



**North Tyneside Council**

# Planning Committee

8 February 2019

To be held on **Tuesday 19 February 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>	<b>3</b>
To confirm the minutes of the meeting held on 22 January 2019.	

Continued overleaf

Members of the public are welcome to attend this meeting and receive information about it.

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For further information please call 0191 643 5359.

5.	<b>Planning officer reports</b>	7
	To give consideration to the planning applications contained in the above report relating to:	
5.1	18/01734/FUL Soccerdome, Coble Dene, North Shields <span style="float: right;">(Riverside Ward)</span>	12
5.2	18/01655/FUL The Cedars Resource Centre, Morwick Road, North Shields <span style="float: right;">(Collingwood Ward)</span>	33

**Members of the Planning Committee:**

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

## Planning Committee

22 January 2019

Present: Councillor F Lott (Chair)  
Councillors J M Allan, G Madden, T Brady,  
S Graham, M A Green, John Hunter, P Mason  
D McMeekan, J O'Shea and L Spillard.

### PQ43/01/19 Apologies

Apologies for absence were received from Councillor M Reynolds.

### PQ44/01/19 Substitute Members

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

Councillor J O'Shea for Councillor M Reynolds.

### PQ45/01/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

### PQ46/01/19 Minutes

**Resolved** that the minutes of the meeting held on 18 December 2018 be confirmed as a correct record and signed by the Chair.

### PQ47/01/19 Planning Officer's Reports

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

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

Application No: 18/01458/FUL Ward: Preston  
Application Type: Full planning application  
Location: Preston Towers, Preston Road, North Shields, NE29 9JU  
Proposal: Change of use of existing Preston Towers from Nursing home (C2) into 4no 3 bedroom houses and 6no 2 bedroom apartments, together with parking and new access from Preston Road. Installation of timber windows.  
Applicant: Preston Towers Limited

The Committee gave consideration to a report of the planning officer in relation to the application, together with two addendums, one of which had been circulated to Committee members prior to the meeting and the other at the beginning of 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 impact of the construction of a new access to the site on trees within the site;
- b) the effect of the development on the Northumbria Coast Special Protection Area and Northumberland Shore Site of Special Scientific Interest;
- c) the likely impact of the £6,000 contribution from the applicants towards a coastal mitigation scheme to be prepared by the Council;
- d) the relationship between the coastal mitigation scheme and the Council's regeneration and tourism strategies;
- e) the location of the proposed replacement railings to the western boundary of the site adjoining Pearey House; and
- f) the proposed number and location of parking spaces to be provided within the site.

### **Decision**

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application subject to:

a) the completion of a legal agreement made under Section 106 of the Town and Country Planning Act 1990 to secure the following contributions from the applicant:

- £1,950 towards ecology and biodiversity;
- £25,000 towards primary education;
- £2,500 towards training and employment;
- £1,000 towards the provision of a refuse bin; and
- £6,000 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area; and

b) notification of the application under Section 281(6) of the Wildlife and Countryside Act 1981 (as amended) to Natural England explaining how their advice has been taken into account.

(The Committee indicated that it was minded to approve the application, subject to the conditions set out in the planning officer's report and addendum, as the development was considered to be acceptable in terms of its impact on residential amenity, designated heritage assets, trees, ecology and highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's Local Plan 2017.)

Application No:	18/01468/FUL	Ward: Collingwood
Application Type:	Full planning application	
Location:	Land West of Units 8D to 8F Alder Road, West Chirton Industrial Estate, North Shields	
Proposal:	7no. new industrial units on a grassed area and hardstanding adjacent to existing industrial units (Block 8). Additional areas of hardstanding and car parking facilities.	
Applicant:	Helio Pact Limited	

The Committee gave consideration to a report of the planning officer in relation to the application, together with an addendum which had been circulated to members prior to 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 the impact of the proposed development on the trees and ecology in the area.

### Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application subject to the completion of a legal agreement made under Section 106 of the Town and Country Planning Act 1990 to secure the following financial contributions from the applicant:

- £2,000 towards the delivery, supply and installation of 2no bins; and
- A financial contribution of £4,000 towards the provision of employment and training within the borough.

(The Committee indicated that it was minded to approve this application, subject to the conditions set out in the planning officers report, the addendum and any subsequent amendments, omissions or additional conditions considered necessary, as the proposed development was considered to be acceptable in terms of its impact on nearby residents and businesses, visual amenity, biodiversity and highway safety in accordance with the relevant policies contained with the Council's Local Plan 2017 and the National Planning Policy Framework.)

Application No:	18/01525/FUL	Ward: Battle Hill
Application Type:	Outline planning application	
Location:	Hadrian Park Community Primary School, Addington Drive, Wallsend, NE28 9RT	
Proposal:	Installation of 2no. Cycle Tracks	
Applicant:	Space4Learning	

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

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to the proposed condition prohibiting the use of the tracks outside the school's standard opening hours unless a noise assessment was submitted to and approved by the Council. The Committee discussed whether the wording of this condition could be amended to allow the school to maximise the use of the tracks whilst safeguarding neighbouring residents from undue noise and disturbance. The Committee agreed that the condition should be amended so that other than 5 events per calendar year, the approved tracks shall not be used outside of the hours of 07.30 to 17:00 Mondays to Fridays unless a noise assessment has first been submitted to and approved in writing by the Local Planning Authority.

The Committee also gave consideration to the Council's Playing Pitch Strategy and the impact of the development on the drainage within the field.

**Decision**

Application permitted, subject to the conditions set out in the planning officers report and amended by the Committee as described above, as the proposed development was considered to be acceptable in terms of the principle of the development and its impact on open space, the wildlife corridor and highway safety in accordance with the relevant policies contained within the Council's Local Plan 2017 and the National Planning Policy Framework.

## **PLANNING COMMITTEE**

**Date: 19 February 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.



**Item No:** 5.1  
**Application No:** 18/01734/FUL Author: Rebecca Andison  
Date valid: 12 December 2018 ☎: 0191 643 6321  
Target decision date: 13 March 2019 Ward: Riverside

Application type: full planning application

**Location: Soccerdome, Coble Dene, North Shields, Tyne And Wear, NE29 6DL**

**Proposal: Re-use and extension of former health and fitness centre to provide new leisure facility**

Applicant: Everyone Entertained Ltd, Mr Jonathan Sutton NMGC Business Centre

Agent: Lambert Smith Hampton, Mr Helen Marks 41-51 Grey Street Newcastle Upon Tyne NE1 6EE

**RECOMMENDATION:** Minded to grant on expiry consultation

## **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 the development is acceptable;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact upon surrounding occupiers;
- whether sufficient parking and access would be provided; and
- the impact on landscaping and ecology.

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

#### 2.0 Description of the Site

2.1 The application relates to the former JJB Soccerdome, which is located adjacent to the Royal Quays shopping centre. The building was originally occupied by indoor football pitches, a health centre, swimming pool and retail unit. Following a period of vacancy the football pitches have recently been re-opened by Evolution Football. The remainder of the building is still vacant.

2.2 The site includes a large car park on the east side of the building which is accessed from Coble Dene. Royal Quays is located to the north, and to south is the ferry terminal. Hayhole Road runs along the site's western boundary.

2.3 The site has no allocation within the Local Plan.

### 3.0 Description of the Proposal.

3.1 Planning permission is sought to re-use and extend the former health and fitness centre to provide new leisure facility.

3.2 When planning permission was given for the soccerdome a condition was imposed to restrict the use of the building to indoor sports provision, health and fitness centre and ancillary retail. The proposal is to allow an alternative form of leisure use to operate from the existing building and the proposed extension. The application relates to the currently vacant part of the building and the adjacent land. The existing football pitches would be retained.

3.3 The proposal is for an active entertainment attraction that offers a range of activities including high ropes, clip and climb, escape rooms, dinosaur golf, laser quest and soft play. The facility would include cafe facilities and seating areas on both floors of the building, and a bar would be provided during the evening. The proposed opening hours are from 09:00 to 22:00 daily.

