and purge ventilation requirements and reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Thereafter the scheme shall be implemented in accordance with the agreed details.

Reason: To safeguard the amenity of 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 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)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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 Public Rights of Way Officer.

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

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

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



**Application reference: 18/01226/FUL**

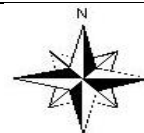
**Location: Land At Murton House Farm, Rake Lane, North Shields**

**Proposal: Demolition of the disused and redundant buildings and replacement with 10no residential dwellings including access, amenity space and parking (REVISED LANDSCAPING PLANS)**

Not to scale

Date: 25.07.2019

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the demolition of the disused and redundant buildings and replacement with 10 residential dwellings including access, amenity space and parking.

1.3 The site is currently accessed via three access points:

Farmhouse access to west of roundabout

Disused access with tree at roundabout

Main access to east of roundabout

1.4 The proposed access arrangements are:

Farmhouse access to west of roundabout - retained for farmhouse

Disused access with tree at roundabout - tree removed, modified and used as main access

Main access to east of roundabout - stopped up and used for pedestrians & cycles

1.5 Parking has been provided in accordance with current standards and large garages are proposed to allow for cycle storage. The site is also accessible by refuse vehicles and conditional approval is recommended.

1.6 Recommendation - Conditional Approval

1.7 Conditions:

ACC11 - New Access: Access prior to Occ

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

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

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

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.

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

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

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

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

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

#### 1.9 Local Lead Flood Authority

1.10 I have carried out a review of the above application drainage proposals.

1.11 The applicant is proposing to attenuate the developments surface water via the use of an 77Cu.m attenuation tank and surface water sewers. This will then discharge at a restricted discharge rate of 12.7l/s into a 225mm dia combined sewer located behind 1-41 Rake Lane.

1.12 The only issue I have regarding the drainage proposals is the location of the attenuation tank. This is planned to be installed partially within a residential garden and the highway, in order to maintain the viability of the attenuation tank the applicant may have to prevent future owners of this property from planting any trees/shrubs or altering the front garden(additional parking).

1.13 In general I can confirm I have no objections to the proposals and as such I would recommend for approval.

1.14 The following drainage condition should be placed on the application:  
Development shall not commence until details of appointed SuDS Management Company and a drainage maintenance regime are to submitted to and approved in writing by the Local Planning Authority.

#### 1.15 Landscape Architect and Biodiversity officer

1.16 The application is for the demolition of the disused and redundant farm buildings and replacement with 10no residential dwellings including access, amenity space and parking at Murton Farm, Rake Lane. The farm is located on the A191 on the junction of Rake Lane and Billy Mill Lane. The site is bounded to the north by a mature hedge and tree planting with agricultural land beyond, to the south by the A191, to the west by a Listed Farmhouse with residential

development beyond. The Farmhouse is Listed Grade II, with the gateposts of the original driveway entrance to its south listed separately, also Grade II.

1.17 A number of mature trees are present within the site and to the boundaries outside the site. Mature trees are also present on land within the neighbouring farm. A small wood of mature broad-leaved trees is located to the west. There are 3 no. TPO trees recorded on site, however T1 has not been present on site for some time and there is no tree located in the same position as the previous T3. A mature beech tree, T2, is outside of the red line planning boundary for the site.

1.18 Additional and revised plans have been submitted to support of the application (planting plan and landscape strategy) as a result of comments made in relation to landscape and biodiversity. The revised landscape plans now retain some of tree group 2 along the front of the site as well the inclusion of a number of proposed native trees, including 2 on the highway boundary. This is an improvement on the previous layout which looked to remove all the trees to the east of the farmhouse including trees outside the application site with no new tree planting proposed.

1.19 The revised layout considers the retention of trees (where appropriate) which are an important consideration in achieving a high quality design and fully sustainable scheme.

1.20 Suggested conditions:

1) No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

2) Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services) there shall be submitted to the Local Planning Authority for their approval an Arboricultural Method Statement (AMS) to include a Tree Protection Plan (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

The TPP is to show the type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in



accordance with that scheme. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

The AMS is to include details of construction for vehicular drives, parking areas, installation of kerb edges, wall construction, foundations, the laying of services, lighting and other hard surfacing (all in accordance with BS5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees') with any excavations within the RPA being undertaken using an air spade or dug by hand.

3) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

4) The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works

5) An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

6) Prior to works starting on site, a revised Tree Survey is to be submitted in relation to Group 2 to determine which trees within the group are to be retained, with a method statement for their removal

7) Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new species with specimen trees at a minimum of 12-14 cm girth. The landscape scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously

damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

8) All demolition and renovation works will be undertaken in accordance with the Bat Method Statement (Section 2) of the submitted Bat Survey Report.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan

9) Two integrated Build-in Wood Stone Bat Boxes will be built into west and east facing gable walls at a height 30cm below the apex of new buildings as detailed in Section 2 C.1.4 (Bat method Statement) of the Bat Survey Report

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

10) Suitable features for swallows will be created in the design of the bin store such as overhanging eaves (30cm) on the east aspect on the sheltered aspect of the building at 2.5 to 3 metres in height. Details of swallow features and their location must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

11) Two integrated Vivara Pro Cambridge Brick Faced Swift Nest Box to be sited at a height of at least 5m, with a clear flight path to the entrance on an east facing wall of Dwelling 7 as detailed in Section 2 C.1.4 (Bat method Statement) of the Bat Survey Report

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

12) Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating, parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;

- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity, highway safety and to ensure that local wildlife populations are protected having regard to policies DM5.19 and DM5.5 of the North Tyneside Local Plan (2017) and the NPPF.

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

15) Provision of hedgehog gaps (13cmx13cm) will be provided within any new or existing fencing within the scheme.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

16) 5no. bird boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

17) In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required

towards the delivery of a Coastal Mitigation Service in accordance with the Councils Draft Coastal Mitigation SPD.

Reason: To ensure that internationally designated sites are protected having regard to policy DM5.6 of the North Tyneside Local Plan (2017) and the NPPF.

#### 1.21 Public Rights of Way officer

1.22 The A191 has been identified as a strategic cycle route via New York and connecting to Rake Lane. Improvements have been made in recent years and this project could contribute.

1.23 A segregated cycle track and footway could be introduced to the front to tie in with the village and new infra approx 593 m. I would expect the new access to retain a ped cycle priority with raised table and give ways.

1.24 Consideration should be made as to how this development ties into the Murton scheme in the future to minimise car trips.

#### 1.25 Manager of Environmental health (Contaminated Land)

1.26 I have no objection in principle subject to the following conditions:

Con 001

Gas 006

#### 1.27 Manager of Environmental Health (Pollution)

1.28 The site is located in primarily a residential area adjacent to Rake Lane. I would be concerned about road traffic noise affecting the proposed dwellings adjacent to Rake Lane where habitable rooms are not afforded any screening.

1.29 If planning consent is to be given I would recommend the following conditions to require a noise scheme to be provided that assesses road traffic noise and ensures suitable mitigation is included for good habitable living in the properties:

Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme for acoustic glazing that has considered road traffic noise from the A191 and Rake Lane. Details of the acoustic glazing to be provided must be in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

Prior to occupation, submit details of the ventilation scheme for all habitable rooms, for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, we expect that an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

## 2.0 Representations

### 2.1 3no objections have been received raising the following points.

- Affect setting of listed building.
- Inappropriate design.
- Inappropriate materials.
- Out of keeping with surroundings.
- Loss of/damage to trees.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- The south elevations along the A191 in brickwork are out of keeping.
- The existing farm worker cottages adjoining the grade II listed Murton farmhouse should be reconstructed using existing stone to match the existing.
- Access to/from the Murton Gap strategic site should be included in the planning permission.
- Pedestrianise Murton Lane junction with New York village and Westminster Avenue and close it off to vehicular traffic.
- Allow vehicle access to Norham road roundabout from Murton Lane to allow access to Murton village and the Wheatsheaf Inn.
- Is this development compatible with the Murton Masterplan?
- Unsafe access from the roundabout – risk to pedestrians.
- Comments regarding Cllr Rankin's letter of support.

## 3.0 Councillor Comments

### 3.1 Cllr Martin Rankin (Collingwood Ward)

3.2 I wish to register my support for this application and to request that my views are considered by Planning Committee.

3.3 I would state at the outset that I am submitting this as an Elected Member for Collingwood Ward, although I am also drawing upon my experience as someone who has provided development funding in excess of £300m in my professional career. I confirm that there is no conflict of interest in submitting this letter of support.

3.4 The application is for the demolition of existing and severely dilapidated outbuildings which comprised the former Murton Farm Steading. The outbuildings were previously used for the stabling of animals and for general storage. The main farmhouse was fully refurbished in line with its listed status recently at a cost of over £600,000 and is now occupied on a residential basis.

3.5 The farm is no longer a working farm and the buildings would be considered redundant for their former purpose. They have no further economic life in their current condition. They have no investment value with regard to restating to their former working condition. There is no commercial demand for such units of such size in this location.

3.6 What is clear is that in order to develop the site for future use then an alternative purpose must be found that is both feasible and realistic.

3.7 I would urge that members of the Committee request a site visit so that they can appreciate the scale of deterioration in the existing buildings. The site is overgrown with trees (which in many cases have penetrated and destroyed the stone walls) and it is clear that it is uneconomic to try and repair and convert the buildings for residential purpose. Added to this, there is very little by way of building materials which could be recycled for future use. It is clear that much of the stone is in such a condition that it would not be suitable for modern building regulations.

3.8 The site is an eyesore and is easily accessed by vandals and children. It is impossible to secure it and it has been subject to attacks whereby fires have been set (a small area was utilised for caravan storage but this revenue was lost after a major incident). I would contend that there is a significant risk of injury to a member of the public at some future point given the unstable nature of much of many of the buildings (I note that the archaeologist report did highlight that access was not gained to a number of areas due to safety concerns). Part of the roof has recently collapsed on a building immediately adjacent to Rake Lane/ New York roundabout. The site will continue to deteriorate and it is unreasonable for the owners to be expected to maintain it given the circumstances.

3.9 The above confirms that this site cannot simply be left 'as is' and that it is in all parties interests to seek to agree a realistic and feasible development plan as a matter of urgency.

3.10 A number of potential schemes have been discussed between the applicant and North Tyneside Planning Officers. What must also be noted at the outset is that this is a unique site with a number of development challenges which will lead to cost uncertainty and higher levels of contingency funding being required. The developers acquired the land many years ago and so there is no land cost to factor into overall development costs. This should put the applicants at an advantage – although as will be seen from the below that is not the case.

3.11 There are a number of commercial risks associated with this (and all developments) which it is relatively simple to factor into a scheme cost (such as increased contingencies for issues that cannot be identified until the development begins, projected sales values not being achieved, increasing funding costs due to slippage of sales etc).

3.12 There are a number of developments across the Borough currently being brought to market. Whilst a number of them are considered to be achieving their expected sales values – in a number of instances this is due to the provision of heavy incentives (such as carpets etc) which are in reality a form of discount. The current outlook for the UK economy and housing market in general is extremely uncertain. Developers looking to bring schemes to market would expect to have a suitable margin (which only Scenario 2 provides) in order to absorb any market corrections or discounting they are forced to do to obtain sales. I would also request you to note that the accepted funding costs (equating to an interest rate of 6.5%) are too low.

3.13 Access to development funding is extremely restricted since the credit crunch and a finance cost of, 6.5% would imply the provision of loans by high street lenders. In many instances, more localised schemes are not attractive to such lenders and so one must access the secondary market – where arrangement fees usually equate to 2%, margins are between 6% -8% and a developer will be charged 'sales fees' based on 1% of the achieved sales price.

3.14 Applying a very general discount of, say 5% to sales prices (to allow for reductions or incentives) plus realistic finance costs would reduce the overall development surplus by around £175K. Applying a time lag to sales of just 3 months would reduce the development surplus by a further £40K. The above are only very general sensitivities but which must be considered by a responsible business when entering into any scheme. There are other further highly significant issues including the fact that the site is in an area of high risk re: historic coal mining.

3.15 Whilst Scenario 2 is the applicants preferred option (and which I am supporting) it must be noted that some variances have been suggested which would again affect the viability of bringing the scheme forwards.

3.16 My view is that Scenario 2 – the demolition of the old buildings with full site clearance and construction of 10 x new build units in line with the applicants plans are the only commercial, realistic and feasible way of ensuring that the site is developed for future use. The projected development returns for this scenario (with a fair wind) would just about cover the original investment on the main house, which has now been protected for many generations to come.

3.17 I would add of course that to simply allow the site to remain as is, because a realistic and feasible planning consent is not provided, will serve no purpose.

3.18 The site will remain dangerous and continue to deteriorate. It is highly unlikely that development costs and sales values would vary considerably enough for the site to ever become developable within Scenario 1, 3 or 4 (with an acceptable development surplus to protect against commercial risks).

3.19 The owners will continue to have to pay expensive insurance to protect themselves against any claims arising from trespassers being injured on site and waste further funds making minimal repairs. North Tyneside council will lose the potential for council tax collection totalling over £100K over the period of our medium term (5 year financial plan).

#### 4.0 External Consultees

##### 4.1 Coal Authority

4.2 The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable historic unrecorded underground coal mining at shallow depth.

4.3 The planning application is accompanied by a Coal Mining Risk Assessment Report (17 January 2017, prepared by Elliott Environmental Surveyors Ltd). Based on a review of appropriate sources of coal mining and geological information, the submitted report concludes that the site is at high risk from possible shallow unrecorded mine workings within the High Main coal seam, whilst mine gas migration poses a medium risk. A rotary borehole investigation and a programme of gas monitoring are recommended to assess these risks further and to inform any necessary remedial/mitigatory measures.

4.4 In light of the above, we are pleased to note that the application is also accompanied by a Phase I and II Environmental Site Investigation and Risk Assessment report (February 2018, prepared by Roberts Environmental Ltd) which confirms that five boreholes were drilled across the application site. These confirmed the presence of unrecorded shallow mineworkings within influencing distance of the surface.

4.5 The report goes on to advise that remedial measures will be required to address the risk posed by these workings. It advises that grouting of the workings or foundations supported on piles installed in competent bedrock are possible options. The Coal Authority notes and welcomes the recommendation for redial works, however, we must point out that given the significant thickness of voids/working (up to 2.7m) and their very shallow depth, we would typically expect these workings to be consolidated/stabilised through a programme of drilling beneath buildings, roads, etc. Foundations should then be designed in cognisance of the stabilisation works which have been carried out across the site.

4.6 The Phase I and II Environmental Site Investigation and Risk Assessment report indicates that gas monitoring was ongoing at the time of the production of the report, but suggests that on the basis of the results available to-date, the risk from ground gases is considered to be low. The Coal Authority would recommend that the LPA seek further comments from the Council's Environmental Health / Public Protection Team regarding gas monitoring requirements and any resultant need for the incorporation of gas protection measures within the proposed development.

4.7 The Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment Report and the subsequent Phase I and II Environmental Site Investigation and Risk Assessment report; that coal mining legacy poses a risk to the proposed development. We concur with the recommendation that remedial measures are necessary to ensure the safety and stability of the proposed development in respect of past shallow coal mining activity which has now been confirmed at the site.

4.8 Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

- The submission of a scheme of proposed remedial works for approval; and
- The implementation of those remedial works.

4.9 The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.



#### 4.10 Historic England

4.11 No need to consult.

#### 4.12 Northumbrian Water

4.13 We have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled “Murton Farm, North Shields Drainage Strategy June 2018” prepared by Fairhurst. In this document it states that an unrestricted foul flow can be discharged to the transferred asset for sewerage to the rear of 1 Rake Lane and Surface Water can be discharged at a restricted rate of 19l/s to manhole 4103.

4.14 We therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

4.15 CONDITION: Development shall be implemented in accordance with the drainage scheme contained within the submitted document entitled “Murton Farm, North Shields Drainage Strategy (version D/I/D/124088/01)” dated “June 2018”. The drainage scheme shall ensure that foul flows discharge to the transferred asset to the rear of 1 Rake Lane and ensure that surface water flows discharge to manhole 4103 at a restricted rate of 19l/s. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

#### 4.16 Tyne and Wear County Archaeologist

4.17 It is a pity that the farm buildings are proposed for demolition, and none are proposed for conversion to houses. However I acknowledge the explanation in Spence & Dower’s Heritage, Design and Access Statement, that the buildings are not in a condition to be used and are unsafe. They would need to be completely rebuilt.

4.18 However, some of the curtilage walling is in reasonable condition. It can be repaired and used as an integral part of the new development. This should be done.

4.19 The buildings comprise:

Stable 1 – little significance. 1788-1865.

Stable 2 – some local significance. 1865-1894.

Building 1 - some local significance. 1788-1865.

Barn 1 – a series of joined buildings. The north building has the most significance as this preserves evidence of stable fittings. Pre 1788 and 1788-1865.

Barn 3 - some local significance. 1865-1894.

Barn 4 - some local significance. 1865-1894.

Barn 5 - some local significance. 1865-1894.

4.20 The Heritage, Design and Access Statement is thorough and has been written by a Conservation Architect. It provides sufficient information to broadly date the farm buildings and assess their significance.

4.21 However, due to the poor state of the buildings, a full record of them has not been possible, so further work is needed. The farm buildings, are to be lost and so a permanent archive of the farmstead is required, which will build on the work already carried out. The work can be conditioned.

4.22 Archaeological work required:

Further recording of the buildings as they are made safe.

4.23 The main part of building 1 is as old as much of the farmhouse (pre 1788). It may have been a farmhand's cottage, or perhaps two. It has not been possible to thoroughly inspect this building, but more evidence may become available when it is made safe.

4.24 Barn 1 - some areas have not been safe to thoroughly inspect and more evidence may become available as the building is made safe. Further recording of the roof trusses is required when safe to access.

1. Outline elevation drawings (not stone-by-stone, but showing doors and windows etc) and a floor plan are required of the buildings, as best as is possible given safety issues.

2. Print and index the photographs included in the Heritage, Design and Access Statement. If Spence and Dower are appointed to complete the recording, then their photographs in the Heritage, Design and Access Statement should be professionally printed at 6" x 4", given an index number, and the location from which they were taken shown on a site location plan. The photographs will be presented in Conservation grade plastic wallets (you can buy A4 wallets that will each hold eight 6"x4" photographs) in an A4 ringbinder along with the photo index, a photo

location plan and elevation drawings and floor plans of each building. I will require two indexed copies of the photographic prints. One for the Historic Environment Record and one for Tyne and Wear Archives. If an archaeologist is appointed to do the recording, then it will probably be quicker if they just took their own photographs before work starts on site, rather than trying to index someone else's photographs.

3. Further inspection of the buildings, particularly building 1 and barn 1, when safe access is made possible and further photographs to be taken and printed and indexed as detailed above.

