



North Tyneside Council

Planning Committee

7 December 2018

To be held on **Tuesday 18 December 2018** in Room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. To receive any declarations of interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes To confirm the minutes of the meeting held on 27 November 2018.	4 Continued overleaf

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

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5.	Planning officer reports	7
	To give consideration to the planning applications contained in the above report relating to:	
5.1	18/00081/OUT Scaffold Hill Farm, Whitley Road, Benton (Killingworth Ward)	13
5.2	18/01462/FUL Amberley Playing Fields at Killingworth Playing Field, Garth Twenty One, Killingworth (Killingworth Ward)	76
5.3	18/01555/OUT Land Adjacent to 87 Sunholme Drive, Wallsend (Northumberland Ward)	111
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5.5	18/00300/FUL 26-37 Clive Street, North Shields (Riverside Ward)	205
5.6	17/01466/FUL Hush Lounge, 20-24 South Parade, Whitley Bay (Whitley Bay Ward)	261
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5.8	18/01159/FUL S and B EPS Warehouse, West of 2 Grieves Row, Dudley (Weetslade Ward)	310
5.9	18/00899/FUL Auto Parc, Sandy Lane, North Gosforth (Weetslade Ward)	336
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6	5 Bygate, Whitley Bay Tree Preservation Order 2018 (Monkseaton South)	394

Members of the Planning Committee:

Councillor Jim Allan
Councillor Trish Brady
Councillor Sandra Graham
Councillor Muriel Green
Councillor John Hunter
Councillor Frank Lott (Chair)

Councillor Gary Madden
Councillor David McMeekan (Deputy Chair)
Councillor Paul Mason
Councillor Margaret Reynolds
Councillor Lesley Spillard

(Note: These minutes are subject to confirmation at the next meeting of the Committee scheduled to be held on 18 December 2018.)

Planning Committee

27 November 2018

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

PQ32/11/18 Apologies

Apologies for absence were received from Councillors J M Allan, G Madden and M Reynolds.

PQ33/11/18 Substitute Members

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

Councillor J Mole for Councillor J M Alan

PQ34/11/18 Declarations of Interest and Dispensations

Councillor P Mason declared a non-registerable personal interest in planning application 17/01689/FUL, Preston Towers, Preston Road, North Shields because his brother lived at 2 Medway Gardens, North Shields, which was located opposite the application site.

Councillor M A Green declared a registerable personal interest in application 18/00967/FUL, Howdon Landfill Site, Wallsend Road, North Shields because she was a substitute member of the North East Combined Authority Transport Committee. Councillor Green had a dispensation in relation to the registerable personal interest.

PQ35/11/18 Minutes

Resolved that the minutes of the meeting held on 30 October 2018 be confirmed as a correct record and signed by the Chair.

PQ36/11/18 Planning Officer's Reports

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

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

Application No: 17/01689/FUL Ward: Preston
Application Type: Full planning application
Location: Preston Towers, Preston Road, North Shields, NE29 9JU
Proposal: Proposal: Change of Use of Existing Preston Towers, from Nursing Home (Class C2) to 4no houses (Class C3) and 6no apartments (Class C3). Development of 4no new detached houses (Class C3). Construction of new access from unadopted road to the south of the site. (Revised Site Plan, AIA, Replacement Planting Scheme, Highways Statement, Floor Plans And Elevations)
Applicant: Moorland Holdings Ltd

The Committee gave consideration to a report of the planning officer in relation to the application, together with an addendum to the report which had been circulated to members prior to the meeting. The Committee were also presented with a record of a fact finding site visit undertaken by members of the Committee on 20 November 2018. 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:

- a) availability of the viability assessment executive summaries, which were available for inspection on the Council's website;
- b) appearance and design of the proposed new build properties and their impact on the character of the Preston Park Conservation Area;
- c) impact of the proposed new build properties on trees within the site; and
- d) desirability of improvements to the condition of the historic Preston Towers building.

Decision

Application refused on the grounds that:

- a) The proposed development of 4no new build properties would result in unacceptable harm to the character and appearance of the conservation area due to the impact on the original layout and character of the site, and the impact on trees. The proposal is contrary to the National Planning Policy Framework, policies DM6.1, S6.5, DM6.6 of the North Tyneside Local Plan 2017, the Design Quality SPD and the Preston Park Conservation Area Character Appraisal;
- b) The development would have an unacceptable impact on trees within the site due to the potential harm to retained trees during the construction work and future pressure to have the trees removed or cut back due to their proximity to the new dwellings. The proposal is contrary to the NPPF and policies DM5.9 and DM5.7 of the North Tyneside Local Plan 2017; and
- c) The applicant has failed to demonstrate that the development is not viable with the provision of affordable housing in accordance with the requirements of Policy DM4.7 of the North Tyneside Local Plan, the Planning Obligations Supplementary Planning Document LDD8 and the National Planning Policy Framework.

Application No: 18/00967/FUL Ward: Riverside
Application Type: Full planning application
Location: Howdon Landfill Site, Wallsend Road, North Shields
Proposal: Development to provide a satellite depot, required to stable part of the Metro fleet during the redevelopment of Gosforth Metro Depot (Additional Information: Landscape Plans, Butterfly Mitigation, Revised Site Plan)
Applicant: Nexus

The Committee gave consideration to a report of the planning officer in relation to the application, together with two separate addendums to the report 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:

- a) proposal that the site would be used as a depot for up to 10 years when it was anticipated that it would be de-commissioned and returned to its current state as undeveloped scrub land;
- b) proposed condition requiring the applicants to submit for approval details of a flood lighting scheme;
- c) economic impact of the development in terms of job creation;
- d) proximity of the nearest housing located 140 metres from the site; and
- e) likely impact of the development on the adjacent highway network.

Decision

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

- a) no further matters arising which in the opinion of the Head of Environment, Housing and Leisure would justify reconsideration by the Committee;
- b) the submission of information to satisfy the Biodiversity Officer and Landscape Architect's concerns;
- c) the proposed conditions set out in the planning officers report and addendums; and
- d) the addition or omission of any other conditions considered necessary following the receipt of any additional comments during the remainder of the consultation period.

(The Committee indicated that it was minded to approve the application as the development was considered to be acceptable in terms of the principal of development and its impact on nearby residents and businesses, visual amenity, biodiversity 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:	18/01061/REM	Ward:	Tynemouth
Application Type:	Reserved Matters		
Location:	Land at former Grange Interior Building, Bird Street, North Shields		
Proposal:	Approval of reserved Matters for access, appearance, landscaping, layout and scale of 16/01858/OUT for the development of 35no. residential units.		
Applicant:	PNorth Group Ltd		

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

Decision

Application approved, subject to the conditions set out in the planning officer's report, as the development was considered to be acceptable in terms of access, appearance, layout and scale including parking, means of enclosure, refuse storage, landscaping, privacy and outlook in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's Local Plan 2017.

PLANNING COMMITTEE

Date: 18 December 2018

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

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

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

Interests of the whole community

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

All applications should be determined on their respective planning merits.

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

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

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

Planning Considerations

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

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

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

Briefly, material planning considerations include:-

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

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

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

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

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

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

Officers' Advice

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

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

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

When refusing permission:

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

When granting permission:

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

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

Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Lobbying of Other Members

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

Lobbying

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

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

5.1	18/00081/OUT	Killingworth
	Scaffold Hill Farm Whitley Road Benton NEWCASTLE UPON TYNE NE12 9ST	
	Speaking rights requested -Keith Page, 17 St Cuthberts Way Holystone	
5.2	18/01462/FUL	Killingworth
	Amberley Playing Fields At Killingworth Playing Field Garth Twenty One Killingworth NEWCASTLE UPON TYNE	
	Speaking rights requested -Mr And Mrs Ord And Mr Jozef Anczak, 4 The Croft Killingworth	
	Speaking rights requested -Miss And Mrs Rutherford, 5 The Croft Killingworth	
	Speaking rights requested -Mr Keith McGowan, 22 Blueburn Drive Killingworth	
5.3	18/01555/OUT	Northumberland
	Land Adjacent To 87 Sunholme Drive Wallsend Tyne And Wear	
	Speaking rights requested -Mrs Margaret Elliott, 87 Sunholme Drive Hadrian Lodge Estate	
	Speaking rights requested - Mr King 58 Sunholme Drive, Hadrian Lodge, Wallsend	
5.4	18/00104/OUT	Killingworth
	Land East Of 9 Laurel End Forest Hall NEWCASTLE UPON TYNE	
5.5	18/00300/FUL	Riverside
	26 - 37 Clive Street North Shields Tyne And Wear NE29 6LD	
5.6	17/01466/FUL	Whitley Bay
	Hush Lounge 20 - 24 South Parade Whitley Bay Tyne And Wear NE26 2RG	
5.7	17/01777/FUL	Whitley Bay
	26 - 32 South Parade Whitley Bay Tyne And Wear NE26 2RQ	

5.8 18/01159/FUL

Weetslade

**S And B EPS Warehouse West Of 2 Grieves Row Dudley
NORTHUMBERLAND NE23 7PY**

5.9 18/00899/FUL

Weetslade

**Auto Parc Sandy Lane North Gosforth NEWCASTLE UPON TYNE NE3
5HE**

5.10 18/01559/FUL

Valley

**Land North East Of Holystone Roundabout Earsdon Road Shiremoor
NEWCASTLE UPON TYNE**

Item No: 5.1
Application No: 18/00081/OUT
Date valid: 18 January 2018
Target decision date: 19 April 2018
Author: Julie Lawson
☎: 0191 643 6337
Ward: Killingworth

Application type: outline planning application

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

Proposal: Outline application for up to 38 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments (amended site masterplan 17.04.18 with reduced number of units and amended layout; additional undergrounding information 23.04.18) (amended information and site layout 11.06.18 & 12.06.18) (additional information undergrounding 22.08.18) (additional information 08.10.18) (additional information and Design and Access statement 26.10.18) (additional information and amended plans 22.11.18)

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

Agent: WYG, Mr John Wyatt 2 St James Gate Newcastle-upon Tyne NE1 4AD

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues in this case are:

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

2.0 Description of the Site

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

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

2.3 The northern part of the site is designated as an existing housing site under Policy S4.2(b) in the Local Plan (2017), and the area to the south of the existing footpath is allocated as open space under Policy DM5.3. A wildlife corridor crosses the site.

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

3.0 Description of the Proposed Development

3.1 Outline planning permission is sought for the construction of up to 38 residential dwellings with associated parking and landscaping incorporating the undergrounding of overhead power cables and re-provision of allotments. The application is seeking outline planning permission only with all matters reserved, including layout, access, , scale, appearance and landscaping for future approval.

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

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

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

3.5 The applicant has indicated that 25% of the dwellings will be for affordable purposes.

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

4.0 Relevant Planning History

4.1 Application site

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

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

country park with associated habitat, landscape and recreational improvements:
Permitted 16.11.15

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

National Planning Policy Framework (NPPF) (July 2018)

National Planning Practice Guidance

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case are:

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

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

8.0 Principle of development

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

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

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

8.4 In relation to housing, NPPF states that the Government's housing objective is to increase significantly the delivery of new homes. In order to achieve this objective Government requires that authorities should identify and maintain a rolling supply of specific deliverable sites to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a persistent under delivery, the buffer should be increased by 20%.

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

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

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

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

public transport, whilst making appropriate provision for new or additional infrastructure requirements.

8.7 Policy S4.1 'Strategic Housing' states:

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

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

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

8.8 DM4.5 Criteria for New Housing Development states that proposals for residential development on sites not identified on the Policies Map will be considered

positively where they can:

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

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

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

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

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

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

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

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

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

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

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

8.17 The Local Plan text states:

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

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

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

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

8.20 The Allotment Service has been consulted and they advise that they require an appropriate number of allotments as previously agreed under the scheme reference 15/00945/FUL. The agent has advised that their drawing reference 119971/8010 Rev D provides a comparison between the consented quantum of allotments and the replacement allotments. This confirms that the proposed allotment area extends to 1.4ha (including parking) comprising a mix of full size allotments (250sqm), half size allotments (125sqm) and quarter size allotments (60sqm). The consented area extends to 1.25ha (including parking), comprising full/half size allotments. There is, therefore, a net increase in provision.

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

9.0 North Tyneside 5-Year Housing Land Supply

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

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

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

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

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

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

10.3 Policy DM 4.7 states that the Council will seek 25% of new homes to be affordable on new housing developments of 11 or more dwellings and gross internal area of more than 1000sqm. Developments will be required to provide a mix of affordable housing for rent and intermediate housing.

10.4 Policy DM 4.9 sets out housing standards.

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

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

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

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

10.7 Policy S6.5 'Heritage Assets' states that North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.
- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples

include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.

- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.

DM6.6 Protection, Preservation and Enhancement of Heritage Assets

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

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

10.9 The applicant has submitted a Landscape Visual assessment. This states that the development will have localised visual impacts. It is considered that the undergrounding of the pylons will have a beneficial effect on the Country Park. Key view images have been submitted.

10.10 The application is in outline form only therefore the layout of the development would be determined at a future reserved matters stage. However,

the LPA needs to be satisfied that the proposed number of dwellings can be accommodated on the site in a satisfactory manner. The Design officer raised concerns about the orientation of some dwellings on the indicative plan. An amended indicative layout has been submitted which has reduced the number of proposed dwellings from 44 to 38. The development would be read as a continuation of the development to the north of the site.

10.11 Northern Powergrid have objected to the proposal. They consider that the application should be withdrawn pending discussions between the applicant and themselves on the proposed undergrounding. Northern Powergrid have advised that the lines could be diverted to the south over the Rising Sun Country Park extension and that the lines could be retained. The applicant has advised that the ecological and landscape impact through undergrounding will be significantly less, and more easily mitigated against, than the relocation of pylons across the Country Park and that undergrounding frees up land currently sterilised by the pylons, which enables the provision of a sustainable residential development on an allocated housing site and that it enables significant betterment in terms of removing the landscape and visual impact of the pylons in this location, particularly in such close proximity to the Rising Sun Country park. The applicant has also advised that as with normal procedure involving sites with power lines overhead, and in accordance with the Master Wayleave Agreement relative to the application site, on receipt of planning permission the applicant is required to give Northern Powergrid 12 months' notice of their proposal to underground the power lines.

10.12 The applicant has advised that all residential curtilages will fall outside of the defined easement area and that no residential gardens are within the 10m easement area.

10.13 The Design Officer has advised that the design and layout links in well with the approved scheme to the north of the site and largely provides a positive development edge with units overlooking the Country Park. He advises that this is further complimented by the existing hedgerow which is to be retained and enhanced and will form a landscape buffer between the development and the Country Park. Plots 1 – 12 overlook the site entrance and contribute towards creating a distinctive point of entry. Movement around the site works well for pedestrians and vehicles. On-plot parking does dominate the street scene in places where there is high density development.

10.14 The impact on the setting of Scaffold Hill Farm is also important. The Design Officer advises that Scaffold Hill Farm is located to the south of the site and is an undesignated heritage asset which has some significance and contributes towards the character and appearance of the area. Concerns were raised with the applicant about the impact of the proposed scheme on Scaffold Hill Farm. Following discussions, development has been moved further away from Scaffold Hill Farm with a green buffer and an enhanced area of public realm. The layout and buffer around the Farm is now considered acceptable. The highway nearest the Farm is overly engineered and should be less formal in this location but this could be addressed during the reserved matters application. He advises that he is supportive of the application and any outstanding matters can be dealt with under the reserved matters application.

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

11.0 Impact on amenity

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

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

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

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

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

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

11.7 The Manager of Environmental Health has advised that the proposed amended indicative layout is an improvement on the layout initially submitted as the main gardens to the western boundary of the site are to the rear of the buildings. This will screen these rear gardens from noise without the need for a high fence, as is currently on the area of existing housing development to the north. Certain plots will require screening as the side of the gardens will still have line of sight of the A191 and the noise levels will be above the WHO guidance level of 55 dB LAeq for good outdoor amenity. The plan is unclear on what height any screening will be for these gardens and will be required however a condition is proposed to ensure this is submitted with the reserved matters details.

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

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

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

12.0 Highways

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

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

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

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

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

a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.

b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).

- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.
- f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

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

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

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

12.8 The proposal indicates two access points, one from the main estate road of the housing site to the north and the other from an access road from the estate under construction. The Highways Network Manager has been consulted. He has advised that a Transport Statement & Travel Plan have been submitted and it is considered that promotion of sustainable measures rather than additional highway improvements are more appropriate given the amount of improvements to the network being carried out as part of other developments in the area. Conditional approval is recommended. He also advises that the applicant will be required to enter into a Section 106 Agreement for £12,000 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. In addition the applicant will be required to enter into a Section 106 Agreement for £52,000 to contribute to the provision of public transport in the wider area.

12.9 Nexus have been consulted and they advise no objections subject to a condition requiring two four-weekly Network One All Zone travel passes per dwelling.

12.10 The Highways Agency have been consulted and they advise that they are satisfied that the development is not expected to generate a significant number of trips at the A19 Holystone junction relative to the consented development. However, given that the Holystone junction is currently over capacity and conditions are predicted to worsen in future years, they support any measures that seek to reduce the traffic impact at this junction therefore they welcome the submission of a Travel Plan.

12.11 Members need to consider whether the proposal would be acceptable in terms of its impact on highway safety and whether the proposal would accord

with the advice in NPPF, policy DM7.4 and LDD12 and weight this in their decision.

13.0 Biodiversity

13.1 The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. When determining planning applications, local planning authorities should apply the following principles if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

13.2 Policy DM 5.2 seeks to protect green infrastructure networks.

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

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

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

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

enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

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

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

13.7 The Rising Sun is a Local Wildlife Site. The southern part of the site is a wildlife corridor. Swallow Pond and Plantation is a Local Nature reserve. Hadrian Pond 300m to the south is a Site of Nature Conservation Interest.

13.8 The applicant has advised that there will be 80.4 linear metres of hedgerow removed as part of the proposed development within the site, 547 linear metres of new hedgerow will be introduced within the site.

13.9 The Biodiversity Officer and the Landscape Architect have been consulted on the proposal and there have been discussions on the potential impact of the development, particularly the undergrounding of the pylons, on the existing planting and the biodiversity of the area. The agent has submitted additional information during the course of the application to address their concerns.

13.11 The Biodiversity Officer and the Landscape Architect have advised that it has been confirmed that the easement for the undergrounding will be within a strip of land outside the private gardens and whilst there are still some concerns relating to the full impacts of the works it is felt this can be dealt with through conditions. Several conditions are proposed to deal with the potential impacts of the undergrounding and construction works on the existing trees and hedgerows at the site.

13.10 Newcastle Airport have provided comments advising no objections but the landscaping will need to be controlled due to issues with bird strike.

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

14.0 Other issues

14.1 Flooding

14.3 DM5.12 Development and Flood Risk

All major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

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

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

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

14.4 DM5.13 Flood Reduction Works

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

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

14.5 DM5.14 Surface Water Run off

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

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

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

14.6 DM5.15 Sustainable Drainage

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

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

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

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

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

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

14.7 The plans indicate a proposed detention basin. The applicant has advised that the basin is intended to drain after each storm event and not permanently hold water.

Based on the initial drainage strategy the detention basin is expected to receive water during each storm and drain within 24-48 hours of a single event, up to and including a 1 in 100 year.

14.8 The Local Lead Flood Authority has been consulted. He has advised that the surface water drainage proposals for this development are considered to be acceptable. The applicant intends to provide surface water attenuation within the site using a combination of oversized pipes and a storage pond. The surface water from the storage pond will then have a restricted discharge rate which is equivalent to Greenfield Run-off rate. A condition is recommended for details of the surface water management scheme to be submitted and agreed.

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

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

15.0 Contamination

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

15.2 DM5.18 Contaminated and Unstable Land

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

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

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

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

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

15.4 Policy DM5.17 states:

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

Mineral resources will be safeguarded from other forms of development that would prejudice future mineral extraction. Mineral Safeguarding Areas have been defined for shallow coal, marine and estuarine sand and gravel, basal sand, lower magnesian limestone, and glacial sand and gravel resources in the plan area and their extent is shown on the Policies Map. These resources will be safeguarded from non-mineral development that would needlessly sterilise the resource and prejudice future

mineral extraction. Planning permission will not be granted for any form of development within a Mineral Safeguarding Area that is incompatible with safeguarding the mineral unless an assessment is submitted in which the applicant can demonstrate to the satisfaction of the Local Planning Authority:

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

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

15.6 The Coal Authority has been consulted. They have advised that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. They note that a Geo-Environmental Desk Study has been submitted and they recommend a condition requiring

intrusive site investigation works to be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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

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

16.0 Other Issues

16.1 The Police Architectural Liaison Officer had made comments regarding the crossing points on the A191. The case officer has clarified the intended crossing points to be secured as part of the dualling of the A191 to the Architectural Liaison Officer and has advised that this clarifies the situation with regards to the crossing points.

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

17.0 S106 Contributions

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

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

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

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

17.3 The SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

17.4 S7.1 General Infrastructure and Funding

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

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

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

17.8 Planning obligations will be sought where:

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

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

17.10 DM7.2 Development Viability

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

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

17.13 In these circumstances the Council may:

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

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

17.15 DM7.5 Employment and Skills

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

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

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

- Playsites, equipped: £25,956
- Informal areas for play: £21,852
- Libraries: £7,236
- Strategic greenspace: £7,020
- Parks: £16,488
- Primary education: £117,612
- Secondary education: £76,608
- = Affordable housing at 25% with a 75:25 ratio (rent:intermediate)
- £12,000 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£24,000) shall be paid on commencement of development; further payments of £12,000 per year shall be paid each year thereafter until completion of the development and for two years post completion.
- £52,000 to contribute to the provision of public transport in the wider area.

Public Art : a contribution has been requested for this but no amount has been specified. Clarification is being sought from the service area on the required amount and the justification. This will be reported to committee.

18.0 Financial Considerations

18.1 The proposal involves the creation of 38 dwellings. The Government pays New Homes Bonus to local authorities to assist them with costs associated with housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

18.2 North Tyneside Council is set to receive £503,860 in New Homes Bonus for the period 2018-19.

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

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

19.0 Conclusions

19.1 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. 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.

19.2 It is considered that the proposal is in compliance with national and Local Plan policy and is recommended for approval subject to a S106 legal agreement and conditions.

RECOMMENDATION: Minded to grant legal agreement req.

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

- Playsites, equipped: £25,956**
- Informal areas for play: £21,852**
- Libraries: £7,236**
- Strategic greenspace: £7,020**
- Parks: £16,488**
- Primary education: £117,612**
- Secondary education: £76,608**
- Affordable housing at 25% with a 75:25 ratio (rent:intermediate)**
- £12,000 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£24,000) shall be paid on commencement of development; further payments of £12,000 per year shall be paid each year thereafter until completion of the development and for two years post completion.**
- £52,000 to contribute to the provision of public transport in the wider area.**

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

Conditions/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
- Composite Plan 119971/8016 C
- Cable Construction Sections 119971/8015 C
- Country Park Habitat Plan 119971/8011/H
- Outline landscape strategy plan 119971/8010/ E
- Cable Construction Zone plans 119971/8013 B
- Construction Method Statement Revision 21.11.18

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

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

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

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

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

- | | | | |
|----|---|--------|---|
| 4. | Restrict Hours No Construction Sun BH | HOU004 | * |
| 5. | Contaminated Land Investigation Housing | CON001 | * |
| 6. | Gas Investigate no Development | GAS006 | * |

7. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development hereby approved above damp proof course level details of facilities to be provided for the storage of refuse, recycling and garden waste for the proposed residential dwelling and a refuse management collection scheme shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of the residential dwelling and thereafter permanently retained.

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

8. The details to be submitted pursuant to condition 2 above shall include a scheme for parking and garaging which shall meet the requirements and standards set out in LDD12 (private and visitor parking) and manoeuvring and the loading and unloading of vehicles. The approved scheme shall be implemented and made available for use before the development hereby

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

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

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

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

10. Notwithstanding the details to be submitted pursuant to condition 2, prior to the occupation of any dwelling hereby approved a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. The development hereby permitted shall include no more than 38 dwellings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27. Notwithstanding the details to be submitted pursuant to condition 2, details of the boundary treatments (other than those to be agreed for the boundary with the A191), shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, these approved details shall be installed prior to the occupation of the dwelling and shall be permanently retained.

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

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

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

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

Reason: In the interests of land stability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Within the areas so fenced, the existing ground level shall be neither raised nor lowered.
- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, stockpiling or placing of site cabins or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- Where large roots are encountered they should be bridged with a curb which can rest on blocks or similar either side of the bridge.
- No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- A programme for the regular monitoring and compliance by the pre-appointed tree specialist during construction shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any dwelling on site.

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

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

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

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

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

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

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

43. Prior to the commencement of construction of any dwelling on site, 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 (Standard trees to be a minimum 12-14cm girth). Details are also to include mitigation for the loss of habitat to the allotments; habitat losses e.g. hedgerow, scrub and wetlands; enhancements to existing wetlands in the LWS; reinstatement of the Local Wildlife site (LWS) and reinstatement works within the construction working zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52. 12no. bat bricks shall be installed in new dwellings located along the southern edge of the development. Bat bricks will be installed at the level of the gutter (where there is unimpeded flight access to and from the bat roost entrance). Details of these bat bricks and their specification, locations and timing of installation must be submitted to the Local Planning Authority for approval prior to works commencing on any dwellings on the site. The development shall be carried out in accordance with the approved details.

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

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

any dwellings on the site. The development shall be carried out in accordance with the approved details.

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

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

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

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

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Building Regulations Required (I03)

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

Advice All Works Within Applicants Land (I29)

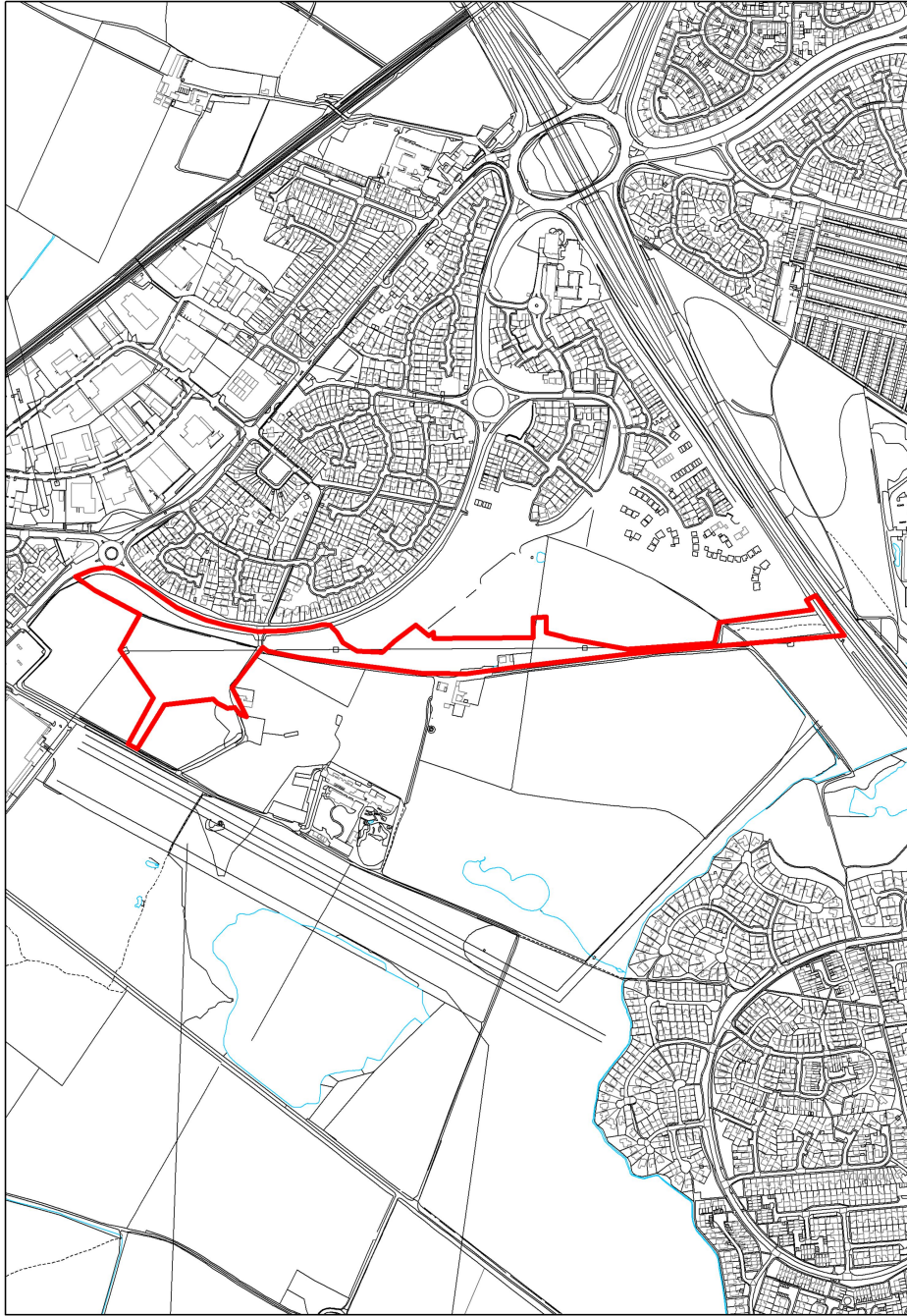
Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

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

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

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

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



Application reference: 18/00081/OUT

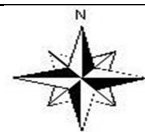
Location: Scaffold Hill Farm, Whitley Road, Benton

Proposal: Outline application for up to 38 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments

Not to scale

Date: 06.12.2018

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Appendix 1 – 18/00081/OUT

Item 1

Consultations/representations

1.0 Internal Consultees

2.0 Biodiversity Officer and Landscape Architect joint comments

3.0 Reference to the following plans:

- 119971/8016 Rev C - Composite Plan
- 119971/8011 Rev H – Country Park Habitat Plan
- 119971/8010 Rev E - Outline Landscape Strategy Plan
- 119971/8015 Rev C - Cable Construction Sections
- 119971/8011 Rev H – Cable Construction Zone Plan
- Construction Method Statement Revision 21.11.18

3.1 It has been confirmed that the easement for the undergrounding will be within a strip of land outside the private gardens. Whilst there are still some concerns relating to the full impacts of the works it is felt this can be dealt with through the following suggested conditions:

Tree and Hedgerow Protection

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

Protection of Hedgerow by fencing

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

Protection of ponds by fencing

Prior to the commencement on site, protective fencing is to be erected around all existing ponds to be retained, in accordance with the 'Pond Protection Plan' and BS5837:2012. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts or Heras fencing. No site clearance works or the development

itself shall be commenced until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

Pond Protection

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

Arboricultural Method Statement

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

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

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

Implementation of Tree Protection during development

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

- Tree roots greater than 25mm diameter should not be cut and worked around and must not be severed unless following approval from the sites Arboricultural Consultant.
- Within the areas so fenced, the existing ground level shall be neither raised nor lowered.
- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, stockpiling or placing of site cabins or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- Where large roots are encountered they should be bridged with a curb which can rest on blocks or similar either side of the bridge.
- No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

Construction Method Statement

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

Construction Method Statement:

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

Arboricultural supervision

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

to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction

Landscape Plan

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

Landscape Implementation

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

Landscape/Ecological Management Plan

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

Tree Pruning Works

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

Protection of trees and hedgerows in relation to drainage

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

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

Lighting Strategy

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

Bird nesting Season

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

Great Crested Newt Method Statement

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

Hibernacula

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

Bats

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

Bird box installations

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

Badger checking survey

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

4.0 Environmental Health

4.1 Following submission of amended indicative layout in April 2018:

The proposed layout is an improvement as the main gardens to the western boundary of the site are to the rear of the buildings and addresses most of the

concerns. A number of the plots will require screening such as plot 1, 6, etc as the side of the gardens will still have line of sight of the A191 and the noise levels will be above the WHO guidance level of 55 dB LAeq for good outdoor amenity. The plan is unclear on what height any screening will be for these gardens and will be required.

4.2 Prior to submission of amended indicative layout:

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

4.4 I have viewed the air quality report which has considered a construction dust assessment only. It is noted that for the size of development a full air quality assessment was not required, but that previous air quality assessment for an application for 460 residential units on the adjoining site concluded that the proposed development would result in a negligible impact. It is therefore considered that the proposed development for 44 residential units would not contribute to result in having a significant adverse impact on air quality in this area.

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

4.6 The consultant has shown that internal noise levels can be achieved that will meet the requirements of BS8233, if an appropriate acoustic glazing and ventilation is provided. I note that the noise assessment outlines that at night the traffic noise level drops, but paragraph 5.3.2 suggests that previous studies have identified a drop of 15 dB, but in paragraph 6.2.9 states it drops by 10 dB. Please can the applicant clarify which figure is correct.

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

where possible houses are orientated so that gardens are screened by the buildings to mitigate against road traffic noise.

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

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

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

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

SIT03

HOU04

5.0 Highways Network Manager

5.1 This is an outline application for up to 38 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments. All matters are reserved and the site is adjacent to the previously agreed application for 460 dwellings (15/00945/FUL). A Transport Statement (TS) & Travel Plan (TP) have been included as part of application and it is considered that promotion of sustainable measures rather than additional highway improvements are more appropriate given the amount of improvements to the network being carried out as part of other developments in the area. Conditional approval is recommended.

Recommendation - Conditional Approval

The applicant will be required to enter into a Section 106 Agreement for £12,000 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£24,000) shall be paid on commencement of development; further payments of £12,000 per year shall be paid each year thereafter until completion of the development and for two years post completion.

The applicant will be required to enter into a Section 106 Agreement for £52,000 to contribute to the provision of public transport in the wider area.

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

Conditions:

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of promoting sustainable transport.

Informatives:

- I05 - Contact ERH: Construct Highway Access
- I07 - Contact ERH: Footpath/Bridleway X's Site
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

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

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

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

6.0 Design Officer

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

to be retained and enhanced and will form a landscape buffer between the development and the Country Park.

6.2 Plots 1 – 12 overlook the site entrance and contribute towards creating a distinctive point of entry. Movement around the site works well for pedestrians and vehicles. On-plot parking does dominate the street scene in places where there is high density development.

6.3 Scaffold Hill Farm is located to the south of the site and is an undesignated heritage asset which has some significance and contributes towards the character and appearance of the area. Concerns were raised with the applicant about the impact of the proposed scheme on Scaffold Hill Farm. Following discussions, development has been moved further away from Scaffold Hill Farm with a green buffer and an enhanced area of public realm. Additional information has also been submitted with the application and a brief heritage assessment is now included in the Design and Access Statement. The layout and buffer around the Farm is now considered acceptable but not ideal. The highway nearest the Farm is overly engineered and should be less formal in this location. This could be addressed during the reserved matters application.

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

7.0 Parks Officer at Rising Sun

7.1 Prior to submission of amended indicative layout:

7.2 The red line boundary takes in a narrow piece of land to the south that connects to the hedge on our main access road. This patch of land is not within the land that the allotments are going in and takes up land that hasn't been discussed at any of the meetings.

7.3 Where are the new footpaths in the allotment area and what are they made up of? It seems from the plans that they are marked as being outside the current field boundary that the allotments are being put in.

7.4 What are the boundaries of the allotments going to be made of to prevent fly tipping/theft? Also are the allotments going to have one or more pedestrian access point?

8.0 Operations Manager Horticulture and Parks

8.1 Prior to submission of amended indicative layout:

8.2 We will be requiring the full contribution for Play / allotments / parks / strategic space. There is a need to mitigate the impacts of the additional population on the existing rising Sun Country Park. The effects of the development will increase impact on the park. The contribution will be used to mitigate against this.

The Park is directly linked to the proposed development providing recreational space which will be more heavily impacted as a consequence of its development.. The increase in the number of residencies continues to put increased pressure on the local infrastructure of the RSCP. These funds are

required to mitigate against the increase in footfall, improvements will include small infrastructure improvements such as improvements to planting, grassed areas which become worn from use, path surface improvements, fence improvements / repair and other infrastructure improvements according to need. Without these improvements the increase in footfall from this development will cause accelerated deterioration to the infrastructure of the park and result in a decline of quality for the existing residents of the area.

9.0 Allotment Service:

9.1 The Allotment Service require an appropriate number of allotment plots as previously agreed. A more detailed response can be supplied if an allotment site layout is provided for comment.

10.0 Housing Strategy Manager

10.1 The proposed affordable housing is acceptable.

11.0 Business Development Officer

11.1 No objections

12.0 Cultural Services

12.1 Consistent with the policy position outlined in section 12 of the recently adopted SPD, our priority in terms of community facilities is to support investment in the upgrading of the World Heritage Site at Segedunum in Wallsend. Investment in Segedunum is an investment priority in our discussions with Heritage Lottery Fund and in policy terms is consistent with the Council's Heritage Strategy which can be found here.

13.0 Local Lead Flood Officer

13.1 Further to additional drainage plan 23.04.18:
No further comments.

13.2 Prior to submission of amended indicative layout:

13.3 The surface water drainage proposals for this development are considered to be acceptable. The applicant intends to provide surface water attenuation within the site using a combination of oversized pipes & a storage pond which equates to 684m³ of storage volume. The surface water from the storage pond will then have a restricted discharge rate of 7.9l/s during a 1 in 100 year event which is equivalent to Greenfield Run-off rate and will connect into the adjacent Scaffold Hill development's SuDS system before it then enters the Wallsend Dene.

For the reasons outlined above, conditional approval is recommended.

Recommendation - Conditional approval

Conditions:

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

Reason: In the interests of surface water management

No development shall commence until a scheme & methodology for pollution control during the construction period has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained for the entire duration of the construction period.

Reason: In the interests of surface water management

14.0 Ward Councillor Comments

14.1 Cllr Linda Darke

14.2 While I am happy that the number of dwellings proposed has been reduced, I still feel unhappy with this application. I feel it is still an overdevelopment of the site.

Also, I am not convinced that putting the electricity cables underground as opposed to them being overground is a good idea.

14.3 In my opinion we have not proved it to be safe to have houses so near to these power cables, wherever they are situated. On that basis, I would not be in favour of this application. However Planning Committee will have the final say in due course.

15.0 Cllr Waggott-Fairley

15.1 - Queries submitted regarding proposed S106 contributions.

15.2 - I also note that the developer has not made mention of the SUDs? It was my understanding they were calculated to provide for the eventuality of 450-470 houses. I would have concerns that should this extra proposal go ahead, they would be unable to cope.

15.3 Overall, I have to say I am not in favour of this additional planning application. The developers have already had one extension to the original planning application when the retail and medical facilities were dropped and extra houses were granted on that part of the development. From memory that meant that Scaffold Hill went from around 450 to 470 dwellings, this would now see it increase to approx 506. If, after every approval of an application by committee, developers are continually allowed to keep coming back for extra bites of the cherry, it makes a mockery of the whole system and it can add significantly to the amount of dwellings over a period of time.

15.4 I also have concerns about the extra burden on the road and school infrastructure that the extra dwellings would bring.

15.5 I would be grateful if you could relay my concerns to the planning committee please.

15.6 Queries regarding proposed S106 spend also submitted:

15.7 I queried about a basketball area near this playsite because there has been some 'chatter' about it on the Holystone FB page apparently. Some residents are commenting that they were under the impression that there was an agreement between the council and Northumbria Estates who own the land.

15.8 I do think all Ward Cllrs would be in agreement for something to be supplied in the close vicinity, even if it was not a basketball area, as there is a lot of rough ground going to waste which could provide recreational use for the children nearby. Whilst I accept £25k is not a lot of money, that with the money from Scaffold Hill development should be able to provide something.

16.0 Holystone Action Group

16.1 Northumberland Estates clearly stated when they applied for permission to build 450 homes that they would not increase this figure. Subsequently, developers Taylor Wimpey / Bellway have sought to increase the number of homes by 10 and this was permitted. To now seek to put a further 44 homes onto this site would take the development to over 500. We would therefore have been in a stronger position to present to the Public Inquiry our arguments against this development as the data for environmental impact including traffic would have been stronger. Whereas 'undergrounding' the electricity cables would have a positive impact on the vista of the area, that was never on the original plans yet it clearly could have been. If Development Control is minded to support the application - and we understand the principle for development at Scaffold Hill has already been established, so this is a possibility - can a requirement of s106 monies be made to pay for a pedestrian-controlled crossing across the Holystone Way where the Public Right of Way exists at the Gated entrance to the track leading to Scaffold Hill Farm? This is at Crossing Point 3 on the attached plans/maps. We have consistently presented to North Tyneside Council that the crossing point being uncontrolled is dangerous and with extra traffic from this proposed development, there will be further increases in traffic, and therefore increased danger to pedestrians using this Public Right of Way.

17.0

3 letters of objection:

- The current road structure cannot cope
- Area is already heavily built up
- Please leave some green space
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- The building of further house will cause ever more congestion to, A191 (Whitley Road leading to Front Street). This is already a very congested road and without further infrastructure upgrade it will not be able to take more traffic. There are already long delays upwards of an hour to travel but a few short miles during peak times.
- Without further upgrades to these roads North Tyneside Council will be damaging the over all productivity of the area and seriously impacting the quality of life the people who live along these roads. The Planning department has to ensure new projects such as these do not have a detrimental impact on the lives of people who live around them.
- Although I have no complaints in providing houses for the ever growing population there are number of issues that I would like to take the opportunity to raise.

I was present at a meeting at the Cobalt, Silverlink as a local action group contested the plans from the original development. What the developers said and

what has happened are two completely different realities. These concerns also stand true for the new proposals at Scaffold Hill farm.

- The promises made during the first stage of the development were not upheld, inaccurate information was used and this concerns me further for the new proposals.

- The traffic in the area during the redevelopment has been excessive. It has had an impact on our everyday lives and has become increasingly dangerous. It has caused serious delays and has redirected traffic through the old Holystone village (Whitley Road) and beyond through more remote streets (Devonshire Drive). It is also concerning to see ambulances and other emergency vehicles unable to get through heavy traffic when responding to calls. It is the main route when linking various hospitals through three districts.

- The condition of the roads (dirt) has been very distressing and unpleasant especially when developers claimed this would not happen due to constant cleaning. The roadworks (lights) has caused disruption and has been very dangerous on Holystone roundabout. The local primary school children and their parents have openly voiced their concern within the press. The design of the road has caused confusion amongst drivers, wide roads, obscure lights and unclear road markings are all causing problems.

- Local infrastructure cannot cope with more houses. The schools and doctors surgery are under immense strain and failing to meet present demand.

- The local area is once again losing more green belt land which originally made the area an attractive place to live. Holystone has lost its identity as it becomes consumed by houses. The nature corridor has been affected and the loss of wild life immeasurable.

- Previously, the area was very popular for dog walkers, joggers, cyclists and people trying to live a healthy active lifestyle. The health and well being of the local residence should have more consideration.

- Broken promises/lies from previous meetings - One main factor that incensed a few residents (as we were not allowed to speak at the meeting even though lies/incorrect information was offered), some houses do directly face onto the redevelopment. It was claimed that no houses faced the building sites and traffic routes and that all houses backed onto Scaffold Hill. This is simply not true and should have been investigated.

- There are other areas in North Tyneside that could be considered and vacant buildings which could be redeveloped. I object to the lies being told to local residence during the last proposals. I seriously object to more heavy traffic and constant delays that affect our lives on a daily basis. I object to lack of consideration to nature and the health and well being of local residence.

18.0

1 objection from a resident stating that they are a Member of St. Bartholomew's Church and the Mothers' Union and the RSPB:

The extension to Bellway's Holystone Park also should not happen as animals need more than the Rising Sun Country Park to roam along green corridors.

The area nearer the old farmhouse is also pitted with many mine workings therefore subsidence risk.

19.0

2 representations from a resident of St Josephs Close

- Inadequate drainage
- Traffic congestion
- Queries regarding the burying of the high voltage cables and where they will be sited. Who will pay for the work and materials involved and the economic viability of the work involved.
- Former mine workings.
- I support this application as long as the total cost of the under grounding of 132 KV power cables and associated work-scopes are paid for by the developer of this proposed site. It would have been appropriate for the power company carrying out the work to have shown the actual cost of this work-scope. Power utility customers and North Tyneside rate-payers should not have to pay one penny towards this development.

20.0 External Consultees

21.0 Northumbrian Water

21.1 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.

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

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

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

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

How to Satisfy The Condition

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

Soakaway
Watercourse, and finally
Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can

be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

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

For information only

We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

22.0 Tyne and Wear Archaeology Officer

22.1 The archaeological work at Scaffold Hill Farm was completed in 2015.

22.2 I notice that the trial trenching report has not been submitted, although the desk based assessment and geophysical survey has. No further archaeological work is required

23.0 The Coal Authority

23.1 The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & 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.

23.2 The Coal Authority Response: Material Consideration

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

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

23.5 The planning application is supported by a Geo-Environmental Desk Study, dated August 2010 and prepared by Fairhurst. It is noted that this report was prepared for a wider development of which the current application site forms part. The report has been informed by an appropriate range of sources of information. It is noted that this current application is in outline with all matters reserved. The exact location of the mine entry on the site will need to be established and this

information used to inform the site layout, in order to ensure that adequate separation is provided between this feature and any buildings proposed.

23.6 Having reviewed the available coal mining and geological information the Geo-Environmental Desk Study concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy issues. These investigations should either confirm, or discount, the presence of the mine entry on the application site, and propose any necessary remedial works and no build zones to address the risks posed by this feature. The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

23.7 The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exact situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity, specifically the recorded mine entry. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.

23.8 The application is also supported by a Mineral Extraction Feasibility Study, dated January 2018 and prepared by Fairhurst. This report appears to cover a much larger site of which the current planning application site forms a part. The report notes that the site is within the North Tyneside Council Mineral Safeguarding Area and is identified by the Coal Authority as being within a Surface Coal Resource Area.

23.9 The report appears to have been informed by an appropriate range of sources of information. By utilising the available information the report identifies the sequence of coal seams beneath the site, depth to rockhead and thickness of overburden. The report has calculated the coal extraction ratio and the estimated extent and volume of the potentially extractable coal. The report authors have calculated the market value of the extractable coal and the volumes present and has assessed this against the estimated costs of excavating the overburden, extraction and infilling the coal seams.

23.10 Having carried out these calculations the report authors conclude that significant losses would be incurred for extracting and back filling with none of the shallow seams identified being feasible to extract and replace. The report authors therefore state that based upon the current value of coal, the maximum values of potentially extractable coal and volumes of overburden required to be excavated and replaced, it is calculated that the shallow coal seams identified beneath the site are not of economic value. The report authors conclude that having considered all the information the overall economic and enviro-social benefit of the proposed development outweighs the potential loss of the resource.

23.11 The Coal Authority Recommendation to the LPA

23.12 The Coal Authority concurs with the recommendations of the Geo-Environmental Desk Study; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

23.13 The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

23.14 In the event that the site investigations confirm the need for remedial works to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

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

- * The submission of a scheme of intrusive site investigations for approval;
- * The undertaking of the intrusive site investigations;
- * As part of the reserved matters application the submission of a report of findings arising from the intrusive site investigations;
- * As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entry on site, and the definition of suitable 'no-build' zones;
- * As part of the reserved matters application the submission of a scheme of treatment for the mine entry, if found to be present on the site, for approval;

A condition should also require prior to the commencement of development:

- * Implementation of those remedial works.

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

General Information for the Applicant

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

24.0 Highways Agency

24.1 We are satisfied that the proposed development is not expected to generate a

significant number of development trips at the A19 Holystone junction relative to the consented development. However, as stated in our previous response, given that Holystone junction is currently over capacity and conditions are predicted to worsen in future years, we would support any measures that seek to reduce the traffic impact at this junction.

24.2 As such, we welcome the submission of a Travel Plan and we would reiterate the following comments regarding the proposed measures:

- Person trips, mode splits and proportion of single and multiple occupancy car trips should be included in the baseline targets. Total person trip rates from the previous TA should be applied to the total proposed development for the purposes of establishing the baseline.
- The Travel Plan Coordinator should be appointed at least one month prior to commencement of construction to ensure the traffic impact of the construction period is minimised and all measures are in place prior to first occupation.
- The initial travel survey should be conducted within six months of initial occupation.