3.4 The applicant has advised that the aim of the proposed leisure facility is to encourage people to be more active and that they are currently in discussions with UK Active, the government body with responsibility for getting the population more healthy, with a view to achieving accreditation for the centre.

3.5 An extension is proposed on the west side of the building to accommodate the adventure golf and high ropes. The proposed extension measures 30m by 60m and the roof would be 13.8m high (max.). It consists of a domed, steel framed structure covered by pvc cladding. The centre part of the building can retract to open up the structure in good weather.

3.6 Minor external alterations are proposed to the existing building. An entrance canopy and glazing are proposed to the front elevation at ground floor level, and new glazing would be introduced to the front and side elevations at first floor level.

3.7 The existing access and car park, which contains 489no parking spaces, would be retained.

### 4.0 Relevant Planning History

02/02841/FUL - Development for soccerdome (D2/A1); restaurant/diner(A3);parking, access and landscaping. Construction of a new access to a highway. Alteration of an existing access to a highway – Permitted 12.03.2004

### 5.0 Government Policy

5.1 National Planning Policy Framework (July 2018)

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

## 6.0 Development Plan

### 6.1 North Tyneside Local Plan 2017

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

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

- whether the principle of the development is acceptable;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact upon surrounding occupiers;
- whether sufficient parking and access would be provided; and
- the impact on landscaping 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 proposal

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. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.2 The NPPF seeks to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Local planning authorities are required to 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. 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.

8.3 Par. 89 of the NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace).

8.4 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.5 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

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

8.7 Policy DM3.4 states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;
- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres.

Proposals for retail development outside a town centre will require an impact assessment where they would provide either:

- e. 500m<sup>2</sup> gross of comparison retail floorspace, or more; or
- f. 1,000m<sup>2</sup> gross of retail floorspace for supermarkets/superstores, or more.

The proposal would be supported when the necessary Impact Assessment has shown that:

- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.8 The application site has no allocation within the Local Plan and is an out of centre site. In accordance with the above policies a Sequential Test has been submitted.

8.9 The Sequential Assessment considers alternative sites within the main town centres of North Shields, Whitley Bay, Killingworth and Wallsend. To reflect the needs of the development only units of an adequate height and size (between 5,792 and 7,079 sqm metres) have been considered. A location close to principle road networks and other leisure uses is also required.

8.10 No buildings of sufficient size were identified within Killingworth, Whitley Bay or Wallsend town centres. One potential building was identified in North Shields but this was dismissed due to its allocation within the Local Plan. Three out of centre sites were also considered within the Benton Square Industrial Estate, Cobalt Business Park and on Earl Grey Way, North Shields. These were considered to be unsuitable due to their allocation for employment purposes within the Local Plan, lack of developable land and the extensive re-configuration that would be required to the buildings.

8.11 In officer opinion it has been demonstrated that there are no sequentially preferable sites available and suitable of accommodating the proposed development.

8.12 The proposal has also been assessed in terms of its impact on other leisure operators in the north east region. The existing facilities considered include trampoline parks, climbing walls, high ropes courses, escape rooms and adventure golf. They offer mostly single forms of leisure or a very limited range of choice, and as such are not directly comparable to the proposed development. In addition many are located in out of centre locations.

8.13 Given the unique multi-activity nature of the proposed development and the lack of comparable leisure uses it is considered that the proposal is unlikely to have any significant impact on existing town centre operators.

8.14 Having regard to the above it is officer opinion that the proposal would not have any significant impact on investment in town centres, consumer choice or the vitality and viability of existing centres.

8.15 The proposal would bring a vacant building back into use and secure economic development in accordance with the NPPF. The development is expected to create 60-80 jobs and would provide employment opportunities for local residents during both the construction and operational phases. It would also provide an additional leisure facility which would benefit both residents and visitors to the borough. The site is located within an area where there are other leisure uses and would complement the facilities offered within the Royal Quays Outlet centre.

8.16 Having regard to the above it is officer opinion that the principle of the proposal is acceptable subject to consideration of the issues set out below.

#### 9.0 Character and appearance

9.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

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

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

9.4 It is proposed to construct an extension to the north side of the building. This area is currently occupied by hard standing, grass and a small section of the Royal Quays car park.

9.5 The existing building has a shallow hipped roof and the external elevations are finished in white and grey cladding. A steel framed building is proposed, with a curved retractable roof.

9.6 The apex of the extension roof would be approx. 2m higher than the existing building. However the building steps up in height from south to north and the extension continues this existing gradient. The ends of the extension would be construction from metal cladding and the sides would be formed from pvc. The colour palette would match the existing building.

9.7 In officer opinion the size and height of the extension are acceptable. The proposal is considered to be in keeping with the character of the site and surroundings.

9.8 Members need to determine whether the proposed development would be acceptable in terms of its impact on appearance of the site and surrounding area. It is officer opinion that the impact would be acceptable.

#### 10.0 Impact on surrounding occupiers

10.1 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.

10.2 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.

10.3 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.

10.4 The application site is located within an established retail/leisure park. The closest residential properties are located over 400m to the east on Coble Dene and Commissioners Wharf, and over 500m to the north west. The Premier Inn Hotel is located 100m to the east. A noise assessment has been carried out and submitted as part of the planning application. The assessment considers the impact the proposal would have on existing background noise levels as a result of noise from activity and plant. It concludes that the development would not give rise to any significant increase in noise disturbance.

10.5 The Manager of Environmental Health has provided comments. She raises concern in respect of noise from plant and activities within the extension and notes that the noise assessment has not considered that the extension would be opened up during the summer. She also notes that the site is well distanced from residential properties and that these are screened by existing buildings. She recommends that a condition should be imposed to prevent the extension roof/walls being open after 21:00. Further conditions are recommended to control the kitchen extraction systems, external plant, external lighting, construction hours and operating hours.

10.6 Members need to consider whether the development is compatible with surrounding land uses and whether there would be any adverse impact on the amenity of residential occupiers. Given the nature of the proposal and location of the site it is officer opinion that, subject to the conditions recommended by the Manager of Environmental Health, the impact is acceptable.

#### 11.0 Impact on the highway network

11.1 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.

11.2 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.

11.3 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.

11.4 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.

11.5 There are 489no parking spaces within the existing car park to the east and these will be retained. No alterations are proposed to the access. Vehicle access for visitors will remain from Coble Dene and servicing vehicles from Hayhole Road at the rear of the site. The proposed extension requires the loss of a small section of the adjacent Royal Quays car park and a loss of parking spaces on the north side of the building. The parking layout within the Royal Quays car park would be reconfigured to accommodate this. A Transport Assessment and Car Park Management Strategy have been submitted as part of the application.

11.6 The Highway Network Manager has been consulted and raises no objections to the proposal. He states that 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 has sufficient capacity to meet the needs of the development. He considers that the impact on the adjacent Royal Quays car park would be negligible and sufficient capacity would remain for the needs of the retail centre.

11.7 Taking the above factors into account, it is officer opinion the impact on the highway network is acceptable.

## 12.0 Ecology and Trees

12.1 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.

12.2 Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

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

12.4 Local Plan Policy S5.4 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.

12.5 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.

12.6 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.

12.7 The extension would be located on an area of land mainly occupied by hard standing but it would result in the loss of a small area of grass/landscaping. To compensate for this loss the applicant has agreed to provide additional planting. The location of this planting and the comments of the Biodiversity Officer will be reported to Planning Committee.

12.8 Subject to the imposition of a condition requiring that a detailed landscaping scheme is provided, and no objections being raised by the Biodiversity Officer, it is officer advice that the impact on landscaping and ecology is acceptable.

### 13.0 Other Issues

#### 13.1 Flooding

13.2 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

13.3 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.

13.4 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.

13.5 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.

13.6 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).

13.7 The site is located within Flood Zone 1 and the proposal would have minimal impact on the area within the site covered by hard surfacing. It is not therefore considered that there would be any significant impact on flood risk.

#### 13.8 Contamination

13.9 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.

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

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

#### 13.12 Local Financial Considerations

13.13 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).

13.14 Economically there would be benefits in terms of the provision of jobs during the construction of the development and the development is expected to create 60-80 jobs when operational.