4. A short report will be produced to confirm the findings of the additional recording.

5. The digital images will be saved as jpegs or tiffs on CD for inclusion in the Historic Environment Record.

#### *4.25 Archaeological Building Recording Condition*

No demolition or development shall take place until a second phase of archaeological building recording has been completed, in accordance with a

specification provided by the Local Planning Authority. The recording will begin before any work commences on site. Further recording will be required once the buildings have been made safe to access. The appointed archaeologist or heritage professional will advise the planning authority when the on-site work has been completed.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### *4.26 Archaeological Building Recording Report Condition*

The buildings shall not be occupied/brought into use until the report of the results of the second phase of building recording pursuant to condition ( ) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### 4.27 Natural England

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

- The 'Shadow HRA' produced by E3 Ecology recognises the potential for indirect impacts on these sites from an increase in recreational activity. However, we do not consider the mitigation proposed to be adequate. Further consideration should therefore be given to potential mitigation measures, including a financial contribution to the Coastal Mitigation Service.

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

**Item No:** 3  
**Application No:** 18/01227/LBC  
**Author:** Rebecca Andison  
**Date valid:** 2 October 2018  
**Target decision date:** 27 November 2018  
**☎:** 0191 643 6321  
**Ward:** Collingwood

Application type: listed building consent

**Location:** Land At Murton House Farm, Rake Lane, North Shields, Tyne And Wear

**Proposal:** Demolition of the disused and redundant buildings.

Applicant: Murton Farm Steading Ltd, C/O George F White LLP

Agent: George F. White, Miss Laura Dixon Arch 2 Westgate Road Newcastle Upon Tyne NE1 1SA

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issue for Members to consider is whether the impact on the architectural and historic interest of the listed building is acceptable.

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 Murton House Farm, which is located on the north side of the A191, at the junction with Billy Mill Lane.

2.2 The main farmhouse and the gate piers to the driveway are Grade II Listed. The farmhouse has recently been refurbished and divided into two residential dwellings. This application relates to the land to the east of the farmhouse which contains numerous derelict farm buildings. These buildings include the remains of two terraced dwellings, located immediately to the east of the farmhouse, stables and barns.

#### 3.0 Listing Description

Date listed: 19.02.1986

Farmhouse; mid C18 with later additions. Coursed squared sandstone; pantiled roof

with flat stone gable coping on curved kneelers; brick chimneys. Double span. 2

storeys, 5 windows. Central half-glazed door in late C19 porch; flat stone lintels to wood cross windows with early C20 glazing. Ground floor left return has round-headed window in stone surround with impost blocks. Steeply-pitched roof with swept eaves and end chimneys, the left rear one on ashlar base.

#### 4.0 Description of the Proposal

4.1 Listed building consent is sought for the demolition of the disused and redundant buildings.

#### 5.0 Relevant Site History

18/01226/FUL - Demolition of the disused and redundant buildings and replacement with 10no residential dwellings including access, amenity space and parking - Pending consideration

#### 6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

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.

#### 7.0 Development Plan

7.1 North Tyneside Local Plan 2017

### **PLANNING OFFICERS REPORT**

#### 8.0 Main Issues

8.1 The main issue for Members to consider is whether the impact on the architectural and historic interest of the listed building is acceptable.

#### 9.0 Impact on the Listed Building

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 In respect of designated heritage assets the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should

be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.3 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

9.4 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 or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

9.5 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.

9.6 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."

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

9.8 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.

9.9 Buildings and other structures that pre-date July 1948 and are within the curtilage of a listed building should be treated as part of the listed building. The site currently contains numerous derelict farm buildings, most of which date from before 1948. They are located within the boundary wall which encompasses the listed farmhouse and gate posts, and relate closely to the farmhouse in terms of their function and materials. The buildings are therefore to be treated as part of the listed building.

9.10 A structural survey has been carried out and submitted as part of the application. This shows that many of the buildings are in a very poor condition. Some of them could be saved but this would not be economically feasible. A Viability Assessment has also been submitted to consider the cost implications of retaining and converting some of the existing buildings. The assessment shows that the only viable development option is complete demolition and rebuild. The assessment has been externally audited to ensure it is robust. Capita's viability report agrees that the retention and conversion of the existing buildings is unlikely to be a viable option.

9.11 Given that the buildings are in a deteriorating condition and retention is not a viable option, it is officer opinion that the principle of demolishing the buildings is acceptable.

9.12 A separate planning application has been submitted for the construction of 10no dwellings. The merits of the proposed residential development will be assessed under this application. The listed building application is only to determine whether demolition of the buildings is acceptable.

9.13 The Tyne and Wear Archaeology Officer has commented. She states that a permanent archive of the farmstead is required to build on the information already submitted. This can be secured by a condition.

9.14 Members need to determine whether the proposed development would be acceptable in terms of its impact on the significance of the listed building. It is officer advice that the impact is acceptable. The application is therefore recommended for approval.

**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
- Site location plan

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

2. Standard Time Limit 3 yr LBldg Consent      MAN07      \*

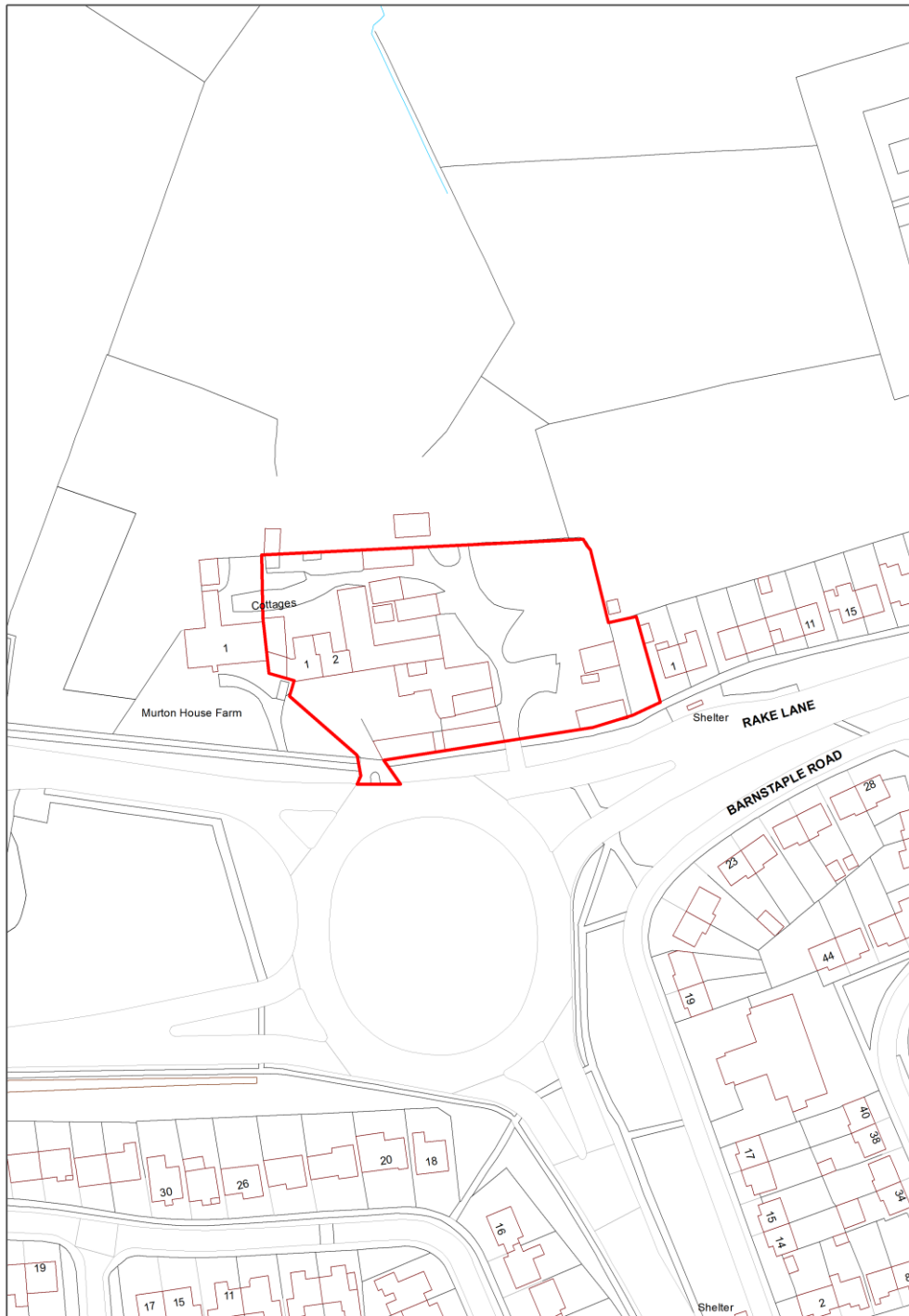
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Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

4. The buildings shall not be occupied/brought into use until the report of the results of the second phase of building recording pursuant to condition 3 has been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.





**Application reference: 18/01227/LBC**

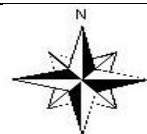
**Location: Land At Murton House Farm, Rake Lane, North Shields**

**Proposal: Demolition of the disused and redundant buildings.**

Not to scale

Date: 25.07.2019

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**Consultations/representations**

1.0 Representations

1.1 None received.

2.0 External Consultees

2.1 Historic England

2.2 No requirement to consult.

2.3 Tyne and Wear County Archaeologist

2.4 It is a pity that the farm buildings are proposed for demolition, and none are proposed for conversion to houses. However I acknowledge the explanation in Spence & Dower's Heritage, Design and Access Statement, that the buildings are not in a condition to be used and are unsafe. They would need to be completely rebuilt.

2.5 However, some of the curtilage walling is in reasonable condition. It can be repaired and used as an integral part of the new development. This should be done.

2.6 The buildings comprise:

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Stable 2 – some local significance. 1865-1894.

Building 1 - some local significance. 1788-1865.

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Barn 4 - some local significance. 1865-1894.

Barn 5 - some local significance. 1865-1894.

2.7 The Heritage, Design and Access Statement is thorough and has been written by a Conservation Architect. It provides sufficient information to broadly date the farm buildings and assess their significance.

2.8 However, due to the poor state of the buildings, a full record of them has not been possible, so further work is needed. The farm buildings, are to be lost and so a permanent archive of the farmstead is required, which will build on the work already carried out. The work can be conditioned.

2.9 Archaeological work required:

Further recording of the buildings as they are made safe.

2.10 The main part of building 1 is as old as much of the farmhouse (pre 1788). It may have been a farmhand's cottage, or perhaps two. It has not been possible to thoroughly inspect this building, but more evidence may become available when it is made safe.

2.11 Barn 1 - some areas have not been safe to thoroughly inspect and more evidence may become available as the building is made safe. Further recording of the roof trusses is required when safe to access.

1. Outline elevation drawings (not stone-by-stone, but showing doors and windows etc) and a floor plan are required of the buildings, as best as is possible given safety issues.

2. Print and index the photographs included in the Heritage, Design and Access Statement. If Spence and Dower are appointed to complete the recording, then their photographs in the Heritage, Design and Access Statement should be professionally printed at 6" x 4", given an index number, and the location from which they were taken shown on a site location plan. The photographs will be presented in Conservation grade plastic wallets (you can buy A4 wallets that will each hold eight 6"x4" photographs) in an A4 ringbinder along with the photo index, a photo location plan and elevation drawings and floor plans of each building. I will require two indexed copies of the photographic prints. One for the Historic Environment Record and one for Tyne and Wear Archives. If an archaeologist is appointed to do the recording, then it will probably be quicker if they just took their own photographs before work starts on site, rather than trying to index someone else's photographs.

3. Further inspection of the buildings, particularly building 1 and barn 1, when safe access is made possible and further photographs to be taken and printed and indexed as detailed above.

4. A short report will be produced to confirm the findings of the additional recording.

5. The digital images will be saved as jpegs or tiffs on CD for inclusion in the Historic Environment Record.

#### *2.12 Archaeological Building Recording Condition*

No demolition or development shall take place until a second phase of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. The recording will begin before any work commences on site. Further recording will be required once the buildings have been made safe to access. The appointed archaeologist or heritage professional will advise the planning authority when the on-site work has been completed.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### *2.13 Archaeological Building Recording Report Condition*

The buildings shall not be occupied/brought into use until the report of the results of the second phase of building recording pursuant to condition ( ) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

<b>Item No:</b>	<b>4</b>	
<b>Application No:</b>	<b>19/00047/FUL</b>	Author: Maxine Ingram
Date valid:	5 February 2019	☎: 0191 643 6322
Target decision date:	7 May 2019	Ward: Killingworth

Application type: full planning application

**Location: Benton House, Benton Business Park, Bellway Industrial Estate, Benton, NEWCASTLE UPON TYNE**

**Proposal: Construction of 2no steel-framed industrial units including car parking and hard landscaping (part retrospective).**

Applicant: Benton House Limited, Mr Phil Rodgers Benton House Limited  
Bellway Industrial Estate Longbenton Newcastle Upon Tyne NE12 9SW

Agent: Building Surveyors Ltd, Mr Chris Jude Suite 1 & 2 Walker Davison House  
High Street Newburn NEWCASTLE UPON TYNE NE15 8LN

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

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

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

### 2.0 Description of the Site

2.1 The application site relates to two parcels of land; one within the north east corner of the site and one adjacent to its western boundary. The sites are located within Bellway Industrial site which is designated as an employment site in the Local Plan (LP).

2.2 The parcel of land located in the north east corner of the site is bound to the north by a Metro track. To the east, south and west of this parcel of land are existing commercial/industrial buildings. The parcel of land located adjacent to the western boundary of the site is bound to the north and west by the main

industrial estate road. To the east and south of this parcel of land are existing commercial/industrial buildings.

2.3 The most north east corner of the site is designated as a wildlife corridor. Members are advised that this parcel of land is hard surfaced. There is no vegetation or soft landscaping within the application site. The adjacent landscaping is separated from the site by an existing palisade fence.

2.4 The nearest residential properties are located to the north of the site, beyond the railway lines.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of two steel framed industrial units with associated parking. The units would be used primarily for storage. The applicant has confirmed that the use of the buildings would fall within Use Class B2 'General Industrial' and B8 'Storage and Distribution'.

3.2 Members are advised that the works have already commenced on the proposed units.

3.3 The following documents have been submitted to support this application:

- Planning Statement
- Flood Risk Assessment
- Phase 2 Ground Investigation Report

### 4.0 Relevant Planning History

#### 4.1 Buildings within the blue line boundary of the site

12/01165/FUL - Erection of portal-framed storage unit with profiled coated decking and cladding as existing buildings under 'Use Class B2' (general industrial) to be located to the southern boundary – Permitted 23.10.2012  
12/01163/FUL - Erection of portal-framed unit with profiled plastic coated decking and cladding under use class B2 (general industrial) to be location to the eastern boundary (Re-submission) – 19.09.2012

12/00607/CONEPA - Consultation on environmental permit application – No objection 27.04.2012

12/00241/FUL - Erection of a storage unit (portal frame construction) – Withdrawn 24.03.2012

10/02657/CLPROP - Proposed use for waste recycling - Permitted 30.11.2010

#### 4.2 Unit A within the blue line boundary of the site

16/01801/FUL - Change of use of land and buildings from warehouse (Use Class B8) to indoor trampoline park (Use Class D2) with access, car parking, boundary treatments and associated external alterations – Permitted 31.01.2017

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (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 Detailed Planning Considerations

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

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

7.2 Consultations 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 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states "Where a planning application conflicts with an up-to-date development

plan permission should not normally be granted. Local Planning Authorities (LPA's) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

8.4 LP Policy S2.2 'Provision of Land for Employment Development' seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council's strategy for economic prosperity, job growth and investment over the plan period.

8.5 LP Policy DM2.3 Development Affecting Employment Land and Buildings states "The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses."

8.6 The Council's Regeneration Team have raised no objections to the proposed development.

8.7 The applicant has confirmed that the buildings would be used for B2 'General Industry' and B8 'Storage and Distribution' purposed.

8.8 The proposed development meets the requirements of Policy DM2.3 which permits B1, B2 and B8 uses. Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

#### 9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states "Planning policies and 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: a) 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; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".



9.2 LP Policy S1.4 “General Development Principles” states “ 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.” Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

9.3 LP Policy DM5.19 Pollution states “Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

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

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

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

9.4 The Manager for Environmental Health has been consulted. She has advised that there are residential properties located to the north of the site beyond the railway line. The residential properties of Meadway Drive would be sited approximately 111m from proposed Unit B. The residential properties of Ashcroft Drive would be sited approximately 156m from proposed Unit A. She has expressed concerns with regard to potential noise from the development from activities such as deliveries and any plant and equipment installed at the site affecting these residential properties, if occurring during the night period. She has advised that if 24 hour operations were required then noise mitigation measures would be necessary however; such measures would not be required if operations were restricted to daytime hours only. She has recommended conditions to restrict operating hours and deliveries to the proposed units to daytime hours only to minimise noise impacts.

9.5 She has also advised that if any new external plant were to be installed in the units then a noise assessment would be necessary to ensure existing background noise levels are maintained.

9.6 The NPPF, paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 55 states “Planning conditions should be kept to a minimum and only imposed where they are

necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The NPPF paragraph 180 aims to “avoid noise from giving rise to significant adverse impacts on health and quality of life”. Members are advised that it is clear from the environmental health comments set out in paragraphs 1.15-1.19 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise can be secured by conditions. Based on the works that have already commenced on site, a condition to secure dust suppression measures is not considered to be reasonable or necessary.

9.7 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties. It is officer advice that the proposed development is, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

#### 10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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”.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 LDD11 ‘Design Quality’ SPD applies to all planning applications that involve building works.

10.4 It is proposed to construct two storage facilities (Unit A and Unit B) of over 1,000 sqm of floor space. Unit B would be the larger of the two buildings. The proposed finish of the buildings would be metal cladding and brick work. The roof finish for both units would be metal corrugated sheets. These materials are considered to be suitable; therefore a materials condition is not considered to be necessary. Views of the units would be afforded from the surrounding public domain (industrial estate road and railway line). However, when viewed from publicly accessible areas, both units would be seen in the context of an established industrial estate.

10.5 The existing buildings in the immediate vicinity of the site are generally industrial in their design. The proposed development would reflect this by constructing buildings of a similar appearance.

10.6 It is clear from the works that have already been carried out on site that the levels of the proposed buildings are similar to immediate surrounding units. Therefore, it is not considered necessary to impose a levels condition.

10.7 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance of the immediate surrounding area. As such, the proposed development accords with national and local planning policies.

#### 11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear 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.

11.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

11.3 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council 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.

11.4 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.5 Nexus has been consulted. They have raised no objections to the proposed development.

11.6 The site is accessed via the existing industrial estate. A total of 28 parking spaces are to be provided within the site.

11.7 The Highways Network Manager has been consulted. He has advised that parking has been provided in accordance with current standards. He has raised no objections to the proposed development subject to the imposition of the suggested conditions set out in the appendix to this report. However, as works have already commenced on site and the fact that the immediate surrounding land is hard surfaced, it is not considered reasonable or necessary to impose the construction method statement or wheel wash conditions.