24.3 Highways England would not wish to offer any objection to the proposals and are satisfied for the application to proceed.

25.0 Environment Agency

25.1 We have no objections to the proposed development and our previous comments made in letter dated 27 February 2018 (NA/2018/113990/01-L01) still apply:

25.2 Having assessed the application and supporting information I can advise that we have no objections to the proposed development and the following comments to make.

25.3 Groundwater Advice to Applicant/LPA

There is a geothermal borehole located within the development boundary and is licensed under license number NE/023/0003/011. We would advise that the applicant take into account the impact and protection of the use of the borehole now and into the future.

26.0 BRAG (Bridleway and Rights Action Group)

26.1 Can you confirm the marked path on the inside of the hedgerow along the access road to the Country Park centre is to be created as a bridleway? This proposal was discussed several years ago with Northumberland Estates at a meeting between BRAG and a representative of Northumberland Estates concerning the rights of way in the area when the main development was first under discussion.

27.0 British Horse Society

27.1 I can only find reference to stables but no reference to horse riders or the need to consider their movement either on routes, safe road crossings or to provide safe links in the bridleway network – the only right of way available for horse riders. For these reasons I submit a formal objection to the application as it stands.

27.2 This new proposed development that had previously been considered unsuitable due to the overhead cables now jeopardises the traditional route used by horse riders to access the Rising Sun bridleway network from St Aidan's Square. It is a strategic link in the bridleway network. It should be upgraded to bridleway and a Pegasus Crossing should be provided over Holystone Way particularly as this road is to be widened. Evidence of equestrian use of this route was provided in the Public Inquiry to the Holystone bypass and is still on file.

27.3 Statement on page 24 on new public rights of way and page 25 of a new multi user route to the farm does not give an assurance that these proposals would be given legal bridleway status.

27.4 The following statements should be taken more fully into consideration in this application and be inclusive of all non motorized users not just walkers and cyclists.

27.5 Planning Statement – Local Plan Policy S1.2

Spatial Strategy Health and Well being

ii) quote walking and cycling (horse riding should be included)

v) Promoting access to all green spaces, sports facilities, play and recreation opportunities.

27.6 Transport Statement Travel Plan – Page 8 upgrade Holystone Way to 4 lane (previously approved) and page 9 provide enhanced crossings – does not state for all non motorized users.

27.7 Accessibility Statement – Construction Vehicles – there is a need to consider the movement of horse riders during construction – particularly when moving the overhead cables.

28.0 Police Architectural Liaison Officer

28.1 Amended consultation:

28.2 Having again looked at the amended information from a crime prevention point of view I have no further comments to add to my previous e-mail sent on 27/02/18.

28.3 Initial Consultation:

28.4 I have looked at it from a crime prevention point of view and I cannot find any grounds to object to it. There are positive points in that parking is in-curtilage, where possible (due to the narrowness of the site) gardens are back to back, units overlook the street and storage in the gardens (where appropriate) is being supplied. My only query on layout is the plot of land to the rear of plots 12 & 13. Who is going to be responsible for this? Would it not be better to include it in the gardens of those two plots?

28.5 I have noted the section on security in the D&A and in the full application I would encourage the developer to include Secured by Design (SBD) into the scheme. SBD is a police approved security scheme which has been shown to work in reducing crime and reducing the opportunities for crime to occur and I have worked with the architects (IDP) on numerous schemes over the years where this has been applied.

28.6 I have also noted the concerns over the current road system and its ability to cope with the increased traffic. Northumbria Police have commented on several schemes all over the force area where large developments have been proposed and have highlighted traffic problems that may occur with the number of units being put in place. Although this is only talking about an extra 44 houses when taken in context of the whole scheme there is the potential for an extra 1000 vehicles having to use the road system. I have also read the transport statement and noted the improvements being made to the A191 but support the view that extra crossing points should be considered. Making the A191 4 lane obviously increases the dangers of getting across so extra controlled crossing points should at least be considered.

28.7 Officer note: the case officer has clarified the details of the intended crossing points on the A191 to the Police Architectural Liaison Officer. He has since advised that this makes the situation clearer with regards to the crossing points.

29.0 Northern Gas Networks

No objections

30.0 Newcastle Airport

30.1 Comments on receipt of additional information

30.2 The indicated characteristics of the SUD basin are broadly what would be expected. However as detailed designs have not been finalised and all estimates are 'subject to change', the Airport request that a condition be added requiring the detailed designs for the SUD to be approved after consultation with Newcastle Airport.

30.3 Initial comments

30.4 The site is directly under the flightpaths for aircraft which have taken off to the east and are turning south to connect to designated air corridors. However, given the average height of aircraft at this point, the proposed physical development of the site would not result in any obstacle to overflying aircraft, or interference with navigational aids.

30.5 Aircraft noise

The site is not within the Airport's most recent noise contours, which model the potential noise impact for aircraft operating from the Airport up to 2035. Therefore it is not expected that noise levels will be above a level which will result in significant community annoyance. However aircraft flying overhead will be audible. The Airport already receives noise complaints from across North Tyneside, and therefore the Airport requests that the below informative is added to a grant of planning permission, in order to make clear the existing aircraft operations which would impact the site.

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

30.7 SUDS Ponds

There is a general presumption against the creation of open water bodies within 13 km of an aerodrome, which in relation to this scheme is NIA. This is due to the increased likelihood of bird strike as a result of habitat formation within close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome. The site masterplan appears to show an additional SuD pond, although it is not clear if this will permanently hold water. The Airport requests that the SuD basin is designed in such a way so as to not become an attractant to hazardous bird species such as feral geese. The Airport therefore requests that a bird strike assessment be undertaken to advise this. An assessment was undertaken by the same applicant in relation to the adjoining development to the north. As the interaction of the SuD on with those on that development will be a key consideration, it is suggested the assessment could be updated.

30.8 Landscaping

Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. The following species should not be used on site in quantities greater than 10%, in order to prevent the creation of bird attracting features on site.

Crataegus monogyna Hawthorn
Ilex aquifolium Holly
Rosa canina Dog Rose
Berberis spp Barberry
Cotoneaster
Viburnum
Aucuba *Buddleia*
Callicarpa Beauty Berry
Chaenomeles Japonica
Clerodendrum
Danae Butcher's Broom
Daphne Euonymus Spindle
Hypericum St John's Wort
Lonicera Honeysuckle

Lonicera Honeysuckle
Mahonia
Malus Crab Apple
Sorbus aucuparia Rowan
Pernettya Prickly Heath
Prunus avium Wild Cherry
Pyracantha Firethorn
Rhus Sumac
Ribes Ornamental Currant
Sambucus nigra Elder
Skimmia
Stransvaesia
Symphoricarpus Snowberry
Taxus Yew

30.9 Lighting

All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead. This should be conditioned as part of the planning permission.

31.0 Natural England: comment on amended plan and original

40.1 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's advice on other natural environment issues is set out below.

31.2 European sites – Northumbria Coast Special Protection Area

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Northumbria Coast Special Protection Area and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

31.3 - The site is sufficiently distant from the SPA that increases to recreational activity are unlikely to be an issue due to the presence of closer greenspace to the development. Residents will be required to cross three main trunk roads to reach the coast, and so regular recreational activity is more likely to take place in the greenspace closer to the development site.

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

32.0 Nexus

32.1 Nexus has no objection to this application but would request that the council attaches a condition to approval for the provision of two four-weekly Network One All Zone travel passes per dwelling.

Although the request for this condition is usually triggered at 50 dwellings, Nexus treats any application that forms part of a larger development, as one development.

33.0 Northern Powergrid

33.1 Initial response

33.2 Our EHV Designers have confirmed the overhead lines over-sailing the proposed site are Northern Powergrid's. They are the Tynemouth – Benton Rail 132kV Feeders No 1 & 2.

33.3 132KV cables would be laid in ducts in a trefoil arrangement along with any necessary pilots. We would normally want to utilise adopted highway however a suitable easement route could be considered, but the end of house owners gardens will not be suitable.

33.4 The 132kV cables would need to be installed at a min depth of 910mm to the top of the tile tape.

33.5 Further response:

33.6 I am instructed by Northern Powergrid, owners of electricity distribution apparatus on the application site. Northern Powergrid has not agreed to the removal of the electricity distribution apparatus, whereas the application documentation may be interpreted differently.

33.7 Objection submitted on behalf of Northern Powergrid, the owner of the electricity distribution apparatus on the application site, comprising four steel lattice towers supporting 132kV overhead power lines.

33.8 Objection submitted advising that NP have not agreed that the electricity distribution apparatus will be undergrounded or diverted, nor has the applicant approached NP to discuss such an agreement, Options would need to be rigorously assessed and examined and a commercial agreement concluded with the applicant.

33.9 NPg has not agreed to underground or to divert the electricity distribution apparatus. The application infers that it has.

33.10 The applicant has not fully considered:

- a. other options for diversion and/or undergrounding and/or retention, or
- b. any impact on development of retaining the line in situ, or
- c. where else the proposed dwellings could more expediently be located, or
- d. the significant visual impact of new termination towers.

33.11 Undergrounding may have greater impact. It is more restrictive on the ground and the impact of termination towers can be severe. Construction works can be lengthy and disruptive.

33.12 NPg has no interest in undergrounding or diversion but if the applicant wishes to do so NPg will cooperate to achieve a technical and commercial agreement. NPg may seek a Necessary Wayleave Order which could fix the electricity distribution apparatus in place.

33.13 A consent predicated by condition on works to NPg's electricity distribution apparatus may be subject to challenge.

33.14 It is in the interests of all parties, including the applicant and the local planning authority, to resolve this issue prior to determination so as not to jeopardise delivery. NPg requests that to allow an agreement to be concluded, either that the application is withdrawn for resubmission, or that determination is deferred infers that it has.

33.15 NPg has not agreed that the electricity distribution apparatus will be undergrounded or diverted, nor has the applicant approached NPg to discuss such an agreement. Options would need to be rigorously examined, and a commercial agreement concluded with the applicant.

33.16 NPg has been consulted only about technical aspects of rerouting or undergrounding, but has not agreed on a preferred option.

33.17 Documentation and statements in planning application combine wrongly to infer that (i) undergrounding or diversion has been agreed, and that (ii) it can be delivered.

33.18 An email from the agent describes undergrounding with certainty: "The 132kV cable will initially be laid underground ... will comply with company regulations ... we would suggest [a] detailed construction management plan which would be agreed by condition ...".

33.19 An email from the agent provides detailed construction information (not endorsed by NPg) showing “the correct alignment of the proposed undergrounding ... details of the undergrounding methodology and reinstatement works and pylon decommissioning ...”

33.20 Two site-specific drawings (not endorsed by NPg) have been submitted titled ‘Cable Construction Plans’ and ‘Cable Construction Sections’.

33.21 The Planning Statement states: “... recent assessments have identified that the cables can be undergrounded ... The pylons which currently occupy the site are to be removed and the cabling routed underground”

33.22 The Design, Access and Sustainability Statement includes images showing a “10m easement for rerouted / buried power cables” and reference to two termination towers.

33.23 NPg undergrounding case studies and an image of a termination tower are included.

A submitted ‘Diversion Plan’ shows ‘Potential Diversion Routes’.

33.24 If the applicant wishes to underground or divert the electricity distribution apparatus, options need to without a commercial and technical agreement. The applicant has not confirmed agreement with NPg, and cannot deliver undergrounding or diversion without such an agreement which will be constrained by NPg’s powers and duties under the Electricity Act, and may be subject to scrutiny by the regulator.

33.25 The allotment land in the previous wider consent (15/00945/FUL) was appropriately allocated to make best use of land, and did not require undergrounding or rerouting. The applicant has not justified a deviation from this consent.

33.26 Other options have not been considered and the application does not explain why it requires undergrounding within the current application site - if that is what the applicant wishes - and not by undergrounding or diversion elsewhere, particularly to the south either over or under non-built uses.

33.27 It is in the interests of all parties, including the applicant and the local planning authority, to resolve this issue prior to determination so as not to jeopardise delivery. Northern Powergrid requests that the application is withdrawn or deferred for determination to allow this, and will co-operate constructively and openly with the applicant and with the local planning authority.

33.28 GENERAL PRINCIPLES OF ELECTRICITY DISTRIBUTION APPARATUS AND PLANNING:

A.1 Necessary Wayleave Orders: Where electricity distribution apparatus is held on wayleave, as it is in this case, a distribution network operator may apply to the Secretary of State for Business, Energy and Industrial Strategy for a ‘Necessary Wayleave Order’. This would usually secure the electricity distribution apparatus on site for fifteen years.

A.2 Planning: Planning policy and guidance does not require removal of electricity distribution apparatus as a pre-condition to development. It is not necessarily within a distribution network operator's powers to underground or divert electricity distribution apparatus. Planning permission and third party agreement may often be required, and scrutiny by the regulator may be forthcoming.

A.3 Termination Towers: Termination towers are visually massive structures, usually regarded as having twice the visual impact of a lattice tower. The applicant proposes here to replace four lattice towers with two termination towers.

A.4 Impact on Development: Undergrounding can often be more restrictive on development as it sterilises land, whereas nothing prevents development under or near to an overhead line.

A.5 Guidance: Established and tested statutory regulations and guidance⁹ promotes use of land under and near to electricity distribution apparatus for uses necessarily required to support the wider development including POS, sports and amenity land, play areas and MUGAs, flood attenuation, habitat mitigation, green corridors and biodiversity, allotments, waste and recycling, parking, adopted and private roads and footpaths, and private gardens.

A.6 Duty to Mitigate: A developer has a duty to take "all reasonable steps"¹⁰ to mitigate any injurious affection that might be claimed as caused by retained electricity distribution apparatus. This includes consideration of retention and layout mitigation design.

A.7 Challenge: A consent conditionally predicated on works to electricity distribution apparatus owned by a third party may be subject to challenge.

33.29 Further response 24th October 2018:

33.30 These representations are supplementary to previous representations and are made in response to two points raised by the case officer in an email of 10th October:

"...The Local Authority would not want the pylons to be diverted on the land to the south of the site for ecological reasons. ...

It is considered that the development would not be acceptable if pylons were to remain in any way above ground level and the undergrounding is a specified part of the application proposal. However, how this is achieved is a matter for the applicant and yourselves and not one in which the Local Planning Authority would be able to control, other than to control the issues concerning the development on material planning grounds. ... "

33.31NPG'S POSITION

33.32 Diversion of the line to the south as an overhead line is likely to be more easily ecologically mitigated than a trenched and ducted undergrounded line. An overhead line has significantly less impact on affected or sterilised land uses, allows best use of land, is more easily and quickly constructed, and invariably has less impact on habitat and ecology.

33.33 There is no planning basis for not supporting retention of the overhead line with dwellings proximate to it subject only to technical compliance with statutory regulations, easily satisfied in this case.

Developers may have a subjective prejudice against such development, but it is not uncommon in the UK.

33.34 NPg requests that determination is deferred by agreement for a short period (or withdrawn) to allow a technical and commercial agreement to be concluded, as is normal in such cases.

33.25 Further response 24.10.18:

33.36 These representations are supplementary to previous representations and are made in response to two points raised by the case officer in an email of 10th October:

33.37 Diversion of the line to the south as an overhead line is likely to be more easily ecologically mitigated than a trenched and ducted undergrounded line. An overhead line has significantly less impact on affected or sterilised land uses, allows best use of land, is more easily and quickly constructed, and invariably has less impact on habitat and ecology.

33.38 There is no planning basis for not supporting retention of the overhead line with dwellings proximate to it subject only to technical compliance with statutory regulations, easily satisfied in this case.

Developers may have a subjective prejudice against such development, but it is not uncommon in the UK.

33.39 NPg requests that determination is deferred by agreement for a short period (or withdrawn) to allow a technical and commercial agreement to be concluded, as is normal in such cases.

Item No: 5.2
Application No: 18/01462/FUL
Date valid: 19 October 2018
Target decision date: 14 December 2018
Author: Julia Dawson
☎: 0191 643 6314
Ward: Killingworth

Application type: full planning application

Location: Amberley Playing Fields At Killingworth Playing Field, Garth Twenty One, Killingworth, NEWCASTLE UPON TYNE,

Proposal: Creation of new Artificial Grass Pitch (AGP), installation of new 4.5m high ball stop fencing and entrance gates to AGP perimeter, installation of new 2.0m high and 1.2m high pitch perimeter barrier and entrance gates within AGP enclosure, installation of new 2.5m high acoustic barrier along the Southern AGP perimeter, installation of new hard standing areas, installation of new floodlight system, installation of new maintenance equipment store located within AGP enclosure, relocation of portable goals storage compound, formation of grass mounds around the football ground(ADDITIONAL INFORMATION SUBMITTED 22.11.2018: Supplementary Planning Statement)

Applicant: North Tyneside Council, Mr Paul Youlden Quadrant The Silverlink North Cobalt Business Park North Tyneside NE27 0BY

Agent: Labosport Ltd, Mr Tom Betts Unit 3 Aerial Way Hucknall Business Park Watnall Road, Hucknall Nottingham NG15 6DW

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issue is whether the proposed development is acceptable and the impact that this would have upon the site and the surrounding area having regard to the following:

- Principle of development;
- Impact on amenity;
- Impact on character and appearance;
- Impact on wildlife corridor and landscape features;
- Impact on highways, and;
- Other matters including impact on ground conditions.

1.2 Members need to consider whether the proposed use of the site is acceptable having regard to the issues above.

2.0 Description of the Site

2.1 The site to which the application relates is a Amberley Playing Fields in Killingworth. The application relates to a playing field, which is currently marked out as a football pitch and is located immediately to the north of an informal parking/hardstanding area associated with the playing fields/Killingworth Young Person's Centre. The formally laid out car park is located beyond the south western perimeter of the playing field in question and the Killingworth's Young Person's Centre is located to the west of this.

2.2 The application site is generally bordered by tree groupings and sections of hedgerows around most of its western and southern perimeters with a linear spur of woodland traversing along most of the eastern perimeter, which divides the application site from further existing sports pitches. Further sports fields and open grass areas are located to the west and north with residential properties bordering the site along the southern, western and eastern boundaries beyond the treelines. There is an existing floodlighting column sited to the south east of the playing field.

2.3 The site forms part of the sports development provision in the local area with pedestrian and vehicular access from the south via Garth 21 and East Bailey.

2.4 The application site is designated open space and located within a wildlife corridor (North Tyneside Local Plan 2017) and also within Newcastle Airport's aerodrome safeguarding zone.

3.0 Description of the Proposed Development

3.1 The proposal relates to the construction of the following:

- An artificial grass pitch (AGP);
- Installation of a 4.5m high ball stop fencing and entrance gates to AGP perimeter;
- Installation of a 2m high and 1.2m high pitch perimeter barrier and entrance gates within AGP enclosure;
- Installation of a 2.5m high acoustic barrier along the southern AGP perimeter;
- Installation of new hard standing areas;
- Installation of new floodlight system;
- Installation of new maintenance equipment store located within AGP enclosure;
- Relocation of portable goals storage compound;
- Formation of grass mounds around the football ground.

4.0 Relevant Planning History

98/00049/FUL - Provision of floodlighting for football and training pitches, access road to archery range, removal of two small groups of trees – Approved 18.03.1998

98/02046/FUL - Provision of 6 no. C.C.T.V. cameras on 3 no. 6 metre high columns – Approved 17.02.1999

16/01560/FUL - Removal of existing 15m floodlight and replacement with 1no. 17.5m monopole to support floodlights at 13m high, 3no. telecommunications antennas and 2no. dishes with associated equipment cabinets situated at ground level – Approved 15.02.2017

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

5.2 Government Policy

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

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

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

PLANNING OFFICERS REPORT

6.0 The main issues for Members to consider are:

- Principle of development;
- Impact on amenity;
- Impact on character and appearance;
- Impact on wildlife corridor and landscape features;
- Impact on highways, and;
- Other matters including drainage and impact on ground conditions.

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

7.0 Principle of the Proposed Development

7.1 Paragraph 91 of the National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of safe and accessible green infrastructure and sports facilities. Paragraph 96 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

7.2 The NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

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

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

7.4 Policy DM5.2 'Protection of Green Infrastructure' states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances; (d) The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space. Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

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

7.6 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 the strategic, development management or area specific policies of this Plan.

7.7 The application site is an existing playing field located on designated open space (Local Plan 2017). It is also identified within the Council's Green Space Audit as being an 'Outdoor Sports Facility' of high quality and medium value with unlimited access. The applicant has advised that the land is owned by North Tyneside Council (NTC). The clubhouse itself is owned by Killingworth Young Peoples Club (KYPC). The artificial grass pitch (AGP) is subject to a successful bid by NTC to the Football Foundation for funding. A requirement of the bid is that planning approval is in place.

7.8 KYPC have submitted a letter in support of the application and have advised that the proposed pitch, associated floodlighting and other development works will provide an all-weather facility for their members, the local community and partners including Active North Tyneside, Killingworth Archers, Cramlington

Rockets RFL, Newcastle United Foundation, Pin Point Recruitment Football League, Forest Hall Juniors, Percy Hedley Foundation, Newcastle Falcons RFU, Northumberland Cricket Board, Street Games, Newcastle Thunder RFL and Amberley Primary School. KYPC have advised that development of the artificial pitch is essential for the sustainability of the club as currently members have to travel outside of the area for training and matches which is costly and is deterring members from playing sport.

7.9 Twelve letters of support from members of the public have been submitted, many of which express the need for the proposed development. Fourteen objections have also been received. These mainly relate to the impact of the proposal on the amenity of local residents. However, a small number have also questioned the need for the proposed AGP.

7.10 Sport England and the Northumberland Football Association have offered their support of the proposed development. The Northumberland FA have pointed out that Amberley Playing Fields is a priority area for investment for the FA and that there is an undersupply of 3G football turf pitches within the Local Authority area.

7.11 Members must determine whether the principle of the proposed development is in accordance with the above policies. Officer advice is that proposed AGP and associated works will provide an improved sports facility at the application site, which will provide increased opportunities for sport for the local and wider community. The principle of the proposed development is therefore in accordance with the objectives of the NPPF in providing a safe and inclusive space to support healthy lifestyles. In addition, it is in accordance with policies S1.2, DM5.2, DM5.3 and S1.4 of the Local Plan.

8.0 Impact on Amenity

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

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

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

to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

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

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

8.5 Objections have been received from residents of The Croft, Goldstone Court, Amberley Chase (to the south of the site), Alderely Drive (to the east) and Edgemount (to the west). Objections relate to the impact of the proposed AGP pitch on the amenity of the residents with particular reference to the timing of the undertaking of the noise report, increased noise (from late evening use of the pitch and an increase in the number of games being played), light pollution and disturbance from the proposed flood lights, increase in litter/rubbish at the site and existing problems with anti-social behavior and management of the KYPC, which residents feel will be exacerbated by the proposals. These concerns are noted.

8.6 Firstly, with regard to the timing of the noise assessment, the applicant has advised that it was undertaken between 6pm and 9pm at a monitoring location onsite considered representative of the noise sensitive properties. The purpose of the site survey was to determine the existing noise climate at locations close to the nearby residential properties during the evening hours of proposed AGP activities. With the survey undertaken during the off season when the site is at its quietest, this ensures the most robust comparison between the existing background noise climate and equivalent noise levels and maximum noise levels created during AGP activities. The provision of the acoustic barrier is the result of this comparison. It is also recommended that a noise management plan should be implemented for the proposed development. Furthermore, currently football and informal community activity at the site takes place up until 9pm and KYPC are not aware of any complaints with regard to noise.

8.7 The Council's Environmental Health team has reviewed the submitted report and raised no objection to the proposed development subject to the suggested conditions in order to control the hours at which the pitch is used (no later than 21:00), the submission of a noise management plan, full details of the acoustic fencing, a noise scheme to consider absorption of impact noise and details of the uprights for the mesh fencing.

8.8 The applicant has noted the glare and light intrusion which is experienced as a result of the existing flood lights and illustrated via photographs submitted with objections. He has advised that the proposed lights will include modern technology to minimise this. They will fulfil sports lighting requirements and are particularly suited to applications where low light pollution is essential. There are more columns at a lower level and the lights themselves have canopies to direct light on to the pitch and minimise spillage to other areas. The proposed 2.5m high acoustic fence will further block any low level light spillage to properties to the south of the site. He has advised that the new design will result in less light spillage than the current floodlight system.

8.8 The applicant has acknowledged concerns regarding the use of the flood lights until 22:00 and has advised that a curfew of 21:00 would be acceptable. However, any earlier would result in the new pitch being unviable and it would not be supported by the Football Foundation. There are no restrictions on the times that the current pitches and floodlights are used.

8.9 The Council's Environmental Health team has raised no objection the installation of the flood lights or their use until 21:15, however a condition must be attached to ensure that the lighting is installed in accordance with the submitted lighting scheme and that no glare enters the residential dwellings, by ensuring compliance with the Institute of Lighting Engineer's Guidance for the reduction of light pollution. This will be controlled by condition.

8.10 Concerns relating to the engagement with local residents by the KYPC are noted. Whilst this is not strictly a matter for consideration as part of this planning application, the applicant has provided the following feedback back on this: KYPC have very recently restructured their management arrangements and a new committee has been appointed. This was partly in recognition that previous management structures were not adequate for the site. This gap between management arrangements may partially account for the lack of communication with neighbours in recent months. KYPC have confirmed that in past they have liaised with neighbours and that the new committee is fully committed to maintaining good relations going forward.

8.11 In addition if the AGP is built then KYPC have committed to employing a full time officer to take responsibility for all aspects of management of the site. This is built into the business plan for the new AGP submitted to the Football Foundation. A key aspect of this new role includes liaison with neighbours and wider community engagement. In addition as a condition of the potential grant from the Football Foundation a user group must be formed. KYPC have confirmed that they would welcome a representative from the residents association to sit on this user group.

8.12 With regard to the concerns relating to an increase in rubbish as a result of the proposed development, the applicant has advised that management of litter of the wider site is not directly linked to this application. However, in order to help address the concerns raised they would be happy to accept a condition of planning to install two extra bins as part of the installation of the AGP. KYPC will also remind all users to use the litter bins provided and part of the duties of the proposed new employee will be litter management.

8.13 The Council's Environmental Health team has raised no concerns with regard to the impact of the proposed development in terms of increased litter. It is considered that the attachment of a condition requiring the provision of two extra bins as part of the AGP will address this matter.

8.14 Members must determine whether the proposed development is acceptable in terms of its impact on the residential amenity of surrounding occupiers with particular regard to noise and disturbance, light intrusion, and litter. Officer is advice is that the proposed development is acceptable in each of these regards

subject to the suggested conditions which will exert increased control over the operation of the proposed APG when compared to the existing playing field.

9.0 Character and Appearance

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

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

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

9.3 The applicant has advised that the proposed development has been prepared in accordance with published Design Guidance Notes (The Football Association (FA)/Sport England) with particular regard to external artificial sports facility provision, and the stadia AGP design is in accordance with The FA Guide to 3G Football Turf Pitch Design Principles and Layouts.

9.4 Concerns have been raised by a small number of local residents with regard to the appearance of the proposed AGP and associated works and the impact on outlook from the residential properties to the south (The Croft). However, the rear boundaries of these dwellings are located at least 34m from the southern perimeter of the proposed AGP at its closest point. The existing view from the rear windows and gardens of these dwellings is towards the existing playing fields (partly screened by the trees/shrubbery along the rear boundaries). The most visible elements of the proposed development will be the proposed flood lights, which will replace the existing floodlights (and increase their number) and the proposed ball stop fencing and entrance gates which will be 4.5m high.

9.5 Members must determine whether the design, scale and massing of the proposed AGP and associated development works are acceptable. Officer advice is that the proposed installation of an AGP, along with associated works, is an acceptable form on this particular site which is an existing playing field and that it will not result in any significant harm to the character and appearance of the site or wider area.

10.0 Impact on Wildlife Corridor and Landscaping

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

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

10.3 Policy DM5.2 'Protection of Green Infrastructure' states that proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

10.4 The application is located within a designated wildlife corridor. Concerns have been raised by local residents with regard to the impact on ecology, with particular reference to the impact of the proposed flood lights on bats in the area. These are noted. The Council's Biodiversity Officer has been consulted and has noted that the development of the new artificial grass pitch will require the construction of new facilities with associated changes to hard and soft surfaces. It will also require the provision of access paths into the new facilities, and upgrading of an existing pitch, along with lighting. She has reviewed the submitted ecology report and noted that results of the transect survey demonstrated that the majority of bat activity within the site was concentrated around the tree line and wooded area immediately adjacent to the east of the proposed pitch. Common pipistrelle comprised the majority of the bats recorded and the results of the static monitoring suggest that bat foraging within the site is low. A number of recommendations are made within the report in order to reduce the impact to the bats as far as possible. The Biodiversity Officer has noted that these measures have been incorporated into the lighting design. She has also noted that the applicant has agreed to a condition to control the hours at which the flood lights can be operated to 9pm during the key bat activity period (May to August). The Biodiversity Officer has raised no objection subject to the suggested conditions.

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

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

10.6 The Council's Biodiversity Officer has noted that a number of grass mounds are proposed as part of the scheme along the eastern and north eastern boundary to recycle top soil on site. However, she has noted (as have a number of local residents) that no details have been submitted with regard to the size and profiles of the mounds. She has suggested that full details of the location, size and planting of the mounds should be required by condition.

10.7 The Council's Landscape Architect has also noted that no trees need to be removed to provide the area required for the development and a small amount of pruning will be required for access clearance. However, levels locally within the site will require altering to achieve the development. The changes in level have been considered in the design of the pitch and new levels will need to be confirmed via the attachment of a condition. She has raised no objections subject to the attachment of conditions relating to tree/hedgerow/shrub protection, details of ground/development levels, and a landscape plan. She has also recommended new tree and hedgerow planting for screening purposes (light and noise) to attenuate the future effects of the proposed development and the southern acoustic barrier. This will help to further soften the impact of the proposed development when viewed from the south.

10.8 Members need to determine whether the proposed development is acceptable in terms of its impact on the ecology of the site and on the landscape features. Officer advice is that the proposed development is acceptable in both regards, and is in accordance with the above policies, subject to attachment of the suggested conditions.

11.0 Highways Impacts

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 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.

11.3 Paragraph 98 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

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

11.6 Significant objection has been received from local residents with regard to the impact of the proposed development on the existing highway situation in terms of highway safety and on street parking congestion.

11.7 The applicant has responded to the objections noting that some of the concerns raised relate to the condition of onsite car parks rather than onsite capacity and to parking management. He has advised that the main area of car parking, which is used on a day to day basis, is of tarmac construction and is in good condition. The temporary overflow car parks are on temporary surfaces and by their very nature are not as suitable as a purpose built car park. In the future, should funding become available, KYPC would be willing to improve the overflow car parking areas. Future management of the car parking on the site will fall under the responsibility of the new employee should the new AGP be built. In the past KYPC have worked with the local police and highway authority and, as a result, new signage in the roads leading to the playing fields has been provided advising users to park within the grounds of the playing fields. This proactive approach will continue going forward.

11.8 Notwithstanding the above, planning permission can only be withheld on highways ground if the proposed development itself will result in an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe (NPPF). In this particular case, the proposed AGP will replace an existing marked out playing field surrounded by further existing playing fields within the wider Amberley Playing Fields, which are a clearly identified 'outdoor sports facility' (Green Space Audit). There are currently no controls over the number of games which can be played on the existing playing fields or the times at which these can be played. The number of visitors in attendance at the site at any one time will be limited by the pitch size itself. Therefore, the proposed AGP will not result in an increase in visitors/vehicles at any single time. It will merely allow the pitch to be used until later in the evening and during more adverse weather conditions.

11.9 The Council's Highway Network Manager has been consulted and notes that the proposed development will enhance the existing facilities on this established site. He has recommended approval of the application subject to conditions.

11.10 Members must determine whether the proposal is acceptable in terms of its impact on the highway network. Officer advice is that the proposed development will not result in an unacceptable impact on highway safety or severe residual cumulative impacts. It is therefore in accordance with the NPPF, LDD12 and policy DM7.4.

12.0 Land Stability and Contamination

12.1 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution or land instability and also remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 178 further states that planning decisions should ensure a site is suitable for its proposed use taking account of

ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

12.2 Policy DM5.18 'Contaminated and Unstable Land' 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:

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

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

12.3 The application site is located within a high risk Coal Authority area and a contaminated land buffer zone. The Coal Authority has noted the submitted Ground Investigation Report and previous site investigation and has raised no objection to the proposal. The Council's Contaminated Land Officer has also raised no objection, recommending conditional approval.

12.4 Concern has been expressed by local residents with regard to the risk of Unexploded Ordnance on the site. The applicant has submitted a report which identifies the risk as low. This is a constraint like any other and it requires removal and remediation. Even if it was concluded that there was a high risk within the application site, which it is not, this would not preclude the consideration of a planning application or the grant of planning permission. This is because if the Council is minded to grant planning permission a condition can be attached to ensure that decontamination is carried out prior to works commencing on site. Any unexploded ordnance that is found would be removed and the application site made safe. The applicant has confirmed that stake holders would be made aware of the UXO risk levels within the project boundary and the possible impact an encounter may have on the project and third parties. Consequently, a UXO Safety Plan will be drawn up and included within the overall project safety planning. This can be controlled by planning condition.

12.5 Members must determine whether the impact of the proposal is acceptable in terms of land stability and contamination. Officer advice is that the proposed

development is acceptable in each of these regards subject to the suggested conditions.

13.0 Drainage/Flooding

13.1 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 156 states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities.

13.2 Policy DM5.12 Development and Flood Risk states that all new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

13.3 DM5.14 'Surface Water Run off' states that new development 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. 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.

13.4 The application site is located within Flood Zone 1. It is noted that a small number of objectors have reference existing flooding/standing water on the playing fields during periods of normal and heavy rainfall and consider that the proposed development (including the creation of mounds) may exacerbate this. The Council's Local Lead Flood Authority has noted the proposal to install a positive drainage system beneath the pitch comprising UPVC perforated carrier and lateral pipe drains which will discharge to a public sewer. He has also noted that there has been internal flooding to properties to the south of the site. As such, he has recommended approval subject to a condition requiring an earthwork bund to be installed along the southern edge of the pitch in order to capture and control any overland surface water flows during exceedance events.

13.5 Furthermore, the Council's Public Rights of Way Officer has also advised that there is a flooding issue directly connected to the field to the south east corner, which leads to flooding to the only path into an adjacent estate. However, he has advised that improvement works on behalf of the Council are planned and this will alleviate this problem.

13.6 Members must determine whether the proposed development is acceptable in terms of flooding. Officer advice is that the proposed development is in accordance with the relevant policies in this regard, subject to the suggested condition.

14.0 Other Matters

14.1 The application site is located within the 'aerodrome safeguarding zone'. Newcastle Airport have been consulted and have raised no objection as the

proposed height of the lighting columns and lux levels will pose no danger to the safe operation of aircraft.

14.2 Two objectors have questioned which alternative locations within the playing fields were considered for the proposed AGP. The applicant has advised that following the feasibility study one additional site on the pitch directly in front of the club house was considered. However, after consultation with Sport England and the Football Foundation it was considered that the alternative site would have a potential increased harmful impact on both neighbouring amenity and ecology at the site.

14.3 Concern has been raised with regard to impact on property value. This is not a material planning consideration.

15.0 Local Financial Considerations

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

15.2 Economically there would be benefits in terms of the provision of jobs via the employment of staff at the site and during the conversion phase.

16.0 Conclusion

16.1 Members must determine whether the proposed development is acceptable in terms of its impact on open space, the wildlife corridor, trees and shrubs, residential amenity, drainage, ground stability and car parking and access.

16.2 On balance, and with regard to all of the above, it is recommended that planning permission should be granted subject to conditions.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application Form 18.10.2018
- LOCATION PLAN, 18-0111 BM22583 0376 01, 15.10.18
- SITE PLAN, 18-0111 BM22583 0376 02, 15.10.18
- AGP ELEVATIONS, 18-0111 BM22583 0376 06, 15.10.18
- AGP FLOODLIGHTS, 18-0111 BM22583 0376 05, 15.10.18
- AGP LAYOUT, 18-0111 BM22583 0376 04, 15.10.18
- AGP PLAN, 18-0111 BM22583 0376 03, 15.10.18
- DESIGN AND ACCESS STATEMENT (DAS) WITH PLANNING STATEMENT, Ref. LSUK.18-0111, 17.10.18
- Tree Constraints Plan, JKK10126 -RPS-Figure 01.01, 23.07.18
- Tree Protection Plan, JKK10126 -RPS-Figure 02.01, 27.07.18
- Arboricultural Impact Assessment, ref. JKK10126, July 2018
- Ecological Appraisal, ref. SEC8439/ ECO00299_v2, September 2018

- Noise Impact Assessment, Reference: 7271/DO, August 2018
- Amberley Playing Fields AGP FTP Final Issue 1, 03.09.18
- Sports Pitch Lighting Design, ref. 10798H 20-09-2018
- Ground Investigation Report, Report: STQ4451M-G01, revision 01, September 2018
- Supplementary Planning Statement

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

- | | | | |
|----|---------------------------------------|--------|---|
| 2. | Standard Time Limit 3 Years FUL | MAN02 | * |
| 3. | Construction Method Statement - Major | SIT007 | * |
| 4. | Wheel Wash | SIT008 | * |

5. No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of attenuation and discharge rate, earthwork bund and future maintenance. The works shall be implemented in accordance with the approved details and retained thereafter

Reason: In the interests of surface water management in accordance with policies DM5.12 and DM5.14 of the North Tyneside Local Plan 2017 and the NPPF.

6. Prior to the commencement of any development on site a detailed levels survey must be submitted to and approved in writing by the Local Planning Authority. The survey shall include existing and proposed spot levels at the base of all tree groups specified for retention in relation to the proposed pitch levels with any area of soil bunding shown on a plan. 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.

Reason: In the interests of protecting residential amenity, trees and ecology in accordance with Policies DM5.19, DM5.7 and DM5.9 of the North Tyneside Local Plan 2017.

7. Prior to their construction full details of the location, size and landscaping of the grass mounds shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must be carried out in accordance with the approved details.

Reason: In the interests of protecting residential amenity and ecology in accordance with Policies DM5.19 and DM5.7 of the North Tyneside Local Plan 2017.

8. All external lighting shall be installed in complete accordance with approved document 'Sports Pitch Lighting Design' and associated approved drawings. All external lighting must also comply with The Institute of Lighting Engineers Guidance for the reduction of light pollution. Any amendments to the lighting plans must be submitted to and approved in writing by the Local Authority prior to their installation on site.

Reason: In the interests of protecting residential amenity and ecology in accordance with Policies DM5.19 and DM5.7 of the North Tyneside Local Plan 2017.

9. All floodlighting must be extinguished no later than 21:15 hours on any day and shall not operate beyond 21:00 during the key bat activity period (May-August).

Reason: In the interests of protecting residential amenity and ecology in accordance with Policies DM5.19 and DM5.7 of the North Tyneside Local Plan 2017.

10. There shall be no vegetation removal during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ornithologist has confirmed the absence of nesting birds immediately prior to works commencing on site.

Reason: In the interests of protecting ecology in accordance with Policy DM5.7 of the North Tyneside Local Plan 2017.

11. All construction works must be undertaken in accordance with the badger protection measures outlined in section 5.3.1 of the Ecological Appraisal Report (Sept 2018).

Reason: In the interests of protecting ecology in accordance with Policy DM5.7 of the North Tyneside Local Plan 2017.

12. No Disturbance Ex Landscape Replace LAN00 *
7

13. All trees within and adjacent to the site must be protected in accordance with the recommendations set out in the Arboricultural Impact Assessment (AIA), ref. JKK10126 (July) and in line with BS5837:2012, for the lifetime of the approved construction works at the site (including works associated with drainage, services, fencing or bunding). No operational work, site clearance works or the development itself shall commence until the protective fencing is installed. Thereafter, the fencing shall remain in place until the works are complete and must not be repositioned unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard existing trees and the amenity of the site and locality having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

14. All works must be carried out in accordance with the submitted Arboricultural Impact Assessment (AIA), Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement (which must form part of the contractors method statement) and within the guidelines contained within BS5837:2012 and NJUG Volume 4.

Reason: In order to safeguard existing trees and the amenity of the site and locality having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

15. Prior to the commencement of any pruning works full details must be submitted to and approved in writing by the Local Planning Authority. Thereafter, all pruning works must be carried out in accordance with the approved details and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works

Reason: In order to safeguard existing trees and the amenity of the site and locality having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

16. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the development of the site commences. The landscape scheme must provide planting to mitigate the impact of approved flood lighting and tree and hedgerow planting and to screen the proposed 2.5m high acoustic barrier along the southern boundary. Details shall include timing of all new planting, ground preparation, species and size. Thereafter, the landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason: This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

17. All hard and soft landscape works comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and to a standard in accordance with the relevant recommendations of British Standard [4428: 1989]. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

18. No other part of the development shall be commenced until:-

a) A detailed site investigation has been carried out to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) The implication for the proposed development of the site and the quality of the environment for future occupiers/users of the development.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by

the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. 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.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

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.

19. Restrict Hours No Construction Sun BH HOU004 *

20. The artificial football pitch shall not be used outside of the hours of 08:00 to 21:00 on any day.

Reason: To safeguard the occupiers of surrounding properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

21. Prior to the first operational use of the artificial pitch a noise management plan shall be submitted to and approved in writing by the local planning authority. Thereafter, the artificial pitch shall only be operated in accordance with the approved details.

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

22. Prior to its installation full details of the 2.5m high acoustic barrier (as identified in the Noise Impact Assessment, ref. 7271/DO, August 2018) must be submitted to and approved in writing by the local planning authority. Thereafter, the development must only be carried out in accordance with the approved details and retained.

Reason: To safeguard the occupiers of nearby properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

23. Prior to the installation of the 4.5m high fencing full details of the connecting metal uprights shall be submitted to and approved in writing. The metal uprights must ensure that each mesh panel fencing is provided with acoustic mounting as set out in the Noise Impact Assessment, ref. 7271/DO, August 2018. Thereafter, the development must only be carried out in accordance with the approved details and retained.

Reason: To safeguard the occupiers of nearby properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

24. Prior to the construction of the artificial pitch a noise scheme shall be submitted to and approved in writing by the local planning authority. The scheme must consider absorption of impact noise to the fencing located to the southern end of the pitch from strikes from footballs in order to reduce the transmission and impact of noise. Thereafter the development shall only be implemented in accordance with the approved details and retained.

Reason: To safeguard the occupiers of nearby properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

25. Prior to the first operational use of the artificial pitch details of facilities for the storage of refuse from the use of approved development must be submitted to and approved in writing by the local planning authority. The refuse storage facilities must include the size and number of bins and locations where they will be stored within the application site. The facilities must then be provided in accordance with the approved details, prior to first operational use, and retained thereafter.

Reason: To safeguard the occupiers of surrounding properties from litter disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

26. The development hereby permitted shall be carried out in accordance within the recommendations set out in the "Ground Investigation Report" Report: STQ4451M-G01, revision 01, September 2018 and the actions set out within the 'Supplementary Planning Statement' with regard to the UXO Safety Plan.

Reason: To ensure that potential unexploded ordnance is properly investigated and the site is remediated for use in accordance with policy DM5.18 of the North Tyneside Unitary Development Plan 2002.

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

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

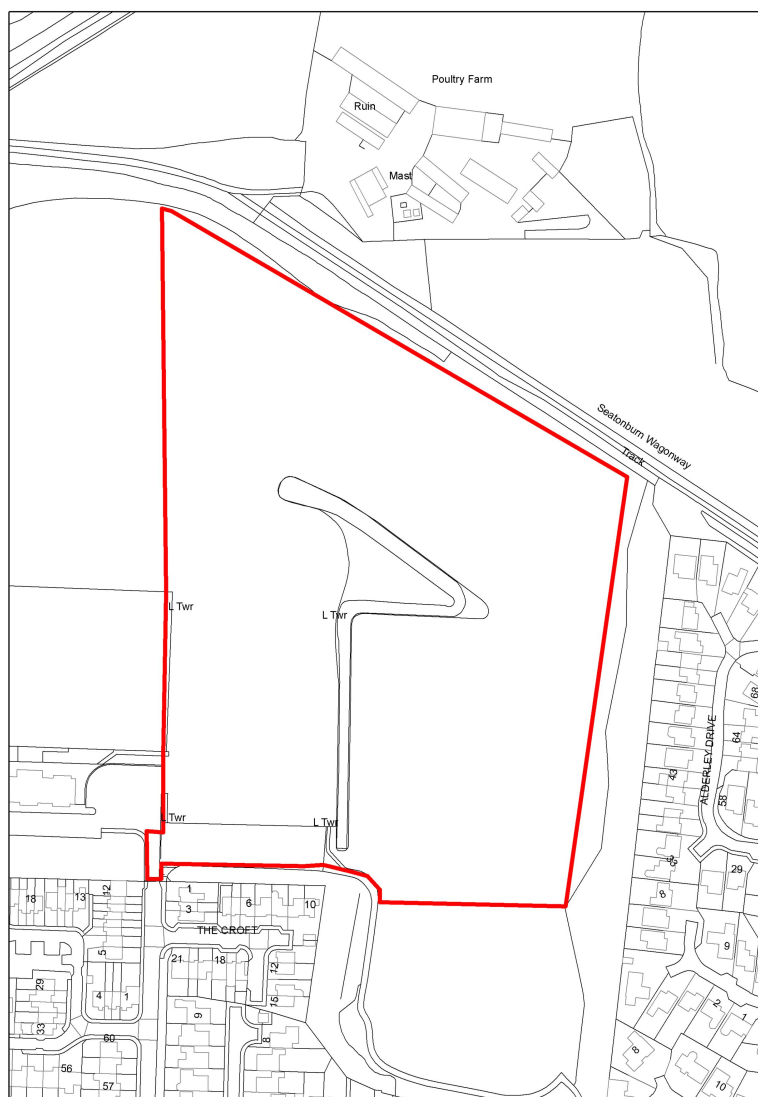
Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Coal Mining Referral Area , (FULH) (I43)



Application reference: 18/01462/FUL

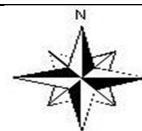
Location: Amberley Playing Fields At Killingworth Playing Field, Garth Twenty One, Killingworth, NEWCASTLE UPON TYNE

Proposal: Creation of new Artificial Grass Pitch (AGP), installation of new 4.5m high ball stop fencing and entrance gates to AGP perimeter, installation of new 2.0m high and 1.2m high pitch perimeter barrier and entrance gates within AGP enclosure, installation of new 2.5m high acoustic barrier along the Southern AGP perimeter, installation of new hard standing areas, installation of new floodlight system, installation of new maintenance equipment store located within AGP enclosure, relocation of portable goals storage compound, formation of grass mounds around the football ground(ADDITIONAL INFORMATION SUBMITTED 22.11.2018: Supplementary Planning Statement)

Not to scale

Date: 06.12.2018

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Appendix 1 – 18/01462/FUL Item 2

Consultations/representations

1.0 Representations

1.1 Fifteen objections have been received from the occupants of thirteen individual addresses, and twelve letters of support have been received from the occupants of eleven individual addresses (including KYPC). These are summarised below:

1.2 Objections:

- Car park area is never fully utilised to capacity (as stated in the report). I would request that you formally mark out the car park spaces and resurface. Car parking should then be visually better advertised to users and to encourage neater and safer parking.
- Existing parking problems. Cars frequently park all the way of Garth 21 which affects flow of traffic and makes the road impassable for emergency vehicles.
- Further measures need to be put in place to address speeding vehicles, i.e. larger full cub just before the entrance of The Croft. Existing signs don't work.
- Increasing this venue to almost stadium status will increase traffic to the venue (spectators) where there is already an issue with vehicles parking on the access roads when games are played. Having the venue as a regular home ground to a semi-pro side will cause unimaginable issues for residents both in noise and access to our homes on those match days.
- The road to the playing fields should never have come through the private estates but should have come from the farm shop side.
- Section 2.7 'Site Access' of the Full Planning Statement says that the benefits of car sharing, use of a minibus/green travel methods etc., will be promoted and that these measures together with existing onsite parking will ensure that parking occupancy will not overspill onto the local highways. Traffic already overflows onto the local highway on both sides of Garth 21 causing traffic obstructions. I don't know anyone who has ever car shared when it comes to taking the kids to a game. Add to this the number of drivers who speed up the hill of Garth 21 in their haste to get to the ground and it is only a matter of time before someone - probably a child, is struck by a car.
- Residents of The Croft and surrounding streets have and are, subjected to an extremely high volume of parked cars belonging to people attending KYPC on a Saturday morning, both within our cul-de-sac and the main road into Amberley Playing Fields, causing a significant safety hazard to residents and to those entering and leaving the playing fields. Despite parking facilities being available within the playing fields, people persist in parking outside the facility.
- The transport statement references no projected increase in peak traffic or parking issues, the reality as a resident is demonstrably different. If we agree that there will be no impact on peak use, then it follows that this unsatisfactory situation will continue and potentially get even worse.
- No objection to the pitch, but I strongly object to the opening hours. 22:00 on a school night is unacceptable; the noise carries to all the neighbouring properties after 19:00 as residual noise such as cars etc. diminish, making it impossible for children of school age to get to sleep at a reasonable hour, which will disrupt their

schooling. 19:00 is more reasonable, 20:00 at the latest as the area is full of young families.