#### 14.0 Conclusion

14.1 The proposal would bring a vacant building back into use and secure economic development in accordance with the NPPF. It has been demonstrated that the proposal would not result in any harm to the vitality or viability of the boroughs town centres. In officer opinion the principle of development is acceptable.

14.2 It is officer advice that, subject to the outstanding comments of consultees, the proposed development is acceptable in terms of its impact on nearby residents and businesses, on visual amenity, landscaping and in respect of highway safety.

14.3 The development is considered to comply with relevant National and Local Plan policies and is therefore recommended for approval subject to no objections being raised by the Biodiversity Officer.

#### **RECOMMENDATION: Minded to grant on expiry consultation**

**It is recommended that members indicate they are minded to approve the application subject to no objections being raised by the Biodiversity Officer, and subject to the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments, and grant plenary powers to the Head of Environment, Housing and Leisure 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.**

#### **Conditions/Reasons**

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

Ground floor plan (area) 3647-ASP-ZZ-GF-DA-A-0306

First floor plan (area) 3647-ASP-ZZ-FF-DR-A-0307

Ground floor plan 3647-ASP-ZZ-GF-DR-A-0308

First floor plan 3647-ASP-ZZ-FF-DR-A-0309

Elevations 3647-ASP-ZZ-XX-DR-A-0310

Sections 3647-ASP-ZZ-XX-DR-A-0311

Visuals 3647-ASP-ZZ-XX-VS-A-0312

General site plan 3647-ASP-ZZ-XX-DR-A-0800

External lighting proposal N18322BS-LTG-CALC-001

Transport Assessment November 2018

Car parking management Strategy November 2018  
Ventilation Study Report October 2018  
Noise Assessment October 2018  
Flood Risk Assessment and Drainage Strategy November 2018

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

2. Standard Time Limit 3 Years FUL                      MAN02    \*
3. Restrict Hours No Construction Sun BH            HOU00    \*  
4

4. Prior to the use commencing details of facilities to be provided for the storage of refuse at the premises must be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017).

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

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

6. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off 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).

7. 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 bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must

include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. 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.

8. The development shall not be occupied until a Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met. The travel plan shall thereafter be implemented in accordance with the agreed details.

Reason: To encourage sustainable transport; having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. The development hereby permitted shall not be constructed above damp proof course level until a report has been submitted to and approved in writing by the Local Planning Authority to detail exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included. The detailed design and construction of the development shall take account of the results of the Phase 1 Geoenvironmental Report and should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be

submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to above.

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. All areas of soft landscaping within the site shall include a suitable thickness of clean cover capping soils, unless further chemical testing has been carried out in accordance with the recommendations of the Phase 1 Geoenvironmental Appraisal Report.

A method statement to include the results and conclusions of any additional site investigations and details any remediation works that are required shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development. Any remediation carried out on the site will require a remediation statement and a validation report. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be discharged from the planning application.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

11. Notwithstanding any indication of materials which may have been given in the application, the extension shall not be constructed above damp proof course level until 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 policy DM6.2 of the North Tyneside Council Local Plan 2017.

12. The noise rating level from the combined plant and equipment installed at the site shall not exceed the background noise level of 45 dB LA90 for daytime by any more than 5 dB at nearest sensitive receptor of the Premier Inn in accordance with noise report reference N18322. Prior to the plant being brought into operation (other than for testing purposes) acoustic testing must be undertaken to verify compliance with this condition, and submitted to and approved in writing by the Local Planning Authority. Thereafter the plant must be installed and maintained in accordance with the approved details.

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.

13. Noise No Tannoys Externally Audible                      NOI002      \*

14. The premises shall not be open for business outside the hours of 09:00 to 22:00 on any day.

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).

15. Restrict Hours No Construction Sun BH                      HOU004                      \*

16. The roof of the extension shall be kept shut between the hours of 21:00 and 09:00.

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.

17. The external lighting shall be installed and maintained in accordance with the submitted External Lighting Proposal N18322BS-LTG-CALC-001.

Reason: In the interest of visual amenity safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

18. Prior to the installation of any of any new chimneys or extraction vents details of their height, position, design and materials must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: 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.

19. No new kitchen extraction systems shall be installed until details of an odour suppression system for the arrestment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details prior to the extraction being brought into use and thereafter permanently retained and maintained in accordance with the details provided by the manufacturer, which must be submitted for the purposes of demonstrating compliance with this condition.

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.

20. Within one month of commencement of development, a fully detailed landscaping scheme must be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed

timings of all new tree and shrub planting, ground preparation details and the species and sizes for all new trees. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the occupation of the buildings or the completion of the development. 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).

21. No vegetation removal 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.

**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.

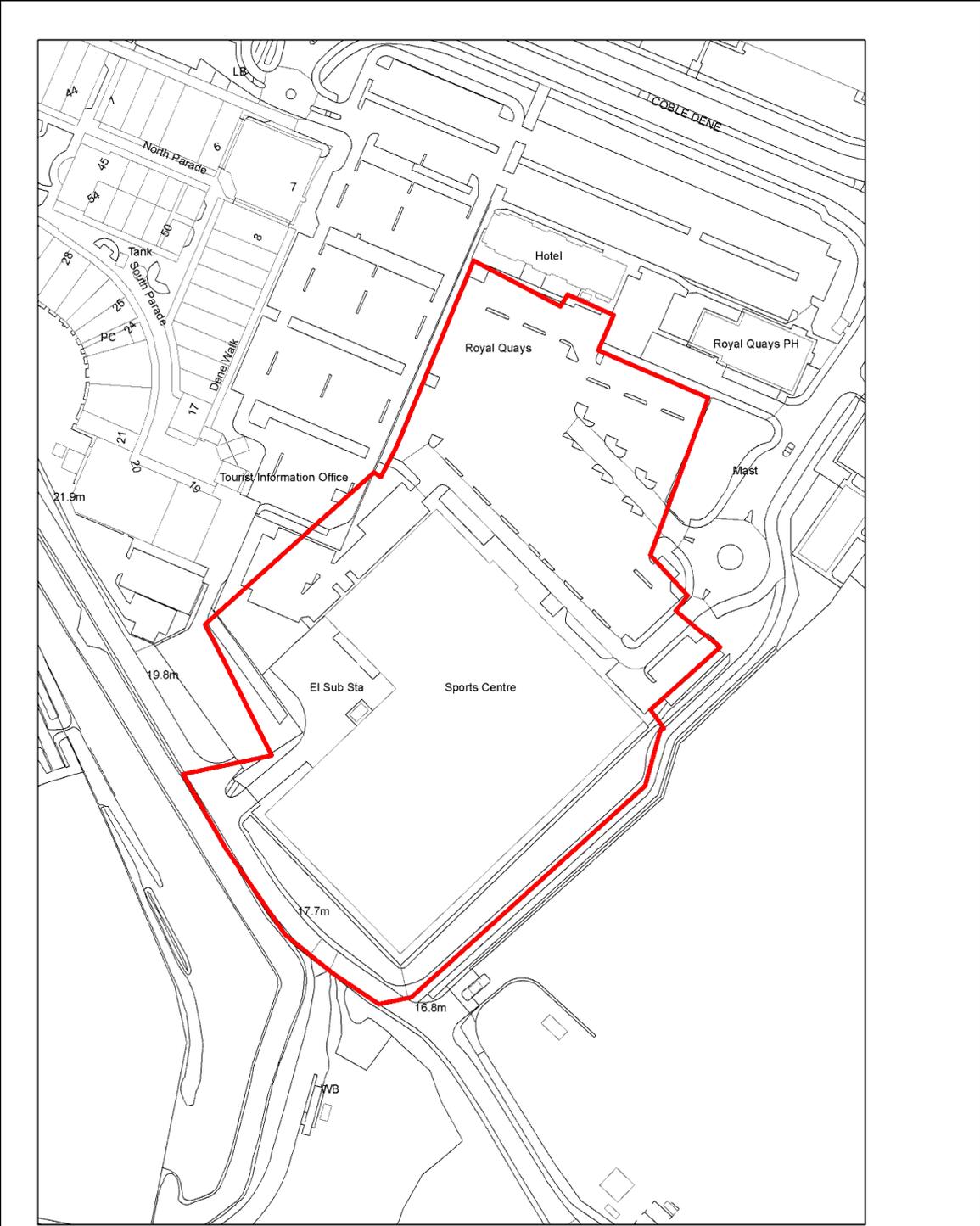
**Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Highway Inspection before dvlpt (I46)



**Application reference: 18/01734/FUL**  
**Location: Soccerdome, Coble Dene, North Shields, Tyne And Wear**  
**Proposal: Re-use and extension of former health and fitness centre to provide new leisure facility**

Not to scale  
 Date: 07.02.2019

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**Appendix 1 – 18/01734/FUL  
Item 1**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the re-use and extension of a former health and fitness centre to provide a new leisure facility. The site has been established for some time and a Transport Assessment (TA) & Car Park Management Strategy 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 will have sufficient capacity to meet the needs of the development. Whilst there is a small loss of parking on the adjacent shopping centre car park, this is negligible and it is considered that sufficient capacity remains for the needs of the retail outlet. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 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.