11.8 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

#### 12.0 Other Issues

### 12.1 Contaminated Land

12.2 NPPF paragraph 178 states “Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This include risks arising from natural hazards of former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments”

12.3 NPPF paragraph 179 states “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

12.4 LP Policy DM5.18 “Contaminated and Unstable Land” states: “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

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

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

i. Removing the contamination;

ii. Treating the contamination;

iii. Protecting and/or separating the development from the effects of the contamination;

iv. Validation of mitigation measures; and

v. Addressing land stability issues.

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

12.5 The Contaminated Land Officer has been consulted. She has assessed the submitted Phase 2 Ground Investigation report. She has confirmed that no gas protection measures are required.

12.6 The Coal Authority has been consulted. They have raised no objection to the proposed development.

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

### 12.8 Flooding

12.09 The NPPF paragraph 163 makes it clear that “When determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.”

12.10 LP Policy “DM5.12 Development and Flood Risk” 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.

12.11 The Lead Local Flood Authority (LLFA) has been consulted. They have confirmed that the developments surface water would be attenuated within the two sites via the use of underground storage crates. These would store surface water within the two sites which would then discharge into the local sewer network at two locations with both utilising hydrobrakes to restrict the discharge rate.

12.12 Northumbrian Water has been consulted. They have raised no objections to the proposed development subject to it being carried out in full accordance with the submitted Flood Risk Assessment.

12.13 Newcastle International Airport Limited (NIAL) has been consulted. Their comments are noted. However, there are no open bodies of water proposed as result of this development to manage surface water run-off. Therefore, their suggested comments are not considered to be reasonable or necessary.

12.14 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with both national and local planning policies.

#### 12.15 Biodiversity

12.16 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.

12.17 Paragraph 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.

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

12.19 LP 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.”

12.20 Part of the most north east corner of the application site is designated as a wildlife corridor. Members are advised that this part of the site is hard surfacing. There is no vegetation or areas of soft landscaping within the site. The landscaping adjacent to the railway line is separated from the application site by a palisade fence.

12.21 The Council’s Biodiversity Officer has been consulted. She has raised no objection to the proposed development.

12.22 Members need to determine whether the proposed development is acceptable in terms of biodiversity. It is officer advice that it is and it would accord with both national and local planning policies.

#### 12.23 Minerals

12.24 LP DM5.17 ‘Minerals’ sets out guidance on minerals extraction. However, this development relates to an existing hard surfaced site.

#### 13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL). It is not considered that the proposal results in any local financial considerations.

#### 14.0 Conclusion

14.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways and ground conditions. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. 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:

- Proposed site plan Dwg No. C1259-002
- Unit A proposed roof plan Dwg No. C1259-003
- Unit A proposed elevations Dwg No. C1259-004

- Unit A proposed floor plan Dwg No. C1259-008
- Unit B proposed roof plan Dwg No. C1259-005
- Unit B proposed elevations Dwg No. C1259-006
- Unit B proposed floor plan Dwg No. C1259-007
- Indicative drainage plan Dwg No. D901
- Flood Risk Assessment Ref: RO/FRA/18152.1 (April 2019)

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. Turning Areas Before Occ ACC02 \*  
5

4. The scheme for parking, 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).

5. Notwithstanding Condition 1, prior to each building hereby approved being brought into use details of facilities to be provided for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of each building and thereafter permanently retained.

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

6. Prior to the occupation of any building hereby approved a scheme for the provision of secure undercover cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before development is occupied and shall be permanently retained.

Reasons: In the interests of highway safety and encouraging sustainability having regard to DM7.4 of the North Tyneside Local Plan (2017).

7. Restrict Hours No Construction Sun BH HOU00 \*  
4

8. Noise No Tannoys Externally Audible NOI002 \*

9. The buildings hereby approved shall only be operational between the hours of 07:00 - 23:00 Monday to Sunday.

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

10. Deliveries and collections to the buildings hereby approved shall be restricted to between 07:00 and 23:00 hours Monday to Sunday.

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

11. No new plant or equipment shall be installed at the buildings hereby approved until a noise scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be carried out and submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise. Thereafter, any new plant or equipment shall be installed in accordance with these agreed details and thereafter maintain in working order.

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

12. Within one month of the installation of any plant and equipment pursuant to condition 11 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the operation of this plant and equipment. Thereafter, it shall be maintained in working order.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

13. Notwithstanding Condition 1, prior to the occupation of each building hereby approved, the attenuation tanks identified on Dwg No. D901 shall be installed. These attenuation tanks must be fully operational prior to the occupation of each building and permanently retained and maintained.

Reason: In the interest of preventing flood risk in accordance with NPPF.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

### **Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)



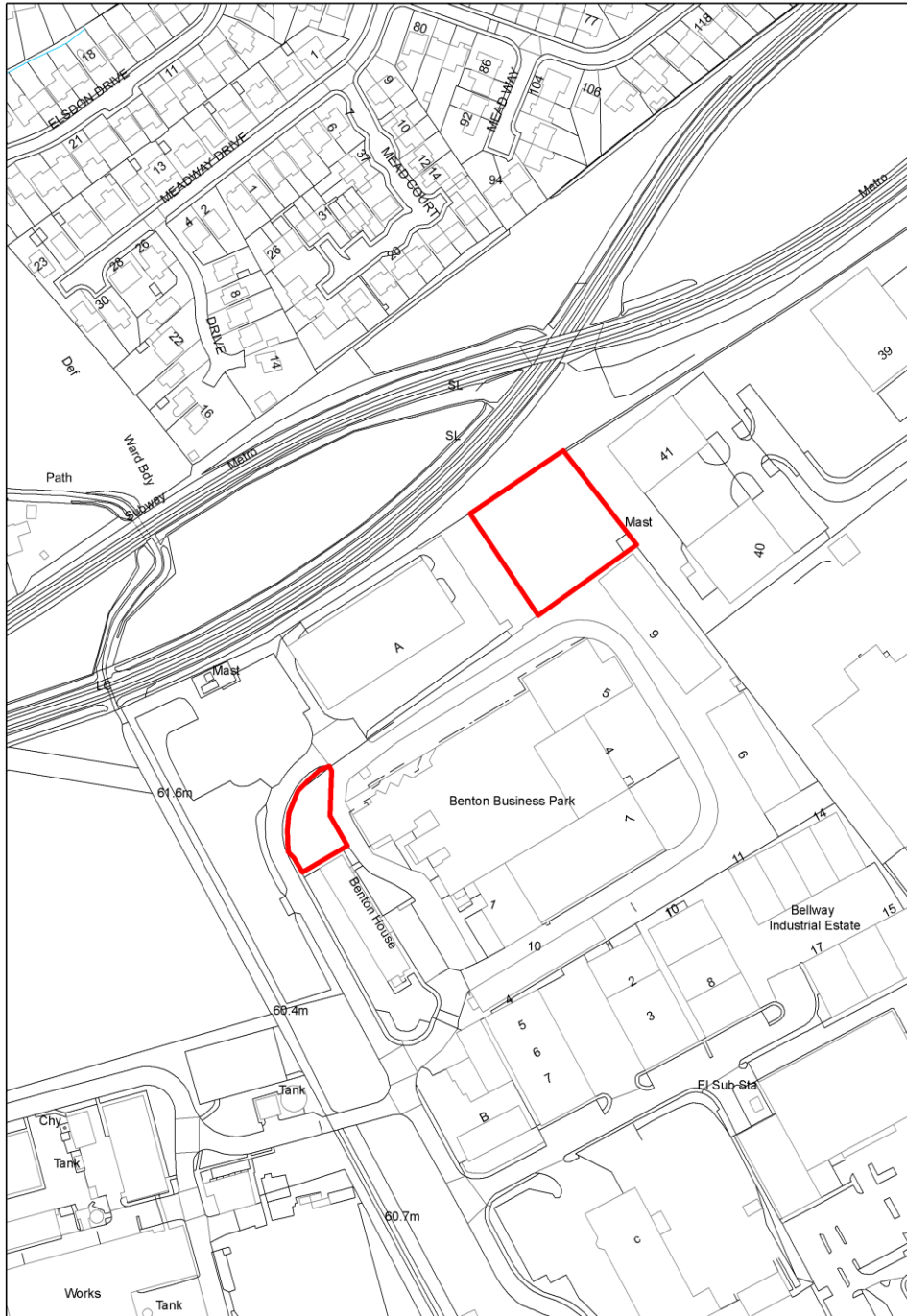
Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)



**Application reference: 19/00047/FUL**

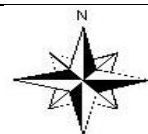
**Location: Benton House, Benton Business Park, Bellway Industrial Estate, Benton**

**Proposal: Construction of 2no steel-framed industrial units including car parking and hard landscaping (part retrospective).**

Not to scale

Date: 25.07.2019

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0100016801



**Consultations/representations**

1.0 Internal Consultees

1.1 Regeneration

1.2 No objection.

1.3 Biodiversity Officer

1.4 The above application is an area of hard standing that has currently been built out, therefore, I have no comments to make on this application.

1.5 Highways Network Manager

1.6 The site is accessed via the existing industrial estate and parking has been provided in accordance with current standards. Conditional approval is recommended.

1.7 Recommendation - Conditional Approval

1.8 Conditions:

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 development shall commence until a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

1.9 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.10 Contaminated Land Officer

1.11 I have reviewed the Phase 2 report and the Phase 2 reports for the immediately adjacent areas. The Phase 2 report for the site shows that:

“Following the results of the contamination assessment it can be seen that no elevated contaminants are present across the site as a whole and therefore no risk is envisaged to the proposed end users, based on a commercial end use.”

1.12 The gas monitoring undertaken as part of this investigation and the gas monitoring undertaken during the development of the adjacent site show the gas results are a Characteristic site 1.

1.13 No gas protection measures are required.

1.14 Based on the information submitted I have no objection to the development.

### 1.15 Environmental Health

1.16 The proposed industrial units are to be located on a dedicated industrial estate, although there are residential properties located to the north of the site beyond the rail line in Meadway Drive approximately 111m from Unit B and Ashcroft Drive approximately 156m from Unit A. I would have concerns with regard to potential noise from the development from activities such as deliveries and any plant and equipment installed at the site affecting the adjacent residential properties, if occurring during the night period. If 24 hours operations were required then noise mitigation measures would be necessary such as the closure of access doors, except for access and egress during the night period and the installation of acoustic screening for any external yard areas. These measures would not be required if operations were restricted to daytime hours only. I would therefore recommend conditions are attached to restrict operating hours and deliveries to the units to daytime hours only to minimise noise impacts from activities at the units for the adjacent residential properties.

1.17 The layout plans do not appear to show the installation of any new external plant to be fitted at the site. If this was not the case and new external plant e.g. air condition units, air source heat pumps etc were to be fitted then a noise assessment would be necessary to ensure existing background noise levels are maintained.

1.18 In addition conditions to address construction hours and dust mitigation during any construction phase should be applied to any planning consent.

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

#### New External Plant

No new plant or equipment to be installed at the premises unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise. 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.

#### NOI02

Deliveries and collections to the units to be restricted to between 07:00 and 23:00 hours.

LIG01 for any new external lighting provided.

HOU03: operating hours for units 07:00 - 23:00 hours Monday to Sunday.

HOU04

SIT03

### 1.20 Lead Local Flood Authority (LLFA)

1.21 I have carried out a review of the surface water drainage proposals for the above application.

1.22 I can confirm that I have no objections to the proposals. The developments surface water will be attenuated within the two sites via the use of underground storage crates. These will store surface water within the two sites for up to a 1in100yr + 40% CC rainfall event. The surface water will then discharge into the local sewer network at two locations with both utilising hydrobrake's to restrict the discharge rate to 4 l/s.

## 2.0 Representations

### 2.1 None

## 3.0 External Consultees

### 3.1 Nexus

3.2 No comment.

### 3.3 Northumbrian Water

3.4 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.

3.5 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

3.6 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

3.7 Following the submission of a flood risk assessment, we would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with this document, which states that surface water discharges will be restricted to greenfield runoff rates.

### 3.8 The Coal Authority

3.9 The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means 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.

3.10 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this 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.

### 3.11 Newcastle International Airport Limited (NIAL)

3.12 I have reviewed in conjunction with our Aerodrome Safeguarding Technical Advisor and can confirm that we have no objection to this application, subject to being consulted on:

- Drainage system proposals and water pooling - Any proposed flood alleviation scheme in the form of SUDS Ponds and Swales, should be designed in accordance with aerodrome safeguarding best practices and should be approved in writing by the Local Planning Authority, in consultation with NIAL, and conditioned as part of any planning decisions. If SUD basins are to be permanently wet, NIAL expects that the basin be fully planted to cover the surface of the pond with netting used as an interim measure whilst the reed planting is established. If the basin will only be wet during time of the flood it is expected that it will drain rapidly (not more than 2 days). It is also expected that water pooling is avoided during construction. These mitigation provisions are to avoid the use of drainage areas by wetland birds, which could be a strike hazard to aircraft associated with Newcastle International Airport.

**Item No:** 5  
**Application No:** 19/00739/FUL  
**Date valid:** 31 May 2019  
**Target decision date:** 30 August 2019  
**Author:** Maxine Ingram  
**☎:** 0191 643 6322  
**Ward:** Killingworth

Application type: full planning application

**Location:** Unit 41, Bellingham Drive, North Tyne Industrial Estate, Benton, NEWCASTLE UPON TYNE

**Proposal:** Change of use from D1 (Training facility) to Gymnastics facility and activity centre with gym (D2) and ancillary cafe (A3). Extension to internal mezzanine floor

Applicant: Mr Craig Heap, C/O Cobalt 3.1 North Tyneside NE27 0QJ

Agent: Curtis PDC, Ms Samantha Curtis Cobalt 3.1 North Tyneside NE27 0QJ

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

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

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

### 2.0 Description of the Site

2.1 The site to which this application relates is a vacant unit (Unit 41) located within North Tyne Industrial Estate. The site is accessed from Bellingham Drive. An area of parking is located to the south of the building. The site is enclosed by palisade fencing. To the north it is bound by the Metro track and Blyth and Tyne Railway, beyond which lie existing residential properties. To the east, south and west of the site are existing commercial/industrial units.

2.2 The site is designated as employment land within the Local Plan.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for a change of use from D1 (Training facility) to Gymnastics facility and activity centre with gym (D2) and an ancillary cafe (A3). An extension to the existing internal mezzanine floor is also proposed.

3.2 The proposed floor area will be split into the following spaces, as shown on the submitted floor plans (in order of floor area):

- Gymnastics hall
- Changing facilities, reception and staff room
- Gym/fitness suite
- Cafe (ancillary to the main use of the building).

#### 4.0 Relevant Planning History

4.1 None

#### 5.0 Development Plan

5.1 Local Plan (2017)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (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 Detailed Planning Considerations

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

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

7.2 Consultations 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 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from



paragraph 213 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”. LP Policy DM1.3 reflects these aims of the NPPF.

8.4 Paragraph 86 of the NPPF states that ‘LPA’s should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.5 Paragraph 87 of the NPPF states ‘When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPA’s should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’

8.6 Paragraph 90 of the NPPF states ‘Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.’

8.7 Paragraph 120 of the NPPF advises that planning policies and decisions need to reflect the changes in the demand for land. Where the LPA considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

8.8 The National Planning Practice Guidance (NPPG) provides advice on how the sequential test should be applied to development proposals. The NPPG states that it is for the applicant to demonstrate compliance with the sequential test and sets out the key considerations that be taken into account in determining whether a proposal complies with the sequential test:

-With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

-Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of a development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

-If there are no sequentially preferable locations, the sequential test is passed.

8.9 Paragraph 91 of the NPPF promotes health and safe communities. Amongst other matters this includes enabling and supporting healthy lifestyles, especially where this would address identified local health and well-being needs.

8.10 LP Policy S1.2 'Spatial Strategy for Health and Well-Being' supports the well-being and health of communities. Amongst other matters this includes promoting and facilitating active and healthy lifestyles.

8.11 The Employment Land Review (ELR) (2015) included an assessment of 1,591 hectares (ha) of land for employment potential, including 955ha of currently allocated or existing land. North Tyne Industrial Estate has a total of 0.31ha of reserved employment land.

8.12 LP Policy DM2.3 'Development Affecting Employment Land and Buildings' states "The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses."

8.13 Policy DM2.3 seeks to enable flexibility in the use and development of employment land whilst ensuring that developments support the overall growth and prosperity of North Tyneside.

8.14 To achieve this flexibility Policy DM2.3 seeks to ensure that applications for development on employment land are considered on the basis of their impact on

the economic prosperity of North Tyneside, rather than whether the use proposed falls within use classes B1, B2 and B8 are retained, but also that full use can be made of the economic potential of land in highly sustainable and accessible locations across North Tyneside.

8.15 The site is designated as an employment site within the Local Plan. Therefore, the site is not within a defined town centre boundary and is out-of-centre. Therefore, a sequential assessment is necessary to see whether there are any sites which are available in existing centres. If there are none, then there is a need to look at edge of centres before finally considering out of centre sites.

8.16 LP Policy DM3.4 'Assessment of Town Centre Uses' set out the requirements for proposals for retail development and whether a sequential test or impact assessment should be submitted. Proposals for main town centre uses on sites not within town centres will be permitted where there are no sequentially preferable sites in centre, then on the edge of centre. Policy DM3.4 also gives preference for existing out of centre development sites which were previously occupied by appropriate main town centre uses that are readily accessible to metro stations or other transport connections prior to other out of centre locations.

8.17 Policy DM3.4 advises that sequential assessments should consider the suitability, availability and viability and have particular regard to the nature of need that is to be addressed.

8.18 Policy DM3.6 sets out guidance on local facilities, including proposals that meet the day to day needs of employees on employment sites.

8.19 Seven letters of support have been received, and a representation from Sport England. These comments are set out in full in paragraphs 2.1 and 3.8-3.11 of the appendix to this report.

8.20 The application site is located at North Tyne Industrial Estate which is designated as an employment site under Policy S2.2 (E016) of the LP. The applicant has advised that the current use of the unit, albeit it vacant, is D1 (training facility). The applicant has advised that the proposed D2 use has specific requirements to enable its clientele to operate in a safe environment. In light of these requirements opportunities to accommodate such uses in existing town centres are considered to be limited and the only suitable premises tend to be located within buildings on established industrial estates. On this basis, it is evident that a flexible approach needs to be adopted when assessing this application in accordance with the advice in NPPF.

8.21 The applicant has submitted a Sequential Assessment. This assessment has considered the following centres:

- Killingworth;
- Wallsend;
- Northumberland Park; and
- Forest Hall.

8.22 Within their sequential assessment they have provided a list of available premises within the above identified centres. The premises have been considered in terms of their availability, scale and format of the buildings. This assessment concluded that there are no suitable and available alternatives. It also advises that given the size required for the proposed use, it is also unlikely that any suitable units will become available within the sequentially preferred centres within the near future.

8.23 Given the scale of the development and the fact that there are no reasonable prospects of the proposal being able to be delivered within a town centre, it is not considered that it would have a harmful impact on the vitality and viability of existing town centres.