- Increase in noise disturbance as a result of more games being played on all weather pitch.
- The report indicates that there will be U17/18 and senior ages football carried out at the venue. The noise from the existing the AGP at the John Spence School in North Shields while players are training is astonishing and when you factor in the swearing/obscene language then the situation becomes intolerable. Sound carries very easily across the Alderley Playing fields and any shouting/foul language being generated until 10pm is something I object to very strongly.
- Noise of the players, coaches and supporters until this late hour is also a significant intrusion into our lives (The Croft). The noise generated on Saturdays and Sundays is bad enough.
- The Noise Impact report references that most of noise is generated by voices as opposed to whistles. It is puzzling that the applicant feels that a 'no whistle' policy after 2100 will address neighbours' concerns. This seems to acknowledge the potential of noise disturbance, particularly later at night yet the main cause of the noise, as acknowledged, will not be addressed. We feel that usage until 2200 will cause noise nuisance and ask that this is not permitted. If the proposal is accepted, we would ask that use of the facility operates no later than 1900 on any day. The noise report appears to conclude that there will a noise impact. The noise testing was undertaken early evening in the football off season. Testing should have taken place, or at least been compared with, when the facility is in use.
- Impact on property value.
- Concerned about the position of the floodlights. Existing problems from floodlights shining into properties. If they shine directly into any properties they must be repositioned immediately.
- Additional bright floodlighting aimed at the front of my home (The Croft) until late in the evening, will be a major intrusion.
- The existing 4 floodlights can already be seen from my house (Alderley Drive) when they are in use, but do not presently constitute a huge issue for me in the evening. I cannot say the case will be the same when the number of lights is increased by 4. Current amount of light escape/misdirection – this will surely only increase if the number of floodlights is quadrupled to 16.
- The report says that the lights will be on a BST/GMT timer to ensure they switch off at the appropriate curfew hour – does this mean that the floodlights will be illuminated regardless of whether there's anyone using the pitch or not?
- The noise from this particular club is abhorrent and the swearing disgusting (Saturday afternoons).
- I object to making an otherwise pleasant green space ugly. There is nothing wrong with current amenities
- Concern relating to drainage of the existing grass football pitches. Significant amounts of standing water after both moderate and extended period of rainfall encroach to the tree/shrub planning screen which separates the playing field from the properties in Alderley Drive. The water eventually drains over a period of days.
- The proposed mounds in the area of the flooding are suggested as providing an aid to spectators, but it is clear that the mounding proposal is in fact a means to avoid the costs of having to remove excavated materials from the site. Spectators in significant numbers have managed to both watch and contribute to the football

matches held on these pitches for many years without the need of mounding. Plans do not show how high the mounds will be.

- Existing drainage in the area is clearly lacking and I fear that the mounding and the construction activity associated with the mounding will undoubtedly compromise that drainage further. Further expenditure will be necessary in the future in order to; a) improve the drainage to bring the grass pitches to a reliable and usable state and b) safeguard the properties on Alderley Drive.
- Detrimental impact on bats in the area (known to be at least one colony).
- Who carried out the bat survey? Were the Bat Conservation Trust involved at any point? What species of bats were identified? Will there be any light spillage from the floodlights onto the bat roost exit point from the clubhouse? Given that this new artificial grass pitch lies immediately between the clubhouse and my back garden (the bats direct flightpath I assume), does this mean that I will no longer see bats flying around my garden (usually when dusk occurs at approx. 7.30pm)? Who came up with bat activity starting at 21:24hrs? It is my understanding that bats come out to feed at dusk and this is when they do the majority of their feeding. Did whoever carried out the survey know that in September (before bats go into hibernation), sunset is as early as 6.45pm? Will a European Protected Species Licence be obtained before any work on the AGP is carried out? If your own survey says bats are out and about at 9.24pm, shouldn't this be enough of a reason to switch the floodlights off in advance of this time? Why would the floodlights still be on for at least 36 minutes into the most crucial phase of these creatures feeding time? Hours of floodlights would definitely have an impact on their flight/feeding/mating habits.
- I strongly object if my Council Tax is paying for this proposal. I would rather see this money being spent on something that more North Tyneside residents would benefit from.
- Residents already experience disruption from being leaving the club house bar late in the evenings. Proposal will add further significant disruption, intrusion and inconvenience to the lives of my family and fellow residents.
- Impact on wildlife, landscape, drainage, inadequate parking, nuisance – disturbance and noise, poor traffic/pedestrian safety, poor/unsuitable vehicle access.
- Lack of communication/engagement by KYPC with local residents.
- Clarification sought on the ownership/lease arrangement of the land.
- Proposed development will exacerbate and increase existing refuse problems.
- Clarification required on alternative sites (referred to in paragraph 1.3).
- UXO – Section 2.7 discussed the issue of the potential risk of unexploded ordnance. Residents would expect consultation regarding this.
- Detrimental impact of several high fences, storage facilities and floodlights that will be the main view from our home (The Croft). We feel that the impact on the landscape of the proposed AGP is unacceptable and alternatives should be explored further from residential properties.
- Feedback provided by the applicant via the Supplementary Planning Statement does not overcome concerns.

1.3 Support:

- Fantastic facility for Killingworth, it will benefit people from far and wide and is exactly the sort of thing needed to help the health and fitness of a lot of people, as well as helping community spirit, it will be a great addition to an already thriving football club that is KYPC.

- Great idea for club and community, financially and to expand the clubs reputation.
- It's fantastic it will be open until 22:00 so when local lads can't get a pitch to train or have a kick about they can get a pitch locally and not have to travel far.
- Having the pitch would increase the amount of football for the kids playing at KYPC so they don't have weeks upon weeks of missed games due to flooded pitches.
- The reports about kids bed times are ridiculous; in a few years' time they're probably going to be playing on that pitch for their winter training or if the grass pitches are waterlogged.
- Keep the local teams at their local football club for winter training and not have to travel ridiculously far to train for an hour.
- This new facility will provide an all-weather pitch for our local community. It will have a positive impact on the social, mental and physical health of those that use it. The past two weeks have witnessed mini soccer being cancelled because of water logged pitches. With the new app this would not happen.
- A great project which will make a significant difference to the lives of a number of young people and the wider community. There are not enough facilities of this quality available in North Tyneside. It can only be an enhancement to what Killingworth has to offer.
- I can only see positives for the whole of Killingworth township. Some reservations on parking and operating hours but in general the positives outweigh the negatives.
- This is an opportunity that the whole of Killingworth should get behind, this would be an excellent addition to the local amenities.
- Excellent idea, much needed in the area.
- This would be fantastic for all the local kids! There is hardly anywhere for the kids to play football now. My son is football mad and the little bit grass we had in our street now has had houses built on it, now if he plays in the street the neighbours complain and if he plays in the garden they still complain. Yet everybody moans about how kids don't play out as much as they used to, but where are they supposed to play. I think this would be great.
- Football at KYPC gives kids from the local area a place to channel their attention and are able to aspire to do more.
- Proposed AGP will allow for children and adults to be able to play sport no matter what the weather, being a father of a footballer and a football coach there is nothing more frustrating than having to cancel training or paying for training elsewhere due to the pitches/area being unplayable.
- One of the main reasons of child obesity is lack of physical fitness. The government say 'Helping all children to enjoy an hour of physical activity every day' will help reduce child obesity, by not providing the facilities such as this will not help with problem. Introducing this pitch helps children and adults to develop their physical, mental, social and moral capacities through regular participation in sport.
- Fantastic opportunity for the youth of the ever growing Killingworth. Too long have games and training been lost to the winter months. The sooner this happens the better.
- Letter of support submitted by KYPC – KYPC is a registered charity set up to provide young people with something positive and healthy to do. The Club is not for profit and ran by parent volunteers who provide a wide range of opportunities

for children and adults living in Killingworth and surrounding areas to socialize in a structured and friendly environment.

- The floodlit AGP will provide an all-weather facility for our members, local community and partners including Active North Tyneside, Killingworth Archers, Cramlington Rockets RFL, Newcastle United Foundation, Pin Point Recruitment Football League, Forest Hall Juniors, Percy Hedley Foundation, Newcastle Falcons RFU, Northumberland Cricket Board, Street Games, Newcastle Thunder RFL and Amberley Primary School and it is essential to the sustainability of the Club. KYPC is the heartbeat of the local community. Without fit for purpose facilities the Club's future is in jeopardy which would have a significant impact on the young people's futures.

2.0 External Consultees

2.1 The Coal Authority

2.2 This application is supported by a Ground Investigation Report dated September 2018 and prepared by Soiltechnics. This report is supported by a previous site investigation undertaken in February 2018 and reported in April 2018. The report author has reviewed the available geological and coal mining information along with previous site investigation reports and has concluded that they do not consider there to be any evidence of shallow worked coal seams beneath this site. The Coal Authority is pleased to note that the report author has given consideration to the risks posed to the development by mine gas.

2.3 On the basis of the information submitted, and the professional opinion of the report author set out therein, the Coal Authority has no objection to proposed development.

2.4 Sport England

2.5 Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy.

2.6 Sport England would normally seek the imposition of conditions seeking the imposition of a Community Use Agreement, but given the nature of the applicant, and the way the facility is being funded, the condition would merely duplicate what is being achieved (more securely) through other means. Similarly, securing Football Foundation funding means that the technical detail of the proposal meets Sport England's requirements.

2.7 We may however wish to be further consulted should you be minded to curtail the AGP's hours of use as this will impact on our assessment of the proposal against playing field policy.

2.8 Northumberland Football Association

2.9 We submit this letter of support with confirmation of the following:

- Amberley Playing Fields is a priority area for investment for Northumberland FA
- There is an undersupply of 3G Football Turf Pitches within the Local Authority area following 3G mapping undertaken by the County FA
- To meet demand for training and playing facilities, a successful application and subsequent facility development would have significant impact on the clubs ability to service both its need, the needs of the central venue league delivered at the site and that of additional community based partners.

- The site will contribute to a number of FA priority programmes, including, but not limited to: Delivery of NFA Coach Education (Level 1); Continuation of Wildcats girls centre (enhanced environment); Secure delivery of their central venue mini soccer league (without the loss of games to poor weather); Northumberland FA's Over 35s league (additional division); Recreational activities (walking football, Just Play, and Kicks programme in conjunction with Newcastle United Foundation).

2.10 The project will enable us to work with the club to increase football opportunities and pathways for young people and also will help to build capacity through the training of coaches and improved facilities for players to play and train.

2.11 Newcastle Airport

2.12 Lighting can act as a distraction to pilots whilst landing at the airport, and the eastern approach to the Airport is circa 3.3km to the north. However, given the height of the lighting columns and the indicated lux levels it is not considered that the development would adversely impact the safe operation of aircraft. Therefore, the Airport offers no objection to the scheme.

2.13 Neighbourhood Policing Team (White Swan Centre, Killingworth)

2.14 After discussions with North Tyneside Community Protection Team I am in general I support of the proposal as it will provide an excellent facility to enable diversionary, structured and worthwhile activity for young people in the Killingworth area. I am aware that on occasions there have been parking issues at the site in the past and I welcome the proposal by the club to employ an officer to help manage this going forward. I look forward to continued dialogue with the Authority and Killingworth Young Peoples club on this particular issue and note that if funding is available in the future the plan is to improve overflow car parking facilities.

2.15 Northumberland Cricket Board Limited

2.16 I am writing to support the development. There are currently no artificial pitches in this area of North Tyneside. North Tyneside is one of our key strategic local authority areas we have targeted to increase participation rates in Cricket. One of our largest clubs Backworth CC is located in the neighbouring community, whilst they have their own facilities they ability to access training space when the weather is poor or when club facilities are being utilised is attractive to our sport. A significant proportion of their players come from the Killingworth area, especially junior players who engage with the local school via the Chance to Shine and All Stars Cricket programmes.

2.17 We worked in partnership with North Tyneside Council to develop the Borough's playing pitch strategy (2013-23). As part of that process we surveyed all the Cricket Clubs in the area. The majority of clubs responded stating that the availability of training facilities needed improvement.

2.18 The proposed AGP will be specific area of interest for our Street Cricket Programme which has been well received in the neighbouring local authority (Newcastle City Council). We are working with key partners to ascertain the

demand for a similar programme in North Tyneside which focuses on those children who are not able to access regular opportunities to participate in clubs.

3.0 Internal Consultees

3.1 Highway Network Manager

3.2 This application is for the creation of a new Artificial Grass Pitch (AGP), installation of new 4.5m high ball stop fencing and entrance gates to AGP perimeter, installation of new 2.0m high and 1.2m high pitch perimeter barrier and entrance gates within AGP enclosure, installation of new 2.5m high acoustic barrier along the Southern AGP perimeter, installation of new hard standing areas, installation of new floodlight system, installation of new maintenance equipment store located within AGP enclosure, relocation of portable goals storage compound, formation of grass mounds around the football ground.

3.3 The site has been established for some time and the proposals will enhance the existing facilities. Conditional approval is recommended.

3.4 Conditions: SIT07 - Construction Management and SIT08 - Wheel Wash

3.5 Local Lead Flood Authority

3.6 This application is for the creation of a new artificial grass pitch (AGP), installation of new 4.5m high ball stop fencing and entrance gates to the AGP perimeter, installation of new 2.0m high and 1.2m high pitch perimeter barrier and entrance gates within AGP enclosure, installation of new 2.5m high acoustic barrier along the southern AGP perimeter, installation of new hard standing areas, installation of new floodlight system, installation of new maintenance equipment store located within AGP enclosure, relocation of portable goals storage compound and formation of grass mounds around the football ground.

3.7 The applicant is proposing to install a positive drainage system beneath the pitch comprising UPVC perforated carrier and lateral pipe drains which will discharge to a public sewer. A Greenfield discharge rate has been proposed with attenuation being held within the AGP base for a 1 in 30 year event and a 1 in 100 year event plus an allowance for climate change which will be held within the site. As there has been internal flooding to properties located to the South of this site, as part of the pitch design an earthwork bund should be installed along the Southern edge of the pitch in order to capture and control any overland surface water flows during exceedance events. Conditional approval is recommended.

3.8 Condition:

No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of attenuation and discharge rate, earthwork bund and future maintenance. This scheme shall be implemented in accordance with the approved details and retained thereafter

Reason: In the interests of surface water management.

3.9 Public Rights of Way Officer

3.10 The fields are surrounded by PRoW and safe access to all must be maintained throughout build phase. There is a flooding issue directly connected to the field to the south east corner which leads to flooding to the only path into

an adjacent estate. Improvement works on behalf of the Council are planned and this will alleviate the problem. I therefore confirm that I have no objection to the proposed development.

3.11 Biodiversity

3.12 The development site is an area of land located at Killingworth YPC, Garth 21, Newcastle upon Tyne. The site forms part of the sports development provision in the local area. The site is accessed from the south from East Bailey, where a car park for the playing fields is located as well as a Club House. To the sides of the sports ground further sports fields and open grass areas are located to the east and north with residential properties to the south and west. Existing grass pitches are located within the development area. The site is enclosed within some planted hedgerows with trees located to the western and eastern boundaries. The site is also located within a designated wildlife corridor.

3.13 The development of the new artificial grass pitch will require the construction of new facilities with associated changes to hard and soft surfaces. It will also require the provision of access paths into the new facilities, upgrading of an existing pitch, along with lighting.

3.14 Tree Survey: An Arboricultural Impact Assessment (AIA) has been submitted along with associated tree plans which confirm that no trees need to be removed as a result of the development. To minimise the potential for damage to trees the protective measures specified within the AIA should be followed as well as guidelines contained within BS5837:2012

3.15 Ecological Appraisal (September 2018): The majority of the site comprises amenity grassland which is regularly mown. Narrow strips of plantation broadleaved woodland line the east and west margins of the site with an additional small woodland patch on the north-east corner.

3.16 No evidence of badger was found on site, however, it is considered that there may be some potential for badgers to use the site for foraging and commuting during the construction phase of works. Therefore, consideration must be made during the construction phase to include the following:-

- Any open excavations left open overnight must contain a mammal ladder (such as a plank) or an earth bank
- Any open pipework to be capped overnight to prevent badgers from accessing the pipework and becoming stuck
- Nightwork should be avoided where possible, and floodlighting should face away from the site boundary
- Any chemicals or machinery are to be stored in a secure compound.

3.17 No signs of red squirrel presence on site were found during the survey, and under current proposals, no trees are due to be removed which may impact squirrel resting sites.

3.18 The trees within the site were considered to provide suitable nesting habitat for a range of nesting bird species, however, under current proposals none of the trees on site are to be removed.

3.19 Reptiles pose no constraint to the proposed works and no further surveys in respect to the species are recommended.

3.20 Bat risk assessment identified the disused Killingworth Young People's Clubhouse on the south of the site as having high potential for roosting bats due to the presence of suitable roosting features for use by a large number of bats. However, no works are proposed to this building and floodlight overspill from the new artificial pitch will reduce to less than 1 lux before it reaches the clubhouse.

3.21 All trees within the site were assessed for their roosting potential for bats. No roost features were found, therefore, the bat roost potential for the trees on site is considered to be negligible.

3.22 The results of the transect survey demonstrated that the majority of bat activity within the site was concentrated around the tree line and wooded area immediately adjacent to the east of the proposed pitch. Common pipistrelle comprised the majority of the bats recorded and the results of the static monitoring suggest that bat foraging within the site is low.

3.23 In order to reduce the impact to common and widespread bat species as far as possible, a number of recommendations have been made within the report regarding lighting:-

- No direct illumination of any new or existing roost entrances, whether bat boxes or features on trees;
- Individual lamps should be hooded and directed where needed to avoid unnecessary light spillage – luminaries should be chosen to minimise light spillage and direct light onto the playing surface;
- The area affected by light spill should be considered, taking into account the height of lighting columns and lighting angle – the impacts of light spillage modelled at 1.8m height is to be considered;
- The use of asymmetric beam floodlights to reduce horizontal spill – as second point above;
- The floodlighting should only operate until 22.00 during peak usage, this being considered to allow sufficient 'dark periods' thereafter in which bat species can forage undisturbed

3.24 The above measures have been incorporated into the lighting design to minimise the impacts of lighting on foraging and commuting bats. In addition, the applicant has agreed to a curfew on the operation of the floodlighting to 9pm during the key bat activity period (May-August).

3.25 Landscaping: It is noted that there are a number of grass mounds proposed as part of the scheme along the eastern and north-eastern boundary to re-cycle topsoil on site. No details have been submitted regarding the size and profiles of these mounds or associated landscaping. Any proposed areas of soil bunding should be designed so as not to impact on the root protection areas (RPA's) of adjacent trees. Details of the location, size and planting of these mounds will need to be agreed with the Local Planning Authority prior to installation.

3.26 The proposal is acceptable subject to the following conditions:-

3.27 Conditions:

- Details of the location, size and landscaping of grass mounds associated with the scheme must be submitted to the Local Authority for approval prior to their installation.
- Lighting on site will be undertaken in accordance with the submitted 'Sports Pitch Lighting Design' and associated drawings. Any amendments to the lighting plans must be submitted to the Local Authority for approval prior to their installation on site.
- Floodlighting will not operate beyond 9pm during the key bat activity period (May-August). Any variation of this timing will need to be agreed with the LPA.
- All trees within and adjacent to the site must be adequately protected during construction works or any works associated with drainage, services, fencing or bunding in accordance with the submitted Arboricultural Impact Assessment (AIA) and in line with BS5837:2012.
- No vegetation removal will take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ornithologist has confirmed the absence of nesting birds immediately prior to works commencing on site.
- Construction works must be undertaken in accordance with the badger protection measures outlined in section 5.3.1 of the Ecological Appraisal Report (Sept 2018)

3.28 Landscape Architect

3.29 The development of the new artificial grass pitches will require the construction of new facilities with associated changes to hard and soft surfaces. It will also require the provision of access paths into the new facilities, upgrading of an existing pitch, along with lighting. An Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method statement has been submitted. All trees inspected have been categorised in accordance with BS5837:2012 and the Tree Constraints Plan (Figures 01.01 to 01.03) shows tree positions, numbers and retention categories. The submitted information confirms that no trees need to be removed to provide the area required for the development and a small amount of pruning will be required for access clearance. However, levels locally within the site will require altering to achieve the development. The changes in level have been considered in the design of the pitch and new levels will need to be confirmed. Any proposed areas of soil bunding should be identified and be designed not to impact on the RPA's of adjacent trees. The submitted arboricultural documents relating to the tree impact studies and plans detail the likely issues relating to the existing trees on site within the context of their individual layouts and specifically to the spread of their associated canopy areas and root-zones.

3.30 Tree protection fencing is proposed to protect tree groups from machinery movement, soil stacking due to soil forming within the site to accommodate the pitch and its infrastructure. The proposals do not show any new planting to mitigate any impacts that the proposed lighting levels of the associated floodlights may present. In relation to the erection of a 2.5m high acoustic barrier along the southern boundary it is recommended that new tree and hedgerow

planting for screening purposes (light and noise) to attenuate the future effects of the proposed development and the acoustic barrier are also considered. Therefore, the proposal is acceptable subject to the following conditions:

3.31 Protection of retained trees/shrubs/hedges:

No trees, shrubs or hedges within the site which are shown as being retained on the submitted Tree Constraints Plan and Tree Protection Plan 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

3.32 Tree Protective Fencing:

Prior to commencement of works starting on site, the trees within or adjacent to and overhang 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 by RPS unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

3.33 Implementation of Tree Protection during development:

All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement by RPS and within the guidelines contained within BS5837:2012 and NJUG Volume 4. The AMS is to form part of the contractors method statement regarding the proposed construction works.

3.34 Level Information:

No development or other operations shall commence on site until a detailed levels survey has been submitted to and approved in writing by the Local Planning Authority. The survey shall include existing and proposed spot levels at the base of all tree groups specified for retention in relation to the proposed pitch levels with any area of soil bunding shown on a plan. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations or increase in levels within the RPA are not acceptable unless approved by the LPA.

3.35 Tree pruning works:

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

3.36 Landscape Plan:

A fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme is to consider planting to mitigate any impacts that the proposed lighting levels of the associated floodlights may present and tree and hedgerow planting to screen the 2.5m high acoustic barrier along the southern boundary. Details shall include the proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

3.37 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.

3.38 Construction Method Statement:

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

3.40 Contaminated Land Officer

3.41 Coal has been identified at shallow depths; there is the potential for shallow mine gas to enter the new maintenance equipment store. The new maintenance equipment store should be raised off the ground to ensure air movement beneath it.

3.42 I note no contamination testing regarding human health has been carried out. The report states:

3.43 A full environmental risk assessment is considered outside our brief. Based however on our limited desk study and in consideration of potential sources of contamination and pathways to the site, human receptors of the developed pitch (end users and construction operatives) are not considered to be at substantial risk of harm from chemical contamination. A detailed desk study and source-pathway-receptor model would be required to confirm this risk.

3.44 Con 01 (contaminated land investigation) must be applied.

3.45 Environmental Health (Pollution)

3.46 A lighting and noise assessment have been carried out and I note that mitigation measures have been proposed for reducing the impact from noise by the erection of a 2.5 high acoustic barrier facing the residential properties of The Croft. The noise measurements were made over the sensitive period of noise in the evening when intensification of use could arise from the replacement of pitch with artificial grass. This was between 6 and 9 pm. No measurements were made to determine the existing noise levels between 9 pm and 10pm. The noise impact assessment was based on consideration of the community noise levels with regard to the equivalent noise levels. Consideration was given to annoyance from maximum noise levels from shouting, whistles and ball impact noise. There is no specific value for daytime maximum noise levels and a criteria of 5 decibel increase to the night-time value was applied to suggest annoyance for evening if maximum noise levels over 65 decibels.

3.47 The modelled values at the closest sensitive receptors at The Croft in the evening indicate that the maximum noise level will exceed this criteria for whistle blowing and from ball impact on mesh fencing. I understand that following objections they have now offered to reduce the time of operation to 9.00 pm.

3.48 The consultant argues that current existing noise levels will have limited impact upon the equivalent noise levels between 18:00 hours and 20:00 hours provided an acoustic fence is utilised. The main annoyance will arise from impact noises and for that purpose it is considered that the operation time for use of the artificial field shall be restricted to prevent its use for practice or play between the hours of 21:00 hours and 08:00 hours.

3.49 The flood lighting has been assessed and it has been demonstrated that the lighting lux at residential houses will not exceed the 1 lux curfew level for E2 low district brightness area for night time levels. It will be necessary to ensure no glare into residential houses by complying with the institute of lighting engineer's guidance for the reduction of light pollution. Mitigation can also be provided by controlling the times of use.

3.50 I would recommend the following conditions

- LIG01 (lighting scheme);
- HOU04 to control construction times;
- HOU03 operation times for use of the artificial lighting shall be restricted to between 08:00 and 21:15 hours.
- The use of the artificial football pitch shall be restricted between the hours of 08:00 and 21:00 hours during Monday to Sunday inclusive.

Reason: To protect the amenity from noise activities

3.51 Prior to the operational use of the artificial pitch a noise management plan shall be submitted in writing for approval by the planning authority and thereafter implemented and maintained.

3.52 Prior to the use of the artificial pitch, submit the full details of the 2.5 metre high acoustic fence as set out in acoustic report project 7271 for approval by the planning authority and install and maintain thereafter.

3.53 Prior to the erection of the 4.5 metre high fencing it will be necessary to provide details of the connecting metal uprights to ensure each mesh panel fencing is provided with acoustic mounting as set out in acoustic report project 7271.

3.54 Prior to the construction of the artificial pitch, a noise scheme to consider absorption of impact noise to the fencing located to the southern end of the pitch from strikes for footballs to reduce the transmission and impact of noise shall be submitted and approved in writing and thereafter implemented and maintained.

Reason to protect the amenity of residents

Item No: 5.3
Application No: 18/01555/OUT
Author: Maxine Ingram
Date valid: 5 November 2018
Target decision date: 31 December 2018
☎: 0191 643 6322
Ward: Northumberland

Application type: outline planning application

Location: Land Adjacent To, 87 Sunholme Drive, Wallsend, Tyne And Wear,

Proposal: Single detached 3 bed house with garage and onsite parking.
Resubmission

Applicant: Shenstone Properties, PO BOX 31 Lichfield Staffs WS13 7TF

Agent: John Coxon And Associates, Mr John Coxon Minster Pool Cottage
Minster Pool Walk Off Dam Street Lichfield WS13 6AE

RECOMMENDATION: Minded to grant on expiry consultation

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;
- The impact on the character and appearance;
- Impact upon residential amenity;
- Impact on highway safety;
- Other issues (contaminated land, biodiversity, flooding).

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

2.0 Description of the Site

2.1 The application site relates to a parcel of land located within a predominantly residential area of Wallsend. The site itself comprises of a rectangular parcel of land with a flat area of open tarmac and grassed areas. Existing residential properties, two storeys, are located to the north, south and west of the site. The eastern boundary of the site borders a narrow landscaped strip of mature native planting and an existing public right of way, beyond which lies the Rising Sun Country Park (RSCP). The RSCP is designated as a Local Wildlife Site (LWS).

2.2 Within the site there is an existing adopted footpath and a street light.

2.3 The site has no specific designation within the Local Plan (LP). The land directly to the north east and east of the site is designated as open space and a wildlife corridor.

2.4 The site is privately owned but maintained by the Council's ground maintenance team.

3.0 Description of the Proposed Development

3.1 Members are advised that this is a re-submission of a recently refused planning application in October 2018 (Ref: 18/01097/OUT).

3.2 This application seeks outline planning permission for the construction of a three bed detached residential dwelling with garage and on-site parking. All matters are reserved.

3.3 The indicative plans demonstrate how the site could be developed to accommodate a residential dwelling.

4.0 Relevant Planning History

4.1 18/01097/OUT - Outline permission for the erection of 2no detached 3 bedroom houses with garage and additional parking for 2no cars each – Refused 03.10.2018

4.2 The above application was refused for the following reasons:

The application site occupies a prominent position within an existing residential estate. The proposed development would result in an overdevelopment of this site to the detriment of the surrounding area, including parking provision. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).

The proposed development would result in the loss of an area of open space to the detriment of the function of the surrounding area. As such the proposed development is contrary to policies DM4.5 and DM6.1 of the North Tyneside Council Local Plan (2017).

The proposed development by virtue of its layout and siting would result in an unacceptable impact on the character and appearance of the immediate surrounding area. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).

The proposed development by virtue of its layout and siting would result in an unacceptable impact upon the residential amenity of existing properties. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).

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;
- The impact on the character and appearance;
- Impact upon residential amenity;
- Impact on highway safety;
- Other issues (contaminated land, biodiversity, flooding).

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

8.0 Local Plan Strategic Policies

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

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

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

8.4 The wellbeing and health of communities will be maintained and improved. The council's aims are set out in Policy S1.2 'Health and Well-Being'. These include access to community facilities, encouraging walking and cycling,

providing employment opportunities, creating sustainable communities, ensuring access to green and open space and place making.

9.0 Principle of development

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

9.2 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF states “Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in particular case indicate that the plan should not be followed.

9.3 To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. In order to achieve this objective, Government requires local planning authorities to identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

9.4 Local Plan (LP) Policy “DM1.3 Presumption in Favour of Sustainable Development” states “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.

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

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

9.6 LP Policy “DM4.5 Criteria for New Housing Development” sets out guidance for residential development on sites not identified on the Policies Map. This includes: a. Make a positive contribution to the identified housing needs of the Borough; and,
b. Create a, or contribute to an existing, sustainable residential community; and,
c. Be accessible to a range of sustainable transport modes; and,
d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and,
e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and,
f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
g. Demonstrate that they accord with the policies within this Local Plan.”

9.7 The objections received regarding the principle of the development, the loss of open space, loss of a children’s play area, health and well-being are noted.

9.8 The applicant has sought to overcome the reasons for refusal set out in paragraph 4.2 of this report by applying for outline consent for one residential dwelling and also reducing the extent of the developable area. The indicative plans demonstrate how the site could be developed to accommodate a detached residential dwelling with associated parking and garden areas.

9.9 The Local Plan (LP) specifically allocates sites to meet the overall housing needs and identifies those with an existing planning permission. However, Members are advised that the site is not formally designated for any purpose, including open space, within the LP. However, it is noted that objections from local residents make specific reference to this site being used for informal play by children. As previously advised, the extent of the redline boundary has been reduced so the site no longer includes the existing footpath.

9.10 The site sits within a wider residential area and local amenities are accessible, including access to areas of informal open space within the surrounding residential estate and designated areas of open space within the RSCP. Therefore, the loss of this parcel of land would not significantly impact on the level of access to designated open space provision within the vicinity of the site.

9.11 The Council’s Strategic Property Team has confirmed that the land is privately owned. The Council’s Ground Maintenance Team has raised no objection to the proposed development.

9.12 It is officer advice that, the principle of residential development is considered to be acceptable, subject to consideration of the following matters being acceptable:

10.0 North Tyneside Council Housing Land Supply

10.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable

housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

10.2 The most up to date assessment of housing land supply informed by the March 2018 5-year Housing Land Supply Summary identifies the total potential 5-year housing land supply in the borough at 5,276 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.4 year supply of housing land). It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.4 year supply of housing land.

10.3 Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing. It is officer opinion that this development would make a small but valuable contribution to the Council's housing supply.

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

11.1 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.

11.2 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.

11.3 LP Policy "DM6.1 Design of Development" states "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." Amongst other matters, proposals are expected to demonstrate:

- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces."

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

11.5 Local Planning Authorities have the option to set additional technical requirements exceeding the minimum standards set by Building Regulations in respect of access and water efficiency, and a Nationally Described Space Standard (NDSS). In this context, access relates to how people access and use a dwelling and its facilities and for space, this relates to the internal space of a dwelling. During the preparation of the LP work was undertaken to establish whether there was a need to implement these higher standards in North Tyneside. The evidence concluded that there was a need, in terms of the optional standards relating to access and internal space, to introduce these higher standards. These standards are set out in Policy DM4.9 of the LP.

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

Accessibility of homes

Market Housing

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

Internal Space in a Home

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

11.7 The objections received regarding the impact on the character and appearance of the area are noted.

11.8 Members are advised that all matters are reserved (layout, appearance, scale, landscaping and access). However, an indicative layout has been submitted to demonstrate how the site could be developed to accommodate a detached dwelling.

11.9 The application sits within a wider residential estate that is characterised by two storey residential properties. Immediately to the east of the site is a public right of way, beyond which lies the Rising Sun Country Park (RSCP). The site is bound to the south by an existing adopted footpath which is to be retained. Beyond this footpath are Nos. 85 and 87 Sunholme Drive. The site itself comprises of an area of tarmac and grassed areas.

11.10 Layout is a reserved matter and therefore this can be dealt with in detail at reserved matters stage. However, consideration must be given to national and local planning policies. The future layout of the site will need to comply with the requirements of the housing standards set out in Policy DM4.9 (d).

11.11 The applicant has revised the indicative layout to try and overcome some of the previous reasons for refusal. The number of units has been reduced from two to one and the indicative layout demonstrates that the proposed dwelling is to be sited centrally within the site. It is also clear from this layout that the building line of Nos. 85 and 87 Sunholme could be followed. As the developable area no

longer includes the adopted footpath, the current access arrangements to Nos. 85 and 87 Sunholme Drive would be retained.

11.12 The indicative layout demonstrates that the density and the amount of development proposed reflects the character of the immediate surrounding area. Furthermore, it is the view of the case officer, that construction materials, vehicles etc. could now be accommodated within the site. A condition is recommended to restrict the amount of development to no more than one residential dwelling.

11.13 Scale is a reserved matter and therefore this can be dealt with in detail at reserved matters stage. However, having regard to the scale of the surrounding housing, a condition is recommended to restrict the height of any future development to no more than two storeys in height. It is also considered reasonable to remove permitted development rights for extensions, roof alterations and outbuildings, in order for the Local Planning Authority (LPA) to control the impacts of any further development on this site.

11.14 Appearance is a reserved matter and therefore this can be dealt with in detail at reserved matters stage.

11.15 Landscaping is a reserved matter and therefore this can be dealt with in detail at reserved matters stage. However, the Landscape Architect has been consulted. She has raised no objections to the development of this site, subject to the imposition of the suggested conditions, including a landscaping scheme.

11.16 As this is an outline application with all matters reserved, Members need to determine whether the indicative layout demonstrates that an appropriate site layout could be achieved. In officer opinion, subject to the imposition of conditions, the impact on the character and appearance of the area would be acceptable. As such, the proposed development complies with both national and local planning policies.

12.0 Impact upon the amenity of existing and future residents

12.1 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.

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

Development 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.”

12.3 The objections received regarding the impact on residential amenity in terms of loss of outlook, light and privacy are noted.

12.4 The indicative layout shows the relationship of the application site with immediate neighbouring properties. Nos. 85 and 87 Sunholme Drive are located to the south of the application site. Members are advised that there are no habitable windows sited in the north elevation of these neighbouring properties. Due to the indicative siting of the proposed dwelling, it is not considered that the residential amenity (outlook, light or privacy) of these neighbouring properties would be significantly affected.

12.5 Nos. 81 and 83 Sunholme Drive are located to the north of the application site. It is noted that the outlook from these existing properties, more so No. 83, would be altered should this site be developed. However, it is not considered that their outlook would be significantly affected to such an extent that would sustain a recommendation of refusal. It is considered that an acceptable separation distance between these neighbouring properties and the application site could be achieved. The layout, scale and appearance are reserved matters and therefore issues such as privacy and overlooking can be dealt with in detail at the reserved matters stage.

12.6 No. 58 Sunholme Drive is located to the west of the application site. Due to the orientation of this property, it is not considered that its residential amenity in terms of outlook, light or privacy would be significantly affected.

12.7 The objections received regarding the impact on residential amenity in terms of noise, nuisance, disturbance and dust are noted.

12.8 The Manager of Environmental Health (Pollution) has been consulted. She has raised no objections to the proposed development subject to conditions to control the hours of construction and dust suppression measures.

12.9 As this is an outline application with the layout, scale and appearance reserved, these issues will be considered at reserved matters. However, Members need to determine whether the indicative plan demonstrates that sufficient separation distances could be provided to ensure that there will be no significant loss of amenity to surrounding residents in terms of light, outlook or privacy. It is the view of officers, that sufficient separation distances could be achieved to protect the residential amenity of existing and future occupants. As such, the proposed development complies with both national and local planning policies.

13.0 Impact on highway safety

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

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

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

13.4 The Council's maximum parking standards are set out in LDD12.

13.5 The objections received regarding parking provision and the impacts on highway safety are noted.

13.6 Access is a reserved matter and therefore this can be dealt with in detail at reserved matters stage. However, the indicative layout demonstrates that the site would be accessed direct from Sunholme Drive and an appropriate level of parking provision could be provided within the site. As the number of units has been reduced from two to one, there would be space within the site to store construction materials/vehicles etc.

13.7 The Highways Network Manager has been consulted. He has raised no objection to the proposed development. He has advised that the adopted footpath and street light to the south of the site will be retained. On this basis, he has recommended conditional approval.

13.8 The objections received regarding the Public Rights of Way comments received are noted.

13.9 The PROW Officer has requested a link and bridge to cross the water course to the east of the application site. He considers that this would benefit many residents in the immediate area to connect directly in to the RSCP and raise more awareness of the water course for monitoring purposes. This request is noted. However, it is officer advice that due to the scale of this development this request is not reasonable or directly related to make this development acceptable in planning terms. The wider residential estate already has access to the bridleway to the north from various points to the north of Sunholme Drive and to the bridleway to the east from Hotspur Road. These existing links provide access to the surrounding areas, including areas of designated open space.

13.10 As this is an outline application with the means of access reserved, the access, internal highway layout, parking and cycle provision will be considered at reserved matters. Members need to consider whether the indicative layout demonstrates that an acceptable access arrangement and parking provision could be achieved. In officer opinion, the level of traffic generated by a dwelling and associated construction traffic is unlikely to result in a severe impact on highway safety. As such, the proposed development complies with both national and local planning policies.

14.0 Other Matters

14.1 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

14.2 Paragraph 179 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

14.3 LP “Policy DM5.18 Contaminated and Unstable Land” states “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

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

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

i. Removing the contamination;

ii. Treating the contamination;

iii. Protecting and/or separating the development from the effects of the contamination;

iv. Validation of mitigation measures; and

v. Addressing land stability issues.

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

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

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

14.6 The Coal Authority has confirmed that the application site does not fall within the defined development high risk area.

14.7 Members need to consider whether the development is acceptable in terms of its impact on ground conditions. It is officer advice that, subject to the imposition of the suggested conditions, the impact on ground conditions is acceptable. As such, the proposed development complies with both national and local planning policies.

14.8 Biodiversity

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

14.10 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.

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

14.12 The application site is not designated as a wildlife corridor within the LP. However, it does lie immediately adjacent to a wildlife corridor and the RSCP which is designated as a SLCI. The Council's Biodiversity Officer has been consulted on this basis. She has advised that the scheme could provide some native landscaping along the eastern boundary of the site to create a buffer between the housing and the adjacent footpath/stream. It is considered that this could be secured by way of an appropriately worded condition. She has also recommended a condition for pollution control measures to be put in place during construction to ensure there are no adverse impacts to the adjacent watercourse or the RSCP.

14.13 Members need to consider whether the development is acceptable in terms of its impact on biodiversity. In officer opinion, subject to the imposition of the suggested conditions, the impact on biodiversity is acceptable.

14.14 Flooding

14.15 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.

14.16 The objections received regarding the impact on flooding and the inaccuracies on the application form are noted. Officers are aware that the applicant has not referenced the proximity to the adjacent watercourse on their application form. Members are advised that officers have fully considered the proximity of the watercourse that lies immediately to the east of the application site within their assessment of this development.

14.17 Members are advised that the residential development currently undergoing construction to the north of the application site (East Benton Rise) was allowed at appeal. The flood risk relating to this residential development was fully assessed and the infrastructure required to mitigate this development is being implemented through a combination of sustainable urban drainage systems

and connecting to existing mains. This mitigation relates to this development only and not the application site. The proposed development will not impact on this housing developments surface water drainage system.

14.18 The applicant has advised that foul and surface water from the site will connect into the existing mains drainage. As this is an existing area of impervious paving with no associated drainage the construction of a residential dwelling with associated surface water drainage systems will provide betterment over the current situation.

14.19 The Local Lead Flood Authority (LLFA) has been consulted. He has advised that, as the application site is already an area of existing hardstand, there will be very little increase to the current flood risk in the area as the development will incorporate drainage which will capture and control the surface water which falls within the site. He has advised that consideration from the risk of flooding from the adjacent watercourse should be designed and mitigated into their property design in order to reduce the risk of fluvial flooding to future occupants.

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

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

15.0 Financial Considerations

15.1 The proposal involves the creation of a dwelling. The Government pays New Homes Bonus to local authorities to assist them with costs associated with housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

15.2 North Tyneside Council is set to receive £503,860 in New Homes Bonus for the year 2018-19.

15.3 In addition, the dwelling will bring in additional revenue as a result of Council tax.

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

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

16.4 Officers note that the site is not designated for any specific purpose within the Local Plan and it is not previously developed land. However, the site sits with a wider residential area and it is located in close proximity to local amenities. Despite, having a five year housing land supply, the Council remains dependent upon other residential development approvals to maintain housing delivery. In terms of the impact of the development and subject to the imposition of the suggested conditions, the consultees are satisfied that the development is acceptable in terms of its impact on the highway network, its impact on flood risk, ecology and the impact on the amenity of existing and future occupants.

16.5 In conclusion, subject to conditions, it is recommended that outline planning permission should be granted.

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 any outstanding Consultees following the expiry of the consultation period, and 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:

-Ordnance Survey Plan (1:1250)

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

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

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

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

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

4. Restrict Hours No Construction Sun BH HOU004 *

5. Contaminated Land Investigation Housing CON001 *

6. Gas Investigate no Development GAS006 *

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

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

8. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development hereby approved above damp proof course level details of facilities to be provided for the storage of refuse, recycling and garden waste for the proposed residential dwelling and a refuse management collection scheme shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of the residential dwelling and thereafter permanently retained.

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

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

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

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

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

11. Notwithstanding the details to be submitted pursuant to condition 2, prior to the occupation of any dwelling hereby approved a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

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

12. Notwithstanding the details to be submitted pursuant to condition 2, there shall be no encroachment at any time onto the existing adopted footpath that runs east-west along the southern boundary of the site.

Reason: In the interests of protecting residential amenity and pedestrian access having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

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

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

14. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development hereby approved above damp proof course level details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these approved details shall be installed prior to the occupation of the dwelling and shall be permanently retained.

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

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

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

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

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

17. Notwithstanding the details to be submitted pursuant to condition 2, no part of the development shall exceed two storeys in height or accommodate dormer windows.

Reason: In the interests of residential amenity having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

18. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include native planting along the eastern boundary of the site, details and proposed timing of all new tree and shrub planting, and ground preparation noting the species and sizes for all new planting. Thereafter, this landscaping scheme shall be implemented within the first available planting season following the date of the discharge of conditions application. If within a period of five years from the completion of the development, the tree dies or becomes seriously damaged or diseased, it shall be replaced in the current or first planting season following its removal or failure with others of similar size and

species, unless the Local Planning Authority first gives written consent to any variation.

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

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

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

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

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

21. Notwithstanding the details to be submitted pursuant to condition 2, no development shall commence until a scheme for surface water and foul management 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: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with NPPF.

22. Notwithstanding the details to be submitted pursuant to condition 2, no development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of mitigation measures to reduce the risk of fluvial flooding and thereafter implemented and retained in accordance with the approved details and before the development is occupied.

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

23. Notwithstanding the details to be submitted pursuant to condition 2, no development shall commence until a scheme and methodology for pollution control to protect the adjacent watercourse during the construction period has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained for the entire duration of the construction period.

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

24. Notwithstanding Condition 1, prior to the commencement of any part of the development above damp proof course level the following details shall be submitted to and approved in writing by the Local Planning Authority:

- New accesses
- Upgrade of footpaths abutting site
- Associated street lighting
- Associated drainage
- Associated street furniture and signage

Thereafter, these agreed works shall be implemented prior to the occupation of any dwelling and retained thereafter.

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

25. The development hereby permitted shall include no more than one residential dwelling (Use Class C3).

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

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

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

27. Notwithstanding the details to be submitted pursuant to condition 2, the reserved matters layout shall be set to the north of the existing footpath running in an east-west direction across the site and there shall be no encroachment at any time onto this path.

Reason: In the interests of protecting residential amenity and pedestrian access having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

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

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

Informatives

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)



Application reference: 18/01555/OUT

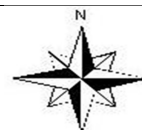
Location: Land Adjacent To, 87 Sunholme Drive, Wallsend, Tyne And Wear

**Proposal: Single detached 3 bed house with garage and onsite parking.
Resubmission**

Not to scale

Date: 06.12.2018

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Appendix 1 – 18/01555/OUT
Item 3

Consultations/representations

1.0 Internal Consultees

1.1 Operations Manager for Horticulture and Parks

1.2 Grounds maintenance have confirmed that they have no objections.

1.3 Biodiversity Officer

1.4 The above site is located south and east of Sunholme Drive in Wallsend with the Rising Sun Country Park (RSCP) to the east, residential housing to the south and west and new residential housing currently being built to the north.

1.5 The site itself consists mainly of hard standing and amenity grassland. To the eastern boundary of the site, there is some scrub and tree planting, a small stream and a footpath which runs north-south along the eastern boundary with the RSCP beyond the footpath. The site is not currently designated, however, the Rising Sun Country Park to the east is a designated Local Wildlife Site (LWS) and the area to the east is within a wildlife corridor.

1.6 The scheme should provide some native landscape screening along the eastern boundary to create a buffer between the dwelling and the adjacent footpath/stream and to enhance the site for biodiversity. A mixed native hedge or some small native trees/shrubs would be recommended. In addition, appropriate pollution control measures must be in place during construction works to ensure there are no adverse impacts to the adjacent stream or to the Rising Sun Country Park.

1.7 Conditions

-A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. This should include native planting along the eastern boundary of the site.

-Any trees adjacent to the site must be adequately protected in line with appropriate tree protection measures.

-A Construction Method Statement/Pollution Control Plan must be submitted to the Local Authority for approval prior to development commencing.

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

1.8 Local Lead Flood Authority (LLFA)

1.9 This is an outline application for the erection of a single detached 3 bed house with garage and onsite parking. It is a resubmission of application 18/01097/OUT.