No part of the development shall be occupied until a Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.5 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

1.6 Manager of Environmental Health (Contaminated Land)

1.7 The Phase 1 Geoenvironmental Report has identified the need for gas protection measures:

1.8 The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method

of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site.

1.9 The Phase 1 Geoenvironmental Appraisal Report has advised that consideration should be given to undertaking limited investigation in areas of existing soft landscaping to ensure that a suitable clean cover capping soils have been installed in areas of soft landscaping. It is also considered that without further chemical testing of the made ground soils any future proposed areas of soft landscaping should include a suitable thickness of clean cover capping soils. Installation of suitable clean cover capping soils should effectively reduce the residual risk the made ground soils pose to future site end users.

Any remediation carried out on the site will require a remediation statement and a validation report. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account.

### 1.10 Manager of Environmental Health (Pollution)

1.11 I have concerns about potential noise from plant and the activities arising from the extension of the site. The site is located to the south of the Premier Inn Hotel located approximately 100 metres from the extension and at least 500 metres to nearest residential properties to the north west of the site. The residential properties are screened by the existing retail units on the Royal Quays and other industrial units.

1.12 I have viewed the noise assessment which has considered construction noise, plant noise and noise from the activities. The noise assessment has not considered that the dome will be designed to have a section that will slide open during good weather. However the hotel and residential properties will be screened by existing buildings so noise impacts will be reduced. Operating times are specified until 22:00 hours and background noise levels will reduce during the evening, I would recommend a condition to restrict the opening of the sliding partition to no later than 21:00 hours.

1.13 If new kitchen ventilation extraction is to be installed then it is recommended that odour abatement is provided that meets the former Defra guidance for the control of odour and noise from commercial premises. A lighting assessment has been provided that shows that the lighting levels will not exceed 1 lux for the vertical plans, which will meet the requirements of the Institute of Lighting Engineers guidance for the Reduction of Light Pollution which specifies a level of 10 lux for pre-curfew and 2 lux post curfew for the E3 zone.

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

- The noise rating level from the combined plant and equipment installed at the site shall not exceed the background noise level of 45 dB LA90 for daytime by any more than 5 dB at nearest sensitive receptor of the Premier Inn in accordance to noise report reference N18322. 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

HOU03: to those on application

HOU04

SIT03

The opening of the moveable roof of the Dome shall be restricted to the hours 09:00 hours to 21:00 hours.

LIG03: to comply with the requirements of the submitted information for lighting levels.

EPL01: if new external vents installed.

If new kitchen ventilation system installed

EPL04: The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with (Standard Condition EPL04).

2.0 Representations

2.1 No representations have been received.

3.0 External Consultees

3.1 Coal Authority

3.2 There is no requirement for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted.

3.3 Tyne and Wear County Archaeologist

3.4 I have no comments to make.

**Item No:** 5.2  
**Application No:** 18/01655/FUL Author: Amelia Robson  
Date valid: 29 November 2018 ☎: 0191 643 6339  
Target: 28 February 2019 Ward: Collingwood  
decision date:

Application type: full planning application

**Location: The Cedars Resource Centre, Morwick Road, North Shields, Tyne And Wear, NE29 8JB**

**Proposal: Construction of 12no. two and three bedroom houses at the site of the former Cedars Resource Centre with existing access/single lane carriageway from Morwick Road**

Applicant: North Tyneside Council, Miss Sharon Mackay Quadrant (Property Services Team) The Silverlink North Cobalt Business Park Cobalt Business Park NE27 0BY UK

**RECOMMENDATION:** Minded to grant PP to HoD

## **INFORMATION**

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

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

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

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

### 2.0 Description of the Site

2.1 The application site is previously developed land that was used for the Cedars Resource Centre, which was demolished in January 2018. The site is now vacant and located within a larger residential housing estate. The site covers approximately 0.5 hectares. The site is in North Shields located to the east of Morwick Road. Existing residential properties are located immediately to the west of the site. To the east of the site is a school playing field with Beach Road located beyond. To the north is Billy Mill Reservoir and allotments located to the south.

2.2 There is a pedestrian route located to the west of the site, passing through existing dwellings on Morwick Road to also allow access to the allotments. There is a pedestrian route from the site to Beach Road.

2.3 The site is located in a Wildlife Corridor.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to construct 12no residential dwellings. The applicant is North Tyneside Council and the proposed dwellings are all for affordable rent. That is at least 20% below local market rents. The proposal includes maintaining existing single lane access from Morwick Road.

3.2 The 12 dwellings proposed are made up of the following house types:

- 6no. terrace two bed four person
- 2no. semi-detached two bed four person
- 4no. semi-detached three bed four person

### 4.0 Relevant Planning History

17/01540/DEMGDO - Demolition of former two storey sheltered accommodation.  
– Permitted 10.11.2017

17/01739/COND - Discharge of condition 4 of application 17/01540/DEMGDO. –  
Discharged 05.01.2018

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policy

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

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

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

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

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

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

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

## 8.0 Principle

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

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

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

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

8.5 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area.

8.6 The site has no specific designations with the Council's Local Plan. It is the view of officers that the site constitutes previously developed land, it is located within in an existing built up area, in close proximity to existing local services (The Collingwood Centre) and it has access to areas of open space. Officers consider that the principle of providing housing in this site is acceptable and would accord with policies S1.1, S1.4, S4.1, DM1.3 and the advice in NPPF.

## 9. North Tyneside Council Housing Land Supply

9.1 Paragraph 67 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up-to-date assessment of housing land supply is informed by the March 2018 5-year Housing Land Supply Summary identifies the total potential 5-year housing land supply in the borough at 5,276 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or 5.4 year supply of housing land). It is important to note that this assessment of five year land supply includes over 2,000 homes allocated within the Local Plan (2017).

9.3 The potential housing land supply for this proposal is not included in the assessment that North Tyneside has a 5.4 year supply of housing land. Therefore this proposal would be a small, but welcome bonus especially in terms of affordable housing that would further add to the choice and range of housing. This is a material consideration of significant weight.

## 10. Character and appearance

10.1 Paragraph 124 of the NPPF recognises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 130 of the NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

10.3 Policy DM6.1 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.

10.4 Policy DM4.9 expects all new homes, both market and affordable, will meet the Government's Nationally Described Space Standard (NDSS). It also states that all new affordable housing shall have 90% of homes which meet building regulation M4(2). 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).

10.5 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.

10.6 The application site is located to the east of Morwick Road and accessed by a single lane carriageway. The site is located to the east of the existing residential estate and lies adjacent to an area of open space (school playing field) and there are existing public access routes. There are surrounding

residential dwellings to the east which are mostly two storey semi-detached or terraced dwellings. To the north, east and south are areas of green space including allotments.

10.7 The surrounding dwellings on Morwick Road are mostly redbrick with white uPVC windows and doors. The proposed development will be constructed in Red Brickwork with smooth grey slate tiles and white uPVC windows. The materials proposed are similar to those in the surrounding area.