8.24 Taking into consideration the current use of the building (D1), which is not an employment use, it is not considered that the proposed use (D2) would result in a significant loss of current employment land. Also, the Council's Employment Land Review (ELR) (2015) concludes that there is 1, 591 hectares (ha) of land for employment potential, including 955ha of currently allocated or existing land. North Tyneside Industrial Estate has a total of 0.31ha of reserved employment land. The ELR concludes that within the administrative area of North Tyneside there is sufficient identified employment land to meet forecast demands. When assessing the scale of the proposed development and the total available employment floor space across the borough, it is not considered that the loss of this industrial floor space to a D2 use is significant. A condition is recommended to restrict the use of the building to the purposes applied for.

8.25 Any future applications for uses outside the employment designation on this industrial estate would need to be assessed on their own merits.

8.26 Members need to determine whether the principle of the proposed development is acceptable in terms of its impact on employment land provision within the borough and its impact on town centres and local centres. Based on the criteria set out under DM2.3 (a and b), it is the view of officers that this development would not result in an unacceptable loss of an operating business or jobs as both aspects are being provided by this proposal. The development would not result in an excessive reduction of B1, B2 and B8 uses taking into account the overall amount, range, and choice of employment land for the remainder of the plan period, or significantly impact on the vitality and viability of existing town centres. On balance, it is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

## 9.0 Impact on amenity

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

9.2 LP Policy S1.4 “General Development Principles” states “ 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.” Amongst other matters this includes: to be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

9.3 LP Policy ‘DM5.9 Pollution’ states “Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

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

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

9.4 The Manager for Environmental Health (Pollution) has been consulted. She has raised concerns regarding potential noise and odours arising from the proposed change of use. She has reviewed the submitted noise assessment which determines that noise from the internal gym activities is unlikely to give rise to noise levels that would disturb the amenity of the nearest residential properties of Mead Court.

9.5 The NPPF, paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 55 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The NPPF paragraph 180 aims to “avoid noise from giving rise to significant adverse impacts on health and quality of life”. Members are advised that it is clear from the environmental health comments set out in paragraphs 1.6-1.12 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise and odour can be secured by conditions.

9.6 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice that the proposed development is acceptable in terms of its impact on the amenity of existing and future occupants of neighbouring and nearby properties, subject to the imposition of the suggested conditions. As such, it is officer advice that the

proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19, DM2.3 (c) and DM6.1.

#### 10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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”.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 LDD11 ‘Design Quality’ SPD applies to all planning applications that involve building works.

10.4 A new fire exit door is proposed to the west elevation. An existing door to the north elevation would be removed. No further external alterations are proposed. Therefore, the proposed development would not have a significant impact on the visual amenity of the surrounding area than that experienced at present.

10.5 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance of the immediate surrounding area. As such, the proposed development accords with national and local planning policies.

#### 11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear 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.

11.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

11.3 LP Policy DM7.4 ‘New Development and Transport’ makes it clear that the Council 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.

11.4 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.5 A Transport Statement (TS) and Framework Travel Plan (TP) have been submitted as part of the application. The applicant has demonstrated that the proposed use is unlikely to have a severe impact on the local highway network and that the car park should have sufficient capacity to meet the needs of the development.

11.6 The Highways Network Manager has been consulted. He has considered the submitted TS and TP. Based on this submitted information, he has recommended conditional approval.

11.7 Nexus has been consulted. They have raised no objection to the proposed development.

11.8 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

## 12.0 Other Issues

### 12.1 Contaminated Land

12.2 NPPF paragraph 178 states "Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This include risks arising from natural hazards of former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments"

12.3 NPPF paragraph 179 states "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner".

12.4 LP Policy DM5.18 "Contaminated and Unstable Land" states: "Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

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

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

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

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

12.5 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development.

12.6 The Coal Authority has been consulted. They have raised no objection to the proposed development.

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

#### 12.8 Flooding

12.9 The NPPF paragraph 163 makes it clear that “When determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.”

12.10 LP Policy “DM5.12 Development and Flood Risk” 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.

12.11 The submitted application form confirms that surface water would connect to the existing mains. As the proposed development, relates to a change of use only, it is not considered that the proposed development would increase the risk of surface water flooding over and above that experienced at present.

12.12 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with both national and local planning policies.

#### 12.13 Aviation Safety

Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objection to the proposed development.

#### 12.14 Minerals



12.15 LP DM5.17 'Minerals' sets out guidance on minerals extraction. However, this development relates to an existing hard surfaced site.

## 13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL). It is not considered that the proposal results in any local financial considerations.

## 14.0 Conclusion

14.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways and ground conditions. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. 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:

- Location plan (1:500)
- Drawing L00 Proposed Rev P1
- Drawing L01 Proposed Rev P1
- Drawing Proposed Elevations (east and west) Rev P1
- Drawing Proposed Elevations (north and south) Rev P1
- Transport Statement

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.	Restrict Hours No Construction Sun BH	HOU00	*
		4	

4. The premises shall only be operational between the hours of 09:30-20:30 Mondays to Fridays and 09:00-16:00 Saturdays, Sundays and Bank Holidays. Deliveries and collections to the premises shall only take place during these hours.

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).

5. The noise rating level from the combined plant and equipment installed at the site must not exceed the existing background noise level of 43 dB LA90 T for daytime and 35 dB LAeqT for night time at nearest façade of residential properties on Mead Court as detailed in noise report reference CDPC/NT/001. Following the installation of any plant and equipment acoustic testing shall be undertaken to verify compliance with this condition within one month of its installation shall be submitted to and approved in writing by the Local Planning Authority prior to the plant and equipment being brought into permanent use. Thereafter, the plant and equipment shall be installed in accordance with these details and maintained in working order.

Reason: In the interests of protecting the amenity of neighbouring properties from any undue noise or disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

6. Doors to be kept closed at all times when any fitness equipment is operational or fitness classes are taking place, except for access and egress, or in the case of an emergency.

Reason: In the interests of protecting the amenity of neighbouring properties from any undue noise or disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

7. The cooking appliances to be installed within the café area, identified on Drawing L01 Proposed Rev P1, shall be restricted to domestic appliances only such as sandwich toasters, kettles and griddle/Panini maker shall be permitted for use at the premises at any time for the provision of hot and cold foods and the provision of hot and cold beverages. There shall be no shallow frying, deep fat frying or baking of foods permitted at the premises at any time.

Reason: In the interests of protecting the amenity of neighbouring properties from cooking odours having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

8. Noise No Tannoys Externally Audible                      NOI002    \*

9. The scheme for parking 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 DM6.1 of the North Tyneside Council Local Plan (2017).

10. Notwithstanding Condition 1, prior to the building being brought into use details of facilities to be provided for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types

shall be provided in accordance with the approved details, prior to building being brought into use and thereafter permanently retained.

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

11. Notwithstanding the details submitted, prior to the building being brought into use a car park management scheme shall be submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

12. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the building and associated land of the development hereby approved shall only be used only for the purpose of gymnastics with ancillary cafe (not exceeding the area identified on Drawing L01 Proposed) and it shall not be used for any other purpose.

Reason: To enable the Local Planning Authority to retain control over the use in a designated employment site having regard to Policy DM2.3 of the North Tyneside Local Plan (2017).

13. Notwithstanding the details submitted, prior to the building being brought into use a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details prior to the occupation of the building and retained thereafter.

Reason: In the interests of highway safety having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

### **Informatives**

Building Regulations Required (103)

Do Not Obstruct Highway Build Materials (I13)

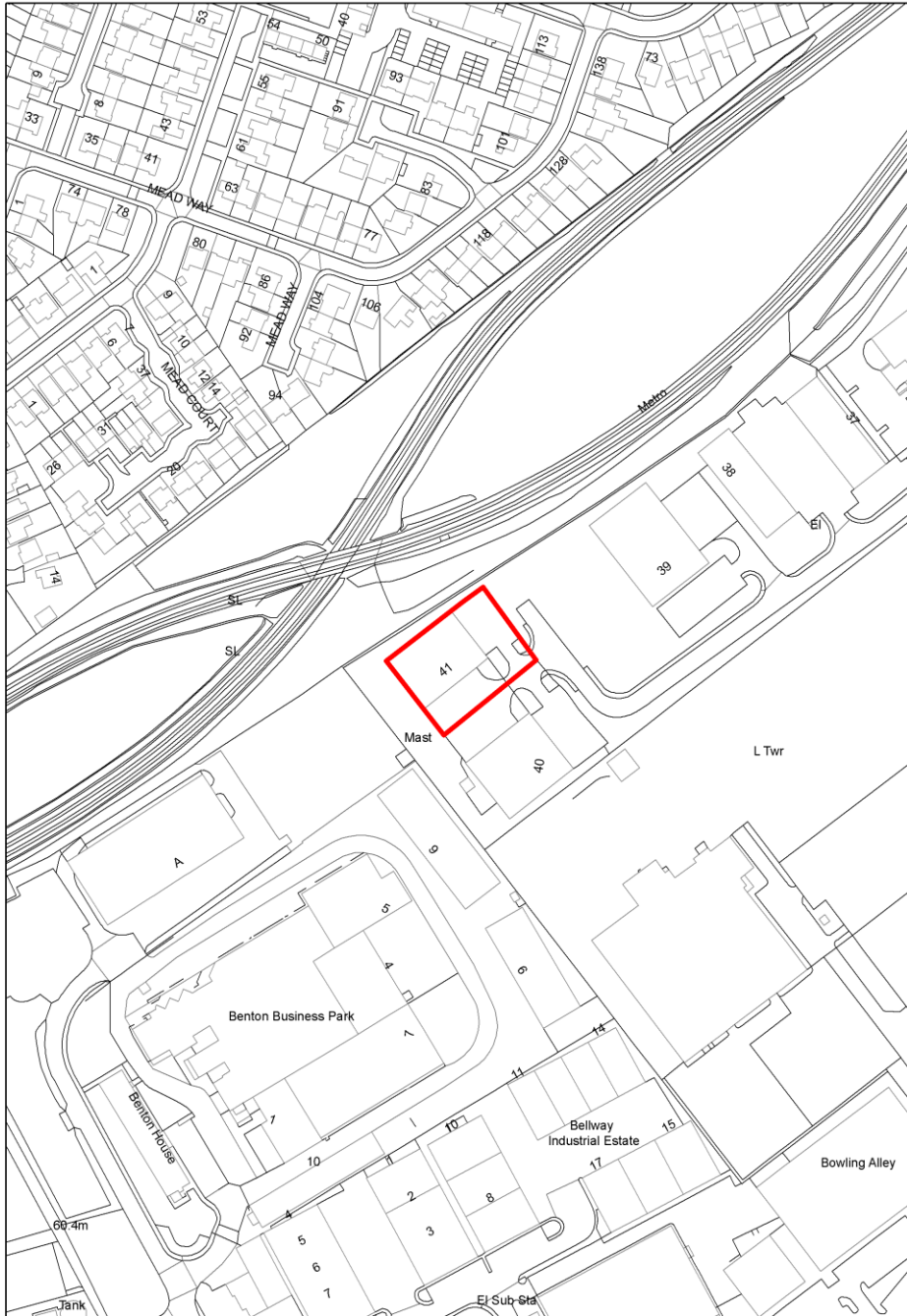
Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

Highway Inspection before dvlpt (I46)

Consent to Display Advertisement Reqd (I04)



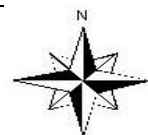
**Application reference: 19/00739/FUL**

**Location: Unit 41, Bellingham Drive, North Tyne Industrial Estate, Benton**  
**Proposal: Change of use from D1 (Training facility) to Gymnastics facility**  
**and activity centre with gym (D2) and ancillary cafe (A3). Extension to**  
**internal mezzanine floor**

Not to scale

Date: 25.07.2019

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 A Transport Statement (TS) and Framework Travel Plan (TP) have been submitted as part of the application. The applicant has demonstrated that the proposed use is unlikely to have a severe impact on the local highway network and that the car park should have sufficient capacity to meet the needs of the development. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

Notwithstanding the details submitted, 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. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

1.5 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpmt

1.6 Environmental Health

1.7 I have concerns with regard to potential noise and odours arising from the change of use. I have reviewed the noise assessment for the operation that has determined that noise from the internal gym activities is unlikely to give rise to noise levels to result in noise disturbance for neighbouring sensitive receptors at Mead Court.

1.8 Concerns with regard to noise from other sources of noise can be addressed through the provision of conditions to control new plant and equipment and controlling the type of cooking provided at the proposed cafe.

1.9 For any new external plant installed:

The noise rating level from the combined plant and equipment installed at the site must not exceed the existing background noise level of 43 dB LA90 T for daytime and 35 dB LAeqT for night time at nearest façade of residential properties on

Mead Court as detailed in noise report reference CDPC/NT/001. 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 to the local planning authority prior to the operation of the plant and thereafter maintain in working order.

1.10 Standard conditions:

Doors to be kept closed at all times when any fitness equipment is operational or fitness classes are taking place, except for access and egress, or in the case of an emergency.

NOI02

Deliveries and collections must not be permitted to the premises between 23:00 and 07:00 hours.

HOU03 to those on the application  
HOU04

1.11 It is noted that there is no proposed external kitchen extraction to be installed. I would have concerns if intensive cooking of foods was proposed. The plans indicate that the cafe area is likely to be operated as a coffee shop and therefore I would have no objection to this ancillary use if the following condition was attached.

1.12 Non-standard condition: Cooking of foods

Only domestic appliances such as sandwich toasters, kettles and griddle/Panini maker shall be permitted for use at the premises at any time for the provision of hot and cold foods and the provision of hot and cold beverages. There shall be no shallow frying, deep fat frying or baking of foods permitted at the premises at any time.

1.13 Contaminated Land Officer

1.14 No objection.

2.0 Representations

2.1 Seven letters of support have been received. The comments are set out below:

-Active Northumberland have worked on a number of successful projects with the applicant because our purpose and values align, that is to get more people active and to provide great experiences, including people who are most in need of support. In Northumberland access to gymnastics is limited, all our Gymnastic Clubs have waiting lists, as I believe is the case nationally, therefore whatever we can do to support young people to get involved in gymnastics and other activities that will be offered at this centre for parents and guardians is something that we are very keen to support.

-I believe that this venture has lots of support already, for example, to be awarded £100, 000.00, from Sport England demonstrates the high level of commitment and careful planning executed by the applicant. If permitted, this venture will make a huge impact, not just within the community of North Tyneside but surrounding areas including Northumberland.

- There continues to be a growing demand for gymnastics in Newcastle upon Tyne and the surrounding areas; our service witnesses this first hand through our engagement with schools. Despite the growing demand there is a distinct lack of high quality facilities that can support the delivery of gymnastics.
- The proposed facility will lend itself to establishing and nurturing school club links, which will address the current physical inactivity agenda. It will also promote habit changing and lifelong participation in line with the Chief Medical Officers recommendations that all children and young people should achieve 60 active minutes a day.
- We welcome the potential of this new facility as this will encourage community participation, competitive opportunities and feasibly engage adults who may have participated in gymnastics as a young person.
- Gymnastics amongst our school is extremely popular across the borough however community exit routes are limited owing to a lack of appropriate facilities within the locality. This makes it difficult for young people to transition from school-based activity to local sports clubs.
- There is a clear need for the development of a local facility to help meet this demand, providing appropriate and high-quality participation opportunities.
- Development of such a facility would complement the work of both our own School Sport Partnership and no doubt that of colleagues within the county. It would enable tangible links to be established with existing school programmes such as coaching, competition and the wider School Games initiative.
- There are high levels of inactivity in North Tyneside and the surrounding local authority areas. More than 1 in 4 of the adult population in Tyne and Wear are classified as inactive because they do less than 30 minutes of moderate intensity physical activity per week. This development includes collaborating with the North Tyneside Public Health Team to deliver a range of exercise interventions targeting groups with specific needs, including: young people in care, children's homes, young carers, 50+ age group, weight management group for young people.
- This development will enable more people to participate in gymnastics and also provide opportunities for people of all ages and abilities to become physically active.
- We are aware that many gymnastics facilities of this type are located in converted industrial units which offer enough space to be able to deliver quality gymnastics. A unit of this size will provide enough space to have a safe, full equipment layout and will also allow the club to develop in the future.
- The club has a thorough understanding of the demand for gymnastics in the local area and vast experience of delivering a range of gymnastic programmes. The club has consulted with a range of partners to ensure the proposed facility will be a success and provide an additional high quality gymnastics venue.
- Gymnastics in Northumberland is a very popular activity, with clear demand for access to local clubs, particularly by young females. In the south east of our county (which neighbours North Tyneside) some of the existing clubs have waiting lists of over 300 young people. The proposed development in Benton will increase the opportunities and provision of gymnastics activity and help increase physical activity levels in the surrounding areas.
- The development will engage a large number of people from underrepresented groups to participate in high quality and meaningful activity which encourages behaviour changes and ultimately getting people more active. Activities other



than gymnastics will also be delivered on site which provides an inclusive, affordable and high quality offer to the local community.

-We recommend that you approve this application and deliver a legacy for not only the residents of North Tyneside but residents of Northumberland which borders your county.

-This project aims to translate both the Government and Sport England strategies into delivery including increasing participation, encouraging non-active people to take up physical activity and support development of volunteering and workforce development.

-The club will be registered with British Gymnastics and offer activities to the community for all ages including those from specific target groups.

-The club will develop partnerships within the local community including schools, other sports clubs, the business community, other non-profit organisations, funding partners (for example Sport England), and most importantly, the local community to provide opportunities to participate in physical activity. Establishing a dedicated gymnastics venue also provides scope to develop employment and career opportunities particularly for young people.

### 3.0 External Consultees

#### 3.1 The Coal Authority

3.2 The application site does not fall within the defined 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 or for The Coal Authority to be consulted.

3.3 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this 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.

#### 3.4 Nexus

3.5 No objection.

#### 3.6 Newcastle International Airport Limited (NIAL)

3.7 I have reviewed in conjunction with our Aerodrome Safeguarding Technical Advisor and can confirm that we have no objection to this application.

#### 3.8 Sport England

3.9 I am writing in support of the planning application submitted by Craig Heap of Tumble Gymnastics. It is around change of use of an industrial unit to a Gymnastics and wider physical activity facility. Sport England are fully supportive of this project in terms of its ability to get people in the area active. The project has undertaken significant community consultation that has identified the need and value of the project.

3.10 Sport England have currently identified a capital investment of up to £100,000 in support of the project and have also provided development grants to assist the applicant in the development of their governance structure, business planning and capital project. It is a project that has been identified as having an

ability to assist Sport England in the delivery of its national strategy with a key aim of getting more people, more active, more often.

3.11 Sport England are working directly with Tumble Gymnastics in developing the project and are keen to see it delivered. The change of use request is crucial to the deliverability of the project to serve the identified needs of young people and their parents / guardians in the area.