1.10 As the development is proposed on an area of existing hardstand there will be very little increase to the current flood risk in the area as the development will incorporate drainage which will capture and control the surface water which falls within the site. The applicant is advised to consider the risk of flooding from the adjacent watercourse and install mitigation measures to their design in order to

reduce the risk of fluvial flooding to the proposed properties. Conditional approval is recommended.

1.11 Recommendation - Conditional Approval

1.12 Conditions:

No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of mitigation measures to reduce the risk of fluvial flooding and thereafter implemented and retained in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management.

No development shall commence until a scheme and methodology for pollution control during the construction period has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained for the entire duration of the construction period.

Reason: In the interests of surface water management

1.13 Highways Network Manager

1.14 This is an outline application for the erection of a single detached 3 bed house with garage and onsite parking. It is a resubmission of application 18/01097/OUT.

1.15 Whilst all matters are reserved, an indicative layout has been provided and the site will be accessed direct from Sunholme Drive and an appropriate level of parking is proposed. There is an adopted footpath running to the south of the site which will be retained. Conditional approval is recommended.

1.16 Recommendation - Conditional Approval

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

- New accesses
- Upgrade of footpaths abutting site
- Associated street lighting
- Associated drainage
- Associated street furniture & signage

1.18 Conditions:

ACC08 - New Access: Access before Devel (OUT)

PAR03 - Veh: Parking, Garaging, Loading (OUT)

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT05 - Construction Management

No development shall commence until a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays has been submitted to and approved by in writing the Local Planning Authority. Thereafter,

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

Reason: In the interests of highway safety.

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

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings.

No development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety

Notwithstanding the details submitted, the reserved matters layout shall be set to the north of the existing footpath running in an east-west direction across the site and there shall be no encroachment at any time onto this path.

Reason: In the interests of pedestrian access

1.19 Informatives:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

The applicant is advised that they will need to amend the original Section 38 Agreement and will be responsible for all associated costs including legal costs

1.20 Contaminated Land Officer

1.21 The lies within 250m of an area of known former mining and has a proposed sensitive end use. The following must be attached to the application:

Con 001

Gas 006

1.22 Strategic Property

1.23 The land is privately owned.

1.24 Public Rights of Way

1.25 The land is directly adjacent to a popular bridleway linking into the RSCP. The new development to the north has links into the park to benefit all users. Would it be possible to create a link and bridge to mirror the same from the new site?

1.26 This would benefit many residents in the immediate area to connect directly into the RSCP and raise more awareness of the water course for monitoring purposes.

1.27 Landscape Architect

1.28 Existing Site Context

1.29 The application site comprises of a rectangular compartment of land, formerly designated as a play area and consists of a flat and open-aspect tarmac area with grassed elements containing it; access is available immediately to its western side from Sunholme Drive.

1.30 The immediate and wider context of the adjoining areas include residential housing, to the north, west and south, set within a discrete streetscape, containing occasional grassed areas, with solitary trees positioned within private garden areas. The eastern fringe of the proposed site borders a narrow landscaped strip of mature native planting, formed by an adjacent circulatory countryside path. The path skirts the woodland edge fringe and also marks the beginning of a woodland landscape, which overlays the ascending landform of the Rising Sun Countryside Park.

1.31 Because of its rising landform, the adjacent woodland forms a significant visual grouping as a result of its close proximity, but which also contributes to the landscape amenity value of the immediate area. The trees are also visible from many viewpoints and streets in and around the immediate and wider vicinity.

1.32 Landscape Comments (Trees and Landscape Advice)

1.33 The existing plot is not located within any areas of designated green space (as designated under the North Tyneside Local Plan) nor is it located within a wildlife corridor although land directly to the east and north is designated open space/wildlife corridor. The site contains no landscape features however, there are significant areas of woodland and associated important habitats immediately adjacent to the site and consideration should be given to their protection and the proximity of the development in relation to its influence on these environmental assets.

1.34 Suggested conditions:

No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting, and ground preparation noting the species and sizes for all new planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. There should be no damage to the adjacent land to the east of the site.

The contractors construction method statement relating to traffic management/site compounds/contractor access must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained on adjacent land if considered necessary. Any tree protection required should be maintained for the duration of the works. No construction works, cabins, plant or storage or any other operation associated with the construction of the garages or boundary fence should be undertaken on adjacent land to the east of the development site.

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

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

1.35 Manager for Environmental Health (Pollution)

1.36 I have no objection in principle to this development but would recommend hours of construction and dust mitigation during construction.

HOU04

SIT03

2.0 Representations

13 letters of objection have been received. The comments received are set out below:

- Loss of residential amenity.
- Nuisance - dust/dirt/fumes/noise/disturbance.
- Poor/unsuitable vehicular access.
- No need for a house on this site.
- Adverse effect on wildlife.
- Impact on landscape.
- Inadequate drainage.
- Inadequate parking provision.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.
- Loss of/damage to trees.
- Inappropriate in special landscape area.
- All the green fields to the north of our homes have been lost forever, to these buildings.
- The only reason for application must be greed.

- Inaccurate application form there is running water within 20 metres of the proposed build.
- Loss of residential amenity. This is the only of off-road tarmac where young children play, learn to ride a bike for instance. The area may not have a house built on it, but it is certainly not the case to say it is not in use.
- Nuisance disturbance/dust and poor vehicular access building on this site will cause disturbance to more than the residents in this end of the estate. From Hotspur Road site traffic will have to come either through Exeter Road, then around most of Sunholme Drive, or via Sydney Grove, then Sunholme Drive to get to the site, therefore mess and disturbance.
- Parking is busy at this end of the estate. We have three blocks of flats at this end therefore potential for fewer spaces of parking on the road even with the current properties. Whether the property has a garage and off road parking it is not to say the potential owners would choose to always park there.
- The comments from the Public Rights of Way Officer, include the construction of a link and bridge from there into the Rising Sun Country Park. This is not necessary as residents have been used to using the current access points for years, and would only invite more traffic to this end of the estate. Dog walkers already use Hotspur Road to park as one of the entry points in addition to the spaces at the visitor centre, or at the top of Kings Road North. Having this additional bridge may also be a problem for security. I understand there have been some burglaries in the area recently and it could just provide a quick exit from the street into the RSCP. In addition, there are already issues during mainly summer, but either side too when we have good weather, with teenagers, some drinking and drug-taking, in the trees along the path behind the proposed new build. Without the extra bridge it keeps access to the edges of the estate.
- With all the new builds going on all round this estate and North Tyneside generally, I would question the necessity for this proposed house in what is an already completed estate.
- Look out of place on an established residential estate.
- Spoil the view that I have enjoyed for the last 12+ years.
- No requirement as there is a new development of over 1000 homes being built next to Sunholme Drive.
- Previous planning application showed boundary less than two feet from my front door preventing access. The new plans shows that this area will remain free of any building or usage. Could you confirm this would always be the case? Who does this land belong to – Council or Shenstone Properties? I was told this belonged to the Council.
- Upheaval of building would work is unacceptable. Construction traffic, deliveries, materials would cause parking problems and a danger for residents. There is a cul-de-sac at the bottom of the street which would cause problems for people who park there.
- Any further build would cause more parking problems.
- This has always been viewed as a play area for children. It is used by children to play football, learn to ride their bikes and my grandchildren use it.
- The lamp post outside my front door would have to be removed. This would cause problems for me coming home late in the dark. It was put there for a reason.
- Application form incorrect. There has been flooding in houses facing me in 2012. The bed of the stream immediately behind the fence has a shallow bed in some parts. Immediately behind the fence is the bank to the stream.

- There is no need to build a new bridge connection. People already have access via the end of Hotspur Road and the existing bridleway. I object most strongly to this as there is no need. The present bridge and access is sufficient. There would be extra dog mess, more noise from people, misuse of the proposed bridge, privacy reduced for those living next to it. Also there is a danger children could wander off or fall into the stream.
- We feel that whether its 3 houses or 1 house our concerns remain the same and would therefore like our objections noted.
- There would still be heavy traffic and building materials would have to be stored somewhere.
- We are already living with a major building site behind the street and the problems that causes and think it is unreasonable to expect the residents to have to cope with a new build in the street.
- On a personal level I have been unable to erect a fence at the boundary of my land as the council said it had to be kept as 'open space', however I fail to see how it is ok to build a house on land which is currently 'open space'.
- Parking is already a major problem in the street and there is the potential for it to get worse and my land becoming a thoroughfare due to cars parking on the pavement. This would also restrict access for wheelchairs and prams etc.
- We feel very disappointed that this planning application has even been considered and the residents, especially the ones who have lived in the street for many years, feel demoralised to say the least.
- Impact on outlook from neighbouring properties.
- There is also the problem of construction traffic and how this will negatively affect young children who play in this area.
- Very upset that my peace of mind has been disturbed and very stressed by the application to build so close to my home. This will affect my mental well being, it will be financially and emotionally devastating.
- Will devalue my property.
- To build here would be only for financial gain for Shenstone Properties there would be no other reason given the huge development on East Benton Rise.
- Shenstone need to update the estate to provide a modern family with ease of parking with children and families with more than one vehicle.
- The Sunholme estate is an established community that has a mixed demographic of young families to older residents, with a strong community neighbourhood ethos that makes it a safe and happy place to live where residents support and socialise together.
- Over the last few years residents on this estate have lost a significant amount of green areas to housing that residents used for exercise, socialisation and for children to play. The piece of land that this proposal effects is the last piece of safe open space for local children to play with parents safe in the knowledge that all the neighbours will ensure that they are safe, and residents can socialise together. One of the benefits of living on the Sunholme estate has always been the open land and the sense of community that exists where children could play, and families of any age could mix together as a community.
- On a practical level local residents have been subject to a significant amount of noise and dust/dirt etc from the Persimmons Homes development and the development on the former Parkside school site. Further disruption of this nature right in the middle of the estate is unacceptable.

- Building on this site will mean there will be site traffic, and this will create a significant unnecessary risk to children and residents in an already vehicle congested street.
- The access proposal will impact on public safety and the increase footfall into an area which is a cul-de-sac and makes it very safe for children and reduces 'opportunistic crime' will have a reverse effect with general public access.
- The 'Children's Commissioner's report on the importance to children of play and physical activity' – August 2018 and the Play England Report 'Freedom to Play' clearly sets out the health and social benefits to children of street play areas and that this alone can make a meaningful contribution to whether children are likely to meet the 60-minute MVPA daily target set out in the UK physical activity guideline. The content of this report clearly establishes the high importance of outdoors activity on several levels including building community connectedness and both should be read in conjunction with this point.
- Public Health England – Public Health Matters 'Green space, mental wellbeing and sustainable communities report' states 'good quality natural landscape in urban areas can affect how people feel'. It reduces stress and sadness, lifts mood and makes us feel better. It benefits active users of these spaces, whether that's physical recreation, socialisation or through children having the opportunity to play safely. The loss of outdoor play and green areas has an impact on mental wellbeing, social networks and sustainable communities, isolation and loneliness and it is in these areas that the strongest body of evidence is emerging that urban play and green spaces can improve the public's health.
- In relation to the 'identified need for housing' one property is not of significant value when set against the negative impact on the local community.
As you will already be aware, there is a row of links close to The Square which has limited parking outside their homes. As a result many of us have to park in a row opposite to 'The Square'. Having a new building will obviously have a huge impact on our parking positions so where will we park?
- There is a stream behind 'The Square', will this be affected by building work.
- We are an estate already surrounded by building work - Benton Rise and The Risings is there any need for more?
- This land is one of the only safe places for the children to play. With a child obesity crisis being pandemic, precious spaces like this should be preserved and/or developed to encourage children to play outside rather than having yet more houses crammed into every available space.

3.0 External Consultees

3.1 The Coal Authority

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

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

3.4 Northumbrian Water

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

3.6 Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Item No: 5.4
Application No: 18/00104/OUT
Author: Julie Lawson
Date valid: 23 January 2018
Target decision date: 24 April 2018
☎: 0191 643 6337
Ward: Killingworth

Application type: outline planning application

Location: Land East Of, 9 Laurel End, Forest Hall, NEWCASTLE UPON TYNE,

Proposal: Outline application for the residential development of 25 dwellings with associated roads, parking, landscaping, drainage and open space (with all matters reserved) (Flood Risk Assessment 16.05.18) (AMENDED INDICATIVE LAYOUT JULY 2018) (additional noise & air quality information 22.08.18)

Applicant: Banks Property Ltd, Inkerman House St Johns Road Meadowfield Durham County Durham DH7 8XL

Agent: Banks Property Ltd, FAO Mr Justin Hancock Inkerman House St Johns Road Meadowfield Durham County Durham DH7 8XL

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

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

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

2.0 Description of the Site

2.1 The application relates to an area of land measuring 2.08 hectares. It is to the north of Great Lime Road. To the east is Forest Gate housing estate, to the west are houses and bungalows on Laurel Avenue and Laurel End and to the north is the Forest Burn leech with open fields beyond.

2.2 The site is grassland with a sustainable urban drainage pond to the north. The site includes the highway serving Forest Gate.

2.3 There is a hedgerow to the south bordering Great Lime Road. The site forms part of the Strategic Allocated site for Killingworth Moor in the Local Plan.

3.0 Description of the Proposed Development

3.1 This application seeks outline planning permission with all matters reserved for the development of 25 dwellings with associated roads, parking, landscaping, drainage and open space.

3.2 An indicative layout has been submitted. This shows 17 dwellings and 8 apartments.

4.0 Relevant Planning History

None relevant.

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

5.2 Killingworth Moor Masterplan and Guidance (December 2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2018)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals.

PLANNING OFFICERS REPORT

7.0 Main Issues

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

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

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

8.0 Principle of the Proposed Development

8.1 The NPPF states that plans and decision should apply a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay. The NPPF also states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Paragraph 38 of NPPF states that Local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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

8.3 In relation to housing, NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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

8.5 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.

8.6 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.

8.7 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.

8.8 Policy S4.3 Distribution of Housing Development Sites

The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8,838 homes, assessed as being deliverable and developable over the plan period to 2032.

8.9 Policy S4.4 (b) Killingworth Moor Strategic Allocation Concept Plan states:

A strategic allocation is identified at Killingworth Moor (Sites 22 to 26) to secure the delivery of approximately 2,000 homes during the plan period in a mix of housing tenures, types and sizes, informed by available evidence of the housing needs of the Borough, convenience retail provision of approximately 500m² net and 17ha of employment land.

The key principles for development of the Killingworth Moor strategic allocation are illustrated on the Policies Map through an indicative Concept Plan, to be delivered where necessary in accordance with the requirements of the Infrastructure Delivery Plan, include provision of:

- a. New housing, employment, retail and community facilities in the general development locations identified; and,
- b. Primary and secondary access points suitable to accommodate evidence based traffic flows to, from and through the sites as appropriate; and,
- c. Strategic transport route connecting Killingworth Way with Great Lime Road; and,
- d. Education provision delivered in agreement with the Local Education Authority, at locations indicatively identified on the Policies Map providing a primary and secondary school located broadly to the south east of the site; and
- e. A network of green and blue infrastructure that:
 - i. Enables provision of strategic open space breaks to avoid the joining together of Killingworth with Forest Hall and Palmersville, whilst integrating with existing communities; and,
 - ii. Provides safe and secure cycle and pedestrian links through the site that ensure appropriate connectivity with the existing network; and,
 - iii. Retains, connects and enhances the biodiversity of each site; and,
 - iv. Retains and enhances any important hedgerows or trees; and,
 - v. Provides well-integrated and strategic green spaces for recreation; and,
 - vi. Incorporates sustainable drainage systems.

S4.4 (c) Applications for Delivery of the Strategic Allocations

At the identified strategic allocations of Killingworth Moor (Sites 22 to 26) and Murton (Sites 35 to 41) a comprehensive masterplan for each allocation must be prepared collaboratively, and agreed, by the relevant development consortia and North Tyneside Council.

Applications for planning permission will be granted where:

- a. They are consistent with the comprehensive masterplan, which itself must demonstrate its general conformity with the key principles of the Concept Plans for Killingworth Moor and for Murton;
- b. The application relates to the whole allocated site or if less does not in any way prejudice the implementation of the whole allocation;
- c. Provision of any development that would exceed the approximate capacity for housing, retail and employment indicated by this Local Plan, within and beyond

- the plan period, must demonstrate its continued conformity with the principles of the Concept Plan and the infrastructure capacity of the site and Borough;
- d. The application is in accordance with a phasing and delivery strategy, prepared as part of the detailed masterplan, that identifies the timing, funding and provision of green, social and physical infrastructure.
 - e. An access and transport strategy is developed that maximises the potential for walking, cycling and use of public transport (including the potential provision, subject to overall feasibility and economic viability, of new Metro stations), as demonstrated through the detailed masterplans, and the application provides a connected, legible network of streets with the proposed primary routes and public transport corridors.
 - f. A heritage management strategy is provided that is informed by the mitigation measures proposed in the Local Plan Heritage Assessment and Sustainability Appraisal.
 - g. A landscape and visual amenity impact assessment is provided identifying key features of note on each site, demonstrating an appropriate design response (e.g. the location, orientation, density of development and landscape/planting treatment). Design quality will be secured through the application and use of appropriate design standards agreed as part of the masterplans.
 - h. Appropriate remediation and mitigation measures are agreed to address any potentially harmful impacts of development upon the environmental or social conditions of North Tyneside, delivering solutions on site wherever possible unless demonstrated through suitable evidence to be more appropriately delivered off-site. Such remediation and mitigation are expected to include but not necessarily limited to consideration of:
 - i. The net biodiversity value of the site,
 - ii. Ground conditions, (e.g. areas of previous open cast mining and any identified contamination of land),
 - iii. Flood risk and water quality,
 - iv. Air quality and noise pollution.

8.10 The application site is within the Killingworth Moor Strategic Site boundary as allocated under Policy S4.4 (b). The Killingworth Moor Masterplan was adopted in December 2017 and states the following:

- Killingworth Moor is included as a Strategic Allocation in the North Tyneside Local Plan to deliver approximately 2,000 homes together with education facilities, local services, employment uses, green infrastructure and amenity space.
- The Masterplan will ensure that development is brought forward in a co-ordinated manner that enables an early delivery of housing development on Killingworth Moor to meet the identified needs of the Borough whilst ensuring the provision of additional infrastructure and protection of the quality of life and amenity of all residents.
- The Masterplan lists objectives which reflect the key issues to be addressed in order to achieve the vision. This includes the formation of an overall coherent and distinctive new community with its own character and identity, a mix of house types, a new link road to connect Palmersville to Killingworth Way which will comfortably accommodate cars, buses and bicycles and provide a new strategic link within North

Tyneside's road network. There will be distinct arrival points from Great Lime Road to the south and Killingworth Way to the north. The objectives also refer to the provision of infrastructure, including schools and community facilities.

8.11 Policy DM4.5 relates to sites not allocated in the Local Plan for housing. Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.12 This site is part of the Killingworth Moor Strategic Site therefore it needs to comply with the Masterplan requirements. Policy S4.4(c) states that applications for planning permission will be granted where they are consistent with the comprehensive masterplan and that the application does not in any way prejudice the implementation of the whole allocation. The Local Planning Authority needs to ensure that the development of this site complies with Policy S4.4 and the Masterplan and will not prejudice the wider development of the strategic site.

8.13 The Masterplan requires under Section 9.1 that:

"Due to the site wide shared infrastructure, the Council's preferred approach is for an outline planning application to be submitted for the whole development. However, due to the site being in multiple land ownerships, it is recognised that separate planning applications may come forward for different areas.

In order to avoid the piecemeal and poorly integrated development of the site, applicants are expected to demonstrate how the proposed development would contribute to the vision and development objectives for the site. In addition, applicants will be expected to demonstrate how the development would not prejudice the overall proposals and objectives of the Masterplan. Applicants should use their Design and Access Statement and Planning Statements to not only demonstrate how they have incorporated high standards of design but also to explain how the proposed development would fit together with, and help deliver, the wider masterplan, including necessary infrastructure. Any application will need to be in line with a Comprehensive Drainage Strategy and Landscape Masterplan for the whole site. The Council will expect planning applications for individual phases/parcels of land to demonstrate how their proposals would be integrated with the wider site. Proposals will be required to demonstrate how they will provide vehicular access to the individual sites and provide detailed layouts of all other necessary highway infrastructure and pedestrian/cycle."

8.13 Persimmon Homes have submitted an objection to the proposal. They consider the development to be a piecemeal application which is prejudicial to the wider delivery of the Masterplan. They state that permission should not be granted as it fails to provide for its proportionate share of the site infrastructure.

They state that this site represents 1% of the total allocation. They also advise that the applicant has not covered off site highway improvements, allotments, open space, healthcare or metro station delivery in the draft head of terms. They also state that the site is one of the main entrances to the wider strategic site and the applicant must include the wider site access improvements including the pedestrian and cycle links. They raise concern that the development should contribute to the wider site infrastructure.

8.14 The applicant considers that the development proposal for this site is incidental to the overall scheme and the need for some of the infrastructure does not arise from development in this location. They have advised that the Killingworth Moor allocation as a whole will have to provide various road linkages across the site and that this proposal would not need linkages and would not prevent the linkages from happening.

8.15 The site is allocated as part of the Killingworth Strategic Site and is identified as an area for development on the Masterplan document therefore the principle of 25 units on this site is acceptable. It is important to ensure that the development does not harm the delivery of the wider site or prejudice the ability to provide the necessary infrastructure for the site and this will be further considered in the following sections of this report. Ideally the development of the wider strategic site would have come forward in large scale developments which could have contributed towards the wider infrastructure requirements on site. However on balance it is considered that whilst this is part of the wider strategic site, it is a more isolated section in relation to the wider strategic site.

8.16 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes. Having regard to the above, the principle of the proposed development is considered acceptable subject to consideration of the following matters.

9.0 North Tyneside Council Housing Land Supply

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

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

9.3 The potential housing land supply from this proposal (included as part of the wider strategic site) is included in the assessment that North Tyneside has a 5.4 year supply of housing land. Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can

be granted which add to the choice and range of housing. Paragraph 49 of NPPF makes it clear that housing applications should be considered in the presumption in favour of sustainable development.

9.4 Whilst the 25 units would bring forward a small element of the housing required, it is also important to have regard to aims of policy S4.4 (b) to secure the delivery of 2000 homes. When considering any potential prejudicial impact of this proposal on the delivery of the wider site allocation it will be important to be clear that there is no constraining impact which would prevent the remaining housing and employment development coming forward. The delivery of 2000 homes on this site forms a significant element of the Council's housing delivery strategy and there would be significant impacts on future housing delivery and maintaining a 5 year housing land supply were the required level of housing not able to be accommodated on this site. Under delivery of housing could lead to penalties imposed by central Government and potentially trigger early review of housing policies in the Local Plan. Any potentially prejudicial or constraining impacts are addressed elsewhere in this report.

10.0 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 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces. Policy DM4.6 states that in order to ensure that new residential development provides a mix of homes, to meet current and future demand, and to create sustainable communities, applications for new housing development will be considered with regard to the Council's most up-to-date evidence, including housing need and local housing market conditions.

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

10.5 The proposal is in outline only with details of the layout and appearance reserved for a future application. The Design Officer initially raised concerns regarding the proposed indicative layout, stating that it did not meet the

requirements of the Masterplan, specifically the advice set out for the Palmersville Gateway Character Area. The Masterplan states (summary):

- The Palmersville Gateway character area is a key gateway into the site. Buildings at the access points to the site have an important function through creating a welcoming entrance and also proving an indication of the design ideals for the wider site.

- The key design principles for this character area are set out below:

Housing Mix – town houses and apartments.

Density/height – High density development. Development up to 3 storeys in height.

Along the link road, development will be set back behind green verges, native trees and hedgerows.

Hedge planting should form front boundary treatments for units along Great Lime Road to afford privacy to residential units.

The arrangement and form of dwellings in this location should provide a distinctive entry point.

Dwellings in this location will be orientated an outward aspect with terraced and apartment forms positioned close to Great Lime Road.

10.6 In response to this the applicant amended the indicative layout to demonstrate how 25 units could be delivered meeting the urban design requirements. The layout includes 8 apartments and 17 houses. The Design Officer advises that the Masterplan Guidance sets out a requirement for a site wide density range parameter plan that demonstrates approximately 2000 houses across the site, to be submitted and agreed (either as part of an overarching EIA or planning application). The applicant has advised that the provision of 25 dwellings is incidental to the overall scheme of 2000 and it is indicated as housing on North Tyneside's adopted masterplan and on the Indicative Density Plan as being an area of high density housing.

10.7 The proposal seeks outline planning permission for 25 single storey dwellings. The overall site area is just over 2 hectares, but this included land which is to be retained for the strategic access road and land which is in Flood Zones 2 & 3. Therefore the area on which the housing development is proposed is approximately 0.8 hectares. This would result in a density of approximately 31 dwellings per hectare. It is officer advice that density is appropriate for this part of the site.

10.8 The Design Officer states that the outline layout shows capacity for an acceptable layout of buildings which could positively contribute towards the character of Palmersville Gateway character area. Further information is required about site levels although this could be conditioned.

10.9 The indicative layout shows the housing to the south of the site, with apartments to the south east adjacent to Great Lime Road and the Forest Gate entrance and housing to the north and west. There are bungalows and two storey properties to the west of the site on Laurel Avenue. The indicative layout demonstrates that a development of 25 units could be achieved on the site whilst

respecting the character of the area. The layout, including the siting of the properties, would need to be agreed at reserved matters stage.

10.10 The comments of the LLFA are detailed later in this report and refer to the potential requirement to raise some of the levels of certain properties due to the proximity of Flood Zones 2 and 3. At reserved matters cross sections would be required as some houses could be up to 2m higher in level and full levels details including adjacent properties on Laurel Avenue would be required to demonstrate that any properties would not have a detrimental visual or amenity impact due to their heights.

10.11 Members need to determine whether the proposed development would be acceptable in terms of its character and appearance upon the site and on the surrounding area. It is officer opinion that the site is capable of being developed in a manner which will be compliance with masterplan design principles and which would have an acceptable impact on the surrounding area. Conditions are recommended to control aspects of detailed design.

11.0 Impact upon Amenity

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

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

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

11.4 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces. Policy DM 4.9 sets out housing and accessibility standards.

11.5 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size,

a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.6 The proposal is to the east of Laurel End and Laurel Avenue and to the west of Forest Gate. It is important to ensure that the occupiers of any neighbouring properties are not impacted by the development in terms of loss of light, outlook or privacy. There are bungalows and two storey properties to the west of the site on Laurel End. No's 3 to 8 Laurel End have their rear elevations facing towards to the application site at a distance of approximately 5.6m from the boundary with the application site. No. 9 Laurel End has its gable facing towards the application site at a distance of approximately 9.7m from the boundary. The indicative layout shows proposed dwellings at a separation of 21m between rear to rear elevations and 15m from proposed gable to existing rear elevations.

11.7 Properties on Forest Gate are to the east of the site. There is a separation distance of at least 30m between the main rear elevations of the existing dwellings and the proposed properties on the indicative layout.

11.8 The indicative layout demonstrates that a development of 25 units could be achieved on the site with adequate separation distances. The layout, including the siting of the properties, would need to be agreed at reserved matters.

11.9 The site is adjacent to Great Lime Road and the key strategic access road will be adjacent to this site. Environmental Health advised that a noise assessment and air quality assessment are required. A noise assessment and an air quality note have been submitted. Environmental Health have advised that they have concerns with regard to road noise arising from Great Lime Road and associated noise arising from playing fields located approximately 90m from the northern boundary of the site. The air quality note outlines that the air quality impacts arising from this development and affecting this development will be negligible. The noise assessment report considers potential noise arising from the playing fields affecting the northern area of the site. This has determined that the noise arising from the playing fields was not considered to give rise to noise levels that will result in significant adverse impacts for the residential development. However, the noise report does not provide a detailed breakdown of the noise arising from the playing fields. It is recommended that acoustic screening is provided for residential plots next to the north western part of the site adjacent to the playing fields to mitigate any noise arising from their use. The noise report recommends further monitoring during the night period during a different part of year to reassess the night time noise levels in the area of NML01, as the night time noise levels are higher than the daytime. It is recommended that this is reassessed as part of the noise scheme to verify the night time noise levels for the northern area of the site and determine the extent of the noise attenuation measures necessary.

11.10 The noise monitoring results indicated that the site will be exposed to higher noise levels from road traffic noise and will be in the region of 62 dB LAeq for daytime and 55 dB LAeq for the night period. Noise mitigation measures will be necessary for the residential plots in this location. Gardens in this location will require attenuation and it will be necessary for the gardens to be orientated so that the buildings screen the gardens from road traffic noise and achieve an

external noise levels of <50 dB LAeq for daytime and meet the WHO community noise guidelines of <55 dB LAeq 16 hr which is the onset of significant adverse impact. The detailed layout of the scheme will be controlled under a reserved matters application. Conditions are recommended.

11.11 Members need to consider whether the proposal will have an impact on residential amenity. It is officer advice that subject to conditions to control future detailed design the proposal is acceptable in terms of its impact on residential amenity.

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

12.2 Para 108 of NPPF states: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

12.3 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.

12.4 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.

12.5 Para 110 of NPPF: Applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

12.7 Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth. It refers to potential sites for new stations, whether on the existing rail network, on routes re-opened for passenger traffic and/or extensions to the network, will also be supported where appropriate. This includes proposals relating to both the Metro and heavy rail and will be linked to new development wherever possible. Specifically this includes potential sites for new Metro stations at Killingworth Moor and Murton Gap, linked to the strategic allocations.

12.8 Policy DM7.4 New Development and Transport

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

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

12.9 The Killingworth Moor Masterplan sets out the highways requirements for the strategic site. One of the key objectives of the Masterplan is that the layout will create an effective and efficient local transport and highway network which promotes sustainable modes of transport and ensures the opportunity to deliver a new Metro Station on the site can be achieved. It states:

“The strategic link road connecting the A1056 and the B1505 (via the B1317) will provide a transport corridor and connectivity through the site. Through the development’s strategic routes a 30mph speed limit will be applied.”

Provision of a sustainable transport network for the site is also a key component of the Masterplan.

12.10 The Masterplan sets out a requirement for a primary road infrastructure including a strategic north-south highway link and access junctions at Killingworth Way A1056 to the north and Great Lime Road B1505 to the south. The north-south route is essential to secure adequate highway access to the site and will additionally alleviate the potential impact of development at this site upon Killingworth Village and the impact of growth upon the junction of the B1317 Killingworth Lane and B1505 Great Lime Road.

12.11 The Link Road running north-south through Killingworth Moor will need to perform as a strategic link road but must also provide a safe and attractive highway environment.

12.12 The agent has advised that the application is in outline form only with all matters reserved and this proposal is to test whether the principle of development is acceptable. Officer advice is that the proposal needs to be capable of being accessed in a satisfactory manner whilst also not prejudicing the delivery of the wider strategic site. An indicative plan has been submitted showing a potential location for an access to the site.

12.13 Officers have been in discussions with the applicant regarding the potential impact of the proposal on the highway network and to ensure that the satisfactory delivery of the wider strategic site is not prejudiced.

12.14 One area of discussion related to the potential access to the application site from the existing access serving Forest Gate. Although the current junction is adequate to serve 25 additional dwellings, it will need to be upgraded and widened to form an appropriate new junction and comply with the design specifications for the strategic link road of which this will form a part. Whilst the access to the site would be controlled under a reserved matters application the design and location of any permanent access serving this 25 unit scheme must not prejudice the delivery or operational efficiency of the main strategic link road. The Local Planning Authority must ensure any proposed junction at Great Lime Road/Forest Gate would operate safely and within capacity and allowing for any required upgrades to allow it to serve as a strategic link.

12.15 The Highways Network Manager has advised that the site forms part of the wider Killingworth Moor Local Plan site and is situated at the southern end of the development near the junction with Great Lime Road. Whilst the development, when looked at as a stand alone site is not considered to be severe in terms of impact on the adjacent highway network, the location of the site at the southern access means it is critical to safeguard the land required to build the future link road. He recommends conditional approval with appropriate conditions to ensure the link road can be accommodated. They advise that the applicant will be

required to enter into a Section 106 Agreement for £80,000 for road improvements to Great Lime Road and £12,987 for improved pedestrian & cycle links on Great Lime Road. The applicant has advised that they are willing to enter into a S106 to secure these.

12.16 The Highways Agency has advised no objections to the proposal. Nexus have advised that they have no objection as the whole site falls within 400m of a local bus service and 800m of Palmersville Metro station. As this forms part of the wider Killingworth Moor development area, Nexus would request that the Council attaches a condition to approval for the provision of two four-weekly Network One All Zone travel passes per dwelling. Although the request for this condition is usually triggered at 50 dwellings, Nexus treats any application, that forms part of a larger development, as one development.

12.18 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network, having regard to the requirements of the strategic site. It is officer advice that subject to conditions the proposal is acceptable.

13.0 Biodiversity

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

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

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

13.4 Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)

should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

13.5 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.

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

13.7 Policy S5.4 Biodiversity and Geodiversity

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

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

13.8 DM5.5 Managing effects on Biodiversity and Geodiversity

All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their

presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and, f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

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

13.9 Policy DM5.7 Wildlife Corridors

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

13.10 The Masterplan states that the appropriate introduction of Green Infrastructure will be essential to the creation of a high quality development with a distinctive character where residents can enjoy a healthy and active lifestyle. The delivery of the Green Infrastructure on the wider site is an important element in the successful delivery of the wider strategic site.

13.11 The Biodiversity Officer has been consulted and initially she advised that the site consists of a poor semi-improved grassland field with mature hedgerows running parallel to Great Lime Road at its southern end and along the north eastern boundary of the field adjacent to the SuDs pond. There is also an area of tree/scrub habitat to the north of the field adjacent to the Burn which runs west to east along the northern boundary. The development of this site will result in the loss of an area of poor semi-improved grassland of approximately 0.6 to 0.7ha. Landscaping will need to be provided within the scheme to mitigate the impacts of this habitat loss and this should include provision of additional species rich native hedgerow planting along the eastern and northern boundary to include hedgerow trees as well as species rich wildflower meadows. A full detailed landscape scheme should be submitted for approval and should include these habitats in order to mitigate the scheme. In addition, any works associated with the scheme that may fall within 10 metres of the watercourse to the north of the site (e.g. drainage), will require a riparian survey to be undertaken to ensure there are no impacts on protected species.

13.12 The Landscape Architect has been consulted. There are pockets of existing trees and hedgerows on the site. She has advised that there are no significant landscape features on site other than the existing hedgerow alignment along Great Lime Road and another section which borders the eastern perimeter of the site. She has advised that the hedgerow along Great Lime Road should be retained. The Biodiversity Officer has also raised an objection to the removal

of the hedgerow to the south of the site. This removal was shown on an amended indicative site layout. The agent has advised that this will have to be removed to facilitate the junction improvement works to the Forest Gate/Great Lime Road junction. The Highways Network Manager has advised that this is the case as the left turn lane from Great Lime Road will run where the current footpath is and thus the new footpath will be where the hedgerow is situated, although replanting can take place. Whilst the loss of the hedgerow is noted, it is acknowledged that the highways works required in connection with the wider strategic site will require the loss of this hedgerow. The landscaping details will need to be agreed under the reserved matters and replacement planting can then be secured. The current application site area includes an area of land which would not be subject to housing development and therefore additional planting could be accommodated within this application site.

13.13 Natural England have been consulted and have no objections.

13.14 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that subject to conditions it is acceptable.

14.0 Flooding

14.1 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.

14.2 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.

14.3 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.

14.4 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.

14.5 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.

14.6 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).

14.7 The comment from persimmon Homes regarding a site wide drainage strategy is noted. The Local Lead Flood Officer has been consulted and he advises that the applicant is proposing to raise the levels of the site in order to reduce future flood risk. As a result of this the housing on Laurel Avenue will be at a level lower than the proposed housing therefore there are concerns about surface water run off from the development. The applicant has proposed a retaining wall along the western and northern boundary due to the level changes. The LLFA proposes that this is amended to a boundary wall with associated drainage along its base in order to capture and control and surface water run off from the development. He also recommends cross sections through the site in order to evaluate the impact of this development to the Laurel Avenue properties. These details can be dealt with as reserved matters.

14.8 Northumbrian Water have no objections subject to a condition. The Environment Agency have no objections subject to a condition requiring the development to be in accordance with the measures set out in the Flood Risk Assessment which state that there shall be no development within the area noted as flood zones 2 and 3.

14.9 It is considered that subject to conditions the application is acceptable in terms of its drainage.

15.0 Contamination

15.1 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the 15.2 NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

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

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

15.5 With regards to DM5.17, the applicant has advised that the site is too small and close to existing housing to be considered viable for a quarry.

15.6 The Council's Contaminated Land Officer has advised that she has no objections subject to conditions.

15.7 The Coal Authority have advised that part of the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within this part of the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals. They do not object however on the basis that the development would be very unlikely to be possible in the specific part of the site within the defined Development High Risk Area.

16.0 Other Issues

16.1 The Tyne and Wear Archaeology Officer has advised that a desk based archaeological assessment has been submitted. Conditions are recommended.

16.2 Newcastle Airport have been consulted and they have advised that the site is under the flightpath for aircraft but it is not within the Airport's most recent noise contours which model the potential noise impact for aircraft operating from the Airport till 2035. They have also advised that only certain types of landscaping are acceptable.

16.3 Persimmon Homes have raised a query as to whether an Environmental Impact Assessment (EIA) is required for this site given its links to the wider strategic site. With regards to the wider strategic site a screening opinion was submitted and this concluded that an EIA would be required for the wider strategic allocated site. The applicant has advised that they consider that this proposal for 25 units is well below the threshold at which EIA might be needed and it works as a standalone development. It is not a vital component of the bigger development nor is it dependent on it. It is officer advice that given the size and location of this development that an EIA is not required for this development of 25 units.

17.0 S106 Contributions

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

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

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

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

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

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

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

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

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

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;

b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

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

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

17.8 An Outline Development Framework and Site Specific Infrastructure Delivery Plans for Murton Gap and Killingworth Moor have been prepared.

17.9 The Masterplan states:

To realise the vision and development objectives for Killingworth Moor as a high quality, sustainable development, a range of physical and social infrastructure is required to support the community created and integrate it with existing communities of North Tyneside. This necessary infrastructure must be delivered in a timely and effective manner in order to mitigate the impacts of the development and to create sustainable neighbourhoods. Some financial contributions will be required for off-site improvements to existing infrastructure.

17.10 The requirements for the wider strategic site include the provision of a primary and secondary school, healthcare provision, community facilities, open space and affordable housing.

17.11 Paragraph 9.1 of the Masterplan states:

This Masterplan seeks to provide a framework upon which the Killingworth Moor site can be delivered in full with appropriate delivery of infrastructure at the right time to address the impacts of growth. Crucial to this is recognising the requirement and expectation of cooperation between landowners and recognition that the overall suitability of delivery at any part of the site is dependent upon securing an appropriate share of the full infrastructure requirements of the site as a whole, based upon an approximate capacity of 2,000 homes, employment land and other facilities. To facilitate this, an indicative phasing plan and infrastructure delivery schedule have been developed. This guidance provides an outline and understanding of what infrastructure requirements might arise with each phase of development and will require specific detailed consideration as part of future planning applications.

It goes on to state:

“In order to avoid the piecemeal and poorly integrated development of the site, applicants are expected to demonstrate how the proposed development would contribute to the vision and development objectives for the site. In addition, applicants will be expected to demonstrate how the development would not prejudice the overall proposals and objectives of the Masterplan.

Applicants should use their Design and Access Statement and Planning Statements to not only demonstrate how they have incorporated high standards of design but also to explain how the proposed development would fit together with, and help deliver, the wider masterplan, including necessary infrastructure.

17.12 The Council will expect planning applications for individual phases/parcels of land to demonstrate how their proposals would be integrated with the wider site. Proposals will be required to demonstrate how they will provide vehicular access to the individual sites and provide detailed layouts of all other necessary highway infrastructure and pedestrian/cycle.

17.13 A Site Specific Infrastructure Delivery Plan (IDP) has been produced to co-ordinate the delivery of the infrastructure which is necessary to support the development on Killingworth Moor. The IDP draws upon the evidence base prepared to support the preparation of the Masterplan.

17.14 The Indicative Phasing Plan in the Masterplan sets out that within phase 1 the section of the link road in the southern part of the site would be delivered. This is up to the identified community hub. Section 9.4 of the Masterplan states that trigger points would be established for infrastructure during the application process. Reference is made in Section 9.4 to the Palmersville Gateway and the link road. Whilst this application does not include delivery of the link road, it ensures that its delivery is not prejudiced and a S106 contribution is proposed towards the highways infrastructure.

17.15 The applicant has agreed to the following S106 contributions:

- **Education and skills (employment):** 1 apprentice per 30 dwellings or as an alternative £7,000 which will be used to deliver employability intervention

- **Education:** Contributions towards education provision to serve the needs arising from the development:

Primary –£87,500 for Ivy Road primary school

Secondary –£57,000 for Longbenton High School

- **Parks, play sites and greenspace:**

Greenspace: £4875 due to increased footfall to the Rising Sun Country Park to assist with the ongoing maintenance due to the increased footfall. There is a need to maintain the areas leading to and around the areas of open water these areas.

Parks: £5725 due to increased footfall the Rising Sun Country Park to address general wear and tear to the infrastructure within the Countryside Centre. There is a need for footpath surface improvements for the footpath leading from the west of the car park area, in addition the wildlife area requires footpath reconstruction as the current construction is insufficient. Planting could also be improved to provide natural barriers, enclosure.

Equipped area for play / multi use games area: £9000 to the Rising Sun Country Park towards the play equipment infrastructure within the Countryside Centre.

- 25% affordable housing

- Improvements to Forest Gate/Great Lime Road junction: £80,000

- Pedestrian cycle links: £12,987

17.16 It is considered that these S106 contributions are required in order to make the development acceptable in planning terms.

18.0 Local Financial Considerations

18.1 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).

18.2 The proposal involves the creation of 25 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax.

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

18.4 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.

1.9.0 Conclusion

19.1 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.

19.2 Specifically NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However NPPF also recognises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

19.3 The site is allocated as part of the wider Killingworth Moor Strategic Site. Ideally the development of the wider strategic site would have come forward in large scale developments and the approved masterplan sought to encourage this. However it is considered that it would be difficult to resist the development of this site as proposed with the infrastructure contributions proposed subject to imposing the suggested conditions so as to ensure the early delivery of 25 units it is not harmful to the delivery of the wider site.

19.4 It is considered that the proposal will not have an adverse impact in terms of its impact on amenity, on the character of the area, on biodiversity or on highway safety. It is therefore recommended for approval subject to a legal agreement.

RECOMMENDATION: Minded to grant legal agreement req.

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

- 25% affordable housing
- £87,500 for primary education for Ivy Road primary school - to provide the required resources to meet the needs of the additional primary aged pupils.
- Secondary education - £57,000 - to provide the required resources to meet the needs of the additional secondary aged pupils at Longbenton High School.
- Education and skills (employment): 1 apprentice per 30 dwellings as outlined in the current SPD or as an alternative £7,000 which will be used to deliver employability intervention
- Greenspace: £4875 due to increased footfall to the Rising Sun Country Park which is within walking and cycling distance of the proposed development. It would be to assist with the ongoing maintenance due to the increased footfall. There is a need to maintain the areas leading to and around the areas of open water these areas.
- Parks: £5725 - Increase footfall to the Rising Sun Country Park The increased footfall will increase general wear and tear to the infrastructure within the Countryside Centre. There is a need for footpath surface improvements for the footpath leading from the west of the car park area, in addition the wildlife area requires footpath reconstruction as the current construction is insufficient. Planting could also be improved to provide natural barriers, enclosure.
- Equipped area for play / multi use games area: £9000 - Increase footfall to the Rising Sun Country Park. The increased footfall will increase general wear and tear to the play equipment infrastructure within the Countryside Centre. The toddler's area is popular and well used in the Countryside Centre, this area and associated equipment /planting is in need of a refresh.

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

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

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

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

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

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

4. No housing shall be provided in the area hatched in green on the Parameters Plan reference HJB/3834/22a.

Reason: To ensure that the area is retained for infrastructure to serve the wider strategic site.

5.	Restrict Hours No Construction Sun BH	HOU00	*
		4	

6.	Construction Method Statement - Major	SIT007	*
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7.	Contaminated Land Investigation Housing	CON00	*
		1	

7.	Wheel Wash	SIT008	*
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8.	Gas Investigate no Development	GAS00	*
		6	

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

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

10. The development hereby permitted shall include no more than 25 dwellings.

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

11. The information to be submitted in the reserved matters pursuant to condition 2 shall include details of the site showing the existing and proposed

ground levels and levels of thresholds and floor levels of all proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

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

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

13. Notwithstanding the details to be submitted pursuant to condition 2, details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. Thereafter, these approved details shall be installed prior to the occupation of the dwelling and shall be permanently retained.

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

14. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development hereby approved above damp proof course level details of facilities to be provided for the storage of refuse, recycling and garden waste for the proposed residential dwelling and a refuse management collection scheme shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of the residential dwelling and thereafter permanently retained.

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

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Wardle Armstrong Revision B April 2018 and the following mitigation measures detailed within the FRA:

1. There shall be no development in Flood Zone 2 and 3 as defined on the Environment Agency's flood map.

2. No storage of any materials and/or equipment within Floods 2 and 3 at any time.

The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 3107 and ensure that surface water discharges to the existing watercourse. The mitigation measures shall be fully implemented prior to

occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To reduce the risk of flooding to the proposed development and future occupants.

2. To reduce the potential flood risks to others through loss of floodplain.

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

16. No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing by the Local Planning Authority. This scheme shall include details of future maintenance. Thereafter the proposed scheme shall be implemented in accordance with the approved details and before the development is occupied.

REASON: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with Policy DM5.14 of the North Tyneside Local Plan 2018.

17. No development shall commence until details of a scheme for pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land during the construction period has been submitted to and approved by in writing by the Local Planning Authority. Thereafter, development shall be carried out in accordance with the approved details.

REASON: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with Policy DM5.19 of the North Tyneside Local Plan 2018.

18. The reserved matters shall include details of proposed house plot levels and the flood flow route for a 1in100 year event plus climate change and details of cross sections through the site on an east/west alignment. Thereafter, development shall be carried out in accordance with the approved details.

REASON: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with Policy DM5.14 of the North Tyneside Local Plan 2018.

19. No development shall commence until details of a Future Maintenance Agreement, including the swale linking the site with the Forest Hall Letch has been submitted to and approved by in writing by the Local Planning Authority. Thereafter, development shall be carried out in accordance with the approved details.

REASON: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with Policy DM5.14 of the North Tyneside Local Plan 2018.

20. No development shall commence until details of the proposed western retaining wall with associated drainage along the base has been submitted to and approved by in writing by the Local Planning Authority. Thereafter the details

shall be implemented in accordance with the approved details and before the development is occupied.

REASON: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with Policy DM5.14 of the North Tyneside Local Plan 2018.

21. The reserved matters shall include a detailed noise scheme providing details of noise mitigation measures to be provided for all dwellings. This shall include any required measures to mitigate noise including details of window glazing to be provided to habitable rooms for each residential plot and the consideration of the location of habitable rooms in relation to Great Lime Road, as outlined in noise report reference by Bank Property. This shall demonstrate that bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines. The agreed details shall be carried out prior to occupation of any dwellings and retained thereafter.

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

22. Prior to the commencement of any dwellings details of the ventilation scheme for the residential plots shall be submitted to and approved by in writing by the Local Planning Authority to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. The agreed details shall be carried out prior to occupation of any dwellings and retained thereafter.

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

23. The reserved matters shall include details of the location and heights of any required acoustic screening to be installed serving the houses and main rear or side gardens facing Great Lime Road and the playing fields. This must be supported by appropriate noise calculations or modelling to ensure compliance with the world health organisation community noise level of 55 dB whenever possible, and no greater than 59 dB for external garden use. Any required mitigation measures shall be implemented prior to the occupation of the dwellings.