10.8 Vehicular access to and from the proposed development will remain the same. The proposed pedestrian access is altered from existing.

10.9 The layout and housing type proposed is semi-detached and terraced properties similar to the surrounding area. It is the view of officers that the layout proposed is in keeping with the existing pattern of the surrounding built development. The proposal is therefore considered acceptable in terms of layout.

10.10 The Landscape Architect has been consulted. Their comments acknowledge that there are 5 no trees on site which are all to be retained with the chance of T5 being removed. New trees have been proposed to enhance the current number of trees on the site. It is the view of the case officer that the additional landscaping will improve the character of the proposed development and this can be secured by a condition.

10.11 The Design Officer supports the layout, as the applicants design approach responds to the site constraints and surroundings. The site has a good balance of open space and landscaping.

10.12 The proposed housing exceeds the Nationally Described Space Standards for a 2 bed 4 person home and a 3 bed 4 person home.

10.13 The proposed housing meets building regulation M4 (2) and 10% meet building regulation M4 (2) (3) (b).

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

#### 11.0 Impact upon future occupants and existing occupants

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

11.2 Policy 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 states that proposals that may cause pollution either individually or cumulatively 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 The Manager for Environmental Health has been consulted. She has raised concern about potential noise from the school affecting the gardens for the properties of plot numbers 4-12. However, she does not object. It is officer advice that this could be dealt with through a condition to provide an acoustic fence. With this and the other conditions recommended it is officer advice that there would not be an adverse impact on the residential amenity of existing and any future occupiers.

11.5 The site layout allows for each dwelling to be provided with outdoor amenity space to both the front and rear of dwellings. The distance between plot 1 and existing properties is approximately 61m which would allow significant privacy distances. The closest distance between the proposed properties is between the gable end of plot 3 and the front elevation of plot 7. This distance is approximately 22m. This allows for a significant distance between the properties to ensure there will not be an adverse impact on future occupier's residential amenity. On this basis, it is the view of officers that the proposed development would not result in an acceptable impact on the amenity of existing occupants and future occupants.

11.6 Members need to consider whether the proposal would avoid having an adverse impact upon existing and future occupants' living conditions in accordance with the advice in NPPF and policies S1.4 and DM5.19 and weight this in their decision. It is officer advice that it would.

## 12.0 Highways and Access

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

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

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

12.4 Policy DM7.4 seeks to 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 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

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

12.7 The proposal includes improvements to the existing allotment car park to the west of the site with existing allotment access to be retained.

12.8 The original plans submitted show a new opening for the Bridleway towards the east of the site. Following concerns raised by the Police Architectural Liaison Officer, the plans have been amended and the path is to be relocated towards the west, closer to the allotment car park. This addresses the concern of the Police Architectural Liaison Officer.

12.9 The Highways Network Manager has been consulted. He has acknowledged that the proposed access is limited and the applicant does not have control over adjacent land and therefore cannot make it any wider. The access has been established for some time and it is considered the proposed development would not have a significant impact in terms of trip generation. The proposed parking is in accordance with current standards. It is also considered that there are improvements to the allotment parking and bridleway. The site is accessible by a refuse vehicle. The Highway Network Manager recommends conditional approval.

12.10 Members need to consider whether sufficient access and parking would be provided and whether the proposal would accord with the advice in NPPF, policy DM7.4 and LDD12 and weight this in their decision. It is officer advice that it would.

### 13.0 Biodiversity

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

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

13.3 Paragraph 175 of NPPF states that when determining planning applications that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

13.4 Policy S5.4 that that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance.

13.5 Policy DM5.5 seeks amongst other matters to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links

13.6 Policy DM5.7 states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor.

13.7 Policy AS8.15 'The Coastal Sub Area' states how these impacts will be managed.

13.8 The applicant has submitted a Preliminary Ecological Appraisal (PEA). This concludes that the site is composed mainly of hard standing with amenity grassland, scattered trees and some scrub. The five trees shown within the North West part of the site will be retained as part of the development. The site within a designated wildlife corridor and it is considered there will be a small loss of habitat associated with the development, a landscaping scheme should be submitted which provides native planting of benefit to biodiversity. This can be controlled with a condition.

13.9 The housing site is also within 6km of the European protected site (Northumbrian Coast Special Protection Area). The PEA acknowledges that there will be an increase in recreational impacts from this development and therefore mitigation will be required. It is recommended that a financial contribution is provided towards the Coastal Mitigation Service.

13.10 The Council's Biodiversity Officer has been consulted. She has advised that she would have no objection to the proposal subject to conditions and a financial contribution for the impacts on the Northumbrian Coast SPA.

13.11 Natural England state that they have no objections subject to appropriate mitigation such as a financial contribution towards a coastal warden as part of a coastal mitigation strategy.

13.12 North Tyneside Council are in the process of drafting a coastal mitigation scheme and the applicant has agreed to contribute towards this. This will ensure that the proposed mitigation can be delivered, so that the proposed development would not have a significant effect on the Northumbria Coast Special Protection Area.

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

## 14.0 Other issues

### 14.1 Flooding

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

14.3 The proposed development will utilise a private foul drainage connection to the south of the site and private surface water drainage connection.

14.4 The Local Lead Flood Authority (LLFA) has been consulted and recommends a condition requiring the details of a surface water management scheme.

14.5 Northumbrian Water note that the utilisation of a private foul drainage connection to the south of the site and a private surface water drainage connection which it is assumed is discharging to a watercourse. It would be useful to have clarity on how the private foul connection will ultimately connect to our public network and also confirmation that the surface water will ultimately discharge to a watercourse.

14.6 Further information will be provided to address Northumbrian Water and LLFA comments and this will be reported to Planning Committee.

## 15.0 Local Financial Considerations

15.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments). It is considered that the proposal would result in benefits in terms of jobs during the construction.

15.2 The proposal involves the creation of 12 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. For North Tyneside for the new increase in dwellings built in 2017/18, the council received funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax.

15.3 In addition, the new homes will provide additional jobs during the construction phase.

15.4 Given the proposal is for housing for affordable rent it meets one of the mandatory exemptions and is not required to pay the Community Infrastructure Levy.

15.5 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.

## 16.0 Conclusions

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

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

16.3 The application site lies within an existing built up area and it is located in close proximity to existing local services. It will provide 100% of housing for affordable rent, which will make a small, but valuable contribution towards the Council's 5-year housing land supply. In terms of the impact of the development, the consultees are satisfied that the development is acceptable in terms of its impact on the highway network, the impact on the amenity of existing and future occupants and its overall design and appearance. Further information is required to inform consultees regarding the developments impact on flood risk and this will be reported to Planning Committee

16.4 Subject to no objection being received in terms of flooding from consultees, it is recommended that members indicate that they are minded to grant planning permission.

### **RECOMMENDATION: Minded to grant PP to HoD**

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application following;  
Notification of the application under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to Natural England explaining how their advice has been taken into account.

The Head of Law and Governance and the Head of Environment and Leisure be authorise to undertake;  
All necessary procedures under Section 278 of the Highways Act 1980 to secure the following;  
Upgrade of access road;  
Provision of bridleway;  
Associated highway drainage  
Associated street lighting  
Associated road marking and  
Associated signage.