**Item No:** 6  
**Application No:** 18/01414/FUL  
**Author:** Maxine Ingram  
**Date valid:** 15 October 2018  
**Target decision date:** 14 January 2019  
**☎:** 0191 643 6322  
**Ward:** Camperdown

Application type: full planning application

**Location:** Block F, K, H, J, M & L, The Killingworth Site, Harvey Combe, Station Industrial Estate, Killingworth

**Proposal:** Demolition of blocks F, K, L and M and erection of new replacement vehicle maintenance unit. Reconfiguration of vehicle access routes and parking (additional reports and plans received May-July 2019)

Applicant: North Tyneside Council, Mr Ian Lillie Quadrant Silver Link North Cobalt Business Park Newcastle Upon Tyne NE27 0BY

Agent: Ainsworth Spark Associates, Mr Peter Nugent 9 Summerhill Terrace Newcastle Upon Tyne NE4 6EB

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

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

- The principle of the development (impact on listed building, biodiversity, design);
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

### **2.0 Description of the Site**

2.1 The site to which this application relates is the North Tyneside Depot at Harvey Combe, Killingworth. The site consists of a number of standalone blocks of offices, store and workshops. The buildings, subject of this application, are located within the north west corner of the site; Block F, K, L and M. The remaining buildings within the north west corner of the site (Block G and N) are not located within the redline boundary of this application. Block A and B located to the south east of the application site are Grade II\* Listed.

2.2 The East Coast main railway line is located adjacent to the western boundary of the site. To the north of the site there is an existing commercial unit.

2.3 The application site forms part of a wider mixed use designation of the Local Plan (LP).

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the demolition of Blocks F, K, L and M and the erection of a replacement vehicle maintenance unit. The existing vehicle access routes and parking will be reconfigured.

### 4.0 Relevant Planning History

4.1 The most recent planning applications are set out below:

#### Block A

15/00653/LBC - Removal of asbestos containing materials – Permitted  
31.08.2017

18/00402/FUL - Variation of condition 4 of planning approval 15/00653/LBC - To allow weekend working - Permitted 30.05.2018

18/00811/FUL - Refurbish existing building including cleaning and repairs to external fabric, removal of unnecessary services, adjusting threshes and heads to access door and raising the internal floor to the open plan offices to accommodate electrical/ data services. The internal flexible layout will change and the fixed areas remain predominantly as existing – Permitted 17.10.2018

18/00812/LBC - Refurbish existing building including cleaning and repairs to external fabric, removal of unnecessary services, adjusting threshes and heads to access door and raising the internal floor to the open plan offices to accommodate electrical/ data services. The internal flexible layout will change and the fixed areas remain predominantly as existing. (Additional plans received 30.08.2018) – Permitted 17.10.2018

19/00506/LBC - Amendment and update of previous approved submission to address the following: 1) Roof repairs, and provision of safe access. 2) Cladding: Concrete panel repair and decoration: Damaged steel sheeting and remedial proposals: Brickwork repairs. 3) Doors and louvred over-panels 4) Windows amended proposals 5) Removal of external stair and associated first floor door on the west elevation 6) Adjustment of external ground levels adjacent to vertical sheeting. 7) Vehicle safety barrier to the perimeter of the first floor car park. 8) Feature strip light to the head of ground floor cladding – Permitted 05.06.2019

19/00609/FUL - Variation of conditions 1(approved) and 6(cladding) of planning approval 18/00811/FUL. Amendment and update of previous approved submission to address the following: 1) Roof repairs, and provision of safe access. 2) Cladding: Concrete panel repair and decoration: Damaged steel sheeting and remedial proposals: Brickwork repairs. 3) Doors and louvred over-panels 4) Windows amended proposals 5) Removal of external stair and associated first floor door on the west elevation 6) Adjustment of external ground levels adjacent to vertical sheeting. 7) Vehicle safety barrier to the perimeter of

the first floor car park. 8) Feature strip light to the head of ground floor cladding – Permitted 25.06.2019

### Block E

19/00067/FUL - Variation of condition 1 (approved plans) of planning approval 18/01010/FUL - change design of north elevation and amend internal layout to kitchen and self service area – Permitted 07.03.2019

18/01456/FUL - Variation of condition 5 of planning approval 18/01010/FUL - to allow change to working times 08:00 - 18:00 Mon to Fri, 08:00 - 18:00 Sat and 08:00 - 14:00 Sun – Permitted 12.12.2018

18/01162/FUL - Refurbishment of existing hardstand/car park to the north of Block E to accommodate a parking area for staff and visitors. Access area between Blocks A and E is to be changed to provide a pedestrian and access area to receptions areas. (Further Ecology information received 11.09.18) – Permitted 13.11.2018

18/01010/FUL - Alterations of existing internal layout, refurbishment of facilities – Permitted 11.09.2018

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (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 Detailed Planning Considerations

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

- The principle of the development (impact on listed building, biodiversity, design);
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

7.2 Consultations 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 Principle of the development (impact on listed building, biodiversity, design)

8.1 The Council has a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting.

8.2 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.3 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.4 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.5 The NPPF paragraph 80 states “Planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both business needs and wider opportunities for development”.

8.6 The NPPF Section 16 sets out guidance relating to conserving and enhancing the historic environment. Considering the potential impacts on the significance of a designated heritage asset are set in paragraphs 193 to 196.

8.7 LP Policy S6.5 ‘Heritage Assets’ aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by, amongst other matters: respecting the significance of assets; maximising opportunities to sustain and enhance the significance of heritage assets and their settings.

8.8 LP Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' 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, amongst other matters: conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character; and ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset.

8.9 LP Policy DM6.6 makes it clear that any development 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.

8.10 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.

8.11 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.

8.12 LP Policy DM6.1 'Design of Development' states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate, amongst other matters: a design responsive to landscape features, topography, wildlife habitats, site orientation and existing building and a positive relationship to neighbouring buildings and spaces.

8.13 LDD11 'Design Quality' SPD applies to all planning applications that involve building works.

8.14 The NPPF paragraph 174 seeks to protect and enhance biodiversity.

8.15 The NPPF paragraph 175 states "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..."

8.16 LP Policy DM5.7 'Wildlife Corridors' states "Development proposals within a wildlife corridor, as shown on the Proposals 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.

8.17 LP Policy S5.4 'Biodiversity and Geodiversity' states the borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relevant significance. This strategic policy is further supported by Policy DM5.5 'Managing effects on Biodiversity and Geodiversity'.

8.18 LP Policy DM5.9 'Trees, Woodland and Hedgerows' states "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'. Amongst other matters this includes protecting existing landscape features and securing the implementation of new landscaping as a condition of planning permission for new development.

8.19 LP Policy DM5.7 'Wildlife Corridors' states "Development proposals within a wildlife corridor, as shown on the Proposals 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."

8.20 This application is for the demolition of existing buildings and the construction of a new vehicle maintenance unit. The buildings to be demolished (blocks F, K, L and M) will make way for the new vehicle maintenance unit and reconfiguration of the car park associated with this unit and the wider site.

8.21 The applicant advised that "The new unit is required to enable the Council to continue using the site as currently Block F is the facility for vehicle maintenance, but this has become unworkable as service vehicles have changed over the years. The layout required has changed and the access points for the vehicles need to be wider and more sensibly laid out to facilitate their servicing."

8.22 Block F is unlisted, but it does form part of the setting for the listed Block A and sits as a linear development of the site layout after Block E. The applicant has advised that its layout, form, position and condition mean that it is not suitable for expansion to bring it up to the standards required, hence the proposal of the new unit. The retention of Block F alongside the proposed unit would result in a reduction in the level of available car parking provision to accommodate the Council's service vehicle fleet.

8.23 The applicant has also advised that Blocks L and M are also now redundant and, particularly Block M, failing materially. Therefore, these buildings are also included in the demolition proposals. The applicant has also advised that Block K is in a poor state of repair and does not marry with the overriding design of the principle buildings in this part of the overall site. The applicant believes that Block K was added sometime between 1974 and 1995 and is poorly placed for further use.



8.24 The applicant states that “As Block F does contribute to the setting of the listed Block A, we shall be producing a full photographic Building Recording prior to its demolition”.

8.25 The proposed building would consist of a large, open plan vehicle service area, with associated plant, stores, offices and welfare provision at each end. The total proposed floor area of the new building is 1, 200 sqm. The footprint of the buildings to be demolished (Block F, K, L and M) equates to 1, 616 sqm.

8.26 The proposed unit would accommodate seven vehicle maintenance bays, each with a through-route with the entrances along the southern façade and the exits along the north façade. Bookending this 9m high space are a series of ancillary rooms. To the west end are the MOT office and reception, a plant room and an oil store and the east end is a larger suite of offices, toilets, tea room, store and grinder room. Surrounding the unit are access routes and parking associated directly with the proposed building and the wider site.

8.27 The footprint of the proposed building is not larger than the existing Block F in plan; it would provide an improved layout. Part of the improvement comes with the extra height over and above the current Block F afforded in the new vehicle bays, with the extra 2.5m of height allowing doors more suitable for manoeuvring modern service vehicles through. By siting the new unit in the far north west corner of the available space, the potential negative impact of this extra height on the 10.5m high Block A is minimised. The removal of the extra service blocks allows for a more logical flow of uses around the site.

8.28 The design of the building reflects the original version of the buildings in this grouping by mirroring the flat-roofed, eaves-less monolithic shape of the early blocks, thus helping to integrate it into its setting. Similar to Block A, the new unit consists of a clearly read rectangular shell within which the uses are placed. External materials are grey panels, so that the block appears subservient to the bright white of Block A upper levels, with the vehicle entrances and exits in a darker, vertically orientated cladding, reminiscent of the ground floor and end elevation cladding of Block A.

8.29 Historic England has been consulted. They have advised that Block F, albeit not as significant as Blocks A, B and E, has some interest, sharing stylistic features with the main blocks and contributing towards their setting as well as housing secondary functions for the site, but the quality of materials and design is not on the same level as for Blocks A and B. They welcome the fact the Council is going to retain and reuse the site, as this keeps the site within a single ownership with a use that is highly compatible with the sites original function, and also recognises the importance of this nationally designated asset within the region and its capacity for reuse. That said, as Block F makes a positive contribution to the setting of the listed buildings and so its demolition would be harmful, albeit minor in degree.

8.30 Historic England has advised that regardless of the level harm, it still requires clear and convincing justification to be outweighed by the public benefits of the proposals in order for the application to meet the requirements of paragraphs 194 and 196 of the NPPF. In this case, Historic England considers

that the applicant has provided clear reasons why the existing building cannot be adapted to meet current requirements, and the heritage benefits of bringing the whole site back into active use outweighs the harm of losing the building. On this basis, they have raised no objections to the development, subject to the imposition of the suggested conditions.

8.31 The proposed building would be sited in the north west corner of the wider depot site. Glimpses of the proposed building would be afforded from Station Road to the east of the site. When viewed from this direction, it would be seen in the context of an existing commercial and operational site. Views of the proposed building would be afforded from the west of the site, including the East Coast main line and residential properties beyond. Views from the residential properties located to the west of the site would be afforded some screening by the existing landscape buffer between them and the railway line. When viewed from this direction, it would be seen in the context of an existing commercial and operational site. The proposed building is simple in terms of its visual appearance. It is not considered necessary to impose a levels condition, as the finished floor level has been provided on the drainage plan. The building would be of a comparable height to existing commercial buildings within the vicinity of the site. On balance, it is the view of officers that the proposed building, would not significantly detract from the character and appearance of the wider area.

8.32 The Tyne and Wear Archaeology Officer has been consulted. She has confirmed that no further archaeological work is required. The submitted archaeological building survey has been entered into the Tyne and Wear HER in compliance with the NPPF (paragraph 199).

8.33 The site, subject of this application, is located adjacent to a designated wildlife corridor. An Ecological Appraisal and Bat Survey report have been submitted to accompany this application. This report has been considered by the Council's Biodiversity Officer. She has recommended conditional approval.

8.34 The NPPF, paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 55 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraphs 174 and 175 seek to protect and enhance biodiversity. Members are advised that it is clear from the Biodiversity Officer's comments set out in paragraphs 1.1 - 1.6 of the appendix to this report that appropriate mitigation to reduce the impacts on protected species can be secured by conditions.

8.35 Members need to determine whether the proposed development is acceptable in terms of its impact on the heritage assets, having special regard to the desirability of preserving the setting of a Grade II\* listed building, the proposed design and the impacts on biodiversity. It is officer advice that, subject to the imposition of the suggested conditions, the impacts of the proposed development are considered to be acceptable. As such, the proposed development is considered to accord with both national and local planning policies.

## 9.0 Impact upon amenity

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

9.2 LP Policy DM5.19 'Pollution' states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution, so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

9.3 DM5.19 further states that "Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment."

9.4 The Manager for Environmental Health has been consulted. She has raised concerns regarding noise arising from the construction of a new building. No noise assessment has been submitted. However, consideration has been given to the fact that it is a replacement of existing buildings. Members are advised that it is clear from the environmental health comments set out in paragraphs 1.7 - 1.11 of the appendix to this report that appropriate mitigation to reduce the impacts on amenity can be secured by conditions.

9.5 Members need to determine whether the proposed development is acceptable in terms of its impact on amenity. It is officer advice that, subject to the imposition of the suggested conditions, the impacts on are considered to be acceptable. As such, the proposed development is considered to accord with both national and local planning policies.

## 10.0 Highways

10.1 The NPPF paragraph 109 makes it clear 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.

10.2 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, are 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.

10.3 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

10.4 The Highways Network Manager has been consulted. He has advised that the site has been established for some time and access to the site from the main road to the east remains unchanged. He has advised that the proposed layout is suitable for the needs of this site. On this basis, he has recommended conditional approval.

10.5 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and parking provision. It is officer advice that, subject to the imposition of the suggested conditions, the impacts on the highway network and parking provision are considered to be acceptable. As such, the proposed development is considered to accord with both national and local planning policies.

## 11.0 Other Issues

### 11.1 Flooding

11.2 The NPPF paragraph 163 makes it clear that “When determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.”

11.3 LP Policy “DM5.12 Development and Flood Risk” 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.

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

11.5 The Lead Local Flood Authority (LLFA) has been consulted. He has advised that the applicant intends to utilise the existing surface water drainage system within the site. There will also be a rainwater harvesting system, which is designed to capture surface water from the building in order to provide a facility to allow the vehicles to be filled with the captured water. The LLFA has advised that the introduction of the rainwater harvesting system will help reduce the volume of surface water leaving the site which will assist in reducing the impact of the development on the local sewer network. A condition is suggested to request details of the maintenance schedule for the existing petrol receptor.

11.6 Members need to determine whether the proposed development is acceptable in terms of its impact on flood risk. It is officer advice that, subject to the imposition of the suggested conditions, on flood risk are considered to be acceptable. As such, the proposed development is considered to accord with both national and local planning policies.

### 11.7 Housing Designation

11.8 The site is designated as a mixed use site within the Local Plan – Site 5 Harvey Combe, Station Road, Killingworth. Policy S4.3 Distribution of Housing Development Sites is relevant to the determination of this application. This application relates to the demolition of existing buildings, the construction of a

new building and the reconfiguration of existing access and parking arrangements. The proposed development would improve the existing facilities within the wider depot site for its existing commercial/business use. Should any future applications be submitted for housing on this site then they would need to be considered on their own merits in accordance with the most relevant national and local planning policies.

### 11.9 Contamination

11.10 NPPF paragraph 178 states “Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This include risks arising from natural hazards of former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments”

11.11 NPPF paragraph 179 states “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

11.12 LP Policy DM5.18 “Contaminated and Unstable Land” states: “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

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

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

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

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

11.13 The Contaminated Land Officer has been consulted. Subject to the imposition of an informative, she has raised no objection to the proposed development.

11.14 The Coal Authority has been consulted. They have raised no objections to the proposed development.

11.15 Members need to determine whether the proposed development is acceptable in terms of its impact on ground conditions and future use. It is officer advice that, subject to the imposition of the suggested informative, the impacts on ground conditions and future use are considered to be acceptable. As such, the proposed development is considered to accord with both national and local planning policies.

#### 11.16 Railway

11.17 Network Rail has been consulted. They have raised no objections to the proposed development.

#### 11.18 North West Villages Sub Area

11.19 The proposed development would not affect the aims of Policy AS8.28 Former Engineering Research Centre or Policy AS8.24 The North West Villages Sub Area.

#### 11.20 Aviation Safety

11.21 Newcastle International Airport Limited (NIAL) has been consulted. Their initial comments have raised no objections to the proposed development, subject to the imposition of their suggested conditions.

11.22 Any further comments received from airport as a result of the re-consultation will be reported to Members as a separate addendum.

### 12.0 Local Financial Considerations

12.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. It is not considered that the proposal results in any local financial considerations.

### 13.0 Conclusion

13.1 The Council has a statutory duty under Section 66(1) of the Planning and Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting. Members need to determine whether this proposed development would preserve the setting of the Grade II\* listed building. Members also need to decide whether the proposed development is acceptable in terms of its design both of the building itself and its impact upon its surroundings. Members also need to determine whether the proposed development is acceptable in terms of its impact on amenity, and all other issues including its impact on highways, ground conditions, flooding and the wildlife corridor. It is the view of officers that the proposed development is acceptable. As such officers consider that the proposed development does accord with national and local planning policy. 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:

- Roof plan Dwg No. 4361 (3) 23 A
- Proposed ground floor plan Dwg No. 4361 (3) 20 E
- Proposed elevations Dwg No. 4361 (3) 21 D
- Proposed site plan Dwg No. 4361 (3) 10
- Location plan Dwg No. 4361 (1) 01
- External Works Sheet 2, Dwg No. 007 B

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

Reason: To ensure that the impacts on biodiversity are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

4. External building works and demolition will not be undertaken during the bird nesting season (March to August inclusive) unless a checking survey undertaken by a suitably experienced ornithologist confirms the absence of active nests.

Reason: To ensure that the impacts on biodiversity are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

5. Prior to the construction of any part of the development above ground level, details of 4no. swallow nest features to be installed in appropriate locations on buildings within the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include nest specifications, locations and timing of installation. Thereafter, the development shall be carried out in full accordance with these agreed details which shall be retained and maintained thereafter.

Reason: To ensure that the impacts on biodiversity are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPE.

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

Reason: To ensure that the impacts on biodiversity are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

7. The roots and crowns of retained trees shall be protected during construction, including through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

Reason: To ensure the impacts on existing landscape features are adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

8. Prior to the commencement of any development, a Bat Working Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved, including demolition of any building, construction works and felling of trees, shall be carried out in full accordance with these agreed details.

Reason: This is required from the outset to ensure that the impacts on biodiversity are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

9. An updated Bat Report will be required to be submitted to and approved in writing by the Local Planning Authority should the development hereby approved not commence within 12 months of this report being issued.

Reason: To ensure that the impacts on biodiversity are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

10. Prior to the construction of any part of the development above ground level, details of 6no. general bat boxes to be installed in adjacent trees, within the ownership of the applicant, at a minimum height of 4m shall be submitted to and approved in writing by the Local Planning Authority. These details shall include box specifications, locations and timing of installation. Thereafter, the development shall be carried out in full accordance with these agreed details which shall be permanently maintained and retained.