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

24. The landscaping details to be submitted pursuant to condition 2 shall include details of provision of new native hedgerows to the eastern and northern boundary, native trees and native wildflower grassland.

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).

25. All existing hedgerows and trees within and adjacent to the site to be retained will be retained and protected during the course of any works on site. Details of protection measures shall be submitted to the Local Authority for approval prior to development commencing.

Reason: This information is required pre commencement 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).

26. Removal of vegetation will not take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of biodiversity having regard to S5.4 & DM 5.5 of the North Tyneside Local Plan (2017).

27. 5no bird boxes/features shall be incorporated within the new buildings. Details of the specification and location of the bird features must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings. The approved bird features shall be implemented in accordance with the approved details prior to the occupation of the dwellings.

Reason: In the interests of biodiversity having regard to S5.4 & DM 5.5 of the North Tyneside Local Plan (2017).

28. All construction works should conform with BS5837: 2012 Trees in Relation to Construction-Recommendations in relation to protection of existing boundary trees and shrubs. Where an approval is granted in relation to an amended or revised layout, which may now affect the integrity of existing trees, hedgerows and landscape features, an Arboricultural Method Statement (AMS) should be provided before commencement of the works.

Reason: This information is required 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).

29. 5no bat boxes/features shall be incorporated within the new buildings. Details of the specification and location of the bat features submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings. The approved bat features shall be implemented in accordance with the approved details prior to the occupation of the dwellings.

Reason: In the interests of biodiversity having regard to S5.4 & DM 5.5 of the North Tyneside Local Plan (2017).

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

Reason: This information is required 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).

31. Any works associated with the scheme that are within 10 metres of the Watercourse to the north of the site will require an otter and water vole checking survey to be undertaken and details submitted to the Local Planning Authority for approval prior to development commencing.

Reason: This information is required pre commencement in the interests of biodiversity having regard to S5.4 & DM 5.5 of the North Tyneside Local Plan (2017).

32. Any lighting associated with the scheme should incorporate low lux levels and minimize light spill adjacent to features of biodiversity value, such as the watercourse, hedgerows, trees and scrub.

Reason: In the interests of biodiversity having regard to S5.4 & DM 5.5 of the North Tyneside Local Plan (2017).

33. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

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

34. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 33 has been submitted to and approved in writing by the Local Planning Authority.

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

35. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

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

36. The details to be submitted pursuant to condition 2 above shall include a scheme for parking, garaging and manoeuvring of vehicles. This scheme shall be designed in accordance with LDD12 for both private and visitor parking bays. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park 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.

37. The development shall be served by means of adoptable estate roads and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out in accordance with the details to be approved pursuant to condition 2.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highways and of the development having regard to policy DM 7.4 of the North Tyneside Unitary Development Plan 2002.

38. No development shall commence until a detailed design of the proposed Killingworth Moor link road between the junction of Great Lime Road and the northern boundary of the site 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: This is required prior to the commencement of the development in the interests of highway safety having regard to Policy DM 7.4 of the North Tyneside Local Plan 2017.

39. The details to be submitted pursuant to condition 2 above shall include a detailed access layout. The approved access layout shall be implemented and made available for use before the development hereby permitted is occupied and these areas shall not thereafter be used for any other purpose.

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

40. Prior to the commencement of any dwellings on site, a scheme for pedestrian & cycle links 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 sustainability having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

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

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

42. All street lighting shall be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

Reason: In the interests of aviation safety.

43. Prior to the occupation of any dwelling details of a Travel Plan taking into account the new development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provision for two four-weekly Network One All Zone travel passes per dwelling. It will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

Reason: In the interests of sustainable transport and to accord with Central Government and Council Policy concerning sustainable transport.

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

Do Not Obstruct Highway Build Materials (I13)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

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

Contact ERH Path Bridleway Xs Site (I07)

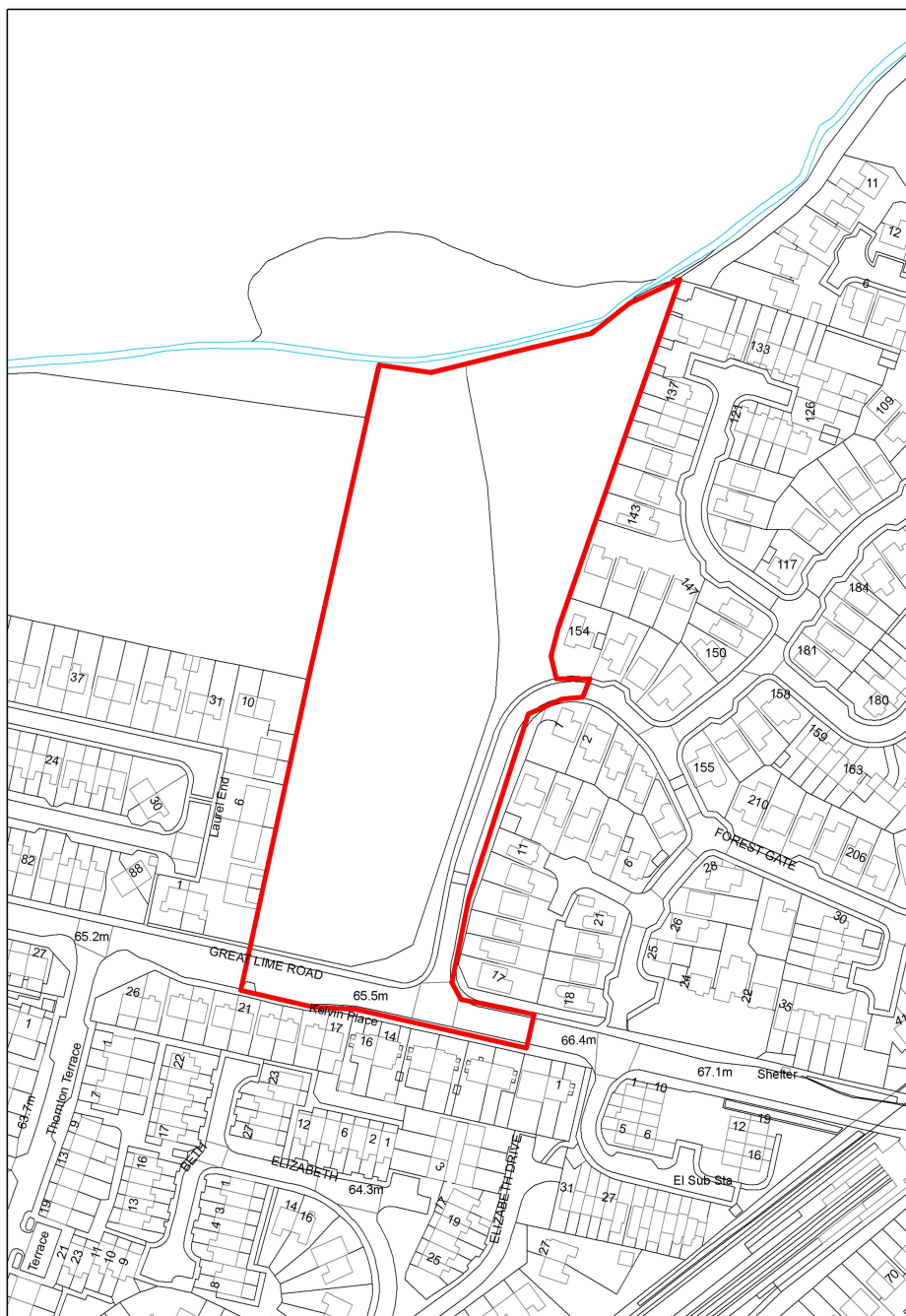
No Doors Gates to Project Over Highways (I10)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

The applicant is advised that they will need to amend the original Section 38 Agreement and will be responsible for all associated costs including legal costs.



Application reference: 18/00104/OUT

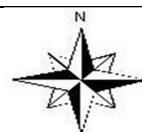
Location: Land East Of, 9 Laurel End, Forest Hall, NEWCASTLE UPON TYNE

Proposal: Outline application for the residential development of 25 dwellings with associated roads, parking, landscaping, drainage and open space (with all matters reserved) (Flood Risk Assessment 16.05.18) (AMENDED INDICATIVE LAYOUT JULY 2018) (additional noise & air quality information 22.08.18)

Not to scale

Date: 06.12.2018

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Appendix 1 – 18/00104/OUT
Item 4

Consultations/representations

1.0 Internal Consultees

2.0 Highway Network Manager

2.1 This application is an outline application for a residential development of 25 dwellings with associated roads, parking, landscaping, drainage and open space. All matters reserved are reserved.

2.2 The site forms part of the wider Killingworth Moor Local Plan site and is situated at the southern end of the development near the junction with Great Lime Road. Whilst the development, when looked at as a stand alone site is not considered to be severe in terms of impact on the adjacent highway network, the location of the site at the southern access means it is critical to safeguard the land required to build the future link road. For these reasons and on balance, conditional approval with appropriate standard conditions & specific conditions to ensure the link road can be accommodated is recommended.

Recommendation - Conditional approval

The applicant will be required to enter into a Section 106 Agreement for the following:

- £80,000 for road improvements to Great Lime Road
- £12,987 for improved pedestrian & cycle links on Great Lime Road

Conditions:

ACC01 - House Est Layout Adopt Roads No Occ OUT

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No development shall commence until a detailed design of the proposed Killingworth Moor link road between the junction of Great Lime Road and the northern boundary of the site 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.

No development shall commence until a detailed access layout 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.

No development shall commence until details of pedestrian & cycle links have been submitted to and approved by in writing the Local Planning Authority.

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

Reason: In the interests of highway safety.

No development shall commence until a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

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

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings.

No development shall commence until a Travel Plan taking into account the new development 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.

Informatives:

- I05 - Contact ERH: Construct Highway Access
- I07 - Contact ERH: Footpath/Bridleway X's Site
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

3.0 Local Lead Flood Officer

3.1 Response to re-consultation:

3.2 A further review of the application has been carried out. The applicant is proposing to raise the levels of the site in order to reduce the future flood risk. As a result of this, the adjacent housing on Laurel Avenue to the west of the site will be at a level lower than the proposed housing. There are concerns regarding this proposal, as there will be a potential increased flood risk to the properties on Laurel Avenue from the surface water run-off from the development. The applicants proposed Earthworks Assessment identifies the requirement for a retaining wall along the western & northern boundaries due to these level

changes. In order to reduce the risk of surface water run-off from this development impacting on the adjacent Laurel Avenue properties, the proposed western retaining wall will need to be amended to a boundary wall with associated drainage along its base in order to control & capture any surface water run-off from the development. A series of cross sections will also need to be provided through the site on an east/west alignment as part of the reserved matters application in order to evaluate the impact of this development to the properties on Laurel Avenue. Additional conditions will therefore be required to the conditions previously recommended.

Recommendation - Approval

Additional conditions:

No development shall commence until details of the proposed western retaining wall with associated drainage along the base has been submitted to and approved by in writing by the Local Planning Authority. Thereafter the details shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

No construction of any dwellings shall commence until details of proposed house plot levels and the flood flow route for a 1in100 year event plus climate change and details of cross sections through the site on an east/west alignment have been submitted to and approved by in writing by the Local Planning Authority. Thereafter, development shall be carried out in accordance with the approved details.

Reason: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with Policy DM5.14 of the North Tyneside Local Plan 2018.

3.3 Initial:

3.4 This application is an outline application for a residential development of 25 dwellings with associated roads, parking, landscaping, drainage and open space. All matters reserved are reserved.

3.5 A Flood Risk Assessment (FRA) was carried out as part of the application. Whilst the site contains areas which fall within the three flood zones, all plots are to be located within Flood Zone 1. The applicant's intentions are to attenuate the surface water in site and to restrict the surface water discharge rate to 5 litres per second for all return periods up to 1 in 100 year plus an additional 40% for climate change.

3.6 The development's surface water drainage system will be designed so that surface water runoff for storm events up to and including the 1 in 100 year plus 40% for climate change will be contained within the site. Oversized pipes will store water up to and including the 1 in 30 year event and flows above the 1 in 30 year event up to and including the 1 in 100 year event plus 40% for climate change will be accommodated within the crate storage system.

3.7 In addition the applicant is proposing to raise the plots so that the finished floor levels are 600mm above the estimated flood level to take into account any inaccuracies in the modelling data provided. Therefore, all floor levels should be at 65.95m AOD or higher. The surface water from the site will discharge into a 0.5m deep swale which will then connect into the Forest Hall Letch. Conditional approval is recommended.

Recommendation - Conditional Approval

Conditions:

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

Reason: In the interests of surface water management

No development shall commence until details of a scheme for pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land during the construction period has been submitted to and approved by in writing by the Local Planning Authority. Thereafter, development shall be carried out in accordance with the approved details.

Reason: In the interests of surface water management

No development shall commence until details of proposed house plot levels and the flood flow route for a 1in100 year event plus climate change have been submitted to and approved by in writing by the Local Planning Authority. Thereafter, development shall be carried out in accordance with the approved details.

Reason: In the interests of surface water management

No development shall commence until details of a Future Maintenance Agreement, including the swale linking the site with the Forest Hall Letch has been submitted to and approved by in writing by the Local Planning Authority. Thereafter, development shall be carried out in accordance with the approved details.

Reason: In the interests of surface water management

4.0 Environmental Health (Pollution)

4.1 I have concerns with regard to road noise arising from Great Lime Road and associated noise arising from playing fields located approximately 90m from the northern boundary of the site.

4.2 I have viewed the noise and air quality note that outlines that the air quality impacts arising from this development and affecting this development will be negligible. I have viewed the noise assessment report which has considered potential noise arising from the playing fields affecting the northern area of the site within the area of noise monitoring location 1. This has determined that the noise arising from the playing fields was not considered to give rise to noise

levels that will result in significant adverse impacts for the residential development. However, the noise report does not provide a detailed breakdown of the noise arising from the playing fields. It is recommended that acoustic screening is provided for residential plots next to the north western part of the site adjacent to the playing fields to mitigate any noise arising from their use. Daytime noise levels for NML01 are in the region of 49dB LAeq and night time 50 dB LAeq. The noise monitoring confirmed that the night time noise levels are influenced by early morning bird song. The noise report recommends further monitoring during the night period during a different part of year to reassess the night time noise levels in the area of NML01, as the night time noise levels are higher than the daytime. It is recommended that this is reassessed as part of the noise scheme to verify the night time noise levels for the northern area of the site and determine the extent of the noise attenuation measures necessary.

4.3 The noise monitoring results for NML02 location indicated that the site will be exposed to higher noise levels from road traffic noise and will be in the region of 62 dB LAeq for daytime and 55 dB LAeq for the night period. Noise mitigation measures will be necessary for the residential plots in this location. Gardens in this location will require attenuation and it will be necessary for the gardens to be orientated so that the buildings screen the gardens from road traffic noise and achieve an external noise levels of <50 dB LAeq for daytime and meet the WHO community noise guidelines of <55 dB LAeq 16 hr which is the onset of significant adverse impact.

4.4 If planning consent is to be given I would recommend the following condition.

Prior to occupation submit and implement on approval of the local Planning Authority a detailed noise scheme providing details of the window glazing to be provided to habitable rooms for each residential plot on the development, as outlined in noise report reference by Bank Property for Land at Great Lime Road, to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines.

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

Dwellings located to the southern area of the site, in close proximity to Great Lime Road, should be designed so that the bedrooms and habitable living rooms are located on the screened facades with no line of sight to the road.

Prior to occupation details of the acoustic screening to be provided to the southern boundary of the development site for any garden area not screened by the building must be submitted and agreed prior to the occupation of the housing and implemented on approval of the local Planning Authority, and thereafter retained to attenuate road traffic noise.

Prior to occupation details of the acoustic screening to be provided to the north western boundary of the development site for any garden area not screened by the building must be submitted and agreed prior to the occupation of the housing and implemented on approval of the local Planning Authority, and thereafter retained to attenuate noise from the playing fields

HOU04

SIT03

5.0 Environmental Health (Contamination)

5.1 There is an area to the north east of the site that is known to have had elevated carbon dioxide levels. Due to this and the sensitive end use the following must be applied:

Con 001

Con 006

6.0 Design Officer

6.1 This outline application for residential development of 25 dwellings is part of the Killingworth Moor Strategic Site. Policy S4.4 (c) in the Local Plan and the Killingworth Moor Masterplan and adopted Guidance apply to this site. The Masterplan Guidance sets out a require for a site wide density range parameter plan that demonstrates approximately 2000 houses across the site, to be submitted and agreed (either as part of an overarching EIA or planning application). This has not been submitted.

6.2 The Masterplan Guidance divides the site up into a number of different character areas; this application falls into the Palmersville Gateway character area. The Guidance sets out design principles and infrastructure requirements for each character area. The outline layout shows capacity for the link road and shows an acceptable layout of buildings which could positively contribute towards the character of Palmersville Gateway character area. Further information is required about site levels although this could be conditioned.

6.3 The application does not set out how it will contribute towards the wider infrastructure requirements of the strategic site as required by the Masterplan.

6.4 Overall, the design and layout is acceptable, however the application does not conform with Policy S4.4 (c) and the Masterplan Guidance. The application is for an isolated parcel of housing that does not contribute towards the requirements for the wider strategic site.

7.0 Landscape Architect

7.1 Comments in response to amended indicative layout:

Existing Site Context

7.2 The proposed development site is located at the north end of Great Lime Road (GLR) and consists of semi-improved grassland area located at the eastern end of Laurel Avenue and immediately north of the GLR carriageway. The site area is principally enclosed by post and wire fencing with an additional mature hedgerow running parallel to GLR at its southern end, which effectively blocks most views from the carriageway alignment at this point. The access to the site is via a controlled junction from GLR, which was formed to serve the residential enclave of Forest Gate, which closely borders the eastern site area. The wider site context consists of open farmland to the north, which rises to a higher elevation towards West Lane, which supports the fringe areas of the Killingworth conurbation beyond. Further residential settlements flank the site area immediately to the east and west, with a mix of residential and the commercial properties further out to the south of the Great Lime Road.

7.3 There are no significant landscape features on site other than the existing hedgerow alignment along GLR and another section which borders the eastern perimeter adjacent to a new access road, which has been formed along the eastern side of the site boundary. The hedgerow alignment at this point returns west along the northern site perimeter forming a triangular-shaped (wet) marshy grassland area adjacent to the Briardene Burn, which flows in a broadly west to east direction past the site. There are occasional small-scale native trees mixed within the hedgerow alignments with a larger scale grouping at the midway point along the western boundary with Laurel Avenue.

7.4 The hedgerow along Great Lime Road (hedge 40) is located within the site and its canopy extends into the site by a few metres although it has recently been maintained.

7.5 The amended layout shows a very different housing layout with the hedgerow to Great Lime Road removed in its entirety with a number of units now orientated to face onto Great Lime Road. Previous comments stated the hedge should be retained so the green frontage to Great Lime Road is maintained, with the layout designed around the existing landscape features. A new hedge is proposed, set further back into the site, with access points cutting through in various locations. This raises questions as to why the existing hedge needs to be removed and is therefore, not in line with the following policy:

7.6 Policy DM 5.9 Trees, woodland and hedgerow

The Council will support strategies and proposals that enhance the overall condition and extent of trees and woodland in the Borough, and:

a) Protect and manage existing woodland, trees, hedgerows and landscape features.

b) Where appropriate, secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.

c) Where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes. Such measures will be particularly encouraged where they are compatible with areas designated for their built or nature

conservation interest and where they do not impact on site integrity. Planting schemes included with new development must be accompanied by a ten year Management Plan.

7.7 Initial comments

7.8 Existing Site Context

The proposed development site is located at the north end of Great Lime Road (GLR) and consists of semi-improved grassland area located at the eastern end of Laurel Avenue and immediately north of the GLR carriageway. The site area is principally enclosed by post and wire fencing with an additional mature hedgerow running parallel to GLR at its southern end, which effectively blocks most views from the carriageway alignment at this point.

7.9 The access to the site is via a controlled junction from GLR, which was formed to serve the residential enclave of Forest Gate, which closely borders the eastern site area.

7.10 The wider site context consists of open farmland to the north, which rises to a higher elevation towards West Lane, which supports the fringe areas of the Killingworth conurbation beyond. Further residential settlements flank the site area immediately to the east and west, with a mix of residential and the commercial properties further out to the south of the Great Lime Road.

7.11 There are no significant landscape features on site other than the existing hedgerow alignment along GLR and another section which borders the eastern perimeter adjacent to a new access road, which has been formed along the eastern side of the site boundary. The hedgerow alignment at this point returns west along the northern site perimeter forming a triangular-shaped (wet) marshy grassland area adjacent to the Briardene Burn, which flows in a broadly west to east direction past the site. There are occasional small-scale native trees mixed within the hedgerow alignments with a larger scale grouping at the midway point along the western boundary with Laurel Avenue.

7.12 The hedgerow along Great Lime Road (hedge 40) is located within the site and its canopy extends into the site by a few metres. A fence is located along Great Lime Road and is set behind the footpath with the hedge growing through. Although not clear from the plans it appears that the hedge will be reduced in width to accommodate the properties. This hedge should be retained in its entirety with any new fence located to the outer edge of its canopy on the development side thereby maintaining its width.

7.13 Landscape Comments (Trees and Landscape Design)

There are a few pockets of existing trees and hedgerows within the proposed development area and well worth retention. The submitted documents have revealed the proposed analysis and outline approach with regard to their retention however, it is important that the subsequent connectivity between the existing (retained) and proposed landscape is also considered in all areas, including the important ecological habitats on site. The following conditions are to be applied:

- No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

- No development or any other operations shall commence on site until a scheme for the protection of the existing trees, shrubs and hedgerows growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme is to be in accordance with BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction - Recommendations and must include a plan clearly showing the location and specification of the protective fencing to be used. The approved protective fencing must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

- All existing hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on an immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority

- These protection measures should also be recorded in the Construction Phase Method Statement (MS) and submitted for consideration. A plan should also be submitted detailing the extent of the temporary fencing and its dimensioned alignment(s) prior to any construction works commencing on site.

- The proposals should also detail the remediation works required to reinstate all disturbed areas within the surrounding and run-out areas of the remaining site area.

- No site storage or parking of (plant) vehicles to be located within the root protection area of any tree, hedgerow or landscape feature within the area of the proposed site or adjacent to the boundary or perimeter area of the proposed site.

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

- All construction works should conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs. Where an approval is granted in relation to an amended or revised layout, which may now affect the integrity of existing trees, hedgerows and landscape features, an Arboricultural Method Statement (AMS) should be provided before commencement of the works.

8.0 Biodiversity Officer

8.1 The above development site is located at the north end of Great Lime Road at the eastern end of Laurel Avenue and north of Great lime Road. The site consists of a poor semi-improved grassland field with mature hedgerows running parallel to Great lime Road at its southern end and along the north eastern boundary of the field adjacent to the SuDs pond. There is also an area of tree/scrub habitat to the north of the field adjacent to the Brierdene Burn which runs west to east along the northern boundary.

8.2 The hedgerow along Great Lime Road (hedge 40) is located within the site and its canopy extends into the site by a few metres. Previous comments for this application (13.3.18) stated that this hedge should be retained in its entirety with any new fence located to the outer edge of its canopy on the development side thereby maintaining its width.

8.3 An amended indicative layout has been submitted which shows changes to the housing layout with the hedgerow along Great Lime Road now removed in its entirety and a number of units now shown in this location orientated to face onto Great Lime Road. A new hedge is proposed which is set back into the site with a number of pathways shown cutting through these hedgerows, limiting their biodiversity value. In addition, it is not clear why the existing hedge is being removed only to replace it with another hedge in the same location. The loss of the hedgerow along great lime road is not acceptable and the layout should be designed to incorporate this feature, particularly in light of previous comments and advice. The existing hedgerow should be retained in its existing location and enhanced, as previously stated, with the addition of connecting hedgerows to the eastern and northern boundary without access points intersecting these features. The development will result in the loss of approximately 0.7ha of semi-improved grassland, therefore the retention of existing hedgerows and creation of new hedgerows through the site are viewed as part of the mitigation requirements to address the impacts of the scheme.

8.4 The scheme as shown is contrary to Local Plan policies relating to Trees, Woodland and Hedgerow as well as Biodiversity policy. For this reason, the current layout is not supported.

8.5 Previous comments:

8.6 The above development site is located at the north end of Great Lime Road at the eastern end of Laurel Avenue and north of Great lime Road. The site consists of a poor semi-improved grassland field with mature hedgerows running parallel to Great lime Road at its southern end and along the north eastern boundary of the field adjacent to the SuDs pond. There is also an area of tree/scrub habitat to the north of the field adjacent to the Brierdene Burn which runs west to east along the northern boundary.

8.7 The hedgerow along Great Lime Road (hedge 40) is located within the site and its canopy extends into the site by a few metres. This hedge should be retained in its entirety with any new fence located to the outer edge of its canopy on the development side thereby maintaining its width.

8.8 The development of this site will result in the loss of an area of poor semi-improved grassland of approximately 0.6 to 0.7ha. Landscaping will need to be provided within the scheme to mitigate the impacts of this habitat loss and this should include provision of additional species rich native hedgerow planting along the eastern and northern boundary to include hedgerow trees as well as species rich wildflower meadows. A full detailed landscape scheme should be submitted for approval and should include these habitats in order to mitigate the scheme.

8.9 In addition, any works associated with the scheme that may fall within 10 metres of the Brierdene Burn watercourse to the north of the site (e.g. drainage), will require a riparian survey to be undertaken to ensure there are no impacts on protected species.

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

Conditions

- A detailed landscape plan must be submitted for approval by the Local Authority prior to development commencing. Details should include retention of existing hedgerows within the site, provision of new native hedgerows to the eastern and northern boundary, native trees and native wildflower grassland.
- All existing hedgerows and trees within and adjacent to the site will be retained and protected during the course of any works on site. Details of protection measures shall be submitted to the Local Authority for approval prior to development commencing.
- Removal of vegetation will not 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.
- 5no bird boxes/features shall be incorporated within the new buildings. Details of the specification and location of the bird features must be submitted to the Local Authority for approval prior to development commencing.
- 5no bat boxes/features shall be incorporated within the new buildings. Details of the specification and location of the bat features must be submitted to the Local Authority for approval prior to development commencing.
- Any works associated with the scheme that are within 10 metres of the Brierdene Burn Watercourse to the north of the site will require an otter and water vole checking survey to be undertaken and details submitted to the Local Authority for approval prior to development commencing.
- Any lighting associated with the scheme should incorporate low lux levels and minimize light spill adjacent to features of biodiversity value, such as the Brierdene Burn watercourse, hedgerows, trees and scrub.

9.0 Business Development Officer

9.1 The above development with 65 bedrooms falls within the Employment and Skills 106 threshold (just) as set out in the SPD5 - Para 5.3.5.

9.2 A current priority for the Authority is the creation of apprenticeship opportunities for local residents and as such we would look to work with potential developers to bring forward opportunities in construction, landscaping and additional trades as part of any project. The apprenticeships could be through the developer or their supply chain, contractors, delivery partners or ancillary activities across the length of the build. Any opportunities would be made available to target groups within the Borough.

9.3 I note that the development will bring forward a mix of residential units and I would seek the minimum contribution of 1(one) apprentice linked to the development

9.4 Apprentice opportunities created would of course need to be monitored by the council in order to ensure that the targets are met and outcomes recorded, there would be an understanding that developers would work with the Council and fully contribute to that activity.

9.5 In line with Para 5.5.0 of SPD5,if an applicant can not or does not wish to provide apprentice opportunities we would request a financial contribution in order that we could develop an employment/training initiative with the aim of increasing local residents employability skills and their ability to take up Apprentice and or job opportunities

9.6 As a steer the financial contribution associated with other developments in the Borough is in the region of £7,000 (seven thousand pounds)per apprenticeship we could therefore seek to secure the £7,000 linked to the development.

9.7 I am happy to discuss directly with the developer to achieve an agreeable settlement which might be a mix of both options.

9.8 The Council's Employment and Skills service is very happy to work with the developer to ensure that apprentice recruitment is simplified with opportunities targeted at the Council's priority groups. We would welcome the opportunity to meet with the developer to discuss the finer points of any proposal at an early juncture.

10.0 Housing Strategy Manager

We require 25% affordable housing as per policy.

11.0 Senior Manager - Strategic Investment & Property

Primary. Total funding request of £87,500: identified school will be Ivy Road Primary School and the intention would be to utilise the S106 contributions from this development to provide the required resources to meet the needs of the additional primary aged pupils.

Secondary. Total funding request of £57,000: the identified school will be Longbenton High School and the intention would be to utilise the S106 contributions from this development to provide the required resources to meet the needs of the additional secondary aged pupils.

12.0 Representations

12.1 1 letter from Persimmon Homes North East

12.2 Further to your neighbour notification regarding the above application now submitted Persimmon Homes are acting as the agent and developer on behalf of the Ord land which forms a key part of the overall Killingworth Moor approved application area.

12.3 As will be made clear by our below comments we are highly curious as to why an application in this form has been submitted to the Council at this time which so clearly does not accord with many if any of the key requirements of the newly adopted policies, despite the applicant being involved and agreeing to them during the consultation and preparation process.

12.4 As you know Persimmon Homes have sought to work with the Council, Killingworth Moor Consortium and all other key stakeholders on this site to ensure a suitable comprehensive development comes forward and that all parcels are developed in full accordance with the Masterplan as approved and adopted as policy in December 2017. Persimmon Homes are committed to the sustainable development of this entire development site and to the continued positive delivery of housing within North Tyneside. As part of the work on the Masterplan we agreed wording which is now adopted policy and we consider is highly pertinent to this application it is on the following that we regrettably raise our objection.

12.5 The key 3 objections to this application are as follows:

1. We consider this to be a piecemeal application which is prejudicial towards the wider delivery of the Masterplan and in accordance with Policy S4.4 (c) (*Applications for Delivery of the Strategic Allocations*) part b. permission should not be granted as it fails to provide for its proportionate share of the site infrastructure as detailed below:

While this application is for 25 units it forms part of a total allocation for approximately 2000 meaning that this site represents 1% of the total site. An application coming forward such as this (especially in the location that this site sits on one of the main access points) for a large strategic allocation would need to be in accordance with the key legal principles set out in the case referenced below. The legal principles have been set through planning appeals and through the High Court about how applications must be considered in this type of instance.

The Earl Shilton appeal ref APP/K2420/A/10/2136529 represents a very similar instance in which a partial development was proposed which formed part of a wider strategic allocation. Strategic allocations such as Killingworth Moor have a significant regulatory burden across a variety of different key disciplines. Without all parts of the development making their proportional share of payment or

contribution towards all infrastructure, later elements may end up not being delivered or applications being refused in isolation due to a disproportionate requirement to deliver infrastructure which cannot be viably provided. The applicant has included a draft heads of terms in with the planning statement which covers some elements of this burden in association with the Councils own LDD8 SPD however the following key elements are not covered:

- Proportionate share of off site highways improvements;
- Proportionate share of Allotments on or off site
- Open Space Proportionate Contribution
- Proportionate share of Healthcare provision
- Proportionate share of Metro Station delivery

In addition to the above, this site at one of the main entrances of a strategic allocation in North Tyneside. The Masterplan now adopted by North Tyneside Council clearly shows a design in this area for a principle access and spine road entering and serving the development at large. The funding is now secured for this road by North Tyneside in their HIF bid success. With this in mind it seems that applying for permission in this area and on the red line as presently submitted and not including the new road even in part within the design, is wholly illogical and contrary to the Primary Masterplan and infrastructure requirements as well as the delivery parts of the adopted policy set out below and found in section 9 of the adopted policy Masterplan.

This application must include the wider site access inclusive of the required pedestrian Cycle links in order to accord with the requirements of policy and the legal principles set out above, on how to develop large urban extension areas. Any other application should be considered contrary to policy and by definition harmful to the wider site delivery.

It is our view as backed up by strong legal precedent and statute that the Council must have a detailed understanding of the entire project site infrastructure cost prior to any application being approved to ensure suitable contributions can be re-cooped and to ensure each application can to pay / contribute / provide its fair and equitable split of all infrastructure required to facilitate the entire development. It is on this ground that Persimmon Homes suggest that the application be refused in its present form as it is premature and prejudicial to approve until such understanding and consensus can be made for the whole infrastructure burden of the site.

2. The application is contrary to adopted policy & Masterplan document and in accordance with policy S4.4(c) part a. the application should be refused as it fails to demonstrate conformity to the approved plan in the following ways:

Policy S4.4(c) of the recently adopted local plan requires the adoption of a comprehensive Masterplan and collaboration and agreement of these documents as part of the process. This document the Killingworth Masterplan December 2017 (KMP17) discharges this requirement however the policy goes on in S4.4(c) part a. to require applications to come forward in a consistent manner with the KMP17. Persimmon Homes consider that given the reasons set out in part 1 above, the applicant cannot and has not demonstrated that they are contributing their equitable share of the total infrastructure of the site and as such do not accord with this policy as such permission should be refused.

In addition we feel that the following additional key elements of the Masterplan have not been adhered to and as such fundamental changes must be made or we can see no alternative for the Council other than to refuse consent. The following elements are considered to also have been missed and not consistent with the adopted KMP17:

- Section 8 Design Code: (Palmersville Gateway) The KMP17 in section 8 sets a distinctive design code requirement for set character areas of the development site. This application fits within an entire design area the Palmersville Gateway. In Section 8.1.3 the KMP17 sets out a detailed set of design requirements, character works, landscaping and housing mix as well. While it is appreciated that the site is applied for in outline it also is accompanied by a design and access which must demonstrate its conformity with the KMP17. It is our consideration that this site does not in the following ways:

Character: The defining character of this area and application site in the KMP17 was to act as a “Distinctive gateway” this is later defined in the house types, densities and principles however for the reasons set out below we do not consider that the proposed design even in outline is appropriate nor consistent in any way with the KMP17.

Housing Mix and Development density is set to be high density and development up to 3 stories in height in order to facilitate the gateway and entrance features set out in the above character. In addition the house types set out in the KMP17 were supposed to be town houses and flats. This site meets none of these requirements being shown as predominantly 2 story semi detached family dwellings as described in the submitted design and access statement.

Furthermore the site as proposed built to a fixed maximum density of 13.13ppha despite the applicants claim to be providing 33ppha. This is lower than the Councils own adopted policy of low density executive developments of 22ppha. Given that this is supposed to be a higher density area of the site this is a significant conflict with the KMP17.

Key Design Principles of this character area were also set to be outward facing distinctive gateway buildings building upon the required heights and house types as described above. This design requirements was set in response to the sites unique location and requirement to accommodate a key vehicular and cycle/pedestrian link. Not only does this application fail to provide the suitable house

types at a higher density as required by the KMP17 but also fails to provide a suitable outward facing orientation. The design requirement in the KMP17 is for positive outward facing development due to the sites key location at a principle entrance to the allocated site. This area is anticipated to be subject to significant noise levels from the proposed new road and the need to screen external amenity space from the road traffic noise source.

Recent appeal cases such as appeal in October 2017 (ref:

APP/T0355/W/16/3160065) at Oakland Farm, Ascot have demonstrated that PINS and wider application determination must consider the key principles of Design even at the outline stage as if those principles cannot be demonstrated through suitable technical assessment at Outline Stage there is little to no likelihood that they will ever be considered at Reserved Matters. In this case Persimmon Homes with the information available

consider that the design of the scheme while also contrary to the adopted policy also provides a design response to the location which will create future technical

issues, artificial constraints and be prejudicial to the delivery of the wider Masterplan on grounds of noise, air impact linked with the design.

- Section 9 Delivery

Section 9.1 sets out the KMP17's requirements for applicants to demonstrate that individual applications coming forward do not prejudice and actively contribute towards the delivery of the wider scheme. This section states:

Due to the site wide shared infrastructure, the Council's preferred approach is for an outline planning application to be submitted for the whole development.

However, due to the site being in multiple land ownerships, it is recognised that separate planning applications may come forward for different areas. In order to avoid the piecemeal and poorly integrated development of the site, applicants are expected to demonstrate how the proposed development would contribute to the vision and development objectives for the site. In addition, applicants will be expected to demonstrate how the development would not prejudice the overall proposals and objectives of the Masterplan. Applicants should use their Design and Access Statement and Planning Statements to not only demonstrate how they have incorporated high standards of design but also to explain how the proposed development would fit together with, and help deliver, the wider Masterplan, including necessary infrastructure. Any application will need to be in line with a Comprehensive Drainage Strategy and Landscape Masterplan for the whole site.

The Council will expect planning applications for individual phases/parcels of land to demonstrate how their proposals would be integrated with the wider site.

Proposals will be required to demonstrate how they will provide vehicular access to the individual sites and provide detailed layouts of all other necessary highway infrastructure and pedestrian/cycle. Other design considerations will also need to be demonstrated, such as how the application would enable the provision will contribute

towards the Masterplan street hierarchy plan, would need to be demonstrated.

This could be achieved through the submission of a Layout Plan, which provides detailed parcel design work and demonstrates how the design principles of the design code will be met within the planning application red line boundary.

The Council will seek to ensure that any parts of the site reliant on access over third party land are unlocked for development. In determining applications, the Council will need to be satisfied that development of individual parcels will not sterilise or frustrate delivery of other parts of the site. Conditions and legal agreements may be used to ensure specific actions are taken to ensure the delivery of the whole site.

For the reasons set out above in sections 1 and 2 of this letter and below we consider that the key elements of this key policy within the KMP17 have not been demonstrated at all by this application and as such the application should not be approved.

- o Section 9.4 Infrastructure Delivery;

Section 9.4 sets out the site and area specific infrastructure requirements for each parcel and character area of the proposed development site. This is in addition to the requirements as set out in point 1 above relating to contributing towards the wider scheme. The only element required upon this "Palmersville Gateway" area is to delivery the principle link road and required bus capable linkage which is completely omitted from this application.

This is not to say that this area in isolation should be required to design and build at cost of the entire road, however each application should be required by the Council to at the very least apply for consent for the road at a suitable design specification. This element and a key requirement of the KMP17 is wholly missing from this application and is a key reason why Persimmon Homes consider that this application is contrary to the requirements of the KMP17 and as such policy and therefore should be refused in its current form.

o 9.5 Validation requirements;

Section 9.5 of the KMP17 sets out the validation requirements for all applications coming forward on the site regardless of size or type. As this 9.5 forms part of the adopted Masterplan it now forms part of the policy requirements for all applications (regardless of application type and size) coming forward on the site. For the reasons set out below in section 3 of this letter we feel that the based upon the information visible online for the planning portal, insufficient information has been provided in order to meet with this requirement (now set out in policy) and as such the application should be held as invalid until such time as the additional elements come forward. If not then the application must be considered contrary to the KMP17 and as such policy and refused.

Based upon this and the below assessment Persimmon Homes are of the view that the Council's decision to validate this application on the basis of the information provided is in-fact a contradiction of policy and could be subject to legal challenge in the future. The application therefore should be reconsidered and held as invalid until additional information (as set out below) is provided.

3. The application does not provide suitable technical assessments and information in order for the Council to be satisfied that appropriate remediation and or mitigation can and will be provided as part of this application, as such in accordance with policy S4.4(c) part h. and part 9.5 of the Killingworth Moor Masterplan, the Council re consider the validation of the site and or should refuse consent as it fails to provide adequate assessment and therefore mitigation.

Our first concern on this application is how the council have considered a suitable validation on the basis of the information submitted and available on the planning portal, given that section 9.5 of the KMP17 is now adopted policy and needs to be applied to applications regardless of their size or type the following key issues are considered to be missing.

- Suitable Site Investigation works inclusive of a Coal Mining Risk Assessment
The application while in outline has a policy and planning requirement to provide suitable Coal Mining Risk assessment and Site Investigation information in accordance *2 of section 9.5 of the KMP17 states that "any application must be subject to an assessment of Coal Mining risk to establish if any mine entries or features are on site and any necessary no build zones around these features in order to inform any proposed layout."

As this application is not supported by any suitable assessment of former coal mining risk and despite the application being in outline the proposal sets an approximate build area for 25 houses and has a requirement to propose a new spine road running through without having undertaken any suitable assessment in order to establish areas which cannot support built development. For this reason we consider in line with the above that the application should be held as invalid until such time as a suitable assessment is provided. If this information we consider that the application is contrary to policy and should be refused.

- Noise and Air Quality Impact Assessment

This site sites as shown in the KMP17 an area with one of the principle site accesses for a strategic allocation of up to 2000 new houses. As set out above in relation to our design objection this site Design shows inward facing development backing on to what will and should be a designed principle access. As this application is not supported by any information to demonstrate what the impact of the wider sites noise and air quality would be on this and the wider area, the design as submitted therefore cannot be considered appropriate without this information. For this reason we consider that the application should be held as invalid until such time as additional information is provided or refused if no information is forthcoming.

- Comprehensive Drainage & Landscaping Strategy (for the Whole Site);

Section 9.5 of the KMP17 sets out the requirement that all applications must be supported by both a Landscaping and Drainage assessment which shows how they accord with the landscaping and Drainage Masterplan and strategies for the “Whole Site”.

As the holistic drainage strategy and landscaping Masterplan have not yet been agreed for the site it can't be demonstrated how this site sites within or accords with these documents as such we consider that the application should be held as invalid until such time as additional information is provided.

- Design and Access Statement; Section 9.5 of the KMP17 sets out the requirement that the submitted Design and Access statement for all applications on this site detail how the application accords with the requirements of the KMP17 as approved. The submitted design and access statement fails completely to provide any assessment

of the KMP17 requirements for this site and as set out above in section 2 of this letter the site design fails to accord in any way with the KMP17 design requirements. For this reason we consider that the application should be held as invalid until such time as additional information is provided or refused if no information is forthcoming.

- Site Sustainability Statement;

Section 9.5 of the KMP17 sets out the requirement for application which states that all applications be accompanied by a site Sustainability Statement. This application has not provided any form of statement to fulfil this requirement as such we consider that the application should be held as invalid until such time as additional information is provided or refused if no information is forthcoming.

- EIA Screening and Scoping;

In accordance with national guidance and legislation the Council have an obligation to adequately screen and scope developments for Environmental Impacts which takes into account both individual and cumulative impacts with surrounding sites. While its clear that 25 houses will not give rise to likely significant adverse impact and as such fall well below the EIA assessment threshold, national legislation is clear in cases such as this where the site forms part of wider a development for up to 2000 with significant road and other infrastructure and EIA should be needed even on a site this small due to cumulative development consideration. It is not clear what the Council are doing in relation to EIA on this application from the information online as no documentation is provided showing an appropriate assessment or screening further clarification and dialogue on this is needed.

We would like to highlight that given our land position on the wider scheme, any ongoing discussions with the Council by any applicant for a wider EIA for the

entire development site should and must be discussed openly between all parties to ensure that the developments are screened, scoped and assessed appropriately to avoid future issues or legal challenges.

Summary and Conclusions:

We feel that the above highlights the key questions and reasons for concern we have in relation to this application. The wider issue is the process by which applications and discussion will be had between all parties and the Council to ensure the entire strategic allocation comes forward in an appropriate manner, we are keen to work with the Council to achieve this. The Council will need to consider this in the round as part of their response to this application and would question why a single small application such as this would be forthcoming at this time in such a way as it is submitted and which is so contradictory to a policy which could not be more clear in its requirements.

13.0 8 letters of objection on the following grounds:

- Adverse effect on wildlife
- Affect character of conservation area
- Impact on landscape
- Loss of residential amenity
- Loss of visual amenity
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion
- The boundary proposed for this new development now encompasses the strip directly adjacent to our property which is unacceptable.
- Congestion and poor and unsuitable access to the site
- Detrimental impact on access to our home
- Impact on the green strip of land directly adjacent to our property which is currently used as green space by residents of Forest gate and to which our side garden gate has direct access.
- Visual intrusion
- Noise disturbance and loss of residential amenity
- Impact on landscape
- Loss of visual amenity to our view
- Visual intrusion
- Dust/noise/fumes pollution, traffic congestion and pedestrian safety caused by construction traffic.
- Poor traffic/pedestrian safety.
- I live at No, 14 which faces the entry road.
- Loss of privacy and overlooking
- New supporting noise document surveys from Laurel End housing appears to have resulted in the reduction of housing at that border of the land and moving the houses adjacent to Forest Gate.

- The new proposal will expose the new housing to greater traffic noise of the main entrance into the estate which has not had noise surveys carried out to date.
- Increase in traffic congestion along the local roads Great Lyme Road and in to the Forest Hall Village through Forest Hall Road and Station Road.
- If this land was built on it would seem that it would be intended to route all of the traffic from the proposed 2000 new homes on Killingworth Moor down the Forest Gate access road on to Great Lime Road. This is not feasible or acceptable.
- It poses an ever increased danger to pedestrians and road users. These routes are already heavily congested and by building these extra dwellings along with the additional 2000 dwelling on Killingworth Moor down the Forest Gate this will add an extra 3000-4000+ cars to the surrounding roads which is not acceptable.
- This amount of additional vehicles on the local roads will deeply impact productivity in the area as well as the quality of life of the people living around these roads.
- Devaluation
- North Tyneside Council need to seriously improve road conditions and infrastructure before they consider approving plans to create more homes within the council area.
- Air pollution impact
- Reduction in green space
- Impact on wildlife
- Impact from construction of The Coppice
- Lack of notification of application
- No buffer zone or separation between Forest Gate and Laurel End estates.
- Contrary to 2017 Local Plan which does not show this plot of land as a proposed indicative development/residential area. Also the 2017 Local Plan appears to show this parcel of land to be the main proposed highway route for the Killingworth Moor development. If this land was built on it would seem that it would be intended to route all of the traffic from the proposed 2000 new homes on Killingworth Moor down the Forest Gate access road on to Great Lime Road. This is not feasible or acceptable.
- Danger to pedestrians and road users. Banks propose to access their site land from the Forest Gate entrance road. This is the only access to Forest Gate and it is narrow. The delivery vehicles, heavy construction traffic and contractors working on the site will all use the road and paths to park and queue to deliver causing danger to both pedestrians and private vehicles not to mention congestion on entering and leaving our estate. If planning is granted a condition of the planning approval should force the Developer to submit a plan that addresses these issues. This condition should be enforceable.
- No measures to reduce dust and noise pollution.
- We paid extra for the view of the fields from the rear of our property.
- My house backs onto the proposed new Link Road - this needs a significant buffer between my property and the road to reduce road noise (not only during the KM development but afterwards once people are living on the development), together with trees planted to ensure privacy from passing vehicles (including buses).
- Children on the Forest Gate estate don't have a play area nearby and tend to play down by the field where the horses are near to the entrance road to the Forest Gate Estate - with the development in that area and the Link Road, they will have no play area at all that is in any way safe, increasing the need for a

buffer zone where at least they could play reasonably safely should it be appropriately constructed.

- Negative impact of reduction in wildlife (birds etc) coming into my garden and in the gully to the rear of my house.

- I was informed that the Council were not going to build on the strip of land to the rear of my house or the gully thus retaining a buffer zone. The above plan indicates that you intend to build on this land and on the gully - this is totally unacceptable.

- The proposed access arrangement will be a nightmare for all on Forest Gate. It was horrendous throughout the entire construction period for The Coppice.

- There are a significant number of children on Forest Gate now, and since The Coppice was completed it has become a rat run. Absolutely no regard whatsoever given to traffic management i.e. speed humps or indeed the signposted 20 mph limit.

- In the event that permission is granted traffic calming measures specifically for Forest Gate such as electronic speed indicators mounted on lamp posts should be imposed.

- Lack of local infrastructure.

- In the wider plans, i.e "The Killingworth Moor Masterplan document" which is referred to on page 16 of the 'planning statement' document for this planning application states that "...*The strategic link road connecting the A1056 and the B1505 (via the B1317) will provide a transport corridor and connectivity through the site. Through the development's strategic routes a 30mph speed limit will be applied.*"

- The current access road to Forest Gate has a 20mph limit. Forest Gate and Coppice Place contain a high number of families and the green space to the west of Forest Gate is a popular playing area, in lack of any designated play area, for young children. Any potential increase in the speed limit in and around the entrance to the estate will be a clear danger. The street around the entrance is already difficult to navigate with a pram because of poor parking arrangements.