Stop up and divert the highway and bridleway within the site that is no longer required under section 2478/257 of the Town and 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, 29.11.2018
- Location plan, Ref: 3174(B)02, Rev: A, 16.07.2018
- Revised Proposed Layout Plan, Ref: NTC18-001-103, 14.11.2018
- Proposed 2 Bedroom House GA Plans, Ref: NTC18-001-109, 07.02.2019
- Proposed 3 Bedroom House GA Plans, Ref: NTC18-001-110, 07.02.2019
- Affordable Housing Statement, Ref: NTC18-001-108, November 2018
- Design and Access Statement, Ref: NTC2018-001-107, November 2018
- Planning Statement, Ref: NTC2018-001-106, November 2018
- Phase 1 Geoenvironmental Desk Study, June 2018
- Appendix 5 - Groundsure Report, Ref: CMAPS-CM-708855-15691-010518EDR, 1.05.2018
- Preliminary Ecological Appraisal, May 2018
- Coal Mining Risk Assessment, Ref: 1272R002i2 FINAL, October 2018
- Drainage Construction Details Sheet 1, Ref: 02, Rev: P1
- Drainage Construction Details Sheet 2, Ref: 03, Rev: P1
- Drainage Construction Details Sheet 3, Ref: 04, Rev: P1
- Proposed Drainage Strategy, Ref: 01, Rev: P1
- Topographic Survey, Ref: 1544200.dwg, Rev: A, April 2018
- Arboricultural Tree Constraints Plan, Ref: ATCP, 01.05.2018
- Arboricultural Tree Constraints Assessment, 03.05.2018

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

- |    |                                        |        |   |
|----|----------------------------------------|--------|---|
| 2. | Standard Time Limit 3 Years FUL        | MAN02  | * |
| 3. | Gas Investigate no Development         | GAS006 | * |
| 4. | Altered Access Access Alt Prior to Occ | ACC015 | * |
| 5. | Turning Areas Before Occ               | ACC025 | * |

6. No development above damp proof course shall take place until details of traffic calming measures to 20mph have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over the provision of traffic calming to secure a satisfactory standard of development and in the interests of highway and pedestrian safety having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

7. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development

hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

8. Refuse Storage Detail Provide Before Occ REF001 \*

9. Construction Method Statement - Major SIT007 \*

10. Wheel Wash SIT008 \*

11. Prior to any of the dwellings hereby permitted being constructed above damp proof course, a scheme to manage refuse collection 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 and before the development is occupied.

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

12. Prior to first occupation of any of the dwellings hereby permitted, details of the acoustic fencing must be submitted to and approved in writing by the Local Planning Authority. All gardens bordering the eastern boundary of the site located adjacent to the playing field for Whitehouse Primary School shall be provided with a minimum fence height of 1.8 metres. Thereafter, this scheme shall be implemented in accordance with the approved details.

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

13. Dust suppression during construction SIT03 \*

14. Restrict Hours No Construction Sun BH HOU004 \*

15. Restrict Hours No Demolition Sun BH HOU005 \*

16. No trees within the site which are shown as being retained on the Arboricultural Tree Constraints Plan and proposed Layout Plan (NTC18-001-103) 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: To ensure existing vegetation is adequately protected having regard to policy DM5.9 of North Tyneside Local Plan (2017).

17. Prior to commencement 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:

- o 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.

- o 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

- o Details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 and the National Joint Utilities Group (NJUG)

'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees' which make provision for protection and the long-term retention of the trees, to include the installation 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.

- o 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.

- o 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 from the Local Planning Authority.

Reason: This information is required from the outset to ensure existing vegetation is adequately protected having regard to policy DM5.9 of North Tyneside Local Plan (2017).

18. All tree pruning works shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, all works shall be carried out in full accordance with British Standard 3998: 2010 -Recommendations for Tree Works.

Reason: This information is required from the outset to ensure existing vegetation is adequately protected having regard to policy DM5.9 of NorthTyneside Local Plan (2017).

19. Prior to commencement of works starting on site, the trees within the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan (TPP) unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group/hedgerow 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. 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.

Reason: To ensure existing vegetation is adequately protected having regard to policy DM5.9 of North Tyneside Local Plan (2017).

20. 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 to and approved in writing by the Local Planning Authority. Cabins, storage of plant and materials, parking are not to be located within the within the tree protection areas of the trees to be retained (Construction exclusion zone) as defined by the Tree Protection Plan and maintained for the duration of the works.

Reason: To ensure existing vegetation is adequately protected having regard to policy DM5.9 of North Tyneside Local Plan (2017).

21. 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 planting and ground preparation noting the species and sizes for all new plant species. The Landscape scheme is to include new shrub and/or hedgerow planting to the boundaries of the site (north and south) and adjacent to the car park where possible. All new tree planting is to be a minimum 12-14cm girth.

Reason: To ensure existing vegetation is adequately protected having regard to policy DM5.9 of North Tyneside Local Plan (2017).

22. 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: To ensure existing vegetation is adequately protected having regard to policy DM5.9 of North Tyneside Local Plan (2017).

23. No vegetation removal 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. When undertaking works to the building, any nesting birds will be allowed access to the nest until the young have fledged.

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. 3no. bat roost features must be incorporated into new buildings within the site. Details of bat roost features including specification, location and timing of installation must be submitted and approved in writing to the Local Authority within one month of works commencing on site. Thereafter the bat roost features shall be provided in accordance with the approved details and retained thereafter.

Reason: To ensure existing wildlife is adequately protected having regard to policy DM5.5 of North Tyneside Local Plan (2017).

25. 4no bird boxes must be provided on buildings or suitable trees within the site. Details of bird box features including specification, location and timing of installation must be submitted and approved in writing to the Local Authority within one month of works commencing on site. Thereafter the bird boxes shall be provided in accordance with the approved details and retained.

Reason: To ensure existing wildlife is adequately protected having regard to policy DM5.5 of North Tyneside Local Plan (2017).

26. Contaminated Land Investigation Housing CON00 \*  
1

27. Notwithstanding the submitted details no dwelling hereby permitted shall be constructed above damp proof course until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide adequate coastal mitigation to the Special Protection Area. Thereafter the scheme shall be implemented prior to any of the dwelling being first occupied.

Reason: In the interests of biodiversity in accordance with the advice in National Planning Policy Framework.

28. Prior to construction of any part of the development above damp proof course level, 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 additional highway drainage along the western parking area and a field drain in front of the boundary wall. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is first occupied.

Reason: In the interests of surface water management.

29. Prior to commencement, details of the schemes listed below shall be submitted to and approved in writing to the Local Planning Authority. Thereafter the schemes shall be implemented prior to commencement and retained.

- The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the potential risks posed to the development by past shallow coal mining activity;

- The undertaking of a scheme of intrusive site investigations to establish the location and condition of the recorded mine shaft;

- The submission of a report of the findings arising from both schemes of intrusive site investigations;

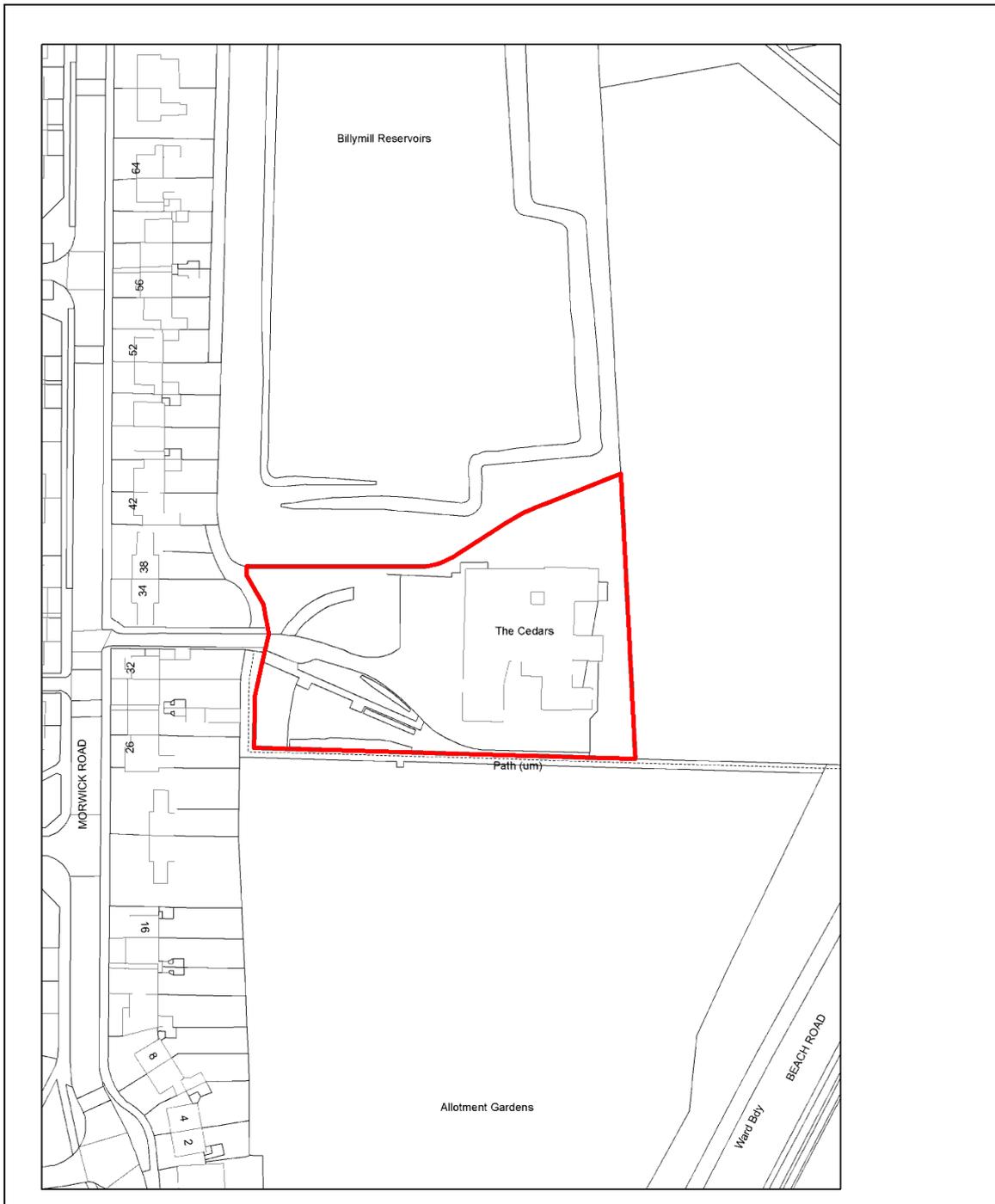
- The submission of proposed schemes of remedial works for shallow workings and treatment works to the recorded mine shaft, for approval; and