Reason: To ensure that the impacts on biodiversity are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

11. Prior to the commencement of any development, a Reptile Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved, including clearance of grassland areas and areas of bare ground shall be carried out in full accordance with these agreed details.

Reason: This is required from the outset to ensure that the impacts on biodiversity are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

12. Prior to the commencement of any construction above ground level, a landscape plan shall be submitted to and approved in writing by the Local



Planning Authority and in consultation with Newcastle International Airport Limited. This plan shall include tree replacement on a 2 to 1 basis. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: 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).

13. Prior to the commencement of any development, an Invasive Species Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved, including the removal of *Contoneaster* sp., shall be carried out in full accordance with these agreed details.

Reason: To ensure any invasive species are removed correctly from this site having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

14. Prior to the construction of any part of the development hereby approved above ground level a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details for all operations carried out at the site, including details of deliveries and collections to and from the site and all mitigations measures, including timings of implementation, to prevent noise emanating from the site. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: To protect the occupants of nearby properties from noise disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

15. Prior to the installation of any external plant, ventilation and extraction systems to the development, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and night time arising from the site to the nearest noise sensitive housing. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

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

16. Within one month of the installation of any plant and equipment pursuant to condition 15 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the permanent operation of this plant and equipment. Thereafter, it shall be maintained in working order.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

17. Restrict Hours No Construction Sun BH      HOU00      \*  
4

18. Noise No Tannoys Externally Audible      NOI002      \*

19. No storage of waste materials is permitted externally, or within containers or heavy goods vehicles.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

20. Construction Method Statement - Major      SIT007      \*

21. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. External lighting that may reduce bat use of potential roost sites will be avoided. High intensity security lights will be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. This lighting scheme shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of biodiversity and visual amenity having regard to policies DM5.7 and DM5.19 of the North Tyneside Local Plan (2017).

22. Wheel Wash      SIT008      \*

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

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

24. The scheme for parking 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).

25. Notwithstanding any indication of materials which may have been given in the application, prior to the commencement of any construction above ground level a schedule and/or samples of the materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policies DM6.6 and DM6.1 of the North Tyneside Local Plan (2017).

26. Prior to the construction of any part of the development above ground level details of the maintenance schedule for the existing petrol interceptor shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details.

Reason: In the interests of surface water management having regard to NPPF.

27. Prior to the operation of cranes, over 60m in height, on site, a Method Statement for Crane Operation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Newcastle International Airport. Thereafter, the development shall be carried out in accordance with these agreed details. Any crane over 45m in height must be fitted medium intensity red steady obstacle lights.

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

28. All lighting associated with the development either permanently or during construction, should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

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

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

## **Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

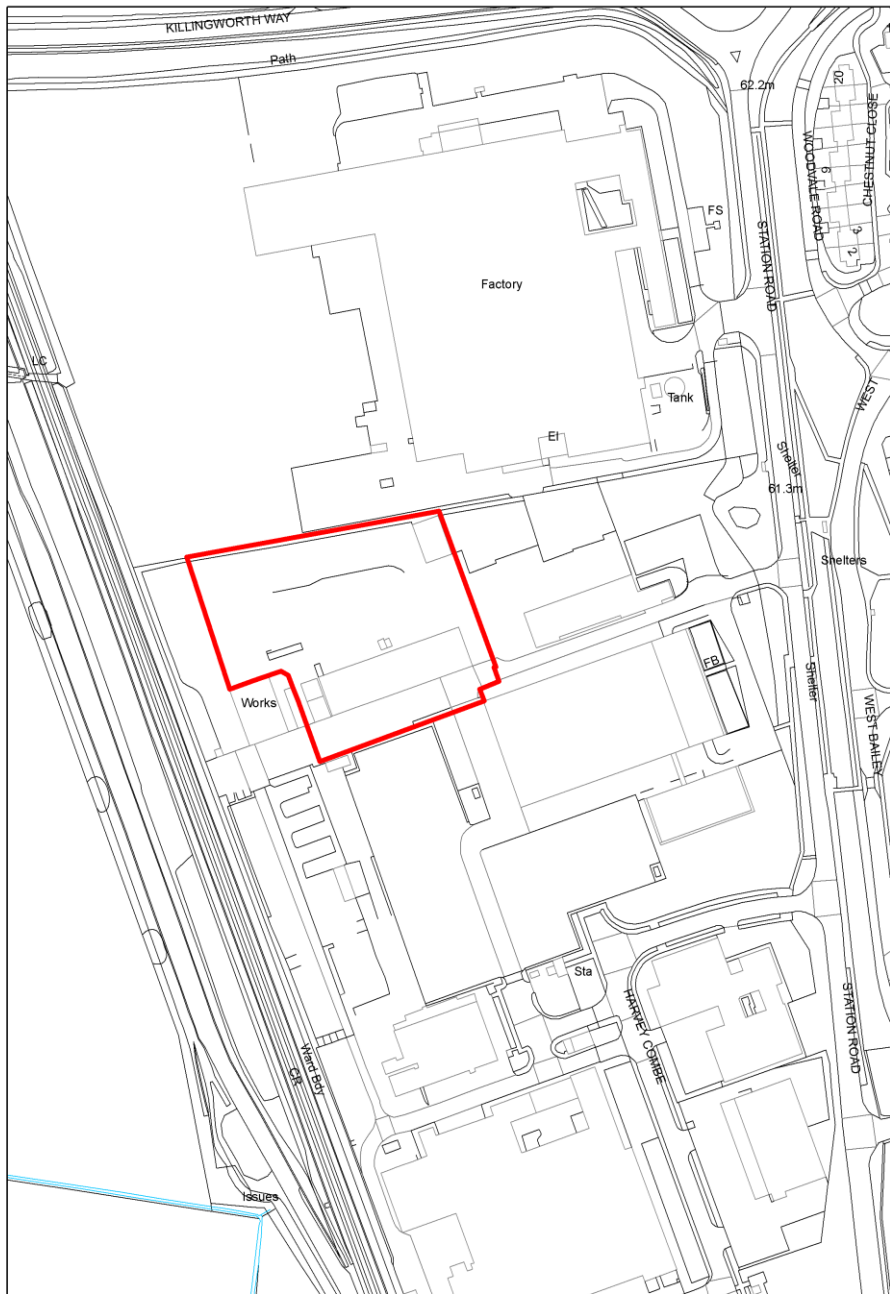
Advice All Works Within Applicants Land (I29)

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

Highway Inspection before dvlpt (I46)

Contamination may be on Site (I15)

There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.



**Application reference: 18/01414/FUL**

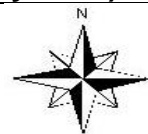
**Location: Block F, K, H, J, M & L, The Killingworth Site, Harvey Combe, Station Industrial Estate**

**Proposal: Demolition of blocks F, K, L and M and erection of new replacement vehicle maintenance unit. Reconfiguration of vehicle access routes and parking (additional reports and plans received May-July 2019)**

Not to scale

Date: 25.07.2019

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**Consultations/representations**

**1.0 Internal Consultees**

**1.1 Biodiversity Officer**

1.2 An Ecological Appraisal and Bat Survey report (June 2019) has been submitted to support the application.

1.3 The 2019 bat risk assessment of additional structures included within the development plan found that Block G, Block N and the existing vehicle workshop are of low suitability for use by roosting bats. Suitability of subsidiary structures and metal containers present were considered to range from negligible to low-negligible. Dusk emergence survey of Blocks G and N, the vehicle workshop and the surrounding ancillary buildings was carried out on the 10th of June 2019. No bats were recorded emerging from the structures during the survey and overall bat activity recorded was very low, limited to occasional noctule passes. As with Blocks A and E, there is considered to remain a residual risk that individual bats may roost within the structures at times.

1.4 The site is also considered likely to be of local value to birds with the buildings supporting nesting swallow and potentially herring gull.

1.5 The report identifies the following potential impacts of the development:-

- There is a low risk that works to Block A, E, G, N and the Vehicle Workshop could cause harm/disturbance to roosting bats. Roosts have not been proven within these buildings but there is considered to remain a low residual risk of use by individual bats at times during the year.
- Works to buildings onsite could cause disturbance to nesting birds should works be undertaken during the nesting season.
- Proposals will cause the loss of a small number of trees considered to be of low suitability for use by roosting bats.
- Clearance of grassland and felling of trees could cause harm/disturbance to nesting birds if undertaken during the nesting season.
- Any lighting scheme associated with the new parking area has the potential to reduce the value of the site and adjacent land to wildlife.
- There is a risk that construction works could cause harm to hedgehog or reptiles should they be present and enter the construction area during works.

1.6 The following conditions should be attached to this application:-

- Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.
- External building works and demolition will not be undertaken during the bird nesting season (March to August inclusive) unless a checking survey undertaken by a suitably experienced ornithologist confirms the absence of active nests.
- 4no. swallow nest features will be provided in appropriate locations on buildings within the site. Details of nest specifications, locations and timing of installation will be submitted to the LPA for approval within 4 weeks of development

commencing on site and will be undertaken in accordance with the approved plans.

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

- The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

- A Bat Working Method Statement will be submitted to the LPA for approval prior to works commencing on site. All demolition/building works and felling of trees will be undertaken in accordance with the approved Bat Method Statement

- If development does not taken place within 12 months of the Bat Report being undertaken, an updating survey will be required.

- A Reptile Method Statement will be submitted to the LPA for approval prior to works commencing on site. Clearance of grassland areas and areas of bare ground will be undertaken in accordance with the approved Reptile Method Statement.

- In advance of the start of works 6 general bat boxes will be erected in adjacent trees, within the site owner's landholding, to provide alternative roost sites. Boxes will be erected as high as possible, ideally at a minimum height of 4m. Details of bat box specifications and locations will be submitted to the LPA for approval prior to development commencing.

- Landscape planting will include tree replacement on a 2 to 1 basis.

- An Invasive Species Method Statement will be submitted to the LPA for approval prior to works commencing on site. Removal of *Cotoneaster sp.* will be undertaken in accordance with the approved Invasive Species Method Statement.

- External lighting that may reduce bat use of potential roost sites will be avoided. High intensity security lights will be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

### 1.7 Manager for Environmental Health (Pollution)

1.8 I have concerns with regard to this application with regard to noise arising from the erection of new replacement vehicle maintenance unit and reconfiguration of vehicle access routes and parking.

1.9 No noise assessment has been provided to determine the impacts of the proposed operations on nearest sensitive receptors from the new replacement vehicle maintenance unit. However, as it is a replacement of existing buildings I would recommend a condition to require a noise scheme is provided to determine what mitigation is required to address noise arising from the operations carried out on the site, this may include acoustic screening, closing of workshop doors when noisy equipment is in use etc. The noise scheme will need to include all operations occurring on the site. I would also recommend conditions to address deliveries to the site and a noise scheme for plant and equipment.

1.10 I would also recommend conditions to cover for any new external lighting for the site.

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

NOI10 noise scheme to include for all operations carried out at the site and mitigation measures.

Prior to occupation, details for the management of deliveries and collections to and from the site must be submitted for agreement in writing by the planning authority to assess the impact and provide details of mitigation measures and management controls that will be put in place.

Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and night time arising from the site to the nearest noise sensitive housing.

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 maintained in working order.

HOU04

NOI02

No storage of waste materials is permitted externally, or within containers or heavy goods vehicles.

SIT01 Dust management scheme during construction phase only.

LIG01

#### 1.12 Highways Network Manager

1.13 The site has been established for some time and access remains unchanged. The proposed layout is suitable for the needs of the site and conditional approval is recommended.

#### 1.14 Recommendation - Conditional Approval

##### 1.15 Conditions:

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

##### 1.16 Informatives:

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials



1.17 Contaminated Land Officer

1.18 I have no objections to this development, however previous land use may have given rise to contamination. Therefore I would recommend an informative (I15) to be attached as any spoil from foundations will have to be disposed of at a suitably licensed facility.

1.19 Lead Local Flood Authority (LLFA)

1.20 I have carried out a review of the above planning application.

1.21 I can confirm I have no objections to the surface water drainage proposals. To provide the developments surface water drainage the applicant intends to utilise the existing surface water drainage system within the site. There will also be a rainwater harvesting system installed which is designed to capture surface water from the building in order to provide a facility for the grounds maintenance teams to fill up their vehicles with the captured water. The introduction of the rainwater harvesting system will help reduce the volume of surface water leaving the site thus reducing the impact of the development on the local sewer network by providing a facility to recycle the surface water which falls on the building.

1.22 I would recommend that a condition is placed on the application requesting details of the maintenance schedule for the existing petrol interceptor.

2.0 Representations

2.1 None

3.0 External Consultees

3.1 Tyne and Wear Archaeology Officer

3.2 I note that the applicant has provided a report on the archaeological building survey of the building. This fulfils our requirements for the building and no further archaeological work is required. The report has been entered into the Tyne and Wear HER in compliance with the NPPF (para 199).

3.3 Historic England

3.4 No further comments to make following re-consultation.

3.5 On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

3.6 Historic England Advice

3.7 The grade II\* listed Engineering Research Station (block A) and School of Engineering (block B) at Killingworth, built in 1966 and 1975 respectively and designed by one of the most important provincial architectural firms of the post-war era - the North East based firm of Ryder and Yates - form a distinctive and exciting group of structures with flexibility and innovation at the core of a subtle but uncompromising modernist design. Although not as significant as blocks A, B and E, block F (which comprises blocks F, J and the infill) has some interest, sharing stylistic features with the main blocks and contributing towards their setting as well as housing secondary functions for the site, but the quality of materials and design is not on the same level as for blocks A and B.

3.8 Generally speaking, the news that the Council is going to retain and reuse the site is very much welcomed; it keeps the site within a single ownership with a use that is highly compatible with the site's original function, and also recognises the importance of this nationally designated asset within the region and its capacity for reuse. That said, as discussed above block F does make a positive contribution to the setting of the listed buildings and so its demolition would be harmful, albeit minor in degree.

3.9 Regardless of the level of harm, it still requires clear and convincing justification and to be outweighed by the public benefits of the proposal in order for the application to meet the requirements of paragraphs 194 and 196 of the National Planning Policy Framework (NPPF). In this case, the applicant has provided clear reasons why the existing building cannot be adapted to meet current requirements, and the heritage benefits of bringing the whole site back into active use outweighs the harm of losing the building. As such, I have no objections to the proposal, but ask that the finer design details and materials are conditioned to ensure they are in character with the rest of the site, so maintaining the setting of the listed buildings as far as possible.

### 3.10 Recommendation

3.11 Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 194 and 196.

3.12 In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

3.13 Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

### 3.14 Network Rail

3.15 With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

### 3.16 Drainage

3.17 All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

3.18 For this matter we would be pleased if an informative could be attached to the decision notice.

### 3.19 Northumbrian Water

3.20 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.

3.21 Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

3.22 Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration);
- Discharge to a surface water body;
- Discharge to a surface water sewer, highway drain, or another drainage system;
- As a last resort, discharge to a combined sewer.

### 3.23 Newcastle International Airport Limited (NIAL)

3.24 NIAL's original comments are set out below. Any further comments received as a result of the re-consultation from the airport will be reported to Members as an addendum.

### 3.25 Physical Development

3.26 The proposed development itself does not present a hazard to aircraft, however the use of cranes or other tall construction equipment during the development phase could be. Although it is anticipated that the scheme will not need such equipment, any crane over 60m in height would penetrate the airfield's protected obstacle limitation surface and the developer would need to consult the Airport further to agree a method statement. Any crane above 45m in height should be fitted with medium intensity red steady obstacle lights.

### 3.27 Lighting

3.28 Any lighting required for the development either permanently or during construction, should be fully cut off so as to minimise light pollution spilling into the atmosphere which could distract pilots on final approach to Newcastle Airport.

### 3.29 Landscaping

3.30 Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. The grouping of trees in certain arrangements can also provide roosting habitat for species such as starlings, which can be especially hazardous to aircraft owing to the density of flocks.

3.31 Given the distance of the site from the airport is considered that the below species should not make up greater than 20% of the planting schedule for the site. They should also be dispersed throughout the development.

*Crataegus monogyna* Hawthorn  
*Ilex aquifolium* Holly  
*Rosa canina* Dog Rose  
*Berberis spp* Barberry  
*Cotoneaster*  
*Viburnum*  
*Aucuba Buddleia*  
*Callicarpa* Beauty Berry  
*Chaenomeles Japonica*  
*Clerodendrum*  
*Danae* Butcher's Broom  
*Daphne Euonymus* Spindle  
*Hypericum* St John's Wort  
*Lonicera* Honeysuckle

*Lonicera* Honeysuckle  
*Mahonia*  
*Malus* Crab Apple  
*Sorbus aucuparia* Rowan  
*Pernettya* Prickly Heath  
*Prunus avium* Wild Cherry  
*Pyracantha* Firethorn  
*Rhus* Sumac  
*Ribes* Ornamental Currant  
*Sambucus nigra* Elder  
*Skimmia*  
*Stransvaesia*  
*Symphoricarpos* Snowberry  
*Taxus* Yew

### 3.32 The Coal Authority

3.33 The application site does not fall within the defined 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 or for The Coal Authority to be consulted.

3.34 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this 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.

# North Tyneside Council

## Report to Planning Committee

Date: 06 08 2019

### ITEM 6

Title: 24 Marine Avenue,  
Whitley Bay, Tree  
Preservation Order 2019

**Report from Directorate:** Environment, Housing and Leisure

**Report Author:** Phil Scott Head of Environment, Housing and Leisure (Tel: 643 7295 )

**Wards affected:** Whitley Bay

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#### 1.1 Purpose:

To consider the above Tree Preservation Order taking into account any representations received in respect of the Order.

#### 1.2 Recommendation(s)

Members are requested to consider the representations to 24 Marine Avenue, Whitley Bay, Tree Preservation Order 2019 and confirm the Order.

#### 1.3 Information

- 1.3.1 The Council was informed by the owners that they were considering felling the tree in question (Appendix 1) due to their concerns of the tree causing damage to their property and in this case the Council decided to make a Tree Preservation Order (TPO) for the tree. The Order was served in April 2019 (Appendix 2).
- 1.3.2 Two letters of objection have been received from the owners of the land. One was received shortly after they were notified of the Council's decision to serve a TPO on the tree (24.04.2019) and a later objection (26.06.2019) submitted to accompany this committee report. Copies of the representations, including photographs of the site, an extract of the owners building survey and a report from the owners' tree surgeon are included as Appendix 4, 5, 6, 7 and 8 of this report.
- 1.3.3 Objections from the owner, 24 Marine Avenue, can be summarised as follows:
- The tree roots are causing significant damage to the drive and garden area, but also the adjacent public footpath and the owner is concerned for public safety of those using the footpath.
  - There is potential damage to the foundations of the house caused by the trees roots.
  - The original intention was to carry out works to the roots as part of improvements to the drive, but following an inspection the advice was to remove the tree to prevent further damage.
  - Concerns that the damage caused by the tree could spread to other houses.
  - The owner's insurance company will contact the Council if the TPO is placed on the tree to place all liability of damage to the foundations of their property on to the Council.
  - There is the offer to replant a smaller, less intrusive tree such as a blossom tree if the tree were to be removed.