- I would hope that the current 20mph speed limit does not change with any proposed link road and I also hope that any new road would not become a rat-run for when the A19 is busy.

- Popular primary and secondary schools in the area are already oversubscribed, and the building of more houses will certainly add pressure to an already-growing admissions problem.

- Whilst there are plans to build a new primary school and secondary school in the larger Killingworth Moor masterplan, the delivery schedule of these will not aid the current school-place shortage affecting the North Tyneside area. The Killingworth Moor masterplan delivery schedule states that any primary school build would not commence until 2023, and any secondary school would not commence until at least 2027. There will not be enough school spaces for the number of children who will be living in the area in 2018, never mind in 2023 and 2027 respectively.

- There are plans for a 'potential' new Metro station in the greater plans for Killingworth Moor. With the number of houses planned for the developments and increase in traffic – I would say this is very much needed and needs to be a confirmed part of the larger plans.

- The road safety study shows the Road junction with Great Lime Road (app C) it only shows one lane entry to Forest Gate which is not sufficient for the 270

properties currently on the estate without adding additional properties and the proposed Killingworth Moor through road.

- Loss of fields which contain wild life, especially Pipistrella bats which roost in a tree adjacent to the proposed building site.
- The BSG Ecology survey is still incomplete as it should have 3 surveys and only contains one dated 26/05/15. It is a legal requirement to carry out suitable and sufficient surveys throughout the year not just May when it suits. Section 2.2 of the survey is blank and not updated some 3 years later, this is poor quality survey on a very important item which has legal protection, previous case law stated in my Killingworth Moor objections show that compliance is a legal requirement.
- The proposed land is currently the hunting ground of a pair of Kestrels which do not appear in the studies of 2015.
- The proposed screening of our properties should be consulted on further as it will have a life long impact on these properties.
- No consideration for local children's play facilities which have been promised by original builders for at least 10 years, no plans again for these facilities.
- I believe this whole Killingworth Moor building project is a done deal to meet the council's building targets at the expense of the existing residents, who will suffer as the house prices of properties that back onto the fields will drop in value.
- Lack of neighbour notification
- No buffer zone or separation between Forest Gate and Laurel End estates.
- Contrary to 2017 Local Plan which does not show this plot of land as a proposed indicative development/residential area.
- I am aware that the much larger development of Killingworth Moor with circa 2000 homes is likely to be approved in the coming years. Access to Killingworth Moor from Great Lime Road is required and the Banks site is at the entrance to the future Killingworth Moor development. If this outline planning application is granted, I believe this would be detrimental to the wider development of the area as it would limit the design and access route to Killingworth Moor. Building houses on this site would result in there being no scope to widen the existing Forest Gate access road. It is also likely to force the Council to allow access to the Killingworth Moor site via the current Forest Gate access road which could hardly be described as adequate for the amount of traffic that currently uses it.
- The addition of 1000's more vehicle movements a day on the Forest Gate access road is totally unacceptable. The current access road is narrow and has a sharp 90 degree bend, residents and visitors park cars on/near to the bend meaning the road is already problematic and dangerous.
- The planning application for the Land East of 9 Laurel End should be rejected and only considered as part of the wider plan for the development of Killingworth Moor. All planning applications for the development of Killingworth Moor should take place as one 'application' at the same time to reduce stress and inconvenience to current residents.
- Any planning permission should contain a clause stating that sufficient parking facilities and storage areas are to be provided on land adjacent to the site being developed and that this should be in place before construction begins so that vehicles associated with the construction do not block pavements, driveways and access roads and to reduce any danger to existing residents.
- I understand that this application is for outline planning permission for 25 dwellings and note with interest that the proposed site plan now includes the construction of an apartment block. I have been assured that the application

being considered is still only for 25 dwellings and if outline planning permission is granted then detailed plans would have to be submitted, at which point residents would once again have the opportunity to object/comment on.

14.0 Highways Agency – response to amended re-consultation

Having considered the supporting documentation Highways England would not wish to offer any objection to the proposals, a response form and formal recommendation is attached to this effect.

15.0 Natural England

15.1 Natural England has no comments to make on this application.

15.2 Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

15.3 Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

15.4 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

15.5 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

16.0 Northumbrian Water – response to amended plans

16.1 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

16.2 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled “*Flood Risk Assessment Revision B*”. In this document it states

Foul water will discharge to the foul sewer to the East of the site into existing manhole 3107 and surface water will discharge to the local watercourse to the north of the site.

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

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment Revision B" dated "April 2018". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 3107 and ensure that surface water discharges to the existing watercourse.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

17.0 Tyne and Wear Archaeology Officer – response to re-consultation

17.1 The 2015 Killingworth Moor archaeological desk based assessment has been submitted.

17.2 Most of the Killingworth Moor site was subject to geophysical survey in 2017, but this field was not surveyed because it was overgrown and had horses in it.

17.3 The northernmost part of the site is a possible quarry and may therefore be disturbed, but archaeological remains could exist in the rest of the site.

I have advised Archaeological Services Durham University that four archaeological trenches should be excavated, each 2m x 35m in plan.

If archaeological remains are found in these trenches, further archaeological excavation will be required before development can commence.

The trenches should be excavated prior to the submission of reserved matters so that in the event of significant archaeological remains being found, they can be taken into account by the layout of the development.

Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

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

Archaeological Post Excavation Report Condition

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition () has been submitted to and approved in writing by the Local Planning Authority.

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

Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

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

18.0 Coal Authority – response to amended reconsultation

18.1 The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & 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.

I have reviewed the proposals and confirm that part of the application site falls within the defined Development High Risk Area.

18.2 The Coal Authority records indicate that within this part of the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals.

18.3 As you will be aware, The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

18.4 However, when considering this particular proposal; built development would be very unlikely to be possible in the specific part of the site within the defined Development High Risk Area. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

18.5 In the interests of public safety The Coal Authority would recommend that the following wording is included as an Informative Note within the Decision Notice:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

19.0 Environment Agency

19.1 We have no objections to the proposed development subject the following condition:

19.2 The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment Wardle Armstrong Revision A January 21018 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

Having assessed the supporting information I can advise that we have no objections to the proposed development subject the following condition:

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment Wardle Armstrong Revision B April 2018 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Wardle Armstrong Revision B April 2018 and the following mitigation measures detailed within the FRA:

- There shall be no development in Flood Zone 2 and 3 as defined on the Environment Agency's flood map.
- No storage of any materials and/or equipment within Floods 2 and 3 at any time.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To reduce the risk of flooding to the proposed development and future occupants.
- To reduce the potential flood risks to others through loss of floodplain.

Advice to the applicant

The Forest Hall Letch within your site boundary is designated "main river" and under the Environmental Permitting Regulations 2010. You may require an environmental permit for flood risk activities. If you want to do work within

8metres of a non-tidal sections, or 16metres of the tidal section, instance where work is proposed :

- a) in, under or near a main river (including where the river is in a culvert;
- b) on or near a flood defence on a main river
- c)in the floodplain of a main river
- d) on or near a sea defence.

You can find out more information on permit requirements using the following link :

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. If a permit is required, it must be obtained prior to beginning the works.

The applicant is advised to contact the Environment Agency to discuss the issues likely to be raised. For further details about flood risk permits, please contact our local Partnerships and Strategic Overview team on NE EPR Permit@environment-agency.gov.uk.

Further to the above condition we wish reiterate our previous comments in relation to the nearby landfill site:

Landfill Advice - to the applicant

The proposed development is within 250 metres of the closed Palmersville landfill site. Landfill gas continues to be generated within the site, and we recommend that the developer takes account of the risk in the design proposals.

Landfill gas consists of methane and carbon dioxide is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures. You should be aware of the potential risk to the development from landfill gas and may wish to carry out a risk assessment to ensure that the potential risk is adequately addressed. The local authority's Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development.

20.0 Newcastle Airport

20.1 Comments in response to re-consulation:

20.2 The Airport previously submitted comments in relation to the scheme indicating that although noise from aircraft would unlikely to be above a level which would cause significant community annoyance the development would be within close proximity to established flightpaths when aircraft are departing to the east (shown on the below plan – each green track is a departing aircraft).

Although the noise assessment makes no reference to aircraft noise NIA considered that future residents of the development should be made fully aware that the site is close to established flightpaths and aircraft noise will therefore be audible. Therefore NIA wish to reiterate the request for the below informative to be added to a decision notice -

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

20.4 Initial Comments

The proposal has been considered in relation to current and future operations at the Airport, and I have the following comments to make.

20.5 Physical development

The site is nearly directly under flightpaths for aircraft which have taken off to the east and are turning south to connect to designated air corridors. However, given the average height of aircraft at this point, the proposed physical development of the site would not result in any obstacle to overflying aircraft, or interference with navigational aids. This is assuming that cranes used on the site will not be above 45m in height. If this is not the case NIA should be consulted for further advice.

20.6 Noise

The site is not within the Airport's most recent noise contours, which model the potential noise impact for aircraft operating from the Airport up to 2035. Therefore it is not expected that noise levels from aviation will be above a level which will result in significant community annoyance. However aircraft flying overhead will be audible. The Airport already receives noise complaints from across North Tyneside, and therefore the Airport requests that the below informative is added to a grant of planning permission, in order to make clear the existing aircraft operations which would impact the site.

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

20.7 Landscaping

Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. The following species should not be used on site in quantities greater than 10%, in order to prevent the creation of bird attracting features on site.

Crataegus monogyna Hawthorn
Ilex aquifolium Holly
Rosa canina Dog Rose
Berberis spp Barberry
Cotoneaster
Viburnum
Aucuba Buddleia
Callicarpa Beauty Berry
Chaenomeles Japonica
Clerodendrum
Danae Butcher's Broom
Daphne Euonymus Spindle
Hypericum St John's Wort
Lonicera Honeysuckle

Lonicera Honeysuckle
Mahonia
Malus Crab Apple
Sorbus aucuparia Rowan
Pernettya Prickly Heath
Prunus avium Wild Cherry
Pyracantha Firethorn
Rhus Sumac
Ribes Ornamental Currant
Sambucus nigra Elder
Skimmia
Stransvaesia
Symphoricarpus Snowberry
Taxus Yew

20.8 Lighting

All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead. This should be conditioned as part of the planning permission.

30.0 Nexus

30.1 Nexus has no objection to this application as the whole site falls within 400m of a local bus service and 800m of Palmersville Metro station. As this forms part of the wider Killingworth Moor development area, Nexus would request that the council attaches a condition to approval for the provision of two four-weekly Network One All Zone travel passes per dwelling.

30.2 Although the request for this condition is usually triggered at 50 dwellings, Nexus treats any application, that forms part of a larger development, as one development.

Item No: 5.5
Application No: 18/00300/FUL
Author: Jane Tuck
Date valid: 19 March 2018
Target decision date: 18 June 2018
☎: 0191 643 6331
Ward: Riverside

Application type: full planning application

Location: 26 - 37 Clive Street, North Shields, Tyne And Wear, NE29 6LD,

Proposal: Demolition of the former North East Rubber Company factory buildings and construction of three residential apartment blocks, comprising of 49 no one and two bedroom apartments and 1 no two bedroom townhouse and associated parking provision (Various amendments received 8.06.18 including reduction in the no of dwellings, reduced height of block C, omission of 4 under croft parking spaces and elevation details).

Applicant: J C Quay Limited, Mr Green The Bailey Cumberland Road North Shields NE29 8RD

Agent: Patrick Parsons, Andrew Jones Waterloo House Thornton Street Newcastle Upon Tyne NE1 4AP

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Summary of Key Issues and Considerations

1.1 The main issues are

- a) principle of residential development
- b) design and impact on the North Shields Fish Quay and New Quay Conservation Areas and adjacent listed building, the former Porthole Public House
- c) noise issues
- d) highway issues.

1.2 Members need to determine whether the proposed development in design terms is acceptable and whether it would impact on the Fish Quay and New Quay Conservation Areas, and adjacent listed building, whether or not the proposal will have any significant detrimental impacts on the amenity of occupiers of existing or proposed properties and whether the proposal will have any adverse highway impacts.

2.0 Description of the Site

2.1 The site is located between the new Swan Quay residential development to the north and nos 1 and 5 Dukes Court to the south. The grade II listed former Porthole public house, now offices, lies to the south west of the site. Clive Street lies to the west and the River Tyne to the east.

2.2 The site lies within the North Shields Fish Quay Conservation Area and adjacent to the New Quay Conservation Area.

2.3 There are three buildings on the site which were part of the former North East Rubber Company, which have been vacant for a number of years.

3.0 Description of the Proposal

3.1 Full planning permission is sought to demolish the three buildings on the site. It is proposed to build three blocks of apartments comprising 49 flats and one townhouse. All buildings are flat roofed. The town house is two storeys. Block A/D and C are 3 and 4 storeys and Block B is 4 storeys.

3.2 Block A comprises 15 one and two bedroom apartments, Block B comprises 16 one and two bedroom apartments, Block C comprises 15 one and two bedroom apartments and Block D comprises 3 one bedroom apartments. The town house is two bedroom.

3.3 Surface car parking for 46 vehicles and 4 spaces within block C is proposed. Two vehicular access points are proposed off Clive Street.

3.4 The applicant has advised that the proposed sequence of works on the site is demolition of the buildings, then repair and reinstatement of the river wall, and then the development itself would commence. The works to the river wall are not part of this application and are subject to extant planning permission 13/00346/FUL. Urgent repair works to the river wall have already taken place.

4.0 Planning History

18/00956/FULDEM Demolition of the buildings at 26 to 37 Clive Street, North Shields. Approved 21 September 2018

13/00346/FUL Repair works to the quay wall at 26-37 Clive Street, North Shields Approved 17 May 2013

03/02740/FUL and 05/01378/FUL Demolition of existing factory and redevelopment of site comprising 45no. apartments. Refused and dismissed on appeal 8 September 2005.

5.0 Government Policy

National Planning Policy Framework July 2018
National Planning Policy Guidance (As amended)

6.0 Development Plan

6.1 North Tyneside Local Plan 2017

6.2 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 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 Planning Considerations

7.1 The main issues are;

- a) principle of residential development;
- b) design and impact on the North Shields Fish Quay and New Quay Conservation Areas and adjacent listed building;
- c) noise issues;
- d) highway issues.

7.2 Consultation responses, objections and support regarding the proposal are set out in Appendix 1 to this report.

8.0 Principle of residential development

8.1 This site is identified as a site for housing development on the Policies Map of the North Tyneside Local Plan 2017. It is site 68 in Policy S4.3 Distribution of Housing Development Sites. The proposed development accords with policy S4.3 of the Local Plan.

9.0 Housing Land Supply

9.1 The most up to date assessment of housing land supply informed by the March 2018 5-year Housing Land Supply Summary identifies the total potential 5-year housing land supply in the borough at 5,276 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.4 year supply of housing land). It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is included in the assessment that North Tyneside has a 5.4 year supply of housing land and it is officer opinion that the proposed 50 dwellings will make a small, but valuable contribution towards the five year housing land supply

10.0 Design and impact on the Fish Quay Conservation Area

10.1 The site is within the North Shields Fish Quay Conservation Area and adjacent to the New Quay Conservation Area. The adjacent 11 New Quay, the former Porthole Public House is a grade II listed building.

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

10.3 The NPPF at paragraph 192 states that in determining applications, local planning authorities 'should take account of the desirability of sustaining and

enhancing the significance of heritage assets....; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness’.

10.4 The NPPF states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

10.6 Local Planning Authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

10.7 A conservation area is a designated heritage asset and the NPPF states that not all elements of a conservation area will necessarily contribute to its significance. Loss of a building which makes a positive contribution to the significance of a conservation area should be treated either as substantial harm or less than substantial harm taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole.

10.8 Policy S1.4 General Development Principles 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. Proposals should meet a number of criteria including, amongst other things, impact on local amenity for new and existing residents and businesses, address impacts on heritage assets, built and natural environment.

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

10.10 Policy DM6.1 Design of Development states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area and, amongst other things, should have a positive relationship to neighbouring buildings and spaces; sufficient car parking that is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.11 Design guidance for high quality design is set out in the Council's LDD11 Supplementary Planning Document on Design Quality.

10.12 Policy S6.5 of the North Tyneside Local Plan states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

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

10.14 Area policy AS8.12 of the Local Plan states that the Council will support the continuation and further development of the Fish Quay and New Quay as a characterful, vibrant mixed use area by amongst other things, supporting suitable residential developments in those areas shown on the Policies Map; giving priority to fishing industry related employment uses in those areas shown on the Policies

Map, unless alternative proposals can demonstrate that they would not have unacceptable impacts on the fishing industry and related businesses or have an adverse impact on amenity and operation of neighbouring properties; supporting a mix of other uses, such as appropriate small retail premises and small to medium sized businesses; ensuring all new development is built to the highest quality design that respects the area's special character.

10.15 The Fish Quay and New Quay Conservation Areas Management Strategy was adopted in April 2007 and sets out the agenda for action to preserve and enhance the historic environment in these conservation areas.

10.16 The North Shields New Quay and the Fish Quay Conservation Areas Character Statement 2006 demonstrates a commitment to positive action for safeguarding and enhancing the character of the conservation areas. The Rubber Company building is shown as one that detracts from the Conservation Area.

10.17 The Fish Quay Neighbourhood Plan SPD adopted in 2013 states, amongst other things, that its priorities are to provide an environmentally, socially and economically sustainable future for the area for residents, business and visitors, and to protect and enhance the conservation area and historic environment and that this site would be suitable for redevelopment. Design Principles are set out in chapter 4.

10.18 Demolition of buildings

10.19 This planning application is for the demolition of the buildings on this site and construction of three residential apartment blocks to provide 49 apartments and 1 townhouse. Planning application 18/00956/FULDEM for demolition only, was submitted after this application as the applicant wanted to be able to progress demolition so that further works to the river wall could be take place. Planning permission was granted in 2013 for repair works to the river wall adjacent to the site. Urgent repair works have taken place to the river wall.

10.20 The applicant has submitted a Heritage Statement which states that the area has lost almost all of its historic and communal value and the site has no architectural or aesthetic interest as the site comprises empty twentieth century buildings which have been neglected and rubble and rubbish from past activities on the site. The Heritage Statement states that the large Rubber Company building and adjacent offices have limited historic value and No 26 has some traces of older brickwork but has been significantly rebuilt and altered over time.

10.21 The site comprises three buildings- the North Eastern Rubber Company Building (nos 35-37 Clive Street) and a separate office building (no 30 Clive Street) built in the 1970's and no 26 Clive Street which was last used as a metal workshop, the front part of which was built in the twentieth century and the part to the rear has been much altered throughout the twentieth century with traces of older brick work.

10.22 Historic England has advised that, although the site is one of few remaining industrial sites in the area which contributes to the conservation area's special interest, the current condition of the site detracts from the appearance of the conservation area and makes reuse difficult and therefore Historic England accepts the loss of the existing buildings.

10.23 The Tyne and Wear County Archaeologist has advised that an archaeological desk based assessment was produced for this site in 2007. The site is of archaeological interest because it lies within the former extent of the medieval town of North Shields. The extent of the town, particularly its western end, has not been accurately defined. It is anticipated that medieval remains could survive. The site is also of industrial archaeological interest due to the industries which were present on site in the nineteenth century. The long narrow 19th century buildings took the form of the former medieval burgrave plots. Part of a former quay wall was visible in 2007 in an area of subsidence within the site, 10m back from the present river wall, and more of these are likely to survive under the site.

10.24 No. 26 Clive Street was the former Star and Garter Public House. From around 1922 the site was occupied by John J Cameron Indian Rubber Merchants. The building appears to have been significantly rebuilt probably in the 1940s or 1950s. There appears to be older brick in the rear 2-storey section.

10.25 The County Archaeologist has no objections to the proposed development and recommends conditions relating to archaeological trial trenching, excavation and the publication of a report of results of the archaeological fieldwork.

10.26 The New Quay and the Fish Quay Conservation Areas Character Statement states that the main Rubber Company building is a building that detracts from the character of the Conservation Area. The North Shields Fish Quay Neighbourhood Plan Supplementary Planning Document notes that appropriate redevelopment would be welcome at the site. In application 18/00956/FULDEM for demolition, Planning Policy (Conservation) advised that 'Overall, the (main) building has an adverse impact upon the character and appearance of the area and its demolition can be supported.'

10.27 The Heritage Statement concludes that no 26 Clive Street is of low architectural/aesthetic interest but is inconclusive about the buildings age and history. In application 18/00956/FULDEM for demolition, Planning Policy (Conservation) advised that the building sits within the historic plot pattern of Clive Street and has the potential for some evidential interest, and, on balance, it is of low heritage significance and its loss is unlikely to cause harm and therefore its demolition can be supported.

10.28 No.30 Clive Street appears to date from the mid-late twentieth century. Planning Policy (Conservation) advised in application 18/00956/FULDEM that 'Its architecture and development pattern do not contribute to the significance of the conservation area and therefore its removal is supported'. Planning Policy (Conservation) advised that a condition should be imposed of a full internal and external photographic record of no 26 Clive Street that could be used as a resource in the future to help understand the history of the site and the development of this part of North Shields.

10.29 The application to demolish the buildings only was approved in September 2018. Demolition has not yet commenced. It is officer opinion that the existing buildings have an adverse impact on the Conservation Area and that their demolition will not result in harm to the significance of the New Quay and the Fish Quay Conservation Areas.

10.30 The NPPF at paragraph 198 advises that 'local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'

10.31 New build

The application proposes the construction of 49 apartments and 1 townhouse.

10.32 The applicant has submitted a Design and Access Statement with design objectives that the proposal will have massing and orientation with varied and random heights as stated in Fish Quay Neighbourhood Plan and there will be ease of movement through the site with slot views and pedestrian permeability which will open up the quayside.

10.33 The applicant has submitted a Heritage Statement that states that the proposed development:

- reflects the history of the site and more recent changes to the Conservation Area
- the design addresses both Clive Street and the river
- although the main blocks are flat roofed, this is alleviated by a variety of heights and depth by setting back the upper storey
- seeks to reflect the former warehouse style of building and varied roof lines, depth of buildings and views through; and that
- the setting of the former Porthole Public House when viewed from New Quay will be sustained.
- the significance of the designated heritage assets will be sustained and enhanced by the development.

10.34 Block A which is three and four storeys high and Block B which is four storeys are located on the river frontage. Block C which is three and four storeys fronts onto Clive Street. The fourth floors of blocks A and C are set back from the main elevations of these blocks. Block D is three storeys and the town house is two storeys. The blocks are flat roofed and have significant amounts of glazing, some brick work, timber cladding and balconies some which are project out from the building. The town house projects out over the river including a balcony at ground floor level.

10.35 There have been three letters of support from two addresses and 12 objections from 9 addresses. The objections include that the Fish Quay Neighbourhood Plan laid out a vision for the area that it should be a vibrant distinctive mixed use community and this proposal only proposes more housing and no amenities such as shops and leisure spaces; the development is too high; it will result in loss of views of the river especially from Yeoman Street; the design is unsympathetic to the area and does not enhance the neighbourhood; the development looks like office development; the proposal creates a sea of parking which will be used by visitors to the area; there is not enough parking for the proposed dwellings and their visitors; traffic congestion will increase; the listed former Porthole public house is swamped; there are issues of security if the proposed development is not gated. These objections are set out in Appendix 1.

10.36 Historic England, the Northumberland and Newcastle Society, FISH (Folks Interested in Shields Harbour), and the Regeneration Manager all support the principle of the proposed development but have issues about the proposed development including not taking an opportunity to enhance the character and appearance of the area with high quality design that reflects the historic nature of the area; issues relating to the height of the proposed development: the rigid box like appearance of blocks; loss of views and access to the river; views from Yeoman Street; parking; and impact on the Conservation Areas and setting of the adjacent listed building. These are set out more fully in Appendix 1.

10.37 The applicant has submitted revisions to the originally submitted scheme which have included the loss of one storey to Block C to improve the relationship to the adjacent listed building, 11 New Quay, and so that the development is not visible above 11 New Quay from the New Quay; detailing to the southern gable of Block C including windows and a garage door; garage parking in Block C accessed from Clive Street has been omitted and garaging for 4 cars is now accessed from the south and north elevations: the town house has been moved slightly to widen the slot view adjacent to Dukes Court; further detailing and proposed materials have been included.

10.38 Site levels vary over the site but generally the site is higher along Clive Street than at the river. The blocks therefore have varying external ground levels but a similar finished floor level. The height and floor levels of the proposed development has been constrained by the need to address flood risk.

10.39 The initial submitted scheme included an additional floor to Block C i.e. 5 storeys. As the relationship of this block to the adjacent listed building was unacceptable as the proposed development could be seen above the roofline of the listed 11 New Quay, the applicant agreed to remove one floor and thus

addressed the concerns of the Design Officer and also some of the objections to height of local residents.

10.40 The applicant has indicated maximum heights above ordnance datum level. Block A's height is approximately 12.1m high and four storeys (16790 AOD). Block B's height is, approximately 13.7m high and four storeys (16965 AOD). Block C's height is, approximately 12.3m and four storeys (16790 AOD). At the northern end of Block A the height variation of the site enables a refuse and cycle store to be constructed below ground floor level.

10.41 There has been a succession of documents from the North Shields New Quay and Fish Quay Conservation Areas Community Character Statement to the Conservation Area Management Strategy and now the North Shields Fish Quay Neighbourhood Plan SPD 2013 (which has included much of the guidance in the Design Know-How document produced by North East Civic Trust and Northern Architecture in conjunction with officers from North Tyneside Council and local residents) which have referred to the height of buildings in the Fish Quay area arising from the legacy of the Dolphin Quays development.

10.42 Chapter 4 of the Fish Quay Neighbourhood Plan refers to Design Principles and sets out some principles for the height of development including that new development should not, on any one site, exceed the average height of the development it replaces; should generally be between three and five storeys, and could be as low as one or two storeys nearer the water's edge; and should not obscure views of the quays and river from the top of the banks.

10.43 The above are principles to follow and in this instance it is officer opinion that the appropriate heights to consider for the proposed development is that of the buildings in its immediate vicinity which includes Dukes Court, two storeys, to the south; the listed 11 New Quay, two storeys, to the south west; and Swan Quays, four storeys to the north. The proposed town house is two storeys adjacent to Dukes Court and 11 New Quay rising through three storeys (Blocks D and A) to four storeys for Block A and B. This then relates to the adjacent development at Swan's Quay which is four storeys immediately adjacent to the boundary and then rises to five storeys.

10.44 Context elevations have been submitted that show the relationship of the proposed development to neighbouring buildings. The town house is no higher than the eaves of Dukes Court. Block D is no higher than the listed 11 New Quay. Blocks A and C, are no higher than the roofline of 11 New Quay when viewed from New Quay although they are slightly higher than the roofline of 11 New Quay. Block B is slightly higher than the adjacent apartments but lower than the town houses at Swan Quays to the north. It is officer opinion that the relationship of the heights of the proposed buildings to existing buildings is acceptable.

10.45 With regards to proximity to adjacent properties, 4/5 Dukes Court, a two storey dwelling, lies adjacent to the southern boundary. This has recently been renovated and has main habitable room windows and terraces facing the river. There have been no objections received from the occupiers of 4/5 Duke Street. There are windows in the side elevation of 4/5 Duke facing onto the site. These

are windows to the living/ dining room area and a hall window at ground floor and windows to a bedroom and the landing at first floor level. These windows are not overlooked by any habitable room windows in the townhouse and are secondary windows to those on the main frontages of the property. There is a substantial brick, stone and rendered wall between the application site and no 4/5 Dukes Court that lies within the boundary of no 4/5 Dukes Court, a remnant from previous buildings which, is equivalent of 2 and 1.5 storeys high which screens the ground floor patio. There is a balcony on the recent kitchen extension which would allow residents of 4/5 Dukes Court to look into the blank side of the town house.

10.46 The town house projects over the river by approximately 1.4m, and a balcony projects over the river at ground floor level approximately a further 2m. This is further forward towards the river than 4/5 Dukes Court. The town house also has a narrow balcony at first floor level overlooking the river. Due to their location in relation to 4/5 Dukes Court, it is officer opinion that the use of the balconies will not impact on the amenities of occupiers of 4/5 Dukes Court.

10.47 Block B elevation facing the river is approximately in line with the adjacent Swan Quay development but has balconies that project out further than the building line at ground, first and second floor levels. The adjacent unit at Swan Quay has glazing on the river frontage and around the corner onto the side elevation to Block B to a living room and bedroom on the first and second floors. No objection has been received from occupiers of Swan Quay. Balconies at first and second floor of proposed Block B could result in users being able to look into the rooms in the adjacent Swan Quay unit. A condition relating to details of a boundary to the balconies to restrict overlooking is recommended.

10.48 Businesses in the adjoining listed building, 11 New Quay, the former Porthole Public House support the principle of the development but object to the townhouse, Block D (2 and 3 storey) and associated parking directly in front of the extension to the listed building where there are offices and meeting room windows as these are considered to be overbearing as the two storey block is approximately 6-8 away from the extension to the listed building ; to significant loss of light; to loss of open aspect; the view from over the river of this listed building would be significantly different; the impact on their building and its setting which is listed; the design appears contrived and has an overbearing impact on the listed building group.

10.49 The main elevation of 11 New Quay faces onto New Quay and the majority of windows to the offices are on the south and west elevations. Windows in the north elevation are mainly to a corridor. The recent extension to the building on the east elevation containing a meeting room and additional office is at its nearest 7-7.5m away from the proposed town house. It is officer opinion that the impact of the proposed development on the rooms in the extension is not significant in terms of harm to warrant refusal.

10.50 No 11 New Quay lies to the south west of the proposed development and Dukes Court to the south. Sunpath analysis drawings have been submitted which show that the proposed development will not have significant impact on the existing buildings in terms of loss of sunlight. No assessment of daylight and

overshadowing has been submitted. It is officer opinion that the proposed development will not have a significant detrimental impact on the extension of the business premises at 11 New Quay and the secondary windows in the side elevation of 4/5Dukes Court in terms of daylight and overshadowing to form a reason for refusal.

10.51 The architectural design approach is simple and contemporary in brick, timber cladding, and balconies with glass or horizontal railings. Bin and cycle stores are proposed at the northern end of Block A in an undercroft below ground level, within Block B to the rear and a refuse store is proposed to the front of Block C.

10.52 Means of enclosure indicated in the application are horizontal metal railings along the river frontage and Clive Street. Lack of vegetation is a characteristic of the industrial riverside so to introduce significant planting would be inappropriate. Proposed planting is limited to a few trees along Clive Street and some shrubs adjacent to Block C. Means of enclosure and landscaping should be conditioned.

10.53 Policy DM4.9 Housing Standards sets out for accessibility and internal space standards for new development. From the information submitted, accessibility and overall floorspaces comply with the new housing standards and in most instances the main bedroom is in excess of what is required in the new space standards.

10.54 Northumbria Police have raised concerns about the accessibility to the site for the pedestrians which could result in security issues. One local resident has also commented on the current vandalism issues to the site and is of the opinion that the development should be gated. Other sites in the area do not allow riverside access. Riverside access for the public has been an aspiration for the Fish Quay. The residential development will provide its own surveillance of the site.

10.55 Heritage aspects of the proposed development

10.56 Historic England (HE) have advised that they do not object to the proposal in principle and that the contemporary approach is fitting in this location and more sympathetic in scale than recent developments; that there has been thought to views through to the river and some changes of scale across the blocks; and development has been spread more evenly over the site to encourage a more animated and interactive frontage with Clive Street. HE does not see how the site's context has informed the design. HE is of the view that the design does not get to grips with the character of the conservation area and taken advantage of the opportunity to better preserve the character of the conservation area and enhance the area's significance even though the proposed development will have benefits for neighbouring properties.

10.57 Historic England recommended amendments including:

- revisiting the building orientation of block B to follow the existing and historic layout of the site to preserve attributes that still contribute to the character of the Conservation Area

- keeping the historic line of Shepherd's Quay with more sensitive landscaping to create this as a feature and better reveal its significance
- reflecting the existing roofscape especially of the factory building, to give animation, interest and industrial character especially from higher ground
- more information on building materials and finishes, landscaping and public realm

10.58 The applicant has responded to these and these will be addressed in turn.

- building orientation. The Heritage Statement concludes that there is no architectural or aesthetic interest on the site as the buildings are of a modern construction – the Rubber Company building was built in 1982 and no 26 only has traces of an older building. There have been a lot of changes to the site and the existing buildings are considered to be of low significance. The site detracts from the character of the conservation area and so there is no justification to recreate the mid nineteenth century character of the area. The proposed development is ribbon development with 'slot views' through to the river. This takes advantage of river views. To turn Block B through ninety degrees to reflect the historic layout would result in it being single aspect with a rear elevation facing directly onto the blank wall of Swan Quay.

10.59 The Design officer has advised that in his view the scheme is based on a good analysis of the site. It is officer opinion that the buildings are empty and derelict and have been for some time and are a relatively recent development on the site. The proposed development will ensure that this site is brought back into use and will preserve and enhance the character of the conservation area.

10.60 - retention of line of Shepherd's Quay. The applicant has advised that this has altered in location and orientation over the years. The proposed position is in the most recent position of the quay. It is proposed to use natural stone setts/cobbles in the hard surfacing. Officers advised that soft landscaping be removed from the slot view to keep it open.

10.61 The Neighbourhood Plan states that slot views should be created using the form and massing of new development. Some of the existing slot views of the river from Clive Street relate to the historic layout of the site. There are three slot views proposed. One is in front of no 11 New Quay and runs down to the river which will be reduced by the proposed town house. Shepherd's Quay which is approximately in the middle of the site and broadly in the same location as the existing Shepherd's Quay near the river but adjusted on Clive Street to allow for Block C. Another slot view is proposed on the northern boundary of the site adjacent to Swan Quay. This currently is a narrow shared passage way between Swan Quay and the application site that is accessed from Clive Street by a gate. The proposed development would open up this view. The Design officer has concerns about the quality and design of the slot views as each will be blocked at ground level by car parking and Shepherd's Quay will be blocked by bins on bin collection day. Most concern is for Shepherd's Quay which provides the largest and most open views out of the site and would, in the Design Officers opinion, negatively impact on the street scene.

10.62 Bins will be moved to the bin collection point on bin collection day by a management company so will be located in the slot view for a limited time. The

location of parking in the slot view has been discussed with the applicant including a reduction in the number of parking spaces. The applicant has advised that they are keen to retain one parking space per unit. They have considered other locations for the parking but as a result of removing the four undercroft parking spaces from Block C they cannot avoid locating some parking spaces in the slot views. The applicant has advised that the slot views are 'a transient view which is taken and seen whilst on the move' and that they will ensure that the spaces are allocated towards the end of the sale of the apartments.

10.63 It is officer opinion that the location of the bins on bin collection day is for a limited time and that the slot views will be maintained at ground level and when viewed from Yeoman Street and from Borough Road and that when balanced against the other issues, the parking of vehicles in the slot views would not be a reason to refuse the application.

10.64 - reflecting the existing roofscape. The applicant has advised that the existing buildings are considered to detract from the character of the Conservation area. The Rubber Company building was built in 1982 and represents a short period in the history of the Fish Quay. The building and profile are out of place given the recent residential development on adjacent plots. The design of the proposed development has taken its cue from former warehousing which was most recently in the area and responded to the characteristics of the site and more modern and contemporary design of residential buildings. This approach successfully responds to the characteristics and addresses both aspects of Clive Street and the river and is a more successful approach than trying to mimic the design of the existing building. Local residents and the LPA raised concerns about the height of Block C, to introduce a profiled roofscape would increase the height of the buildings.

10.65 It is officer advice that the Block C was reduced in height by one storey so that Blocks A and C are no higher than the roofline of 11 New Quay when viewed from New Quay thus reducing the impact of the proposed development on the adjacent listed building and on the New Quay Conservation Area. To introduce any additions to the roof would result in raised roof levels which would have impacts on the listed building and the conservation area and views of the river from Yeoman Street.

10.66 - details of materials and landscaping have been submitted with the application

10.67 The Design officer has advised that the proposed palette of materials is acceptable. Details of materials and landscaping should be conditioned.

10.68 The applicant has provided drawings that show that a river view from Yeoman Street will be retained. Whilst there have been concerns about the accuracy of these drawings and objections to the loss of the extent of the view, it is officer opinion that the drawings are acceptable and the view of the river although less than currently is acceptable when balanced against the benefits of bringing this derelict site back into use after a number of years of vacancy.

10.69 Block C does not have a particularly active frontage to Clive Street. Initially the applicant proposed garage parking accessed off Clive Street which would have potentially resulted in highway safety issues and vehicles parking immediately in front of the building. The scheme was amended following highway officers request to omit access off Clive Street. The front elevation at ground level has entrance doors into the apartment block, windows, and doors to refuse store and meters. It is officer opinion that this is acceptable.

10.70 The Design officer has advised with regards to design that the general scale and height of the scheme is acceptable and although the layout and form of buildings varies from the historic and current layout of buildings on the site, the applicant has explained the design logic for this. The layout responds to the river, Clive Street and neighbouring buildings and the design approach is simple and contemporary.

10.71 With regard to the heritage assets the Design Officer has advised that the concerns about the height of block C have been addressed by the reduction in height of block C so that it now has an appropriate relationship with the listed 11 New Quay and overall the redevelopment of the site will improve the setting of the adjacent listed buildings (11 New Quay and the Collingwood Buildings) and preserve and enhance the character and appearance of the Fish Quay and New Quay Conservation Areas.

10.72 It is the officer's view that whilst the proposed development has attempted to address many issues including location and height of the development in relationship to adjacent buildings including the listed 11 New Quay, impacts on amenities of occupiers of adjacent buildings, retention of slot views, the design is nothing out of the ordinary. However this has to be balanced against all the constraints on the development of this site and the benefits of bringing this vacant and derelict site back into use, and on balance it is officer opinion that the proposed scheme is acceptable in design terms and will not result in harm to the significance of the adjacent listed building and the Fish Quay and New Quay Conservation Areas. It is officer opinion that the proposed development accords with policies S1.4, DM6.1, S6.5, DM6.6 and DM4.9 of the Local Plan.

11.0 Highway issues

11.1 Policy DM7.4 New Development and Transport relates to transport requirements of new developments including parking which should be in accordance with standards set out in LDD12 Transport and Highways.

11.2 The applicant has submitted a Transport Statement which concludes that the site is a sustainable location; is very close to North Shields town centre and local buses and access to a metro station; the development would generate trips similar to the historic use of the site; and the development can be accommodated without detriment to vehicular flows and road safety on the surrounding highway network.

11.3 Some objections to the scheme relate to traffic generation from the scheme, traffic congestion and existing parking in the area and proposed parking.

11.4 Two vehicular accesses to the site are proposed off Clive Street. The applicant is proposing 49 one and two bedroom apartments and 1 two bedroom town house. One parking space per dwelling, including 4 garages within Block C, meets the Council's current parking standards. No visitor parking is proposed but there is on-street and off-street parking in the vicinity of the site. Cycle parking is proposed within Blocks A and B. The site has reasonable links with public transport and North Shields town centre. The Road Network Manager has no objection to the proposal subject to conditions relating to implementing the new accesses, visibility splays, closing up existing accesses, turning areas for refuse vehicles, s278 works, schemes to manage parking and refuse collection and to monitor the surrounding highways.

11.5 Members must decide whether the impact on the highway network and the proposed parking is acceptable.

12.0 Noise and amenity issues

12.1 Paragraph 180 of NPPF states that planning decisions 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.'

12.2 Policy S1.4 of the Local Plan General Development Principles states, amongst other things, that proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses adjoining premises and land uses.

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

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

12.5 The Manager of Environmental Health has concerns with regard to noise arising from the river activities and from road traffic noise affecting the proposed site. The applicant has submitted a Noise Assessment which has looked at noise levels from the river and the ferry terminal. The Manager of Environmental Health is of the view that the noise arising from the ferry terminal has not been assessed in accordance to the appropriate guidance and notes that noise levels are high. The noise assessment indicates that with acoustic treatment of the building design that the internal noise levels for habitable rooms can be achieved, with level of 30 dB as recommended for the residential bedrooms and 35 dB for living rooms. A number of enhanced insulation options are proposed for the building envelope. Due to the high external noise levels full details of ventilation will be required.

12.6 If the application is to be approved, the Manager of Environmental Health recommends conditions relating to the submission of a noise scheme that has considered noise from the ferry terminal and Clive Street; a sound attenuation scheme including window glazing to meet internal noise standards; details of ventilation to provide appropriate ventilation with windows closed to provide acceptable noise levels within the dwellings; hours of demolition and construction; and dust mitigation.

13.0 Biodiversity

13.1 Local Plan Policy S5.4 Biodiversity and Geodiversity and DM5.5 Managing effects on Biodiversity and Geodiversity relate to the borough's biodiversity and geodiversity resources and their protection, creation, enhancement and management and mitigation measures where required.

13.2 Policy DM5.6 Management of International Sites relates to development that is likely to have a significant effect on features of internationally designated sites, either alone or in combination with other projects. The nearby Northumbria Coast Special Protection Area and Northumbria Coast Ramsar Site are internationally designated sites.

13.3 The site is located within a wildlife corridor and adjacent to the River Tyne Local Wildlife Site (LWS) which could potentially be impacted by works associated with the scheme. The nearby Northumbria Coast Special Protection Area and Northumbria Coast Ramsar Site are internationally designated sites.

13.4 The Biodiversity officer has advised that the Ecological Appraisal submitted with the application has identified that building 2, the former office building, as being used by common pipistrelle bats as a roost site and that this is a probable post hibernation transitional roost. The report also notes that there are suitable hibernation features present within the building. The Biodiversity officer has advised that a Natural England development licence will be required prior to demolition works commencing and all works will then be completed in line with a detailed Natural England method statement; that the scheme has also recommended pole mounted maternity boxes to provide temporary roosts and hibernation mitigation and; that permanent mitigation within the new buildings should include two roost maternity bat boxes as well as a false wall and cavity to mitigate for the loss of hibernation features.

13.5 It is officer opinion that the demolition of the buildings will not have a detrimental impact on bat roosts found in the buildings provided conditions are imposed relating to the implementation of all measures set out in the Ecological Appraisal Report and details of pole mounted maternity boxes to provide temporary roosts and permanent maternity and hibernation roosts on the new building are submitted and agreed, and demolition does not take place during the bird nesting season.

13.6 The Biodiversity officer has advised that the Ecological Appraisal submitted with the application concludes that habitat on the site is limited and of negligible to low value for biodiversity. As otters are known to be present in this area of the Tyne, the report recommends that works are undertaken to a method statement to address any low risk of harm to otter. The Biodiversity officer recommends a

number of conditions which are set out in Appendix 1 including conditions relating to an otter method statement, lighting strategy and a Pollution Control Plan to prevent pollutants from entering the River Tyne.

13.7 The Biodiversity officer has advised that the shadow Habitats Regulations Assessment (sHRA) submitted for the scheme concludes that the scheme will not have a direct impact on the Northumbria Coast Special Protection Area and Ramsar, however, the increase in residents in combination with other developments in the area has the potential to result in an increase in recreational pressure at the coast and have an adverse effect on the SPA.

13.8 Potential recreational activities that could impact on the SPA include increased walkers from the development at the coast with dogs which could disturb nesting birds.

13.9 The sHRA concludes that with proposed mitigation measures set out within the report there will be no likely significant effects on the qualifying features and conservation objectives of the internationally designated sites as a result of the scheme. The mitigation proposed in the report is:

- Potential walking routes in the local area will be identified and highlighted to new residents
- Homeowner packs will be provided to new residents highlighting the designated sites and providing information to minimise impacts
- A financial contribution will be made to improve visitor access within local greenspaces, such as that at Northumberland Park ~1km north east of the development.

13.10 The Biodiversity officer has advised that there is not enough evidence to conclude that improvements at Northumberland Park would draw visitors away from the Coast SPA and therefore would not be sufficient to mitigate the impacts of the scheme on the Northumbria Coast SPA and Ramsar site. The applicant has now proposed a contribution of £10,000 towards a coastal mitigation service specifically for the SPA. This service will provide mitigation services including warden provision and associated facilities to mitigate the impact of recreational activity along the coast of North Tyneside.

13.11 The Biodiversity officer has no objection to the proposed development subject to the mitigation of provision of homeowner packs, advice to occupiers of potential walking routes and the appropriate financial contribution.

13.12 Natural England has no objection subject to appropriate mitigation so that the development does not have an adverse effect on the integrity of Northumbria Coast Special Protection Area. Natural England has advised that a contribution towards to a strategic access management and monitoring scheme for the Northumbria Coast Special Protection Area is required as well as the proposed mitigation set out in the sHRA.

13.13 It is officer opinion that with the proposed mitigation for recreational impacts, the proposed development will not have a significant effect on the Northumbria Coast SPA. It is officer opinion that the proposed development accords with policy S5.4, DM5.5 and DM5.6 of the Local Plan and the NPPF.

14.0 Drainage

14.1 A Flood Risk Assessment has been submitted with the application which has examined potential flooding issues and surface water management associated with the development. The site is within Flood Zones 1, 2 and 3.

14.2 Northumbrian Water have advised that they have no objection to the proposed development provided a condition is imposed that details of the disposal of foul and surface water are submitted.

14.3 The Environment Agency has advised that the development should only be carried out in accordance with the submitted Flood Risk Assessment and the following mitigation measures implemented:

- identification and provision of safe route(s) into and out of the site to an appropriate safe haven
- finished floor levels of habitable rooms are set at the 1 in 200 year flood level of 4.84m AOD with 600mm flood resilient measures incorporated into the development.
- finished floor levels of non habitable spaces below 4.84m AOD must be flood compatible and designed appropriately. This is to ensure a safe access and egress from and to the site; to ensure a safe and timely evacuation of the development if needed and; to reduce the risk of flooding to the proposed development and future occupiers.

14.4 The Drainage Officer has reviewed the developments flood risk and the potential impact to the neighbouring businesses/residential properties. He has advised that the development will discharge surface water from the site into the River Tyne unrestricted however the development will incorporate surface water attenuation for up to a 1in30yr rainfall event with a non-return flap valve on the outlet to prevent surcharging to the drainage system during times of high river levels when the outlet will be submerged.

14.5 The Drainage Officer has also advised that the former Porthole Public House has flooded in the past. Since the last event, the building has changed use and the accesses to the building have been altered to redirect surface water around the building. The surface water flow path, submitted by the applicant, will be directed around the proposed development's plots via an unobstructed route towards the River Tyne at the original ground level.

14.6 The Drainage Officer has no objections to the proposed development subject to conditions relating to details of foul and surface water drainage; proposed methods for mitigating against the risk of pollution to the River Tyne during the construction phase of the development; and mitigation measures set out in the FRA should be implemented.

15.0 Planning Obligations

15.1 Policy S7.1 General Infrastructure and Funding of the Local Plan states that new development may be required to contribute to infrastructure provision to meet the impact of new development through the use of planning obligations where it is not possible to address unacceptable impacts through the use of a

condition; and that contributions are fair, reasonable, directly to the development and necessary to make the application acceptable.

15.2 Policy DM4.7 of the Local Plan, which relates to affordable housing, states that the Council will seek 25% of new homes to be affordable on new housing developments of 11 or more dwellings taking into consideration specific site circumstances and economic viability. In all but the most exceptional cases the Council will require affordable housing provision to be made on-site.

15.3 Policy DM7.2 Development Viability states that if the level of contributions to fund infrastructure to support a new development would impact on the economic viability of a proposed development then robust evidence of viability should be provided.

15.4 The Council's revised Supplementary Planning Document LDD 8 on Planning Obligations was adopted in March 2018. Planning Obligations are required to ensure that new development appropriately mitigates site specific impacts on the physical, social and economic infrastructure of the borough. The SPD provides guidance on the type and extent of planning obligations that may be required in order to grant planning permission. They must be necessary and used directly to make a development acceptable.