- The implementation of the approved remedial / treatment works.

This information is required from the outset to demonstrate that the site is safe and suitable for development having regard to NPPF and policy DM5.18 of the North Tyneside Council Local Plan (2017).

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

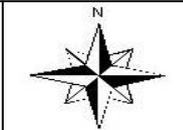
The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord 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.



**Application reference: 18/01655/FUL**  
**Location: The Cedars Resource Centre, Morwick Road, North Shields**  
**Proposal: Construction of 12no. two and three bedroom houses at the site of the former Cedars Resource Centre with existing access/single lane carriageway from Morwick Road**

Not to scale  
 Date: 07.02.2019

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**Appendix 1 – 18/01655/FUL  
Item 2**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for the construction of 12 two & three bedroom houses at the site of the former Cedars Resource Centre with existing access & single lane carriageway from Morwick Road. Whilst the proposed access is limited, the developer does not have control over adjacent land and as such there is no scope for improvement, although the access has been established for some time and the proposed use will not have a significant impact on terms of trip generation. Parking has been provided in accordance with current standards as well as a designated parking area for allotment holders which is an improvement on the current situation and the site is accessible by a refuse vehicle and improvements to the existing Bridleway are included as part of the scheme. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 The applicant will be required to enter into an appropriate legal agreement with the Local Authority for the following works:

Upgrade of access road  
Provision of Bridleway  
Associated highway drainage  
Associated street lighting  
Associated road markings  
Associated signage

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

1.5 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ  
ACC25 - Turning Areas: Before Occ  
ACC27 - Traffic calming measures to 20mph  
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 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 before the development is occupied.

Reason: In the interests of highway safety.

## 1.6 Informatives:

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

The 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.

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.

## 2. Manager for Environmental Health (Pollution)

2.1 This site is located within a residential area but the eastern boundary borders onto Whitehouse Primary School playing field. I would be concerned about potential noise from the school affecting the gardens for the properties plot numbers 4 - 12 located on the eastern boundary. However, this could be addressed through the provision of 1.8 m high acoustic fencing to the gardens for these properties.

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

### 2.3 Conditions

Prior to occupation, details of the acoustic fencing must be provided to all gardens bordering the eastern boundary of the site located adjacent to the playing field for Whitehouse Primary School with a minimum fence height of 1.8 metres.

SIT03  
HOU04  
HOU05

## 3 Biodiversity Officer

3.1 The application refers to a former resource centre (care facility) and its associated land and car parking facilities. The site is located to the east of Morwick Road in North Shields with Allotments to the south, residential housing to the west of Morwick Road, There are a number of (mixed species) semi-

mature trees within the northwest, playing fields to the east and the Billy Mill Reservoir to the north of the site.

3.2 The Preliminary Ecological Appraisal shows that the site is composed mainly of hard standing with amenity grassland, scattered trees and some scrub. The 5 trees shown within the North West part of the site will be retained as part of the development.

3.3 The site is within a designated wildlife corridor as defined by the North Tyneside Local Plan, therefore Policy DM5.7 Wildlife Corridors applies: *'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'*

3.4 As the scheme is within a designated wildlife corridor and there will be a small loss of habitat associated with the development, a landscaping scheme should be submitted which provides native planting of benefit to biodiversity.

3.5 The housing scheme is also within 6km of the coast and a European protected site (Northumbria Coast SPA). The Preliminary Ecological appraisal acknowledges that there will be an increase in recreational impacts from this development on the Northumbria Coast SPA and therefore mitigation will be a requirement of this scheme to address the impacts.

3.6 It is therefore recommended that a financial contribution towards a Coastal Mitigation Service is provided by the developer to mitigate these impacts. The financial contribution must be agreed between the developer and the Local Planning Authority prior to the determination of the application.

3.7 I have no objection to the above application subject to the agreement of the financial contribution for the impacts on the Northumbria Coast SPA (as set out above) and the following conditions being attached to the application:-

3.8 Conditions:

A detailed landscape plan must be submitted to the Local Authority for approval within one month from the start of any operations on site. The landscape scheme shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species.

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

All retained trees and scrub should be adequately protected in accordance with BS5837:2012. A Tree Protection Plan must be submitted to the Local Authority for approval prior to works commencing on site.

3no. bat roost features must be incorporated into new buildings within the site. Details of bat roost features including specification, location and timing of installation must be submitted to the Local Authority for approval within one month of works commencing on site

4no bird boxes must be provided on buildings or suitable trees within the site. Details of bird box features including specification, location and timing of installation must be submitted to the Local Authority for approval within one month of works commencing on site.

#### 4 Landscape Architect

4.1 The application refers to a former resource centre (care facility) and its associated land and car parking facilities. There are a number of (mixed species) semi-mature trees within the northwest quadrant of the site, set amongst areas of scrub that predominate throughout the whole site area.

4.2 In the wider (land use) context, there is residential housing (Morwick Road) immediately to the west and the Billy Mill Reservoir, consisting of an underground water reservoir, with the associated (elevated) land retained by a wall structure along most of the northern perimeter. Open aspect playing fields belonging to the Whitehouse Primary School border the eastern perimeter of the site, with the A1058 Beach Road carriageway lying beyond. There are allotment gardens to the south and a single lane highway and footpath, which connects the site from Morwick Road to the west, passing through existing residential dwellings. This route also provides access to the allotments immediately to the south. There is a pedestrian route (Bridleway) leading from the site onto Beach Road.

4.3 Car parking for the tenants of the allotments is also provided to the south of the site, close to the access into the allotment gardens and comprises of an uneven (gravelled) surface, which is regularly used by the allotment tenants.

4.4 The site is located within a wildlife corridor as defined by the North Tyneside Local Plan, therefore

Policy DM5.7 Wildlife Corridors applies:

*'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'*

#### 4.5 Landscape Comments (Trees and Landscape Design)

The trees have been evaluated in accordance with British Standard 5837:2012 – Trees in relation to design, demolition and construction, with regard to their quality and value. The type and size of the root protection area has also been calculated and the position of the protective barriers is determined.