1.3.4 Additional report from a tree surgeon (Appendix 8) submitted by the owner, 24 Marine Avenue can be summarised as follows:

- The tree is healthy and in reasonable condition.
- Concern the tree roots are causing damage to the property and drive way.
- Crown of the tree is touching the house, the tree roots will be in contact with the property.
- Clear visual cracks in the driveway. Relaying the driveway would damage the roots of the tree and could make the tree dangerous in the future.
- The tree has outgrown its location and now causing damage to the surrounding area.

1.3.5 The Council has responded, in consultation with the landscape architect (who has provided a full response in Appendix 9), to each of the main points:

- a) The tree is potentially causing damage to the property
- b) The tree is causing damage to the drive way and public footpath
- c) Justification of serving the TPO

**a) The tree is potentially causing damage to the property**

1.3.6 In the case of damage to the property itself, the objection and the tree surgeons report highlights the ***potential*** concerns. If there is damage to the structure of the property by the roots of the tree, a structural engineers report must be submitted to prove ***actual*** damage, as the tree may not be the only factor that can cause building movement. This is consistent with the requirements of any application of works to a tree subject to a TPO where structural issues are highlighted. For example, natural seasonal soil moisture changes, localised geological variations, damaged drainage, over loading of internal walls and settlement, amongst others. Clear evidence is required that the damage caused is due to the tree, in order to require its removal. No cracking or displacement to the property has been reported. Trees co-exist next to structures and in many situations without conflict, so unless evidence is provided indicating otherwise, it is not considered a reason to remove the tree.

1.3.7 The updated government guidance, National Planning Practice Guidance (NPPG) 'Tree Preservation Orders and trees in conservation areas' (2014), require applicants to include additional evidence where necessary, *'It is important that applications suggesting that the proposed tree work is necessary to address tree-related subsidence damage are properly supported by appropriate information. The standard application form requires evidence that demonstrates that the tree is a material cause of the problem and that other factors have been eliminated as potential influences so far as possible. The guidance notes for the standard application form list the requirements. Applicants should support claims that trees are damaging lighter structures and surfaces, such as garden walls, drains, paving and drives, by providing technical evidence from a relevant engineer, building/drainage surveyor or other appropriate expert.'* (Paragraph 69, NPPG - Tree Preservation Orders and trees in conservation areas, 2014).

**b) The tree is causing damage to the drive way and public footpath**

1.3.8 There is evidence of displacement of the brickwork to the driveway. Tree roots typically grow close to the surface, and it is not uncommon for them to develop on the underside of hard surfaces such as driveways, which can lead to cracks developing through physical pressure. This damage is frequently superficial, and there is a range of options available which could include repairing the damage whilst retaining the tree. The repair

could be to replace the existing surface with an engineered solution to accommodate the roots. If the driveway has been affected by roots, this does not necessarily mean that the property will be damaged next.

1.3.9 Any reasons to remove the tree must be convincing and it is recommended that a structural engineer is sought who can provide the relevant information to establish the cause of any actual damage. Typical evidence and information that is necessary to assess the influence of a tree can be provided by a Structural Engineer and should include:

- A description of the property including, type and depth of foundations, a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map.
- Details of vegetation in the vicinity and its management since discovery of the damage, together with a plan showing the vegetation and affected building.
- Measurement of the extent and distribution of vertical movement using level monitoring. However, where level monitoring is not possible, the applicant should state why and provide crack-monitoring data. The data provided must be sufficient to show a pattern of movement consistent with the presence of the implicated tree(s).
- A profile of a trial/bore hole dug to identify soil characteristics and foundation type and depth.
- The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit and plasticity index.
- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.

1.3.10 In addition, this should be supported by a drainage survey and a report from an arboriculturalist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree-related damage.

1.3.11 With regard to liability, the owners' insurance company should advise that further monitoring and investigation should be carried out.

### **c) Justification of serving the TPO**

1.3.12 In serving a TPO, the tree must be able to show that protection would bring a reasonable degree of public benefit in the present or future. As defined by the governments National Planning Practice Guidance (NPPG) 'Tree Preservation Orders and trees in conservation areas' (2014) *'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public' (Paragraph 7)*. To evaluate amenity, the TEMPO assessment (Tree Evaluation Method for Evaluating Preservation Orders) was used to assess the suitability of a tree for a TPO. This is a widely recognised and respected method of valuation which takes into account factors such as a tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Furthermore, the tree(s) usually need to be under an immediate or foreseeable threat to warrant protection.

- 1.3.13 With regard to the tree's visibility to the public, the tree needs to be visible from public places, usually the public highway, footpaths and open spaces. In this case the tree is highly visible from a public highway and footpaths which surround the property to the east and west. The tree is also a single specimen which has a commanding individual presence visible from locations on Marine Avenue and Ventnor Gardens. Therefore, the tree is considered to have a high degree of visual prominence and makes a significant contribution to the character and appearance of the local area.
- 1.3.14 The higher the amenity value of a tree, the greater the justification must be for its removal, with relevant information submitted to support its removal. Based on the size, health and prominence on the tree, it is considered that there is insufficient additional detailed evidence to justify its removal.
- 1.3.15 On the basis of the information submitted, the request to fell the tree is not supported for the following reasons:
- 1) The removal of the tree would have a negative impact on visual amenity, hence the TPO.
  - 2) The repairs to the driveway can be repaired whilst retaining the tree, but will require further investigation by relevant professionals.
  - 3) Lack of evidence with regard to damage to the property.

#### **Additional Guidance**

- i. Confirming the TPO will not prevent any necessary tree work from being carried out but will ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the tree. If the owners/occupiers were concerned about the condition of the tree and require pruning works to be carried out, an application to the Council can be submitted as required by the TPO.
- ii. Protecting the trees with a TPO would be in accordance with the Council's adopted Local Plan policy DM5.9 Trees, Woodland and hedgerows, which states;

*'DM5.9 Trees, Woodland and Hedgerows: Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the borough and:*  
*a) Protect and manage existing woodlands, trees, hedgerows and landscape features'*

- iii. In accordance with the Town and Country Planning Act 1990 (as amended) the Authority considers it necessary to issue a Tree Preservation Order to maintain and safeguard the contribution made by this tree to the landscape and visual amenity of the area. The Tree Preservation Order was served on the owners and other relevant parties on 15<sup>th</sup> April 2019. A copy of this original Order is attached as Appendix 2, including a separate map of the TPO (Appendix 3).



- iv. The Order must be confirmed by 15 October 2019 otherwise the Order will lapse and there will be nothing to prevent the removal of this tree which is currently protected.

**Decision options:**

1. To confirm the Tree Preservation Order with no modifications.
2. To confirm the Tree Preservation Order with modifications.
3. To not confirm the Tree Preservation Order.

**Reasons for recommended option:**

Option 1 is recommended. A Tree Preservation Order does not prevent works to trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.

**Appendices:**

Appendix 1 – Initial email received stating the owners' intention to fell the tree.

Appendix 2 – Signed and sealed order of the 24 Marine Avenue, Whitley Bay, Tree Preservation Order 2019

Appendix 3 – Map of TPO for 24 Marine Avenue, Whitley Bay, Tree Preservation Order 2019

Appendix 4 – Original Letter of objection from the owners 24.04.2019.

Appendix 5 – Second Letter of objection from the owners 26.06.2019

Appendix 6 – Photographs of the owners driveway

Appendix 7 – Builders Survey Report

Appendix 8 – Tree Surgeon report

Appendix 9 – Response from the Council landscape architect to the objection of the TPO

**Contact officers:**

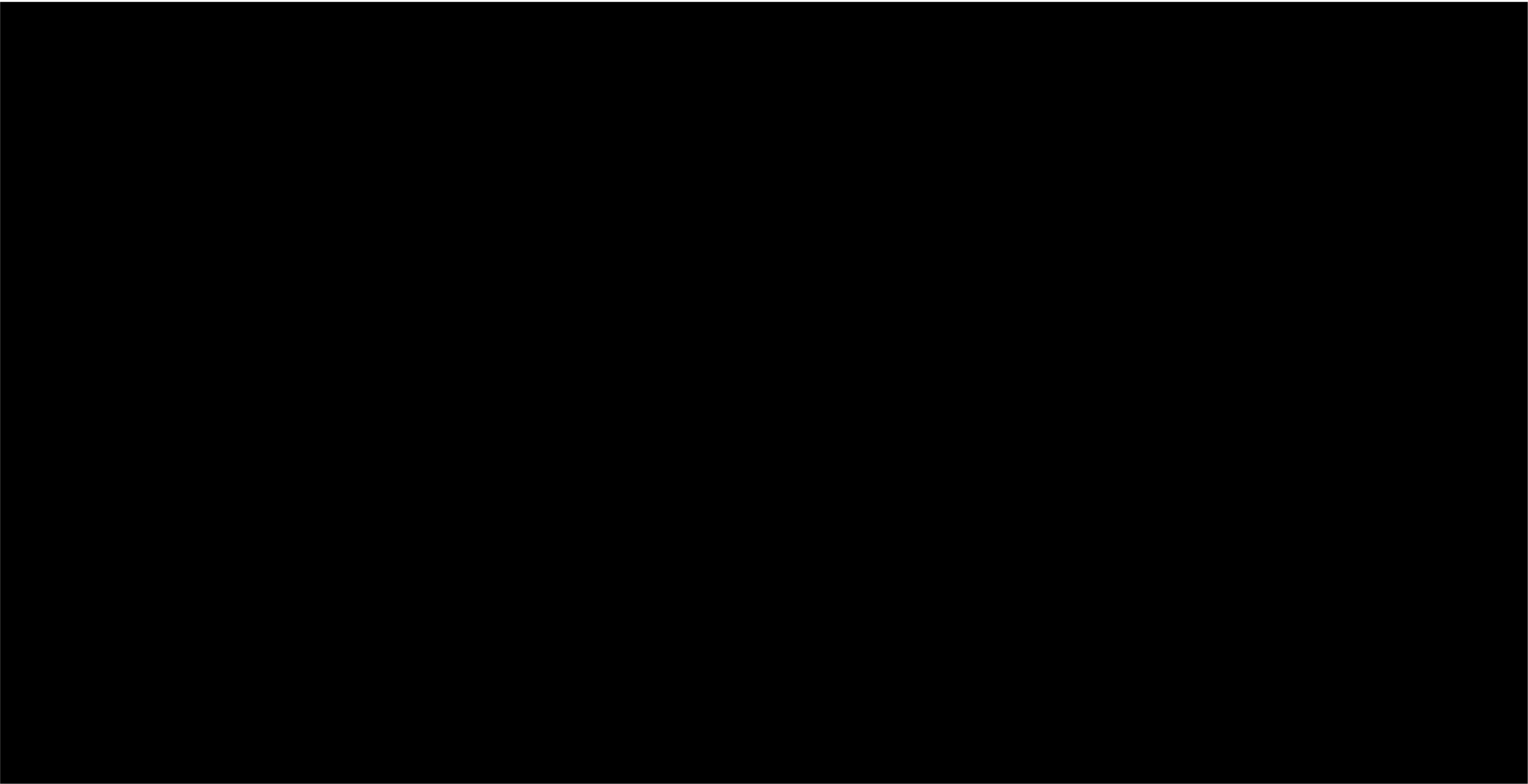
Peter Slegg (Tel: 643 6308)

**Background information:**

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

**Report author**      Peter Slegg



---

**From:** Daniel Argent [redacted]  
**Sent:** 12 April 2019 11:02  
**To:** Planning Enforcement  
**Subject:** FW: Tree preservation query [Scanned]

\*EXTRNL\*

Dear North Tyneside Planning,

Please see below regarding an assessment of a tree located within the border of our property.  
The initial assessment confirms that this tree is not maintained by North Tyneside Council.

The tree is causing damage to our property and we are considering having it removed. As per the below guidance, please confirm is this is subject to any preservation order?

BR  
Daniel Argent

[REDACTED]

**From:** Rebecca Hooker [REDACTED]  
**Sent:** 12 April 2019 10:43  
**To:** Daniel Argent <[REDACTED]>  
**Subject:** Fwd: Information [Scanned]

**PLEASE BE AWARE THAT THIS E-MAIL MESSAGE ORIGINATED VIA THE INTERNET, NOT FROM WITHIN THE SOCIETY**

---

----- Forwarded message -----

**From:** William Taylor <[William.Taylor@northtyneside.gov.uk](mailto:William.Taylor@northtyneside.gov.uk)>  
**Date:** Fri, 12 Apr 2019 at 10:41  
**Subject:** Information [Scanned]  
**To:** [REDACTED]

Dear Mrs Hooker

To confirm that the tree situated at [24 Marine avenue Whitley Bay](#) is not maintained by North Tyneside.



Before undertaking any works I would suggest that you contact our Planning department [planning@northtyneside.gov.uk](mailto:planning@northtyneside.gov.uk) or telephone 0191 6432310 for advice regarding the tree possibly being covered by a Tree Preservation order or situated within a conservation area

Please do not hesitate to contact me if you require any further information

Regards

Bill.

William Taylor

Team Leader

Local Environmental Services

North Tyneside Council

Tel : 0191 643 7304

Unless otherwise stated opinions, conclusions and other information expressed in this message are personal and not those of North Tyneside.



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Web site: <https://protect-eu.mimecast.com/s/ezQTCQPrS0KZDcM7QWP?domain=newcastle.co.uk>



**Town and Country Planning Act 1990**  
**The Council of the Borough of North Tyneside (24 Marine Avenue, Whitley Bay) Tree Preservation Order 2019**

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

**Citation**

1. This Order may be cited as the (24 Marine Avenue, Whitley Bay) Tree Preservation Order 2019.

**Interpretation**

2. (1) In this Order “the authority” means the Council of the Borough of North Tyneside

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4.—In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 15th day of April 2019

The Common Seal of the  
Council of the Borough of North Tyneside  
was affixed to this order in the presence of:

  
Chair of the Council

  
Authorised Signatory



## TREE PRESERVATION ORDER 2019

### 24 MARINE AVENUE, WHITLEY BAY

#### SCHEDULE

The map referred to is at a scale of 1:500 and is based on an enlargement of the O.S. edition of sheet numbered NZ 3572. The area covered by the Order is on land at 24 Marine Avenue, Whitley Bay. The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

#### SPECIFICATION OF TREES

##### TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore (Acer sp)	Located approximately 6.0m in a south easterly direction from the southern corner of 24 Marine Avenue and approximately 9.7m in a south westerly direction from the eastern corner of 24 Marine Avenue.

##### TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

##### GROUPS OF TREES

(within a broken black line on the map)

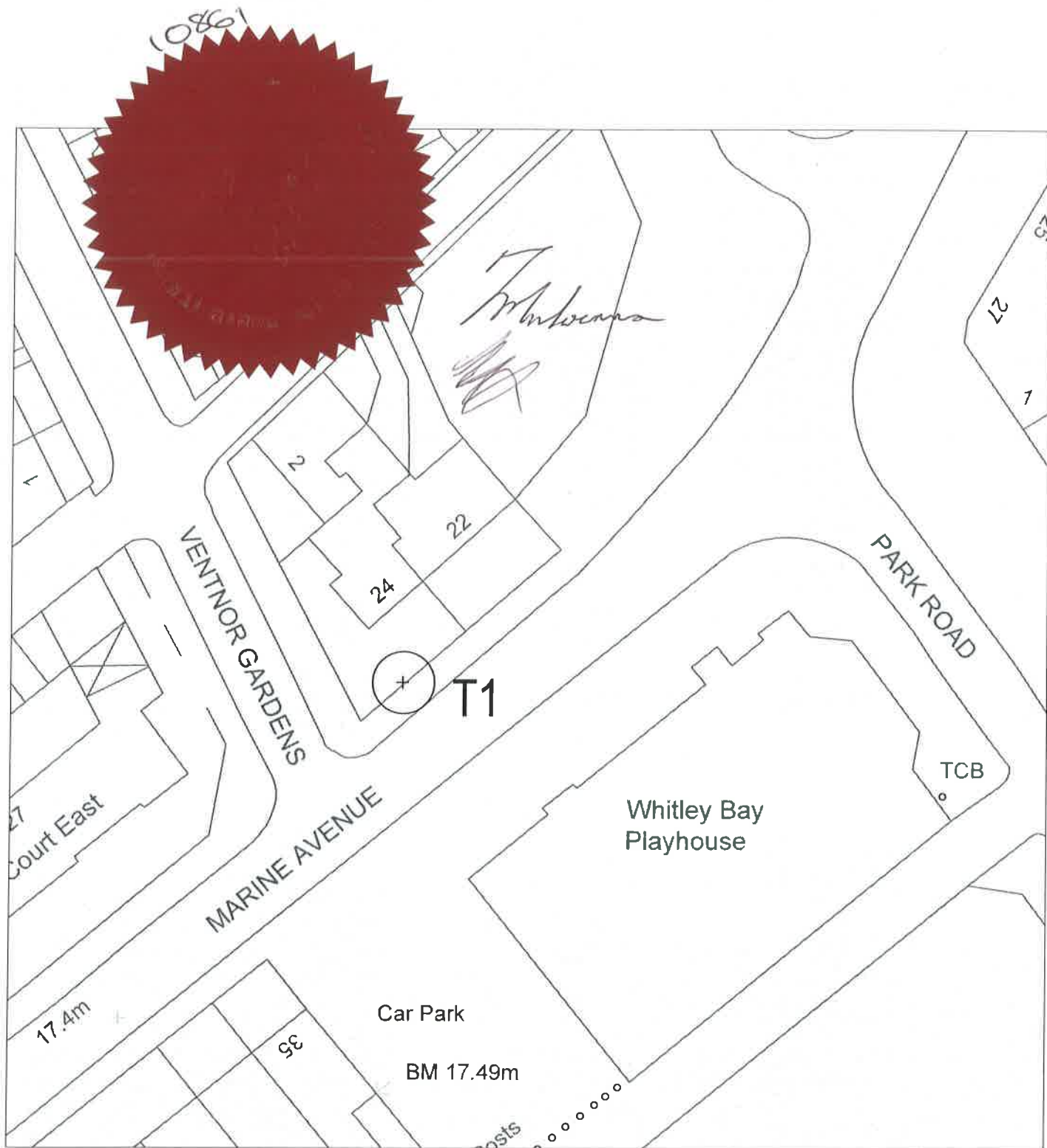
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