15.5 A planning obligation must be lawful and comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. It must be necessary; directly related to the development; and fairly and reasonably related in scale and kind to the development.

15.6 Contributions were requested by service providers for parks, semi-natural green space, children's equipped play space, allotments, health facilities and for secondary and primary education, 2 apprentices or 0.5% of capital cost and 12 affordable housing units.

15.7 The applicant has submitted a Viability Assessment. Viability of the proposed development has been assessed and the assessment concluded that there is no scope for affordable housing or s106 contributions from the proposed development if the development is to be viable.

16.0 Local Financial Considerations

16.1 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).

16.2 The proposal involves the creation of 50no new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. North Tyneside Council is set to receive £503,860 in New Homes Bonus for the period 2018-19.

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

16.4 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.

17.0 Conclusion

17.1 The site is identified as a site for housing development on the Policies Map of the North Tyneside Local Plan 2017 and therefore accords with Policy S4.3. The proposal will contribute to the council's housing land supply.

17.2 It is officer opinion that the simple and contemporary design approach including the scale, height and layout is acceptable and that the relationship of the proposed development to the river, Clive Street and neighbouring properties is acceptable and although the layout and form of buildings varies from the historic and current layout of buildings on the site, the applicant has explained the design logic for this. It is officer opinion that the proposed development will bring a vacant, derelict and previously developed site back into use; and will sustain, conserve and, enhance the significance, appearance and character of the North Shields Fish Quay and New Quay Conservation Areas and the setting of the listed 11 New Quay, the former Porthole Public House.

17.3 It is officer opinion that the proposal is acceptable in parking and highway terms; will not have a significant adverse impact on adjacent residential or business properties; that acceptable internal and external noise environments within the proposed dwellings can be provided with appropriate noise mitigation measures; that the proposed mitigation for bats present in the existing buildings and impacts on the coast is acceptable. It is officer opinion that the proposed development accords with policies in the North Tyneside Local Plan and the National Planning Policy Framework.

17.4 Members must balance all the issues against the benefits of bringing this vacant site back into use and development that will enhance the significance, appearance and character of the Conservation Area.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate they are minded to approve the application and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application subject to:

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:
a contribution of £10,000 for a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area**

Members are requested to authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:

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

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

AL(0) LP01 rev 3 - Location Plan
AL(0) 01 rev 13 Proposed Site Plan
AL(0) 02 rev 5 Existing Site Plan
AL(0) 03 rev 8 Proposed and Existing Site Plan
AL(0) 10 rev 7 Block A, Block D and Town House Ground and First Floor
AL(0) 11 rev 8 Block A, Block D and Town House Upper Floor Plans
AL(0) 20 rev 9 Block B - Floor Plans
AL(0) 30 rev 11 Block C - Floor Plans
AL(0) 40 rev 4 Elevations - Block A, Block B, Town House
AL(0) 41 rev 6 Elevation Sections - Block A, Block D, Town House
AL(0) 42 rev 4 Elevations - Block B
AL(0) 43 rev 5 Elevations Block C
AL(0) 44 rev 4 Sections Block A,B,C
AL(0) 45 rev 2 Detailed Elevation / extract sample
AL(0) 50 rev 4 Site Sections
AL(0) 60 rev 6 Context Elevation South East
AL(0) 61 rev 5 Context Elevation North West
AL(0) 62 rev 5 Context Elevation North East Elevation
AL(0) 105 rev 2 Winter Solstice 3D sun path analysis
AL(0) 106 rev 2 Summer Solstice 3D sun path analysis
AL(0) 107 rev 2 Autumn-Spring Equinox sun path analysis
AL(0) 201 rev 10 Perspectives 01
AL(0) 202 rev 9 Perspectives 02
AL(0) 203 rev 7 Perspectives 03
AL(0) 204 rev 6 Perspectives 04
AL(0) 205 rev 5 Perspectives 05
AL(0) 206 rev 7 Perspectives 06
AL(0) 207 rev 7 Perspectives 07
AL(0) 209 rev 1 Perspectives 09
AL(0) 210 rev 3 Slot Views
AL(9) 01 rev 10 Landscaping Plan

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

2. Standard Time Limit 3 Years FUL

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3. Prior to the commencement of any demolition, a detailed methodology for the demolition works to the buildings shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect the adjacent listed building at 11 New Quay. The demolition method statement shall thereafter be implemented in accordance with the approved details.

Reason: This information is required pre development to ensure that the Local Planning Authority retains control over the demolition works in the interests of protecting the adjacent listed building from damage and protecting the character and appearance of Fish Quay Conservation Area having regard to policy S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

4. No demolition of no 26 Clive Street shall take place until a programme of architectural heritage recording of no 26 Clive Street has been completed in accordance with the specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to demolition works on no 26 Clive Street commencing.

Reason: To provide an archive record of no 26 Clive Street having regard to policy S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

5. Demolition, in the first instance, shall be to ground level only. The concrete floor within the factory can be lifted as part of the demolition. There should be no other ground disturbance, foundations should not be grubbed up and ground levels shall not be lowered until a programme of archaeological fieldwork has been agreed in writing by the Local Planning Authority in accordance with condition 16.

Reason: To prevent buried archaeological remains from being damaged during demolition works having regard to policy DM6.7 of the North Tyneside Local Plan 2017 and the NPPF.

6. All works undertaken on site shall be carried out in accordance with the measures set out in Sections H2.2; H2.3 and H.3 of the Final Ecological Appraisal by E3 Ecology Ltd dated 14 September 2018.

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

7. Before demolition works commence on site, details of pole mounted maternity bat boxes to provide temporary bat roost sites shall be submitted to and agreed in writing by the Local Planning Authority and shall include the specification and location of the maternity boxes as well as the timing of their installation. The pole mounted roost boxes shall be installed prior to demolition commencing on site of Building 2 (the former office building) and Building 3 (the former factory building) and can be installed after demolition of Building 1 (26 Clive Street) and shall be retained until permanent roosts on and within future buildings on the site are provided.

Reason: To mitigate for the loss of bat roost sites on the site and to provide temporary bat roost sites before demolition of all buildings on the site and until new development takes place in the interest of biodiversity and having regard to planning policy DM5.5 of the North Tyneside Local Plan 2017 and the NPPF.

8. No demolition works shall take place during the bird nesting season (March to August inclusive) unless a suitably experienced ecologist has confirmed the absence of active nests.

Reason: In the interest of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan and the NPPF.

9. Prior to commencement of demolition a scheme setting out the timescales for demolition, works to river wall and commencement of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. If remediation ie the making good of the site after demolition but before construction of the residential development commences is required because works cease on the site for more than six months, then a remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include how the site will be made good (ie materials and layout), details of a boundary enclosure, a timetable for remediation of the site, and how it will be maintained. Thereafter the remediation shall be carried out in accordance with the agreed details.

Reason: To ensure that the Local Planning Authority retains control over remediation of the site after demolition to preserve the character and appearance of the conservation area having regard to policy S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

10. There shall be no demolition or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

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

11. No demolition shall commence until a Method Statement for the duration of the demolition of the site 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 demolishing the buildings; 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 demolition. The approved statement shall be implemented and complied with during and for the life of the works associated with the demolition of the site.

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

12. No demolition works shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Demolition shall not commence on any part of the site until these agreed measures are fully operational for the duration of the demolition. 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 adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

13. Contaminated Land Investigation Housing CON00 *
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14. Prior to development commencing on site a Pollution Control Plan (or CEMP) shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented.

Reason: To prevent pollutants from entering the River Tyne having regard to policy DM5.19 of the North Tyneside Local Plan 2017.

15. Before development commences on site, an Otter Method Statement to address the low residual risk of harm to the species, shall be submitted to the Local Planning Authority and implemented thereafter.

Reason: To prevent harm to otters having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

16. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been submitted to and agreed in writing by the Local Planning Authority and the archaeology fieldwork has been completed. The fieldwork shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded in accordance with Policies S6.5, DM6.6 and DM6.7 of the North tyneside Local Plan and the NPPF.

17. 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.

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.

18. No development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. 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 adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

19. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

The scheme for surface water management by means of a Sustainable Urban Drainage System shall include:

- Information about the design storm period and intensity
- Provision for climate change
- Method of attenuation
- Measures to control the discharge rate into the surrounding network
- Measures taken to prevent pollution into the surrounding network both during the construction period and on completion of the development
- Provision of a management and maintenance plan for the lifetime of the development

This scheme shall be implemented in accordance with the approved details prior to occupation of any part of the development and retained thereafter.

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

20. No works shall be undertaken to the river wall until conditions set out in planning application 13/00346/FUL have been approved and in particular

archaeological building recording of the river wall has taken place in accordance with condition 3.

Reason: To provide an archive record of the historic structure having regard to policy S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

21. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 16 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policies S6.5, DM6.6 and DM6.7. of the North Tyneside Local Plan 2017 and the NPPF.

22. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified as being of potential archaeological interest. The publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance in accordance with policies S6.5, DM6.6 and DM6.7. of the North Tyneside Local Plan 2017 and the NPPF.

23. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2018 by Patrick Parsons and the following mitigation measures detailed within the FRA:

a) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

b) Finished floor levels of habitable rooms are set at the 1 in 200 year flood level of 4.84mAOD with 600mm flood resilient measures incorporated into the development.

c) Finished floor levels of non-habitable spaces below 4.84mAOD must be flood compatible and designed appropriately.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure safe access and egress from and to the site and to ensure a safe and timely evacuation of the development if needed.

To reduce the risk of flooding to the proposed development and future occupants having regard to policy DM5.12 of the North Tyneside Local Plan 2017.

24. The development shall be built in accordance with the levels shown on the approved plans set out in Condition 1 unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: In the interest of protecting mammals having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

26. Restrict Hours No Construction Sun BH HOU004 *

27. No piling activities within the site shall take place outside the hours of 10.00 - 16.00 Monday to Friday and 10.00 - 14.00 on Saturdays with no piling on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

28. Gas Investigate no Development GAS006 *

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

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

30. No construction above ground level shall take place, until the following details and a timescale for their implementation have been submitted to and approved in writing by the Local Planning Authority:

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

Thereafter, these agreed works shall be carried out in accordance with the agreed timescales and retained thereafter.

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

31. Exist Access Closure Misc Points By ACC017 *

32. Prior to occupation of the dwellings hereby approved, visibility splays shall be provided on both sides of the access between a point 2.4metres along the centre line of the access measured from the edge of the carriageway and a point 33 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall

thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

33. 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).

34. 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).

35. Prior to installation of any sound attenuation, a noise scheme that has a) considered noise arising from the North Shields Ferry Terminal and Clive Street and b) provides details of the window glazing, in accordance with the noise report ref: PP/RF/001 dated 21 December 2017 by LA Environmental Consultants shall be submitted to and approved in writing by the Local Planning Authority. The noise scheme shall include details of glazing to be provided to all habitable rooms in the development to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq for daytime as described in BS8233:2014 and the World Health Organisation community noise guidelines. The approved scheme shall be carried out in full, prior to occupation of the dwellings hereby permitted and retained thereafter.

Reason: To protect the occupants of the residential properties from noise and disturbance from the ferry terminal and activity on Clive Street having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

36. Prior to installation of any ventilation, details of the ventilation scheme for all habitable rooms in the development shall be submitted to and agreed in writing by the Local Planning Authority. The ventilation scheme shall ensure an appropriate standard of ventilation with windows closed. Where the internal noise levels specified in BS8233 are not achievable, with windows open, due to the external noise environment, an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Ventilation of the development hereby permitted shall be carried out in accordance with the approved scheme prior to occupation of the dwellings hereby permitted and retained thereafter.

Reason: To protect the occupants of the residential properties from noise and disturbance, to ensure good ventilation without recourse to opening windows, having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

37. Notwithstanding any indication of materials which may have been given in the application, no construction above ground level shall take place until a schedule and/or samples of all external finishing and surface materials for the development 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 secure a satisfactory external appearance and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

38. Prior to installation of any balcony balustrading, details of the balcony balustrading shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the balcony balustrading shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017)

39. Prior to installation of the two balconies on Block B at first and second floor level immediately adjacent to Swan Quay, details of screens to the balconies shall be submitted to and agreed in writing by the Local Planning Authority. The screen of minimum height 1.8 shall be such that there shall be no overlooking of properties in Swan Quay. Thereafter the balcony screens shall be implemented in accordance with the approved details.

Reason: To protect the amenities of occupiers Swan Quays immediately adjacent to balconies on the north east corner of Block B of the proposed development having regard to policy S1.4 and DM6.1 of the North Tyneside Local Plan (2017)

40. No construction above ground level shall commence until details of rainwater goods have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the rainwater goods shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

41. No construction above ground level shall commence until details of external features including extract vents, flues, meter boxes etc including location and type, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the vents, flues, meter boxes etc shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

42. Notwithstanding any indication of the garage doors which may have been given in the application, garage doors shall not be installed until details of the garage doors 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 secure a satisfactory external appearance and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

43. Notwithstanding any details of means of enclosure which may have been given in the application, no means of enclosure shall be erected until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. The approved details shall thereafter be retained.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

44. Refuse storage for household waste and recycling shall be provided in the bin stores as shown on the approved drawings prior to occupation of the dwellings and shall thereafter be permanently retained. The facilities shall include the provision of wheeled refuse bins. No bins shall be stored outside properties other than for bin collection day. On bin collection day, bins shall be stored in the location shown on the approved plans.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5, DM6.6 and DM7.9 of the North Tyneside Local Plan (2017).

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

Reason: In the interests of highway safety having regard to policy DM7.4 and DM7.9 of the North Tyneside Local Plan 2017

46. No part of the development shall be occupied until a scheme to manage parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

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

47. No part of the development shall be occupied until a detailed methodology of monitoring the surrounding highways has been submitted to and agreed in writing by the Local Planning Authority. This monitoring shall commence upon full occupation of the development and continue for a period of 12 months. Once this monitoring has taken place and the results submitted to and analysed by the Local Planning Authority, any mitigation required by the Local Planning Authority will be implemented at the expense of the applicant.

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

48. Notwithstanding any details of landscaping which may have been given in the application and prior to the commencement of any landscaping, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and timing of native tree and shrub planting (that provides habitat for insects and foraging bats), tree pit details and ground preparation, include species and size of trees, and a schedule of works and maintenance operations. Thereafter the landscaping scheme shall be implemented in accordance with the approved scheme. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping, provide habitat for insects and foraging bats to contribute to the functioning of the wildlife corridor. and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policy DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

49. Prior to installation of the maternity roost bat boxes, details of two permanent NHBS Improved Roost-Maternity Bat Boxes (or similar) shall be submitted to and agreed in writing by the Local Authority. Details shall include the specification and location of the maternity boxes as well as the timing of their installation. The maternity boxes shall be installed on the buildings at the time and location and in accordance with the details agreed and retained thereafter.

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

50. Prior to the installation of the false wall and cavity to be built into a section of the new buildings to mitigate for the loss of hibernation features, details of the false wall and cavity shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the design and location of the features. The false wall and cavity shall be installed prior to completion of each building where a location is agreed and shall be retained thereafter.

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

51. All residents of the development shall be provided with a homeowner information pack to explain the ecological importance of the coast and potential walking routes in the local area. Details of the homeowner information pack must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development, and the agreed pack must be distributed to all future residents prior to, or on commencement of their occupation.

Reason: To mitigate the impact of additional visitor number of the Northumberland Coast SPA and Northumberland Shore SSSI; in the interests of ecology, having regard to the NPPF and Policy DM5.5 and DM5.6 of the North Tyneside Local Plan.

52. Prior to commencement of the construction of the buildings, details of glazing in the buildings on the river frontage shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Port of Tyne. Thereafter the glazing shall be installed in accordance with the approved scheme and retained thereafter.

Reason: To reduce the impact of large areas of glazing for the safety of river traffic having regard to policy DM6.1 of the North Tyneside Local Plan 2017

53. No floodlighting or other form of external lighting, shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. The lighting details must a) take into account the impact on river safety and b) demonstrate that external lighting minimises impacts on bats particularly in the use of the roost features on the site. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interest of river safety, biodiversity and highway safety having regard to policy DM6.1, S6.5, DM6.6 and DM5.5 of the North Tyneside Local Plan (2017)

54. Notwithstanding the details submitted, prior to construction of any dwelling details of compliance with the housing and accessibility standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

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

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

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

implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

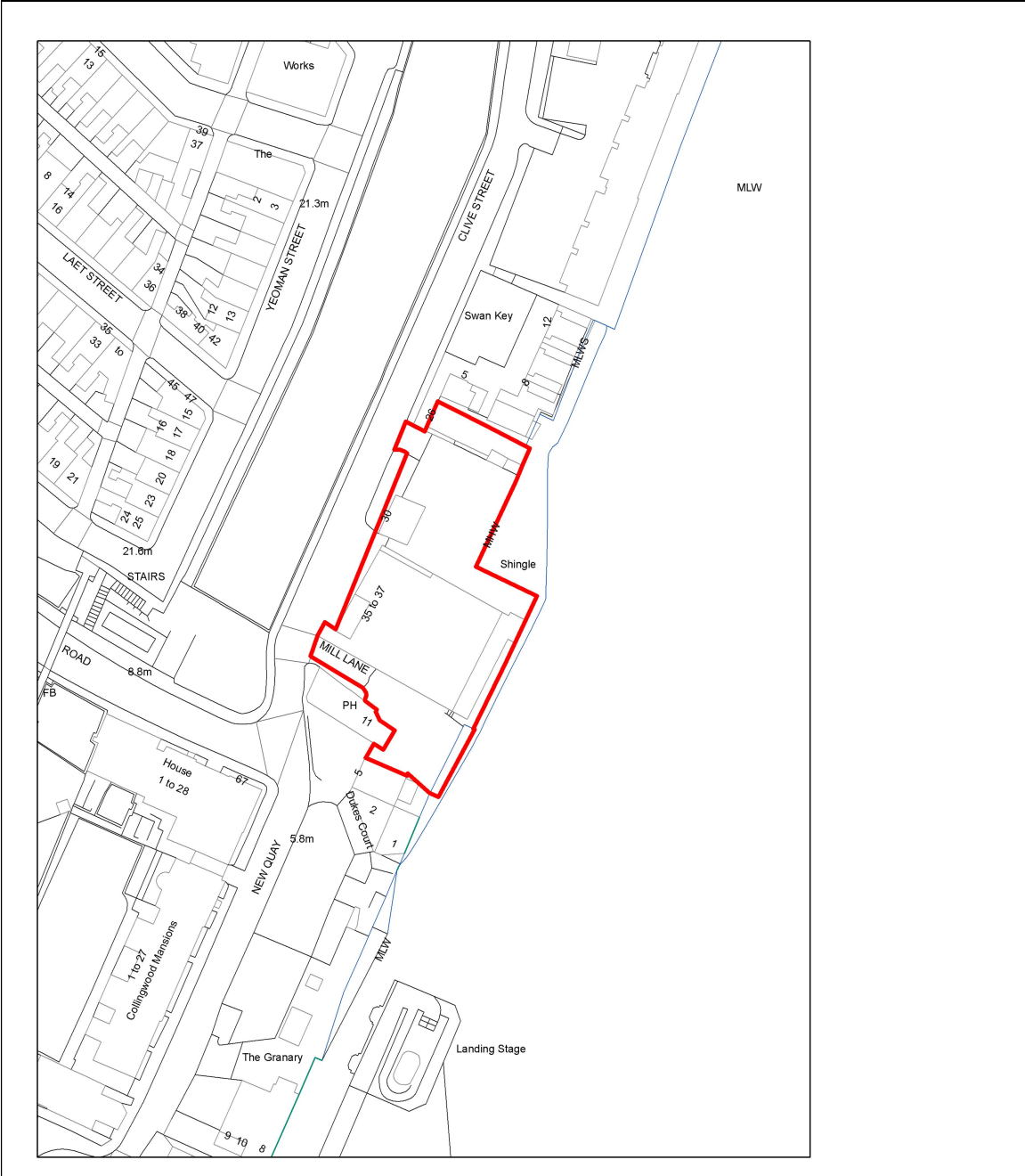
The applicant is advised that future residents may not be entitled to a parking permit under the councils residential permit scheme and the onus is on the developer to inform end users of this. For further information contact the Parking Control Team: parkingcontrol@northtyneside.gov.uk (0191) 643 2121

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.

The applicant is advised that some of the parking bays do not meet recommended reversing distance of 6.0m and the onus is on them to advise future residents of this and deal with any problems that arise in terms of manoeuvrability within the site.

Demolition works should not commence until the relevant licence from Natural England has been obtained.

Building Regulations Required (I03)



Application reference: 18/00300/FUL
Location: 26 - 37 Clive Street, North Shields, Tyne And Wear, NE29 6LD
Proposal: Demolition of the former North East Rubber Company factory buildings and construction of three residential apartment blocks, comprising of 49no one and two bedroom apartments and 1no two bedroom townhouse and associated parking provision (Various amendments received 8.06.18 including reduction in the no of dwellings, reduced height of block C, omission of 4 under croft parking spaces and elevation details).

Not to scale

Date: 06.12.2018

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Appendix 1 – 18/00300/FUL

Item 5

Consultations/representations

1.0 Internal Consultees

1.1 Road Network Manager

1.2 The site is accessed from Clive Street and allocated parking has been provided in accordance with current standards. Whilst there is no visitor parking provision, it is considered appropriate in this location as on-street & off-street parking is available in the vicinity of the site. Cycle parking has also been provided and the site has reasonable links with public transport and the town centre. For these reasons and on balance, conditional approval is recommended.

1.3 The applicant will be required to enter into a Section 278 Agreement for the following works:

New access

Upgrade of footpaths abutting site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

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

1.5 The following conditions are recommended:

ACC11 - New Access: Access prior to Occ

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

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

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

And conditions to agree schemes manage parking and refuse collection and detailed methodology of monitoring the surrounding highways which shall commence on full occupation of the development and continue for 12 months of the site to determine whether any mitigation is required by the LPA.

1.6 The following informatives are recommended:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

The applicant is advised that future residents may not be entitled to a parking permit under the councils residential permit scheme and the onus is on the developer to inform end users of this. For further information contact the Parking Control Team: parkingcontrol@northtyneside.gov.uk (0191) 643 2121

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.

The applicant is advised that some of the parking bays do not meet recommended reversing distance of 6.0m and the onus is on them to advise future residents of this and deal with any problems that arise in terms of manoeuvrability within the site.

1.7 Lead Local Flood Officer

1.8 I have reviewed the developments flood risk and the potential impact to the neighbouring businesses/residential properties. The Environment Agency had initially requested that the developers raise the finished floor levels to 600mm above a 1in200 yr flood event. This would put the finished floor levels at 5.44m AOD which would mean the height of the roof eaves would be higher than the surrounding buildings. As a result of this the developer had further discussions with the EA and they have agreed the finished floor levels can be set at the same height of a 1in200yr flood event which in this location will be 4.84m AOD. In order to provide additional protection to the development the first 600mm of construction will utilise flood resilient construction materials which are detailed in section 4.33 of the applicants FRA.

1.9 The development will discharge surface water from the site into the River Tyne unrestricted however the development will incorporate surface water attenuation for up to a 1in30yr rainfall event with a non-return flap valve on the outlet to prevent surcharging to the drainage system during times of high river levels when the outlet will be submerged.

1.10 The applicant has submitted details relating to overland surface water flow routes which occur during a large rainfall event in this area which has resulted in flooding in the adjacent former Porthole PH in the past. Since the last event, the building has changed use and the accesses to the building have been altered to redirect surface water around the building. The surface water flow path, submitted by the applicant, will be directed around the proposed development's plots via an unobstructed route towards the River Tyne at the original ground level.

1.11 Conditions are recommended relating to details of foul and surface water drainage including details of the development's drainage strategy and also the proposed methods for mitigating against the risk of pollution to the River Tyne during the construction phase of the development.

1.12 The Environment Agency has also recommended that 'A flood evacuation plan demonstrating safe access and egress, should be prepared and approved by the emergency planners at North Tyneside Council'. This should also be conditioned.

1.13 Design and Heritage comments

1.14 The proposed scheme is based on a good analysis of the site and would be a positive addition to the conservation area when compared to the condition of the existing site and buildings.

1.15 The scheme comprises of 3 separate accommodation blocks extending between 2 and 4 storeys. The general scale and height of the scheme is considered acceptable. Although the layout and form of buildings varies from the historic and current layout of buildings on the site, the applicant has explained the design logic for this. The layout responds to the river, Clive Street and neighbouring buildings. The architectural design approach is simple and contemporary with an acceptable palate of materials proposed.

1.16 Significant concerns remain about the quality and design of the slot views which form part of the layout. These are a key design principle for new development as set out in the Fish Quay Neighbourhood Plan. The site currently has existing slot views of the river from Clive Street. Some of these relate to the historic layout of the site and reflect the former quays which once gave access to and from the river for pedestrians. The following slot views form part of the proposed scheme:

- Shepherds Quay slot view which is approximately in the middle of the site. This is not in the exact historic location but the proposed location has been agreed with the applicant.
- A narrow lane slot view to the north of the site adjacent to Swan Quay.
- Slot view in front of the Porthole down towards the river.

Each of the slot views will be blocked at ground level by car parking and bin collection areas. This is particularly of concern at Shepherds Quay slot view which provides the largest and most open views out of the site. It is considered that the car parking strategy and resultant blockage of the slot views will negatively impact the street scene. These concerns have been discussed with the applicant who has been unable to address the concerns in the current layout.

1.17 There have been a number of concerns about the accuracy of drawings provided by the applicant showing that a river view will be maintained from Yeoman Street. The updated drawings appear to be accurate and address earlier concerns.

1.18 Block C is located next to the listed Porthole and fronts onto Clive Street. There were concerns about the height of this block which were raised with the applicant – Block C has been reduced in height and now has an appropriate

relationship with the listed Porthole. Block C does not have an active ground floor onto Clive Street due to car parking within the ground floor of the building. This results in a lack of an active frontage along Clive Street. This will not contribute towards the appearance of the street or the safety of pedestrians.

1.19 A heritage assessment has been carried for the site. The most historic parts of the site are 26 Clive Street and specifically the 2 storey element facing the River Tyne. The assessment suggests that the plot is derived of an older building but concludes it to be low architectural/aesthetic interest. After visiting the site, the 2 storey building has some interesting brickwork and original openings are still visible. The buildings has however been heavily altered and I accept the loss of this building.

1.20 Overall the redevelopment of the site will improve the setting of the nearby listed buildings (Porthole and Collingwood buildings) and improve the character and appearance of the conservation area, however the scheme does not take full advantage of the opportunities for a high quality design. In particular it is disappointing that the scheme has not been able to achieve a more sensitive parking strategy to keep slot views open.

1.21 Manager of Environmental health

1.22 a) Pollution

1.23 I have concerns with regard to noise arising from the river activities and from road traffic noise affecting the proposed site.

1.24 I have viewed the noise assessment report. I note that the noise monitoring location 2 for the assessment of the river activities was located away from the western part of the site that would be closest to the North Shields Ferry Terminal. The noise arising from the use of the ferry terminal has not been assessed in accordance to the appropriate guidance. I would require that this is fully assessed in accordance to BS4142 guidance to ensure the noise arising from the Ferry Terminal is fully determined. I also have concerns that the weather conditions reported during the monitoring were not suitable due to snow and rain being reported.

1.25 However, it is noted that the noise levels from the monitoring are high and will require noise amelioration measures to be incorporated into the design. The noise assessment indicates that with acoustic treatment of the building design that the internal noise levels for good habitable room can be achieved, with level of 30 dB is recommended for the residential bedroom and 35 dB for living rooms. A number of enhanced insulation options are provided for the building envelope. Due to the high external noise levels full details on the ventilation will be required with the application.

1.26 If planning consent is to be given the following conditions should be imposed:

Prior to occupation submit and implement on approval of the local Planning Authority a noise scheme that has considered noise arising from the North Shields Ferry Terminal. Details of the sound attenuation scheme must be provided, including the window glazing to be provided to habitable rooms as

outlined in noise report reference PP/RF/001 to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines.

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

1.27 Conditions relating to hours of demolition and construction and mitigation for dust should also be imposed.

1.28 b) Contaminated Land

1.29 There is an area of unknown filled ground within 250m of the site. Due to this and to the proposed sensitive end use, conditions relating to investigation and mitigation, if required, for gas and contamination should be imposed.

1.30 Landscape Advice

1.31 There is no significant (existing) landscape infrastructure within the application area, although opposite the site to the west is a steep planted up embankment, containing ornamental shrubs and small tree groupings.

1.32 The landscape pattern appears fine within the context of a visual landscape element, which helps to delineate the external spaces and parking areas however, their protection from over parking in the bays will be a problem within the limited space available. The tree groups should all be protected with further defensible knee-height or tree guard structures to avoid 'over-parking' adjacent to the parking bays. Without the inclusion of these defensive measures the trees will inevitably be vulnerable to damage from vehicles and unlikely to establish successfully.

1.33 Tree planting to the west of Block B and along Clive Street is shown (4no trees). Whilst area for any meaningful planting is limited there is the possibility of off-site planting to the west of Block C along Clive Street. Any planting here would be of greater visual benefit which would complement the development and to also facilitate visual buffering with the built form in the adjacent Conservation Area as well as providing a level of biodiversity to enhance the wildlife corridor.

1.34 Recommend a condition relating to submission of a detailed landscape scheme to include details and timing of tree and shrub planting, tree pit details and ground preparation and including species and size of trees. Also schedule of works and maintenance operations.

1.35 Biodiversity Advice

1.36 The above site is located along the riverside at Clive Street, North Shields and includes the redundant North Eastern Rubber Company buildings. To the south and east of the site lies the River Tyne and to the north and west, Clive Street and a landscaped embankment that leads up to Yeoman street and residential buildings. There is little landscaping on the site, the majority of the site consisting of hard standing and industrial buildings. The site, however, is located within a wildlife corridor and adjacent to the River Tyne Local Wildlife Site (LWS) which could potentially be impacted by works associated with the scheme.

1.37 The shadow Habitats Regulations Assessment (sHRA) submitted for the above scheme concludes that the scheme will not have a direct impact on the Northumbria Coast SPA and Ramsar. However, the increase in residents in combination with other developments in the area has the potential to result in an increase in recreational pressure at the coast and have an adverse effect on the SPA. The report concludes that if the proposed mitigation measures set out within the report are implemented, there will be no likely significant effects on the qualifying features and conservation objectives of the Natura 2000 sites as a result of the scheme. The following mitigation has been recommended:-

- Potential walking routes in the local area will be identified and highlighted to new residents
- Homeowner packs will be provided to new residents highlighting the designated sites and providing information to minimise impacts
- A financial contribution will be made to improve visitor access within local greenspaces, such as that at Northumberland Park ~1km north east of the development.

1.38 It is the opinion of the Local Authority that the mitigation measures proposed in the sHRA (above) are not sufficient to mitigate the impacts of the scheme on the Northumbria Coast SPA and Ramsar site as these measures will not prevent recreational impacts on the coast and there is not enough evidence to conclude that improvements at Northumberland Park would draw visitors away from the SPA. Therefore, a financial contribution will be required towards a coastal mitigation service specifically for the SPA in combination with the proposed mitigation measures above relating to homeowner packs and walking routes.

1.39 The Ecological Appraisal submitted for the application concludes that habitat on site is limited and of negligible to low value for biodiversity. Otters are known to be present in this area of the Tyne; therefore, the report recommends that works are undertaken to a method statement to address any low risk of harm to otter. The report also concludes that locally common species of bird may nest within the habitats and buildings on site and shoreline habitats surrounding the site have a very low potential to be used by rarer species, although the small size of these habitats is likely to make them unsuitable.

1.40 The Ecological Appraisal (August 2018) also details the findings of a bat risk assessment and bat activity surveys undertaken on the buildings identified for demolition. A bat risk assessment was undertaken on the 3 buildings on site in November 2017 and concluded that these were all low risk, The subsequent bat activity survey that was undertaken on 10th May 2018 indicated that building 2

was being used by at least 25 common pipistrelle bats with 3 roost locations noted around the building. Further emergence surveys undertaken on 31st May and 21st June recorded no emerging bats. The report concludes from the results that building 2 is being used by a small colony of pipistrelle bats as a probable post hibernation transitional roost. The report also notes that there are suitable hibernation features present within the building.

1.41 In light of the above, a Natural England development licence will be required prior to works commencing and all works will then be completed in line with a detailed Natural England method statement. The scheme has recommended pole mounted maternity boxes to provide temporary roost and hibernation mitigation. Permanent mitigation within the proposed new buildings includes two Roost-Maternity bat boxes or similar as well as a false wall and cavity to mitigate for the loss of hibernation features.

1.42 I have no objection to the above scheme subject to an appropriate financial contribution being secured towards a coastal mitigation service for the impacts on the Northumbria Coast SPA. The application should not be approved until this contribution and any other means of mitigation for the impacts on the SPA have been agreed.

1.43 The following conditions set out below should also be attached to the application:-

- To undertake all measures set out in Sections H2.2; H2.3 and H.3 of the submitted Ecological Appraisal Report (E3 Ecology 2018 Final)
- Works on site to building 2 will not commence until a Natural England development licence has been obtained. Works will then be completed in line with a detailed Natural England method statement, which will include appropriate timing of works and working methods in relation to building demolition.
- Details of the pole mounted maternity boxes to be installed on site prior to demolition to provide temporary roost sites must be submitted to the Local Authority for approval prior to development commencing. Details must include the specification and location of the maternity boxes as well as the timing of their installation.
- Details of the two permanent NHBS Improved Roost-Maternity Bat Boxes (or similar) to be installed on the buildings post completion must be submitted to the Local Authority for approval prior to development commencing. Details must include the specification and location of the maternity boxes as well as the timing of their installation.
- Details of the false wall and cavity to be built into a section of the new build to mitigate for the loss of hibernation features must be submitted to the Local Authority for approval prior to development commencing. Details must include the design and location of the features.
- Demolition works to any of the buildings will not be undertaken during the bird nesting season (March to August inclusive) unless a suitably experienced ecologist has confirmed the absence of active nests.
- A lighting strategy must be submitted to the Local Authority for approval prior to development commencing. This must demonstrate that external lighting minimises impacts on bats, particularly use of the proposed roost features.

- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
 - A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. Landscaping must include native planting that provides habitat for insects and foraging bats and contributes to the functioning of the wildlife corridor.
 - Works will be undertaken to an other Method Statement to address the low residual risk of harm to the species. Details to be submitted to the Local Authority prior to development commencing.
 - A Pollution Control Plan (or CEMP) must be submitted to the Local Authority for approval prior to development commencing detailing appropriate measures to prevent pollutants from entering the River Tyne.
- Potential walking routes in the local area will be identified and highlighted to new residents in order to minimise impacts on coastal designated sites. Details of these routes and the information to be provided to residents must be submitted to the Local Authority for approval prior to development commencing.
- Homeowner packs will be provided to new residents highlighting the sensitivity of coastal designated sites and providing information to minimise impacts. Details of these packs must be submitted to the Local Authority for approval prior to development commencing.

1.44 Manager of Regeneration

1.45 The Regeneration Team supports the development of the former Rubber Factory site for residential use in principle, in line with the North Tyneside Councils Local Plan, North Shields Fish Quays Neighbourhood Plan and North Shields Fish Quays Conservation Area Statement. However, there are concerns over the design, scale, massing and layout of the proposed residential blocks that will accommodate 54 dwellings.

1.46 It is considered that very little attention has been given to ensuring the new development is in keeping with the high quality, traditional developments that surround the site, including the listed former Porthole public house (now Blake Hopkinson architecture), Collingwood Mansions nor the retained Lillie and Gillie building which faces onto Clive Street. Furthermore, very few cues have been taken from the existing industrial buildings on site, which although are in some state of disrepair do have some design interest, including the site layout and the varied saw toothed roof design. Other forms of design cues could have also been taken from further afield within the Fish Quay conservation area, including Union Quay and Clifford's Fort.

1.47 When referring to the North Shields Fish Quay Neighbourhood Plan supplementary planning document for the Fish Quay, pages 22 and 23 of the document include numerous recommendations which the proposed development does not adhere to, including:

1.48 - 4.5 The Height of New Development

The existing Rubber Factory building is a maximum of three storeys in height, whilst the replacement development is mostly four storeys, so the proposal fails to adhere to note 4.5.1. Furthermore, the proposal is mostly four storeys along the river edge, with very little variation and therefore also fails to comply to 4.5.2,

which seeks some lower heights abutting the river. 4.5.5 states that any new developments should not be detrimental to existing landmark buildings. It is considered that the design, scale, massing and layout of the proposal will have a significantly detrimental impact upon the adjoining listed building to the west currently occupied by Blake Hopkinson architecture. 4.5.6 notes that new developments should not obscure views of the river from the top of the banks, which given the increase heights and location to the edge of the river, the proposal will not achieve.

1.49 - 4.6 The Massing and Orientation of New Development

The new development fails significantly on all elements. The proposal does not create any focal points whatsoever, does not protect a linear public area along the waterfront, does not protect and reflect the varied and random heights, massing and orientation of the existing building on the site nor those in the surrounding area and does not reflect the historic development pattern. These are fundamental design elements that have been missed all together.

1.50 - 4.7 The Form and Shape of New Development

Whilst the proposal is angular and blocky in form it does not involve a mixture of roof forms, including pitched roofs, there are only bland flat roofs which are not in keeping with the existing building on the site nor surrounding key buildings and would significantly detract from the appearance of the conservation area when viewed from the top of the banks. The development has an office block appearance rather than a high quality residential development reflecting its location within a conservation area and close to numerous listed buildings. The proposal also does not better define the existing streets and spaces, with only a token four trees and some benches used as landscaping on a small area of the internal of the site. The proposal should look to introduce a greater streetscape benefit for the wider area. This is an opportunity missed.

1.51 - 4.8 The Scale of New Development

The proposal does not maintain and enhance the intimate relationship between buildings and street. The proposal is very much orientated to the river, with the one block that is along Clive Street having no inclusion of street tree planting or street furniture and abuts the street with ground floor garages, which look both unsightly and provide an inactive street scene. No attention has been paid to the detail of buildings at pedestrian level and this is reflected in the garages along Clive Street manifesting in what appears to be a very poor public realm. Although the applicant has submitted some carefully chosen street view photomontages of how the new development will look, it is considered that these are not a true reflection of the impact of the development on the surrounding area and that the proposal would swamp and detract from the former Porthole public house (now Blake Hopkinson architecture). The proposal also doesn't create any interest or surprise but rather feels like three large modern office blocks, within no consideration to the surrounding area, have been planted on the site to maximise dwelling numbers.

1.52 - 4.9 The Materials and Colour of New Development

The proposal fails to use materials that are sympathetic to the surroundings. The surrounding pallet of materials and colours are traditional brick and muted pastel coloured renders with some timber cladding. The proposal uses of lots of grey

cladding and glass, which gives an appearance of a standard modern office block and does not reflect the design or materials of the existing buildings on site nor the surrounding natural, traditional and varied building appearances. The proposal is a stark contrast to the conservation area and would stand out for all the wrong reasons.

1.53 In summary, it is considered that whilst the site is in need of redevelopment for residential use, the applicant/agent has missed the mark on a significant number of items as set out in the above supplementary planning document as well as the Design Quality Supplementary Planning Document.

1.54 Operations Manager (Refuse Collection)

No objection to bin collection points and refuse vehicle trace path indicated on plans.

2.0 Representations

12 letters from 9 addresses objecting on the following grounds:

- Impact on landscape
- Loss of visual amenity
- Inappropriate in special landscape area
- Out of keeping with surroundings
- Will result in visual intrusion
- The height of the development higher than existing building. Will increase part of the rubber factory "saw-tooth" pinnacle by 2.1 metre which will effectively compromise the views for many residents and visitors to the area. Blocks B and C will block river views. FQNP states height of new development should be 'punctuation' rather than 'sentence'. Developments of Dolphin Quays and Duke's Court (Swan Quay?) have seen views disappear.
- Blocks B and C will obscure the one remaining open view of the Tyne between here and the Fish Quay
- object to high rise buildings in narrow street
- the view to the general public in this area is important. Attracts visitors/tourists providing benefits to local businesses. Vista of the estuary should not be compromised.
- Yeoman Street is one of viewing places for events such as tall ships festival. This view is being lost and development will it reduce further.
- photograph from Yeoman Street has not been taken from street level
- FQNP refers to heights of new development including 'as low as one to two storeys nearer the waters edge' and 'should not obscure the views of the quays and river from the top of the banks'
- The adopted Fish Quay Neighbourhood Plan FQNP (2013) laid out a vision for the future of this area. That it should be a vibrant, distinctive mixed use community. Development on the Fish Quay has seen the creation of high rise apartment blocks with no amenities blocking views of the river for visitors. This development does the same. The proposal does not match the spirit of the FQNP.
- Lack of amenities. No provision of shops or leisure spaces. New development in this area of the Fish Quay has been all residential not

mixed use. There has been no retail opportunities and no tourism and leisure short stay accommodation.

- the listed Porthole PH will be swamped and development will be higher than the Porthole. Para 4.8.3 of the FQNP.
- not clear how 4 and 5 storey blocks contribute architecturally to the heritage aspect of the area. 5 storey block only one storey less than that rejected in 2004. A 4 storey block (Block B) will replace a 2 storey building and open space.
- no architectural benefit. Unsympathetic to the surrounding area
- proposal looks like office blocks and do not enhance the neighbourhood
- Area is one large car park for ferry users and visitors not wanting to pay and display particularly on Clive Street and Borough Road. Only one parking space proposed per dwelling. No parking for visitors. Some units will have more than one car. Where will overspill for this development go? Could extend to Waldo Street and Yeoman Street. 54 spaces is not enough. Parking will be night and day.
- Clive Street is relatively narrow and already cars park on it. Proposed development will add to the congestion. Traffic flow will increase substantially once Smith's Dock opens onto Borough Road and from other developments on the Fish Quay. Issues for delivery vehicles and other commercial transport.
- Transport Survey submitted with the application does not take into account future traffic flows from 820 or so properties on Smith's Dock
- How does proposed development widen Transport Choice (FQNP)? Will there be provision for electric vehicle recharging?
- Toxic exhaust fumes will build up in this area
- will this development meet housing needs of North Tyneside? Houses built on the adjacent site at Swan Quay are higher specification executive homes which have not been sold and remain unoccupied. These have not addressed the housing needs of North Tyneside nor added to the appearance of Clive Street and residents have lost their views of the river
- no affordable housing proposed although needed in North Tyneside
- High cost homes not required in area. Dukes Court (Swan Quay?) not occupied
- Are these 54 dwellings necessary when so many being built at Smith's Dock and Bell Street?

Some of the objectors support the principle of development of the site

2.1 Three objection letters from 2 businesses in former Porthole Public House

Support the principle of the development

- object to the townhouse, Block D (2 and 3 storey) and associated parking directly in front of our office and meeting room windows. which will be overbearing not only for us but also residents of 4 Dukes Court.
- significant loss of light

- loss of open aspect
- view from over the river of this listed building would be significantly different
- impact on our building, a listed building and its setting. Design appears contrived as proposed in steps down in scale as responds to scale of the listed building and Dukes Court. This has an overbearing impact on the listed building group.
- Plans/3D models do not show the 2 storey rear extension to our building, 11 New Quay which is a listed building. 2 storey block approximately 6-8 away from this extension.
- privacy issues from offices for future residents
- height of block C greater than existing Rubber Company building
- development will increase no of cars in area. Already issue on Borough Road and Clive Street at peak times. Only one space per dwelling proposed.
- lack of defensible space at base of blocks. Open day and night. Security issues for residents and our building.
- concerns about blank gable adjacent to the listed building, which will be a key view of this block which will have an impact on the conservation area.
- question more apartments in the area when so many have been granted consent and under construction. Area may become saturated by vacant apartments.

2.2 Three letters of support from 2 addresses

- Support in principle for the development of this site; height and onsite parking acceptable. Site not fenced or gated

However

- almost no public access to the riverside on the site
 - views through gaps minimal
 - reduced parking on Clive Street
 - requires increased bus service along Clive Street for increased housing
 - The new luxury development would enhance the area and bring new residents.
- A big improvement on the current run down and derelict premises.

2.3 Revised scheme submitted 8 June 2018 including reduction in height of Block C by one floor.

2.4 One letter of support from 1 address

- the revised proposal protects the estuary views of the area. The visual, relative scale, of the new proposal is aesthetically better than the previously submitted

Plus following comments

- security. Note police comments. Children have been scaling the site's fence, and vandalising or attempting to vandalise cars and property in the street. This does not happen at Dolphin Quays which is gated. This development needs to be gated.

2.5 One letter from 1 business address

Information is incorrect, outdated and misleading. The revised plans, perspectives and sun study do not show the two storey extension to 11 New

Quay, the historic splayed wall to Dukes Court or the windows and patio of 4 Dukes Court. The slot view adjacent to 11 New Quay and Dukes court is not accurately illustrated. The listed building is not accurately shown on the drawings.

3.0 External Consultees

3.1 Historic England

3.2 The significance of the Fish Quay Conservation Area lies in the history of its fishing and associated industries that started life in the 13th century and developed all the way through to the 19th and 20th centuries. Although there are important remnants of its early history in the fish quay area, architecturally it is this later phase of development and expansion that dominates and indeed forms the basis for the designation of the adjacent New Quay Conservation Area. The heart of the conservation area remains the northern-most area, whilst the former North Eastern Rubber Company factory site forms part of the well-established ribbon development that built up along the river front. This section of the conservation area is of mixed quality architecturally: later residential developments have obscured historic development patterns and increased building scale, which creates a dominating presence and visual barrier to the river, but the surviving 19th and 20th century buildings and public realm underpins the area's historic character and this is one of the reasons for its designation.

3.3 The descent down Borough Road to the foot of Clive Street is a principal route into the two conservation areas. The site that is the subject of this application is highly visible on this approach and helps to visually distinguish the two: the New Quay with its grander, more architecturally polite buildings; the Fish Quay with an altogether more functional and informal character. As such, the site has an important role to play in framing this entrance point, defining our first impression of the areas and in enticing us to explore further. Opportunities to set the standard for new development in the area and to reinforce its character should be taken where possible.

3.4 The former rubber factory is one of the few remaining sites of industrial lineage in an area once full of this building type. It includes a large brick building of c1970 and an earlier brick building to the northern end of the site, known as 26 Clive Street. Although the site and buildings are dilapidated, there are some positives to consider: the buildings have a varied scale and form, allow views through to the river and make for an interesting roofscape when glimpsed along Clive Street, but especially when viewed from higher ground. The earlier northern building has been heavily altered with little historic fabric of interest remaining, but it does retain the narrowness and orientation of the earlier burgage plots along the river front, something that has been all but lost with later redevelopment.

3.5 Furthermore, the site also retains links through to the river front despite later redevelopment: Shepherd's Quay running between the later 20th century buildings, and a wider link between them and 26 Clive Street where historically there were a number of other smaller quays (including that associated with the earlier Clive Street building). The buildings are strongly industrial in character - revealing and animating the area's past - and this adds to the conservation area's special interest; all the more evocative in an area now dominated by residential

development. Having said that, the whole site has suffered from redundancy and neglect in more recent times and its condition does detract from the appearance of the conservation area and makes their reuse difficult. Given this, the loss of one of the few remaining industrial sites at this end of the conservation area will be poignant but is accepted.

3.6 Impact of Proposal on Significance.

3.7 The redevelopment of this site provides an opportunity to not only bring a viable use to the site, but to be of a quality that will enhance the character and appearance of the conservation area and surrounding heritage assets. The proposed contemporary approach is fitting in this location and the proposal is more sympathetic in terms of scale than more recent developments, which works in its favour. It is good that thought has been given to views through to the river and that there is some change in scale across the blocks. The development has also been spread more evenly over the site (instead of being concentrated at the water's edge) to encourage a more animated and interactive frontage with Clive Street. Overall, however, the design doesn't really get to grips with the character of the conservation area and hasn't taken advantage of the opportunity this presents to enhance the area's significance, despite the scheme's improvements on neighbouring developments. From the information provided, it's difficult to see how the site's context has informed the design, especially with limited information on the proposed materials. The same can be said of the landscaping, which appears to be a relatively standard response to developments of this type.