The remaining contribution or safe useful life expectancy is estimated as an indication of the trees period of retention. The identified trees have been categorised as either A, B, C or U grade trees and have been marked on the Arboricultural Tree Constraints Plan (ATCP).

4.6 There are 5no trees on the site. 2 individual trees have ben categorised as 'high value' (A) and 3no individual trees as low value trees (C). All trees on the site are to be are to be retained (Clarity is required in the Design and Access statement where it refers to the possibility of 2no trees being removed but does not identify which ones). It is likely that T5 will require removal due to its proximity to the new car park area and the working area associated with it. However, a number of new trees are proposed to enhance the current number of trees on the site. A landscape scheme will detail species and final locations, but in order to address the issues relating to Policy DM5.7 the site should include shrub and/or hedgerow planting to the boundaries of the site (north and south) and adjacent to the car park where possible.

A full Arboricultural Impact Assessment (AIA) and Arboricultural Method statement (AMS) is required so the location of the protective fence for the retained trees can be determined.

4.7 Conditions:

4.8 Protection of retained trees/shrubs/hedges

No trees within the site which are shown as being retained on the Arboricultural Tree Constraints Plan and proposed Layout Plan (NTC18-001-103) 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

4.9 Tree Protection Plan (TPP) and Arboricultural Impact Assessment (AIA)

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.

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 and the National Joint Utilities Group (NJUG)

'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To

Trees' which make provision for protection and the long-term retention of the trees, to include the installation 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.

#### 4.10 Tree Protective Fencing

Prior to commencement of works starting on site, the trees within the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan (TPP) unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group/hedgerow 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. 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.

#### 4.11 Tree Pruning works

All tree pruning works shall be carried out in full accordance with British Standard 3998: 2010 -

Recommendations for Tree Works, detail of which are to be submitted for approval.

#### 4.12 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. Cabins, storage of plant and materials, parking are not to be located within the within the tree protection areas of the trees to be retained (Construction exclusion zone) as defined by the Tree Protection Plan and maintained for the duration of the works

#### 4.13 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 planting and ground preparation noting the species and sizes for all new plant species. The Landscape scheme is to include new shrub and/or hedgerow planting to the boundaries of the site (north and south) and adjacent to the car park where possible.

All new tree planting is to be a minimum 12-14cm girth.

#### 4.14 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.

#### 5. Public Rights of Way Officer

5.1 I have offered advice to designers which appear to have been included within design – although this would require more detailed discussions. A formal diversion under TCPA 1990 would be required – it cannot be confirmed until planning granted. I would expect the bridleway to be constructed to adopted highway standard 3m where possible – street lighting – splayed angles with no hidden corners on the diversion – flush drops onto access road – destination signage from Beach Road to Morwick.

5.2 Given it is a bridleway for equestrian use we need to consider viewing splay and therefore need to consider perimeter fence wall height at the mid point as it turns to new access road to improve safety.

5.3 With this in mind I would advise the diversion turns north west at a point further west to reduce conflict – the internal footway could then continue through so new residents have a more direct link onto bridleway and through to Beach Road – this would reduce conflict between all users.

#### 6. Design Officer

6.1 The design and layout is well designed and responds to the site constraints and surroundings. The site provides a mix of 2 and 3 bedroom homes within two different house types. The application provides improved car parking for the current allotments next to the site entrance. There is an appropriate separation between the allotment and residential car parking to avoid conflict. Existing high quality trees are retained and the site has a good balance of open space and landscaping. Overall, the scheme has a good design and layout and the application is supported.

#### 7. Local Lead Flood Authority

7.1 This application is for the construction of 12 two & three bedroom houses at the site of the former Cedars Resource Centre with existing access & single lane carriageway from Morwick Road. Conditional approval is recommended.

## 7.2 Recommendation - Conditional Approval

### 7.3 Condition:

Prior to construction of any part of the development above damp proof course level, 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 additional highway drainage along the western parking area and a field drain in front of the boundary wall. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of surface water management.

## 8. Environmental Health (contaminated land)

8.1 The site has a proposed sensitive end-use and is situated within the Coal Authority's High Risk Development area. Therefore I would have no objection in principle to the proposal provided that both Conditions CON 01 and GAS 06 are attached.

## 9. External Consultees

### 10. Northumbrian Water

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

10.2 Having assessed the proposed development against the context outlined above we note that the drainage strategy drawing no. 18120-01 P1 submitted shows the utilisation of a private foul drainage connection to the south of the site and a private surface water drainage connection which it is assumed is discharging to a watercourse. It would be useful to have clarity on how the private foul connection will ultimately connect to our public network and also confirmation that the surface water will ultimately discharge to a watercourse.

10.3 We will provide a further consultation response once we have more detail on this application.

## 11. The Coal Authority

11.1 The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy and Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

### 11.2 The Coal Authority Response: Material Consideration

11.3 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. The Coal Authority records indicate that a recorded mine entry (shaft, CA ref. 434569-001) and its associated zone of influence is present

within the western part of the application site. We hold no details of any treatment of this shaft and, due to potential plotting inaccuracies, the actual position of this feature could deviate from its plotted position by several metres. In addition, our information indicates that a thick coal seam outcrops across the site which may have been worked in the past.

11.4 The application is supported by a Coal Mining Risk Assessment report (October 2018, prepared by DBS Environmental). Based on a review of appropriate sources of coal mining and geological information, the submitted report concludes that unrecorded shallow mine workings associated with the Metal (Top Main) Coal seam which outcrops across the site, along with the recorded mine entry, for which no treatment details exist, pose moderate to high risks to the proposed redevelopment of the site.

11.5 Accordingly, Section 5 of the report makes appropriate recommendations for the undertaking of intrusive site investigations to ascertain whether shallow mine workings are present and to locate and establish the condition of the recorded mine shaft. The results of the investigations will then be used to inform appropriate treatment works to stabilise the workings/shaft.

11.6 The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with the Coal Authority's Permitting Team as part of their permit application.

11.7 The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works, shaft capping and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

11.8 We take this opportunity to highlight that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on this matter can be found at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-ofmine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-ofmine-entries)

11.9 In light of the above policy, we are pleased to note that the Proposed Development Layout drawing indicates that the spatial arrangement of development has been designed in a manner which ensures that no buildings are constructed within the 28m stand-off distance from the plotted position of the recorded mine entry, as recommended in the report.

11.10 The Coal Mining Risk Assessment report also recommends that a mine gas monitoring programme is undertaken at the site. 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.

11.11 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

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

- The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the potential risks posed to the development by past shallow coal mining activity;
- The undertaking of a scheme of intrusive site investigations to establish the location and condition of the recorded mine shaft;
- The submission of a report of the findings arising from both schemes of intrusive site investigations;
- The submission of proposed schemes of remedial works for shallow workings and treatment works to the recorded mine shaft, for approval; and
- The implementation of the approved remedial / treatment works.

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

## 12. Natural England

12.1 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

12.2 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.

12.3 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.

12.4 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.

12.5 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.

12.6 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.

12.7 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, Natural England must be consulted on any appropriate assessment your Authority may decide to make. Natural England's advice on other natural environment issues is set out below.

#### 12.8 Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

### 13. Tyne and Wear Archaeology Officer

13.1 The site lies immediately south of Billymill Reservoir, which is of industrial archaeological interest. I have no comments on the application however.

### 14. Police Architectural Liaison Officer

14.1 Following a telephone conversation on 13<sup>th</sup> December 2018 with Sharon Mackay at North Tyneside Council I am now happy that she has agreed to move the access through the site further to the West end of the site so that it is nearer

to the allotment parking area and therefore moves the public using the path away from the units and parking area.

14.2 I also acknowledge that the original concept was designed on advice of the council Highways and Byways officer but am grateful for the compromise which I believe will help alleviate potential problems in the future.

14.3 I would, however, recommend that the development is built according to the police approved security scheme Secured by Design (SBD) guidance. In relation to security for the individual units, details of the relevant specifications can be found at [www.securedbydesign.com](http://www.securedbydesign.com) and using the SBD Homes 2016 guide. This will help to create the safe and secure environment the applicant hopes to achieve.

## 15. Representations

15.1 None.