##### WOODLANDS

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		





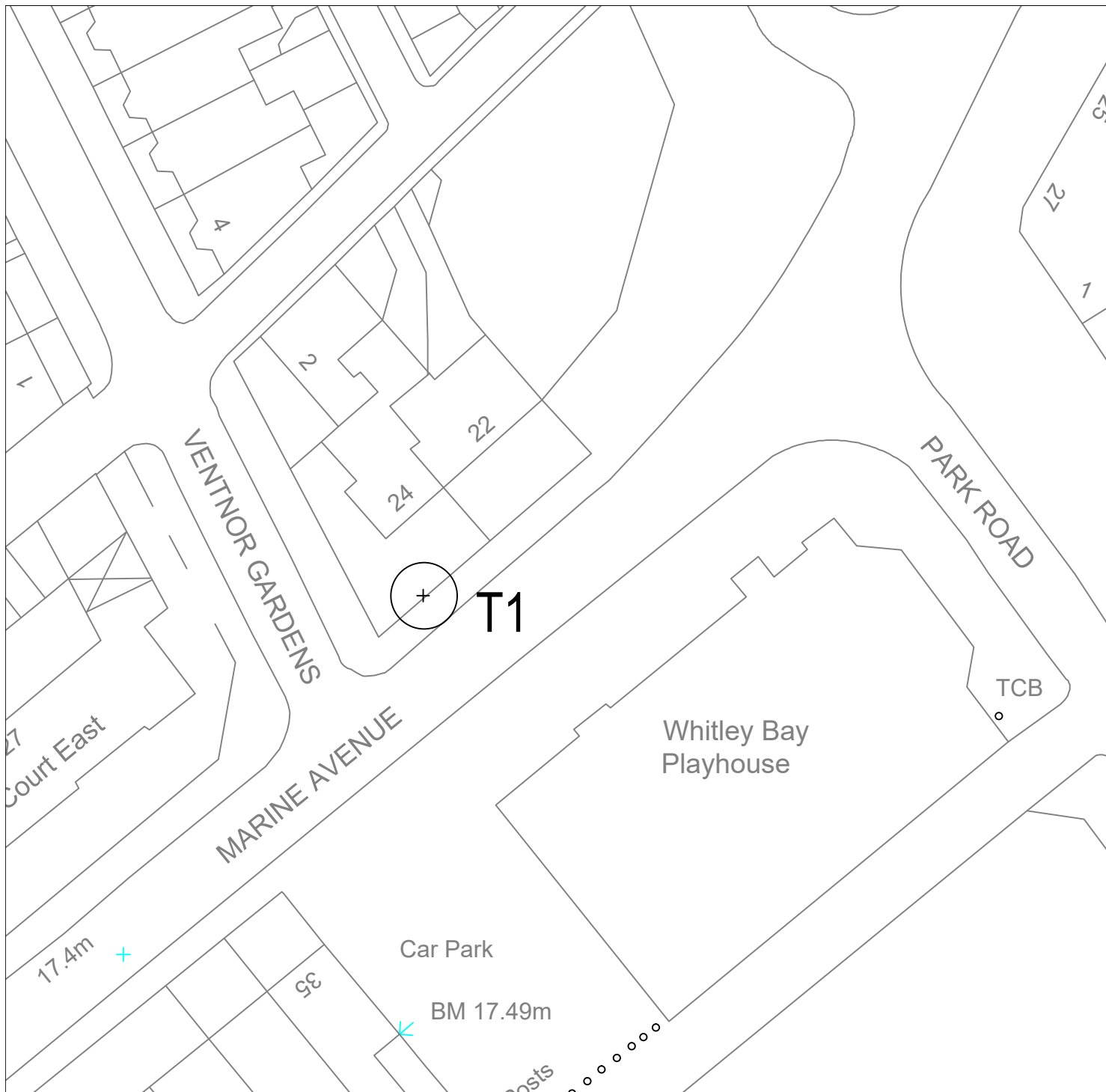
## NORTH TYNESIDE COUNCIL TREE PRESERVATION ORDER 2019

24 MARINE AVENUE, WHITLEY BAY

Phil Scott  
Head of Environment, Housing and Leisure  
Quadrant East  
The Silverlink  
Cobalt Business Park  
North Tyneside  
NE27 0BY

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## NORTH TYNESIDE COUNCIL TREE PRESERVATION ORDER 2019

### 24 MARINE AVENUE, WHITLEY BAY

Phil Scott  
Head of Environment, Housing and Leisure  
Quadrant East  
The Silverlink  
Cobalt Business Park  
North Tyneside  
NE27 0BY

Scale 1:500

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24 Marine Avenue

Whitley Bay

Tune and Wear

NE26 1NE

To whom it may concern,

We write to you regarding the Tree Preservation Order placed on a tree on our property on 15<sup>th</sup> April 2019.

We received formal notice that this order had been placed on the Sycamore (Acer sp) Tree located on our property on 17<sup>th</sup> April 2019.

We write to you to object to this preservation order being placed on this tree due to the impact this tree is having on our property. As you can see from the attached photographs (and relevant pages from our building survey) the tree has caused significant damage to our existing driveway. The roots have cracked the large concrete fitting and lifted another part of drive/concrete. The roots are encroaching on the property and we fear if it is not dealt with will cause significant damage to the foundations of the house. The tree roots for this semi-mature tree have already caused significant damage and we want to ensure we prevent any further damage to the driveway, foundations of the house and any drains which service this plot of houses.

We are looking to repave the driveway and separate the driveway into both a drive and small garden. We will be lifting all of the concrete slabs and at this point would like to pay for a tree surgeon to lock the roots off.

The tree is a fantastic feature of the street and the house and we do not wish to remove the tree from the property however wish to lock the roots off to ensure the tree does not cause any further damage to the house or the new drive/garden.

We would be happy to maintain the tree and ensure the tree is suitably pruned in the summer and wish to do this as part of our house maintenance.

If the tree preservation order is placed upon this tree and as a result we cannot secure the roots and ensure the safety of our house we will seek legal action to claims any damage costs against the council.

We would like to highlight that we initially contact North Tyneside council to ascertain if the Tree was maintained by the Council and receive a response on Friday 12<sup>th</sup> April confirming that this was not maintained by the Council. We then immediately contacted the Planning department as advised to ascertain if the tree was subject to any restrictions/preservation orders prior to undertaking any work. Only once we had contacted the Planning department did the preservation order go in, leading us to the conclusion that had we not made contact, then we could have gone ahead with the work without further restriction. This is disappointing and we feel that our good natured approach has resulted a scenario where we may be unable to prevent significant damage to our property that we have recently moved into.

As previously stated we do not wish to take the tree down, we wish to maintain the tree and ensure our house is safe and secure.

Thank you for your consideration.

We are happy to discuss this further if necessary.

Yours faithfully,

Mr and Mrs Argent

Dear North Tyneside Council – Planning division

Further to the recent appeal submitted relating to the proposed TPO on the sycamore tree located in our garden, please see attached a report from a professional tree (G Johnstone Professional Tree Surgeons) outlining the results of a risk assessment carried out.

The report described concerns raised regarding the damage that the tree roots are causing to our property, including the significant damage to the drive and the potential further damage this has caused to the foundations of our house. Furthermore the report highlights damage caused to the public path located in front of our house and on the busy road.

Our initial thoughts prior to contacting the council were to commission a tree surgeon to lock off the roots and prevent further additional damage being caused, however upon inspection we have been advised that the necessary steps to prevent further damage is to have the tree removed. I would once again highlight that this tree was not under any such TPO when we contacted the council, therefore had we not taken the polite steps to check, we could have gone ahead with this with no significant issues. Nevertheless, we end up in this unfortunate situation.

The tree is causing significant damage to our drive/garden area and is encroaching on the foundations of our house. The cracks in the concrete are less than a foot away from the outside of the house – as per the photographs submitted with our initial objection. Should further damage be caused to the foundation of our house, we fear this may also impact the adjoining houses and risk subsequent damage to those houses too. This is something that our neighbour has also highlighted to us in support of our objection.

We have contacted our buildings insurance company who stated that should the proposed TPO be places on the tree in question and thus prevent us from removing it, they will be in contact with North Tyneside Council in order to place all liability of damage to the foundations on the enforcing council in the meantime. If the TPO is approved and remains, then we will be putting this into immediate effect and seeking further legal advice.

I would like to also bring to the Councils attention that in addition to the damage to our property as described, the tree has caused significant damage to the pavement outside. This is a busy road and a heavily used path as a main route to the local primary school located very nearby, therefore it is used by young children and families extensively every day. We fear that this could potentially present further dangers to those using the pathway, in particular young children who often use scooters to get to school. We would not want to see the potential scenario whereby a young child was injured or put in danger by falling into the road as a result of coming off their scooter due to the damage to the pavement. Should this happen we would place full blame on North Tyneside Council in preventing us from removing the tree and therefore the source of the danger. This is something we have discussed with our insurance company.

We would like to ensure the conservation of the area and the look and feel of the street and surrounding streets, therefore were we permitted to remove the tree in question, we would be happy to replant a smaller, less intrusive (and thus damage causing) tree such as a blossom tree. Blossom trees are a commonly seen on the Whitely Bay street scene and have a smaller root span and stump width, therefore have little likelihood of causing damage to the pavement, our driveway

and our foundations. We feel that a blossom tree would also support with the conservation of the area and would be happy to do so in order to remove the sycamore tree.

I look forward to hearing back further and hopefully making some progress to potentially remove the sycamore tree.

Kind regards

Daniel & Rebecca Argent

24 Marine Avenue,

Whitley Bay





**Photographs Submitted by the Owners of 24 Marine Avenue (24.04.2019) in support of their objection to the TPO**

**Photograph 1**



**Photograph 2**





**Photograph 3**



**Photograph 4**



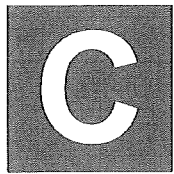


**Photograph 5**



**Photograph 6**





## Overall assessment and summary of the condition ratings (continued)

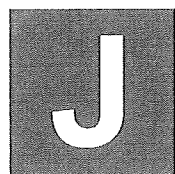
Section of the report	Element number	Element name
2 E: Outside the property	E1	Chimney stacks
	E3	Rainwater pipes and gutters
	E4	Main walls
	E6	Outside doors (including patio doors)
	E9	Other
F: Inside the property	F2	Ceilings
	F4	Floors
	F5	Fireplaces, chimney breast and flues
	F7	Woodwork (e.g. staircase and joinery)
G: Services	G3	Water
H: Grounds (part)		
Section of the report	Element number	Element name
1 E: Outside the property	E5	Windows
F: Inside the property	F8	Bathroom and kitchen fittings
G: Services		
H: Grounds (part)		

### Summary of repairs (and cost guidance)

Repairs	Cost guidance (where agreed)
<del>Commission damp proof survey to establish areas of dampness (rising and penetrating)</del>	<del>£250</del>
<del>Commission external inspection of roof to establish damaged tiles</del>	<del>£250</del>
Commission an arborist (tree surgeon) to advise on location and root damage from tree to front elevation.	£ 250
Please note the following on costing;  Where costing figures are given these are as guideline and you should note the following:  1) These figures are very rough. 2) We have not listed all possible costs. 3) The expenditure will depend on the level of the finishes expected and the outcome of further investigations recommended.	

### Property address

24 Marine Avenue, Whitley Bay, North Tyneside. NE26 1NE.



# Risks

This section summarises defects and issues that present a risk to the building or grounds, or a safety risk to people. These may have been reported and condition rated against more than one part of the property or may be of a more general nature, having existed for some time and which cannot be reasonably changed.

## J1 Risks to the building

The property is affected by dampness caused by sporadic rising damp in small locations. Please see E3 above.  
Clipped/missing tiles.

No underfall to main roof.

Gas and electrical installations untested.

Tress:

The main cause of subsidence movement in the UK is the influence of tree roots in clay soil. Over 60% of all subsidence claims are triggered by trees. Tree roots absorb water for photosynthesis and moisture evaporates from the leaves through transpiration. The active period is predominantly in spring and early summer when tree growth is at its maximum. Larger trees in shrinkable clay soil can extract sufficient moisture to cause soil shrinkage. This may lead to subsidence. A mature deciduous tree can remove in the excess of 50,000 litres of water a year. Tree species vary considerably in their ability to cause clay soil shrinkage. Some species are not good at rooting to depth on clay soils, while species like Oak, Willow, Poplar and Eucalyptus are able to maintain viable roots to a depth of several meters. In most soils, there is a mixture of soil types. This means that are species of trees that can grow roots to sufficient depth to influence buildings where the foundations are not deep enough

The age, health and past management of trees will be an important factor. Trees of full maturity with little potential for future growth and have not caused damage to building in the past may be less of a consideration as a risk, than trees that are growing vigorously and increasing in size. Depending on the species, the roots of a tree will extend to a greater breadth and depth in search of moisture (indeed moisture removal of up to a depth of 6m can take place) in exceptionally dry summer periods and drought. Planting young trees also need planning. Although they will not extract sufficient moisture initially to present a risk to the property, this may be readily change as it grows.

Each tree has a 'zone of influence'- the area from which a tree absorbs moisture. The potential impact on a property depends on whether a property sits within the 'zone of influence'. The extent of the zone depends upon the type of tree and the location of other trees. The association of British Insurers (ABI) has produced a guide for tree types against recommended distance from the property; however, it must be stated that this represents the maximum distance. It can be accessed through their website.

## J2 Risks to the grounds

The front parking area, printed concrete, is affected by the tree roots of the large mature tree to the front elevation. This should be monitored and action taken if cracking increases.

Property address

24 Marine Avenue, Whitley Bay, North Tyneside. NE26 1NE.

J

## Risks (continued)



Photo - 82 Cracking to printed concrete parking area due to mature tree.

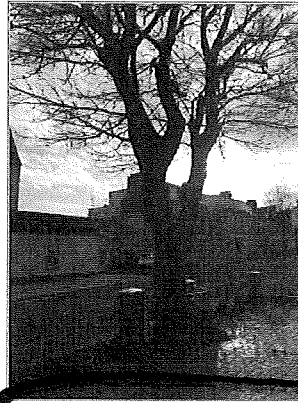


Photo - 83 Mature tree to front elevation causing cracking to front parking area.

### J3 Risks to people

~~Cracking to printed concrete parking area due to mature tree.~~

### J4 Other

N/A

### Property address

24 Marine Avenue, Whitley Bay, North Tyneside. NE26 1NE.





Rebecca Argent  
24 Marine Avenue  
Whitley Bay  
NE26 1NE

Following my visit to the above address, on first inspection of the sycamore tree in question. This tree is healthy and in reasonable condition, it's mature, 15 meters high with a 10 metre crown spread. The tree is located on the boundary of the public footpath and the above property. The concern with this tree is that the roots are causing damage to the property and drive way. The crown is touching the house, the root spread is further then the crown spread, therefore the trees roots will be in contact with the property.

There is clear visual cracks along the driveway leading to the house, the driveway could be relayed but this process would damage the trees roots and could make the tree dangerous in the future.

Our clients biggest concern is the fact that the roots will be causing damage to the property. The home owner doesn't want to incur large costs to repair the property, as the tree is only going to get bigger and it's root system will spread further.

This large sycamore tree is already causing problems to the driveway and the public footpath. The tree has out grown its location and now causing damage to the surrounding area.

Please don't hesitate to contact me should you require any further information.

Kind regards

**Guy Foster.** **HND Arb & Forestry**  
**Operations Director**  
**G Johnston Professional tree surgeons**

[www.gjohnstonprofessionaltreesurgeon.co.uk](http://www.gjohnstonprofessionaltreesurgeon.co.uk)  
Newcastle, Durham, Stanley, Darlington.



## 24 MARINE AVENUE, WHITLEY BAY: OBJECTION TO TPO

The trees subject to this TPO are located on land at 24 Marine Avenue, Whitley Bay. An objection has been received from the owner of the property to this order that has been served at the above address. The order was served as the owner wishes to remove the tree, however it was considered that the tree was sufficiently prominent in the streetscape to warrant protection by a TPO

An objection to the serving of the TPO has been received accompanied by a report from a tree surgeon:

- The tree is causing damage to the drive way and public footpath
- The tree is potentially causing damage to the property

In serving a TPO, the tree must be able to show that protection would bring a reasonable degree of public benefit in the present or future. As defined by the governments 'Tree Preservation Orders and Trees in Conservation Areas' *'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public*. To evaluate amenity, the TEMPO assessment (Tree Evaluation Method for Evaluating Preservation Orders) was used to assess the suitability of a tree for a TPO. This is a widely recognised and respected method of valuation which takes into account factors such as a tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Furthermore, the tree(s) usually need to be under an immediate or foreseeable threat to warrant protection.

With regard to the tree's visibility to the public, the tree needs to be visible from public places, usually the public highway, footpaths and open spaces. In this case the tree is highly visible from a public highway and footpaths which surround the property to the east and west. The tree is also a single specimen which has a commanding individual presence visible from locations on Marine Avenue and Ventnor Gardens. Therefore, the tree is considered to have a high degree of visual prominence and makes a significant contribution to the character and appearance of the local area.

In the case of damage to the property itself, the objection and the tree surgeons report highlights the **potential** concerns. If there is damage to the structure of the property by the roots of the tree, a structural engineers report must be submitted to prove **actual** damage as the tree may not be the only factor that can cause building movement. For example, natural seasonal soil moisture changes, localised geological variations, damaged drainage, over loading of internal walls and settlement, amongst others so clear evidence is required that the damage caused is due to the trees in order to require their removal. This information required will be in line with current TPO guidance to ensure trees are not unnecessarily removed. No cracking or displacement to the property has not been reported. Trees co-exist next to structures and in many situations without conflict, so unless evidence is provided indicating otherwise, it is not considered a reason remove the tree.

There is evidence of displacement of the brickwork to the driveway. Tree roots typically grow close to the surface, and it is not uncommon for them to develop on the underside of hard surfaces such as driveways, which can lead to cracks developing through physical pressure. This damage is frequently superficial, and there is a range of options available which could include repairing the damage whilst retaining the tree. The repair could be to replace the existing surface replace with an engineered solution to accommodate the roots. If the driveway has been affected by roots, this does not necessarily mean that the property will be damaged next.

Any reasons to remove the tree must be convincing and it is recommended that a structural engineer is sought who can provide you with the relevant information to establish the cause of any actual damage. Typical evidence and information that is necessary to assess the influence of a tree can be provided by a Structural Engineer and should include:

- A description of the property including, type and depth of foundations, a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of

any previous underpinning or building work, the geological strata for the site identified from the geological map.

- Details of vegetation in the vicinity and its management since discovery of the damage, together with a plan showing the vegetation and affected building.
- Measurement of the extent and distribution of vertical movement using level monitoring. However, where level monitoring is not possible, the applicant should state why and provide crack-monitoring data. The data provided must be sufficient to show a pattern of movement consistent with the presence of the implicated tree(s).
- A profile of a trial/bore hole dug to identify soil characteristics and foundation type and depth.
- The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit and plasticity index.
- The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.

In addition, this should be supported by a drainage survey and a report from an arboriculturalist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree-related damage.

With regard to liability, your insurance company should also advise you that further monitoring and investigation should be carried out.

On the basis of the information given the request to fell the tree is not supported for the following reasons:

- The removal of the tree would impact on visual amenity, hence the TPO.
- The repairs to the driveway can be repaired whilst retaining the tree but will require further investigation by relevant professionals.
- Lack of evidence with regard to damage to the property.