3.8 It is not just the existence of historic fabric that adds to the special interest of a place but the form which it takes in response to its context. In this way, the loss of the historic line of Shepherd's Quay and the orientation of the 26 Clive Street building along the line of the historic burgage plot would be regrettable, and an opportunity to better reveal the significance of the area and reinforce its character would be lost.

3.9 When considering any proposal that affects a conservation area, local planning authorities must pay special regard to the desirability of 'preserving or enhancing the character or appearance' of that area (Planning (Listed Buildings and Conservation Areas) Act 1990). The National Planning Policy Framework (NPPF) reflects this by making the conservation of the historic environment, good design and place making fundamental to sustainable development. Achieving sustainable development involves seeking positive improvements in the quality of the environment, including ensuring developments respond to local character and history and reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and appropriate landscaping (para.58). The NPPF goes on to state that when dealing with heritage assets, local authorities should look for opportunities for new development to enhance or better reveal their significance (para.137). As such, compliance with both the statutory consideration and the NPPF policies can only be achieved by seeking to enhance the character and appearance of a conservation area.

3.10 Historic England's Position

3.11 This site offers a good opportunity to help reinvigorate this part of the conservation area and a building that sets the tone at this key entry point is

needed in order to establish and add to the area's strong character. The loss of the existing buildings is accepted, as is the principle of redeveloping the site for residential use, but the proposal does not take advantage of the opportunity this creates to enhance the area and so does not meet the criteria for sustainable development from a heritage perspective; however, with some amendments this could be remedied:

- Revisiting building orientation - of block B in particular, as if this could echo the existing building and historic layout of the site it would help preserve those attributes that still contribute to the character of the conservation area. I understand the desire to maximise the river views from the point of saleability, but the site does benefit from being located on a curve in the river that affords views up and down it, as well as across to South Shields.
- Similarly, keeping the historic line of Shepherd's Quay - with more sensitive landscaping this could become a feature of the site and better reveal its significance.
- Roofscape - a nod towards the existing roofscape (especially of the rubber factory) would also help preserve the animation, interest and industrial character that the site brings to the area, especially in those views from higher ground.
- Building materials - more information on proposed materials and finishes is needed to help establish more clearly how the development responds to existing character and how it will appear in its context.
- Similarly, landscaping proposals - the area draws a lot of character from its public realm and landscaping and more details are needed in this regard, including the appearance of boundary treatments and the use of setts or cobbles as remain elsewhere in the area. More thought should also be given to what planting might be appropriate on a former industrial site.

3.12 In summary, although I don't object to the proposal in principle, in heritage terms there are changes that could be made that would better preserve the character of the conservation area and meet the NPPFs requirements for its enhancement, and I ask that this is given due weight by the local authority when making their decision. Any amendments or conditions should be made in consultation with your in-house conservation and design experts, who are best placed to advise you of the finer details of the proposal.

3.13 Historic England Advice on revised scheme

3.14 The additional plans are useful in setting the scale of the buildings in context, but this doesn't address my concerns relating to the loss of character and lost opportunity to enhance the area's significance, as set out in my previous letter. The interest of the Fish Quay Conservation Area is primarily in its industrial and commercial history, character and appearance. Later residential developments have diminished this and shouldn't be taken as the datum for the standard of new development; neither do they provide justification for not meeting the current National Planning Policy Framework, which states explicitly in paragraph 127c that new development should be sympathetic to local character and history (something that the later residential development is not) and that local authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance (para.200). I remain to be convinced that it is not possible to take a more contextual and sympathetic approach to the layout and design of the new development and still achieve a

viable scheme; please refer to my previous letter for more detailed comments in that regard.

3.15 Northumbrian Water

3.16 The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. A condition is requested that development should not commence until details for the disposal of foul and surface water from the development shall be agreed with the LPA in consultation with Northumbrian Water and the Lead Local Flood Authority to prevent the increased risk of flooding from any sources.

3.17 The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010, namely- soakaway, watercourse, and finally sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network.

3.18 A public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to its apparatus and therefore NW will be contacting the developer direct to establish the exact location of these assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

3.19 Northumberland and Newcastle Society

3.20 The committee objects to the proposed development. It considers that the submitted plans do not preserve and enhance either the New Quay or Fish Quay conservation areas, and in particular adversely affects the setting of the listed Porthole and neighbouring buildings.

3.21 There have been many changes in recent years with the rebuilding works on the quayside. The Heritage Statement p28 is correct in saying that these changes have come to be regarded as an established character through recent developments. This character is largely produced by the use of much solid walling, and simple materials relating back to the aesthetic of warehouses, with the use of pitched roofs and a great variation in building heights. While the proposals are no doubt good of their kind (though we would question the size of floor space being created in many of the units) we cannot see that the rigid boxlike appearance of the blocks, with flat roofs and extensive areas of mixed infill materials is the right aesthetic to match or blend with the more varied and intricately designed new buildings which surround the site.

3.22 Views over three flat roofs from Yeoman Street above will not be an improvement on the view of the factory as now. It could be argued that the present roof with its angled roof lights is of more visual interest than what is proposed.

3.23 The Design and Access Statement accompanying the application quotes the Fish Quay Neighbourhood Plan, para 3.1, suggesting that the new development of the site should have "massing and orientation with varied and random heights as now.... development should respect the immediate and wider context and

should only be the "punctuation" not the full sentence". We consider the designs achieve nothing of this, due to their box like shape, repetitive design and unbroken scale below roof level.

3.24 The Design and Access statement, para 2.5, again quotes the Fish Quay Neighbourhood Plan, that this is "A very sensitive site.... whatever is to be built must be of a scale which does not overshadow the Porthole". As the photomontage at View 28 p20 in particular shows, almost the entire gable end of Block C will be fully exposed and taller than the eaves level of the Porthole, and made more overpowering by being blank above the hidden ground level. By moving Block C northwards with a wider space between them less of the gable is hidden from view by the Porthole, even if it is shorter than the existing one of the Rubber Factory, and its impact is greater.

3.25 Block C offers views mainly over a car park. The possibility of views to the river seems exaggerated, given the oblique angle from which they would be seen (Design and Access Statement, Figure 9.).

3.26 The setting of the Porthole is not just the views along the New Quay to the south, which is all that seems to be addressed. It is also the views along Clive Street, from Borough Road and the high ground on Yeoman Street. The drawings and reports pay little attention to these aspects compared to views from the river. The frontage to Clive Street is however the most publicly seen and deserves more consideration and better design. Half the frontage is occupied by a car park thinly screened by a few trees and profiled fencing and possible recessed seats. Again this seems to be applying the wrong prettifying aesthetic to a space which should not be so large and open (or even there) and will not enhance the character of the CA. The four garages accessed directly off the road into Block C, if they are not used all the time, will simply mean four parked cars blocking the pavement.

3.27 Our objections are therefore in summary:

1. The density of development is too great and having an adverse effect on the character of the conservation areas.
2. The deleterious effect on the setting of the listed buildings in all views, in particular those of the Porthole building.
3. The aesthetic chosen is not appropriate to the established character of the conservation areas.

3.28 Comments of Northumberland and Newcastle Society on revised scheme Having looked at the revised plans it appears that the comments received, not just from this Society, have not produced any significant changes to the scheme. There were objections that the plans did not meet the criteria stated in the planning and conservation policies for the area, and we continue to think that these are not being taken seriously in discussions surrounding the building of monolithic flat blocks which ignore the character of the area and their effect upon the Porthole building. The proposed addition of some further timber cladding to block C does not strike us as sufficient to add visual interest or meet the basic objections.

3.29 Environment Agency

3.30 The proposed development will only meet the requirements of the NPPF if it is carried out in accordance with the submitted Flood Risk Assessment dated January 2018. A condition is required to this effect and the following mitigation measures should be implemented prior to occupation of the development:

- identification and provision of safe route(s) into and out of the site to an appropriate safe haven
- finished floor levels of habitable rooms are set at the 1 in 200 year flood level of 4.84m AOD with 600mm flood resilient measures incorporated into the development.
- finished floor levels of non habitable spaces below 4.84m AOD must be flood compatible and designed appropriately. This is to ensure a safe access and egress from and to the site; to ensure a safe and timely evacuation of the development if needed and; to reduce the risk of flooding to the proposed development and future occupiers.

3.31 The EA has also advised that the River Tyne is within the site boundary and is designated a main river and therefore under the Environmental Permitting Regulations 2010. An environmental permit for flood risk activities within 8m of non tidal sections or 16m of the tidal sections may be required. Consideration of use of flood proofing measures should be given to reduce the impact of flooding when it occurs.

3.32 Tyne and Wear County Archaeologist

3.33 An archaeological desk based assessment was produced for this site in 2007.

3.34 The site is of archaeological interest because it lies within the former extent of the medieval town of North Shields. The extent of the town, particularly its western end, has not been accurately defined.

3.35 The present form of the site still retains four or five medieval burgrave plots. It is anticipated that medieval remains could survive. Land would have been reclaimed from the river on which to build. Reclamation deposits may survive.

3.36 The site is of industrial archaeological interest due to the industries which were present on site in the 19th century – a steam powered corn mill, a sail cloth manufactory and a mast and block manufactory. Part of a former quay wall was visible in 2007 in an area of subsidence within the site, 10m back from the present river wall, and more of these are likely to survive under the site.

3.37 The site was traversed by several narrow lanes which led down to the river (Elders Quay, Shepherds Quay, Bay Horse Quay and Star and Garter Quay) and there were several public houses. The long narrow 19th century buildings took the form of the medieval burgrave plots.

3.38 No. 26 Clive Street was the former Star and Garter Public House. From around 1922 the site was occupied by John J Cameron Indian Rubber Merchants. The building appears to have been significantly rebuilt probably in the 1940s or 1950s. There appears to be older brick in the rear 2-storey section, probably derived from the earlier building. There are steps down to the river

revealed at low tide which are of some historic interest. The North East Rubber Company building was built in the 1970s.

3.39 An archaeological excavation on the neighbouring Lilley and Gillie site in 2011 recorded post medieval remains.

3.40 The following archaeological work is required:

1. Archaeological trial trenching. This will be done after the demolition of the buildings on the site. The concrete floor within the factory can be lifted as part of the demolition, but no other ground disturbance should be undertaken until the archaeological work is finished – foundations should not be grubbed up. Care must be taken not to damage the post medieval quay wall which lies under the site as this needs to be archaeologically recorded. A specification for the trenching can be provided when required.

2. If archaeological remains are found in the preliminary trenches and if those remains are at threat from the proposed development, then those remains will need to be fully archaeologically excavated before development can proceed.

3. If the work has not yet taken place on the river wall, then the archaeological work set out in the approved Written Scheme of Investigation by Pre-Construct Archaeology needs to be undertaken.

A report of the results of the archaeological fieldwork shall be provided to the LPA and published. If works to the river wall have not yet commenced then recording of the river wall should take place prior to any demolition works.

3.41 Northumbria Police

3.42 In relation to security it is proposed to allow permeability through the site for pedestrian access to the quay. There is no defensible space to the three blocks. If pedestrians are allowed unchecked access this could lead to burglary problems, although it is accepted that some areas will be overlooked it is considered that this is a bad idea and there should be some control over public access.

3.43 Folks Interested in Shields Harbour (FISH)

3.44 FISH are in favour of bringing back into use unused or vacant plots, derelict buildings or sites. The initial impression is of a definite improvement on what exists at present and appearing to address local concerns and Fish Quay Neighbourhood Plan criteria. However on more detailed inspection there is a lack of clarity on various issues that are central to the FQNP as set out below. FISH are disappointed that an opportunity has been missed to bring some innovation with respect to design and community improvements.

3.45 The impact of growth in population and vehicles is getting worse, the ability to access the area for residents, businesses or visitors is not getting easier, and can only get worse unless clever innovation is designed into plans for the area. Residents and businesses will have to live with the result long after the investment value of the development has been pocketed and the developer departed.

3.46 The proposals appear very suitable providing housing and improving appearance and utilisation of the area however FISH believe the plans could be improved;

3.47 Parking(On site and locally)

One parking space per residence, plus some for visitors is proposed, each residence could have two vehicles. This would mean potentially in excess of 30 additional cars parking on already congested streets competing with residents, visitors, business and people parking in nearby streets whilst using the shields ferry. There are on going discussions on the use of this road to provide access to the Fish Quay by buses and HGV vehicles via Smiths Docks. This raises the potential for yet more parking and traffic problems, along with the potential for grid lock and traffic flow problems. Some indication of potential solutions/ideas that may assist or mitigate current and future problems with or without NTC assistance, would be reassuring.

3.48 Views of/Access to River

The recent efforts to provide the public with access to or views of the river ie Swan Quay development through the car ports and Smiths Docks pathways proposed along the riverside and dry docks have been welcomed. These plans appear to provide views to all properties and none to the general public. Although plans appear to ensure views of Yeomen Street are maintained we are not convinced that this is so and that the height of the development will restrict views of the river.

3.49 Canyoning

The area is subject to high winds and high rise buildings fronting the riverside already cause wind funnels along the bankside which will not be reduced or mitigated by this scheme.

3.50 Architecture

The FQNP recognised that there was a desire to see elements of architectural heritage design replicated into new developments which would bring continuity of feel and look to the area and avoid bland non descriptive modern concrete or brick blocks. An opportunity to do something different has been missed.

3.51 Riverside Erosion

There have been substantial repairs to the north side of the river due to erosion of the riverside. Local buyers would require assurances that riverside is sound for the long term.

3.52 Flooding

There are areas of the quayside that are regularly subject to flooding. A local property near the ferry terminal was recently flooded. Flooding issues need to be addressed.

3.53 Designated market segment and price

The FQNP identified amongst both visitors and residents that the area should provide affordable properties. This was to be a mix of properties that catered

minimally for luxury executive and social housing but in the majority addressed the needs of local residents on local wages.

3.54 Integration with plans for, and impact of Smith's Dock

Smith's Dock development will increase traffic levels, parking issues and general public and vehicular access to the area. This will become a destination for visitors to get near the river and access various recreational and commercial facilities, this will impact on traffic flow and parking requirements in the area and needs to be considered.

3.55 In conclusion it has long been the hope of local people that the dereliction of the area would be addressed, and that the riverside from Smiths Docks to the Fish Quay would be revitalised, providing a multi use environment supporting the Fishing industry its related industries/services along with its residents, businesses and visitors. What was not wanted was:

- High rise flats/accommodation from one end to the other;
- An inability to see or get close to the riverside;
- An area so lacking in history, views, and facilities that visitors having once visited, and being disappointed, would not come back; and
- The creation of new tenement blocks that would just replace those of the past, with all the associated problems.

3.56 What FISH and other parties desire is a vibrant area providing facilities and developments that enhance and support the local area for all. FISH appreciates that this may not be easy to accomplish, but feels that creative thinking in planning and design may offer some exciting development results which deliver an area that meets the expectations of FQNP, and provides confidence in the ability of the area to absorb what ever the future may throw at it.

3.57 The proposed plan for development of the North East Rubber Company is not without merit, but inclusion of some further details, information, or design adjustments to address the concerns stated would only further enhance the plan and its acceptability.

3.58 A quote from one of member FISH that seems to sum up the general reaction:

"My initial reaction to the design of the site, was that it seemed to lack some imagination. However, I thought it nodded slightly to the current building, was pleasant, not contentious, and I hope the building materials, detailing and finish help it raise it's game!"

3.59 The above comments were made by FISH to the pre-application consultation carried out by the applicant. Following submission of the application, these comments are the same as the scheme does not appear to have been amended.

3.60 FISH is concerned that developers may not be addressing local concerns about improving the local area. Their focus, understandably, is on developing a solitary plot to maximise value and return. As a result the innovation and clever

design we feel necessary to provide developments that address architecture and infrastructure and that will stand the test of time and changing circumstance are missing. Development to date within the Fish Quay area, with the exception of Smith's Docks, have been rather disappointing in the delivery of local neighbourhood aspirations

3.61 Port of Tyne

3.62 There are similar concerns to those raised with the Smiths Dock Smokehouses planning application regarding the potential impact on safe navigation of the river. Similar conditions should be included for this proposed development. There should be mitigation measures that include the installation of tinted windows of similar performance to match that of the nearby Brewery Bond; a management strategy to remind residents to use curtains at night time; external lighting to be inward facing.

3.63 South Tyneside Council

3.64 No objections

3.65 Natural England

3.66 No objection subject to appropriate mitigation. Appropriate mitigation is required so that the development does not have an adverse effect on the integrity of Northumbria Coast Special Protection Area. The sHRA concludes that subject to mitigation, the proposal will not have a significant effect on the SPA. Mitigation proposed is identification of potential walking routes in the local area and highlighted to new residents and provision of homeowner packs to be provided highlighting the importance of the designated sites and providing information to minimise impacts plus a financial contribution to improve visitor access at Northumberland Park.

3.67 Natural England is of the view that the proposed mitigation will not be sufficient to prevent likely significant effects alone or in combination with other plans and proposals on the Coast SPA and advises that there is not enough information to conclude that Northumberland Park improvements would draw visitors away from the SPA. Therefore the required mitigation is that proposed in the shadow Habitats Regulations Assessment in combination with a contribution to a strategic access management and monitoring scheme for the Northumbria Coast Special Protection Area.

Item No: 5.6
Application No: 17/01466/FUL
Author: Julia Dawson
Date valid: 30 November 2017
Target decision date: 1 March 2018
☎: 0191 643 6314
Ward: Whitley Bay

Application type: full planning application

Location: Hush Lounge, 20 - 24 South Parade, Whitley Bay, Tyne And Wear, NE26 2RG

Proposal: Change of use and conversion of three storey buildings to provide 10no quality residential apartments with associated external alterations and rear roof extension. (Bat Risk Assessment & HRA Report uploaded 31.05.2018)

Applicant: Mr & Mrs Jonas & Sheindy Kaufman & Feldman, Hush Lounge 20 - 24 South Parade Whitley Bay Tyne And Wear NE26 2RG

Agent: Jon Watson Consulting, Mr Jon Watson 68 Hackwood Park Hexham NE46 1AZ

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

Main Issues

The main issues in this case are:

- Whether the principle is acceptable
- North Tyneside 5 year housing land supply;
- The impact on amenity of future residents and adjoining occupiers;
- Impact on character and appearance of site and surrounding area; and
- Whether sufficient car parking and access would be provided.

1.0 Description of the Site

1.1 The site to which the application relates is a three storey terraced property (third floor located within the roof space) located within Whitley Bay town centre. It is understood that the application site is now vacant but was last used as the Ocean Inn and Hush Lounge. It adjoins the former Avalon Hotel to the north east (which is now vacant and subject to planning application 17/00092/FUL being considered alongside this application) and a residential dwelling to the south west. The host premises are south eastern facing onto the western side of South Parade.

1.2 The front curtilage of the application site is paved with a vehicular access point (Ocean Inn) and partly tarmac with artificial grass to the former Hush

Lounge. The rear of the host site is characterised by two storey offshoots and rear yard areas enclosed by brick walls. Beyond the rear boundary there is an access lane and the rear of residential properties facing onto North Parade. Opposite to the application site on South Parade is Easy Street, which is currently closed.

2.0 Description of the Proposed Development

2.1 The proposal relates to the change of use and conversion of the three storey buildings to provide 10no. residential apartments with associated external alterations and a rear roof extension.

3.0 Relevant Planning History

3.1 Application Site (Ocean Inn):

14/01607/FUL - Change of use from hotel to house of multiple occupation (retrospective) – Refused 08.04.2015

17/00093/FUL - Change of use and conversion of the three storey buildings to provide 10no quality residential apartments, with associated external alterations and rear roof extension – Withdrawn

3.2 Adjoining Site (26 – 32 South Parade):

17/00092/FUL - Change of use and conversion of the three storey buildings to provide 12no quality residential apartments, with associated external alterations and rear roof extension – Withdrawn

3.3 Southlands Hotel, 12 South Parade:

16/01822/FUL - Change existing flat and hotel into 3no apartments and associated external alterations – Approved 09.01.2017

3.4 Former Shaggys Bar, 3 South Parade:

16/01228/FUL - Conversion of upper floors to four apartments – Approved 16.11.2016

3.5 Argyll Hotel And Guest House, 21 South Parade

74/00813/FUL - Alterations and extensions to provide a hotel – Approved 17.10.1974

79/02694/FUL - Change of use from derelict nursing home to residential use (dwelling house) – Approved 04.03.1980

84/01528/FUL - Change of use from dwelling house to hotel and erection of internal staircase - Approved 17.09.1984

16/00044/FUL - Change of use from hotel to 3 apartments. 2no pitched roof dormer to south and west elevations – Approved 07.03.2016

3.6 Northville Guest House, 23 South Parade

17/01358/FUL - Conversion of 10 bedroom guesthouse into 5no. residential units including relocation of external fire escape, demolition of single storey rear extension and external alterations to elevations – Approved 02.11.2017

3.7 Manor Court Guest House, 27 - 29 South Parade

17/00852/FUL - Change of use from Guest house to 2no. flats and 2no. maisonettes. Associated internal and external alterations including new dormer windows to the front, alterations to the roof and external fire escapes to the rear (Updated Noise Assessment Received 14.09.2017) – Approved 29.09.2017

3.8 Bar Vegas, 38 - 42 South Parade:

12/01747/FUL - Change of use from Ambassador hotel and bar with 28 bedrooms to a daycare centre and offices – Approved 21.12.2012

3.9 Former Breeze And Pier 39, 60 - 68 South Parade:

13/00235/FUL - Change of use from pub/night club, office and storage buildings into 14no residential apartments, including external alterations to the front and rear elevations and associated parking – Approved 16.05.2013

3.10 Aald Northville Guest House, 23 South Parade:

13/00986/FUL - Conversion of 10 bedroom guesthouse into 5no residential units including relocation of external fire escape, demolition of single storey rear extension and external alterations to elevations (revised description 31.07.2013) – Approved 31.07.2013

3.11 Waverley Hotel, 44 South Parade

14/00305/FUL - Change of use of ground floor bar to two bedroom flat including external alterations to form entrance to flat – Approved 17.04.2014

3.12 10 South Parade

15/00048/FUL - Conversion of property into three apartments including the addition of rear external staircase and external alterations – Approved 10.03.2015

4.0 Development Plan

4.1 North Tyneside Local Plan (2017)

5.0 Government Policy

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

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

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

PLANNING OFFICERS REPORT

6.0 The main issues for Members to consider are:

- Whether the principle is acceptable
- North Tyneside 5 year housing land supply;
- The impact on amenity of future residents and adjoining occupiers;

- Impact on character and appearance of site and surrounding area; and
- Whether sufficient car parking and access would be provided.

7.0 Principle of the Proposed Development

7.1 The NPPF sets out the core planning principles which should underpin decisions and that planning should amongst other matters proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. 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.

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

7.3 Policy S3.2 'Hierarchy of Centre's defines the area where the application site is located as within the 'town centre' of Whitley Bay.

7.4 Policy DM4.5 'Criteria for New Housing Development' states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

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

7.5 The application site is located on South Parade, which was previously the long established location of the night time economy within Whitley Bay in terms of drinking establishments and associated hotels/guesthouses. However, in recent years many of the drinking establishments in this locality have closed down and a number have been converted into residential apartments and other uses (e.g. Pier 39, Breeze, and Bar Vegas).

7.6 The proposal is for a residential use in a town centre location where there are existing residential properties in close proximity to the application site. It is noted that the Council's Regeneration team has also offered their support to the proposal.

7.7 The application site is a rundown site, and it is considered that the proposed change of use would assist in the regeneration of the coast and the town centre. No objections to the current application have been received. However, an objection to the proposed scheme was previously received (on a previously withdrawn application for the same site in 2017) from a nearby bar owner (Havana). It is considered that the proposed development will ensure the continued active use of the application site, which will assist towards the ongoing regeneration of the coastal area and the town centre. The proposed development will bring economic benefits to the town centre and will revitalise the existing building into a long term sustainable use in accordance with the Council's objectives for the regeneration of this area.

7.8 Members must determine whether the principle of the proposed development is acceptable. Officer advice is that the principle of the proposed change of use is in accordance with policies S1.4 and DM4.5 in that it will make effective and efficient use of this site, whilst making a positive contribution to the identified housing needs of the borough and contributing to an existing sustainable residential community.

8.0 North Tyneside 5-Year Housing Land Supply

8.1 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.

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

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

9.0 Impact on Amenity

9.1 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.

9.2 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.

9.3 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.

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

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

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

9.6 The Manager of Environmental Health has raised concerns regarding the impact of the noise generated by the local pubs and bars in the immediate vicinity. Several bars, including the adjoining Avalon Hotel/Bar continue to have planning permission to operate as a bar although some are currently not trading. The fact that these premises could be brought back into active use at any time is a material consideration and must be taken into account in determination of the current planning application.

9.7 The Environmental Health team has advised that there will be external noise from the frontages of the bars which are operating (including the nearby Havana bar), including raised voices, and noise break out from inside the bars. This will lead to potential restriction on the activities of those public houses, such as Havana, as the introduction of residential housing will cause a potential nuisance to arise. Environmental Health historically have received complaints about the customer noise and loud amplified music.

9.8 It is appreciated that the application site does not immediately adjoin Havana Bar and the impact of this bar on the future residents of the proposed development will be slightly less/different than the proposed development, which is subject to planning application 17/01777/FUL (Avalon Hotel and Avalon Bar), however the applications (although being considered alongside each other) are separate and therefore there is no guarantee that they will both be implemented. There is always the possibility that the last (existing) use of either site could be reinstated at any point.

9.13 As such, since the original submission of the current application, the applicant has undertaken further noise assessment work to demonstrate that the host site can provide an acceptable standard of accommodation for future residents in terms of the potential harmful impacts identified by the Environmental Health team. The Environmental Health team have considered all of the revised noise assessment and have accepted that, with the suggested mitigation measures, an acceptable standard of residential amenity can be provided within the proposed apartments with windows shut. The Environmental Health team have drawn attention to paragraph 182 of the NPPF which states that existing businesses (i.e. Havana and other nearby bars) should not have unreasonable restrictions placed on them as a result of development permitted after they were established and this is fully acknowledged. However, any future occupiers of the proposed development will be aware of the location they are moving to and will also be aware of potential noise impacts (with the windows open). The proposed mitigation measures will ensure that, with the windows closed, they will have acceptable internal noise levels, without resulting in any unreasonable restrictions on the existing businesses.

9.14 It is also noted that this is a finely balanced decision, whereby the existing rundown and vacant state of this building on South Parade will likely continue without support for redevelopment of the site. Whilst the concerns of the Manager of Environmental Health are set out, she has not recommended refusal and has suggested several conditions to ensure that an acceptable standard of residential amenity is achieved for future residents.

9.15 The layout of the rear street scene at the current time is relatively tight with overlooking between windows and across yard areas. Whilst the proposal will introduce new windows these will largely be in similar locations to the existing and will not result in direct and significantly increased overlooking to the habitable rooms of existing dwellings, or between new facing windows. This is an existing restricted site and it is considered that the reduced separation distances can be accepted whilst still providing an acceptable standard of outlook and privacy for existing and future occupants. It is considered that the proposed flats would be able to provide an acceptable standard of accommodation for the future occupiers in terms of layout, size and outlook.

9.16 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity and the existing businesses with particular reference to Havana. Officer advice is that the proposed development is acceptable, subject to the suggested conditions

10.0 Character and Appearance

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

10.2 Policy 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.

10.3 The Council's 'Design Quality' Supplementary Planning Document applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

10.4 The proposed external alterations relate to the removal of a number of single storey rear elements of the existing building, the replacement of some rear dormer windows with a new third floor extension (which is to project from the rear roof slope similar to a flat roofed dormer). Also included is general refurbishment, the alteration of the placement of windows and the introduction of several new windows as well as a new external fire escape.

10.5 The Council's Design and Layout Officer has offered his broad support for the proposed external works, stating that the conversion will enhance the appearance of the existing buildings and remove some insensitive alterations. He has suggested that the existing entrances should be retained with one door providing direct access into the ground floor flats. He has also recommended that a more sensitive canopy is considered for the entrances, and that hard surfacing for car parking to the front should include landscaping behind the boundary wall to soften the appearance at street level. Such matters, along with building materials/finishes could be controlled by planning condition. On balance, the proposed canopy is considered acceptable and it would not be reasonable or necessary (or meet the six tests in NPPF) to attach a condition requiring a revised design for this.

10.6 The Council's Landscape Architect has also advised that there are opportunities for shrub planting the frontage accentuating the visual rhythm generated by bays, dormers and window apertures and access subdivisions, particularly on prominent corner and main entrance positions. A landscaping condition is recommended.

10.7 Members must determine whether the proposed development is acceptable in terms of its impact on the character and appearance of the host site and the street scene. Officer advice is that the proposed development will improve the appearance of the site and its relationship with the street scene and that it is acceptable.

11.0 Highways Impacts

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 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.

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

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

11.5 The Highway Network Manager has raised no objection to the proposed development at this site within Whitley Bay town centre, noting that the site is in a sustainable location in accordance with the objectives of the NPPF. The property is located within Whitley Bay Town Centre with good public transport links and is in an area with parking control measures in place. It is also noted that the existing use requires more parking than the proposed use.

11.6 A condition could be attached to the grant of planning approval to ensure that refuse storage facilities are provided within the rear yard area prior to the occupation of the flats.

11.7 Members must have regard to the above and determine whether the proposed development is acceptable in terms of its impact on existing on street parking and highway safety, subject to the suggested conditions.

12.0 Land Stability and Contamination

12.1 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution or land instability and also remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 178 further states that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

12.2 Policy DM5.18 'Contaminated and Unstable Land' 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:

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

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

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

12.3 The application site is located within a high risk Coal Authority area and the Coal Authority has objected to the proposed development due to the lack of a coal mining risk assessment. Whilst this is noted, it is also noted that the Coal Authority have not submitted any objection to numerous previous consultations on this application. The proposed works (removal of existing extensions, hard standing, works to the roof of the building and general refurbishment) will not require substantial foundations or groundworks. In commenting on similar applications (i.e. Marlborough Hotel East Parade 18/01123/FUL), the Coal Authority have raised no objections on this basis.

12.4 In this instance it is therefore considered that it would be unreasonable to withhold planning permission on this basis. A condition is suggested to ensure that a Coal Mining Risk Assessment is submitted and agreed prior to commencement of any external alterations. The Council's Contaminated Land Officer has raised no objection to the proposed development.

12.5 Members must determine whether the proposed development is acceptable in terms of land stability and contamination, subject to the suggested condition.

13.0 Ecology

13.1 An environmental role of one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

13.2 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts of biodiversity and proving net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

13.3 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided or at least compensated for, then planning permission should be refused.

13.4 Policy AS8.15 states that within the Coastal Sub Area in which this site is located, growth and development will be integrated with the protection and enhancement of nature conservation sites including the Northumbrian Coast SPA and the Northumberland Shore SSSI.

13.5 Policy S5.4 states the borough biodiversity and geo-diversity will be protected by amongst other matters by the protection of both statutory and non-statutory designated sites within the borough.

13.6 Policy DM5.5 states that proposed development inland within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

13.7 Policy DM5.6 states that proposals that adversely affect an International Site such as a Special Protection Area can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. If necessary developer contributions or conditions will be secured to implement measures to ensure avoidance or mitigation of, or compensation for all of the adverse effects. This can include appropriate signage and distribution of information to raise public awareness amongst other matters.

13.8 The application site is within close proximity to the Northumbria Coast Special Protection Area and Ramsar Site, the Northumberland Shore Site of Special Scientific Interest (SSSI) and Tynemouth to Seaton Sluice SSSI. The applicant has submitted a shadow Habitats Regulations Assessment (sHRA) and Bat Risk Assessment. Natural England does not agree with the conclusions of the sHRA and has advised that further information is required before they can confirm that they have no objections.

13.9 The Council's Biodiversity Officer has noted Natural England's comments and has advised that in order to address the impacts of the scheme on the SPA, a financial contribution is required towards a coastal mitigation service. She has also advised that details of how the developer will provide mitigation for the impacts on the Northumbria Coast SPA are also recommended to be agreed prior to determination of the application. However it is likely that measures such as providing additional information to potential occupiers of the new homes such as Information Packs, improved signage and interpretation within the local area can be adequately secured by condition and it is not considered reasonable to withhold planning permission in order to obtain this information upfront.

13.10 In addition, with regard to Natural England's comments, the applicant has agreed to enter into a Section 106 agreement for a financial contribution of £600 per dwelling towards a coastal wardening service. Therefore, there is no reason to require additional information at this stage and request further comments from Natural England prior to determination of the application.

13.11 The Biodiversity Officer has suggested a number of conditions and it is suggested that these are attached to the planning approval.

13.12 Members need to consider whether the proposal would result in significant harm to biodiversity and whether it would accord with the advice in NPPF, policies AS8.15, S5.4, DM5.5 and DM5.6 of the Local Plan and weight this in their decision. It is officer advice that subject to conditions that the proposal would avoid significant harm.

14.0 Flooding

14.1 The NPPF paragraph 163 makes it clear that “When determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.”

14.2 LP Policy “DM5.12 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

14.3 The Local Lead Flood Authority (LLFA) has been consulted. They have noted that surface water will be dealt with by existing NWL infrastructure and have recommended approval.

14.4 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with the relevant national and local planning policies.

15.0 Local Financial Considerations

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

15.2 North Tyneside Council is set to receive £503,860 in New Homes Bonus for the year 2018-19.

15.3 In addition, the dwellings will bring in additional revenue as a result of Council tax.

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

16.0 Conclusion

16.1 Members must determine whether the proposed development is acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants, and highway safety.

16.2 Subject to the imposition of appropriate conditions the proposed development is acceptable and accords with relevant national and local planning policy and is therefore acceptable.

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

It is recommended that members indicate they are minded to approve the application and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application subject to:

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:
a contribution of £6,000 for a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area**

Conditions/Reasons

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

- Application Form 03.10.2017
- Location Plan NTC/MI/800, Jan 2017
- Proposed Site Plan NTC/MI/811, Jan 2017
- Proposed Parking Layout NTC/MI/811, Rev.A, Jan 2017
- Proposed Ground Floor Plan, NTC/MI/200, Rev.B, 3 June 2016
- Proposed Upper Floor Plans, NTC/MI/201, Rev.C, 3 June 2016
- Proposed Elevations 00, NTC/MI/203, 3 June 2016
- Proposed Elevations 01, NTC/MI/204, 3 June 2016
- Proposed Elevations 02, NTC/MI/205, Rev.A, 3 June 2016
- Roof Plans, NTC/MI/110, 3 June 2016
- Noise Report ref.6217.2
- Method Statement:20-24 South Parade, Whitley Bay Bats JWC-18-02, August 2018
- Habitats Regulations Assessment Screening Report, JWC-18-01, April 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. Facilities for the storage of refuse from the approved flats must be provided within the rear curtilage of the application site. The facilities, which should include the provision of wheeled refuse bins, shall be provided prior to the first occupation of the approved development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies S1.4 and DM7.9 of the North Tyneside Local Plan (2017).

4. 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.

5. No other part of the development shall be occupied until the means of access has been altered in accordance with the approved drawing.

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

6. Construction Method Statement - Minor SIT006 *

7. Restrict Hours No Construction Sun BH HOU004 *

8. Restrict Hours No Demolition Sun BH HOU005 *

9. Notwithstanding any indication of materials which may have been given in the application, no development of any external construction works shall take place until a schedule and/or samples of the materials and finishes for the development (both to the exterior of the building and the surfacing) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the external 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 Local Plan 2017.

10. Prior to their installation full details of all new boundary treatments shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in complete accordance with the approved details and retained.

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

11. All demolition or renovation works to buildings must be undertaken in accordance with the Bat Method Statement submitted as part of the planning application.

Reason: In the interests of protecting ecology in accordance with Policy DM5.7 of the North Tyneside Local Plan 2017.

12. Any roofing works likely to disturb birds should be carried out outside of the bird nesting season (March - August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of protecting ecology in accordance with Policy DM5.7 of the North Tyneside Local Plan 2017.

13. Within one month from the start of works commencing on site, 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 landscaping scheme shall be

implemented in accordance with the approved details within the first available planting season following the approval of details or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

14. Prior to the commencement of any development involving any ground works or foundations a coal mining risk assessment shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved development shall only be carried out in full accordance with the findings and recommendations of the approved details.

Reason: In order to ensure that the land is safe and stable to accommodate the proposed development in accordance with the National Planning Policy Framework.

15. Prior to first occupation of the approved development a noise scheme for the acoustic glazing must be submitted to and approved in writing by the local planning authority. The scheme, which shall be in accordance with submitted noise report 6217.2, must address the external noise arising from the public bars located on South Parade including customer noise in the street and all external noise arising from the adjoining Havana Bar. The acoustic glazing must be in accordance with BS8233 and the World Health Organisation community noise guidelines and the scheme must demonstrate that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms. The development must be carried out in accordance with the approved details and retained thereafter.

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.

16. Prior to first occupation of the approved development a scheme of ventilation for all habitable rooms must be submitted to and approved in writing by the local planning authority. The scheme shall ensure that an appropriate standard of ventilation (with windows closed) is provided. When the internal noise levels specified in BS82233 are not achievable (with the window/s open) due to the external noise environment, an alternative mechanical ventilation system such as mechanical heat recovery (MVHR) must be provided to address thermal comfort and purge ventilation in order to reduce the need to open the windows. The alternative ventilation system must not compromise the façade insulation or the resulting internal noise levels.

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.

17. Prior to any development above damp proof course details of how the developer will provide mitigation for the impacts on the Northumbria Coast SPA

shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. Such measures could include details of signage and interpretation boards regarding birds between the development site and the SPA. Thereafter the approved mitigation shall be provided in accordance with the approved details.

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

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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



Application reference: 17/01466/FUL

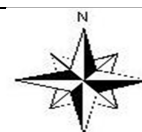
Location: Hush Lounge, 20 - 24 South Parade, Whitley Bay, Tyne And Wear

Proposal: Change of use and conversion of three storey buildings to provide 10no quality residential apartments with associated external alterations and rear roof extension. (Bat Risk Assessment & HRA Report uploaded 31.05.2018)

Not to scale

Date: 06.12.2018

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Appendix 1 – 17/01466/FUL
Item 6

Consultations/representations

1.0 Internal Consultees

1.1 Environmental Health (Pollution)

1.2 I have concerns with regard to potential noise arising from the various public houses located on south Parade. A change of use from hotel to residential apartments will result in residents residing at the premises for a longer period of time compared to a hotel, where the occupancy is usually of a very short duration. The site adjoins on one side with existing residential flats at 18 South Parade and on the other side the former Avalon Hotel, which is currently closed with an application submitted to Planning for change of use and conversion to residential apartments. Easy Street, adjacent to the site is currently closed. The Zynk Bar and the Caprice Hotel consisting of the Echo Bar and Havana Bar are close to this development and will give rise to noise from customers in the street and using the outside drinking areas. There are a number of other public bars and restaurants further down the street that are operating, currently on Thursdays through to Saturdays and are permitted to open through to the early morning.

1.3 There will be external noise from South Parade frontage due to the existing street noise from use of the public bars and outside drinking areas from raised voices and noise breakout from the public houses. This will lead to potential restrictions on the activities of the public houses as the introduction of residential housing will cause a potential nuisance to arise. Environmental Health has historically received complaints about the customer noise and loud amplified music from the Caprice Hotel affecting neighbouring residential flats.

1.4 Two noise assessments have been provided to assess noise arising from public bars on South Parade. The noise monitoring location used was in the adjacent property but sufficiently close to be representative of the development site. The additional noise monitoring was carried out from Friday 16th June to Monday the 19th June 2017. Three monitoring locations were used, one to the front of the site to assess noise from amplified music and customer noise, one to the rear to assess plant and equipment located on the roof of the adjoining public house and one internally to assess internal noise transmission. The noise assessment has shown that noise levels from the nearby Havana public house will be high, in the region of 72 dB LAeq2h for the period 23:00 hours to 01:00 hours. This consisted of noise from amplified music and customers using the outdoor seating area and noise from people in the street. It indicated that it was possible to meet the BS 8233 internal noise levels if windows to the front were kept closed and mechanical ventilation was provided.

1.5 I note that the maximum noise levels would be in the region of 87-89 dB LAmax at night. Such a level would cause disturbance at night and wake residents from sleep if windows are left open. A high level of sound attenuation would be required for habitable rooms to the front of the building to mitigate against this noise. I also have concerns about noise affecting the rear habitable

rooms of the proposed residential properties with the BS4142 assessment indicating that the rating level of the noise is some 27 decibels above the background and indicates that noise from the plant and equipment will give rise to significant adverse impacts if windows are open.

1.6 It would be necessary to provide appropriate acoustic glazing and mechanical ventilation to the properties to prevent the need for open windows. The mitigation measures would not prevent complaint arising due to the sensitive nature of the noise e.g. bass noise and shouting to the front of the property and plant noise to the rear if residents open windows. The noise from music from clubs, raised voices and potential noise from bottle collections to the rear of the site would create a higher level of annoyance.

1.7 The night time noise levels are predominantly related to noise breakout from the night time activities e.g. bass noise, noise from revellers on the street and plant noise to the rear of the site. Such noise would not be classed as anonymous noise and it would be considered sensitive noise as it is unpredictable and more intrusive and would be likely to generate complaints. This would place a burden on the existing bar specifically the Havana and may lead to a review or service of notice with regard to the external seating area should residents choose to open windows and I consider that the external noise from people in the street, plant noise and music arising from the Havana Bar may give rise to serious detriment to any residents.

1.8 Section 180 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. I would have concerns that this development may result in noise complaints if residents have open windows and result in restrictions being placed on the Havana Bar under statutory nuisance legislation

1.9 If planning approval is to be given I would recommend the following conditions:

1.10 Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme for the acoustic glazing scheme in accordance to noise report 6217.2 to address the external noise arising from the public bars located on South Parade including customer noise in the street and all external noise arising from the adjoining Havana Bar. Details of the acoustic glazing to be provided must be in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

1.11 Prior to occupation, submit details of the ventilation scheme for all habitable rooms, for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open,

due to the external noise environment, we expect that an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

1.12 HOU04 (construction hours) and SIT03 (dust suppression)

2.0 Highway Network Manager

2.1 This application is for a change of use and conversion of three storey buildings to provide 10 quality residential apartments with associated external alterations and rear roof extension (resubmission).

2.2 An appropriate level of parking has been provided for the site given the location in Whitley Bay town centre with good links to public transport and local services. Furthermore the previous use would have required more parking than the existing use.

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

2.4 Conditions:

ACC14 - Altered Access Access Alt Before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

2.5 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

3.0 Design Officer

3.1 The proposed change of use and conversion of the buildings on South Parade is supported. The conversion will enhance the appearance of the existing buildings and remove some insensitive alterations.

3.2 The existing entrances to number 26 and 28 should be retained with one door providing direct access into the ground floor flat. I would encourage this access arrangement to be repeated for the other units as well. I would also recommend that a more sensitive canopy is considered for the entrances.

3.3 The hard surfacing for car parking to the front should include landscaping behind the boundary wall to soften the appearance at street level.

3.4 The alternations to the rear are supported in terms of design; however I have not considered privacy distances as part of my comments.

3.5 Boundary treatments, surface materials and details for rendering and cladding should be conditioned.

4.0 Biodiversity

4.1 Habitats Regulations Assessment (HRA) Screening Report:

4.2 Information to support a Habitats Regulations Assessment (HRA) for the above scheme has been submitted to enable the Local Authority to determine if there will be a likely significant effect on the Northumbria Coast SPA and Ramsar site. The information provided has concluded there will be no impact from the scheme on the Northumbria Coast SPA. The Local Authority does not agree with the conclusions of the submitted HRA Screening report with regard to potential impacts on designated sites. The proposal will result in the conversion of a former hotel and bar into permanent residential properties and it is considered that the numbers of apartments and their proximity to the coast is likely to have an impact as a result of recreational disturbance, particularly in combination with other schemes and projects.

4.3 Natural England have also concluded that the proposal has the potential to have significant adverse effects on the special interest features of the Northumbria Coast SPA and Ramsar site and Northumberland Shore SSSI through recreational disturbance resulting from an increase in dwellings at this location. They have advised that appropriate mitigation will be required and the developer should liaise with the Local Planning Authority on how to address this issue. They advise that details of a strategy to mitigate against recreational disturbance needs to be submitted.

4.4 In line with the above and to address the impacts of the scheme on the SPA, it is recommended that a financial contribution is agreed between the developer and the Local Authority towards a coastal mitigation service.

4.5 Mitigation for the impacts on the Northumbria Coast SPA must be agreed with the Local Authority prior to the determination of the application.

4.6 Bat Survey:

4.7 An updated Bat Risk Assessment report has been submitted which concludes that the surveyed area is of negligible value for bats and based on the survey results, no further survey effort for bats is considered necessary. It recommends that a Method Statement is provided and followed during the works, which would include details of actions to be taken in the unlikely event that bats are encountered.

4.8 The Bat report recommends the following:-

- A Method Statement will be provided separately to accompany this report, which will outline the current legal protection afforded to bats, methods to follow during site works, and actions to be taken in the unlikely event that any bats are encountered during the works.
- Due to the confirmed presence of nesting pigeons, any roofing works likely to disturb the pigeons should be carried out outside of the nesting season (defined as March – August, inclusive). If this is not feasible, a nesting bird survey should

be carried out within 48 hours of the start of any work to confirm the absence of any active nests.

- Any soft landscaping to be incorporated into the works should use native plant species and/or species of known wildlife value that will enhance the ecological value of the site

4.9 I have no objection to this application subject to the conditions set out below being attached to the application. In addition, as set out above, a financial contribution will need to be agreed between the developer and the LPA to address the impacts on the Northumbria Coast SPA prior to the determination of the application.

4.10 Conditions:

- Any demolition or renovation works to buildings must be undertaken in accordance with the Bat Method Statement submitted as part of the planning application
- A detailed landscape plan must be submitted to the Local Authority for approval within 4 weeks of works commencing on site.
- Any roofing works likely to disturb birds should be carried out outside of 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.

5.0 Landscape Architect

5.1 There does not appear to be a landscape design element to the proposed development and details of the external Landscape Scheme should be submitted (on condition), with reference to the layout of the general external areas including associated access and boundary (perimeter) treatments, paving and furniture/storage. The landscape design may also manifest in relation to raised planters, windbreak situations and green wall features. The exposed (marine) nature of the site should also be taken into account in relation to general external materials and the tree and shrub species available for this type of location. There are opportunities for these elements along the frontage(s) accentuating the visual rhythm generated by bays, dormers and window apertures and access subdivisions, particularly on prominent corner and main entrance positions. Recent and proposed new development along the seafront areas of Whitley Bay have demonstrated what can be achieved within a landscape design and wider context.

5.2 Conditions:

5.3 Within one month from the start on site of any operations, 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 landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details 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.

6.0 Regeneration

6.1 The Regeneration Team fully supports this proposal to convert the prominent vacant former Hush Lounge bar on South Parade in Whitley Bay into ten high end residential apartments.

6.2 Although a number of similar proposals on South Parade have already converted former bars into new food/drink businesses or residential, there remains a number of long term vacant dilapidated buildings along the street, which urgently require refurbishment. This proposal will assist in the incremental improvements already happening in the area to the benefit of the town and residents and visitors alike.

6.3 The street is in a highly sustainable location, within a five minute walk of the nearest metro station (Whitley Bay), bus routes and local amenities, both within the town centre itself and along the coast.

6.4 The proposal will be a further improvement in Whitley Bay, all of which is helping the town become a great place to live, work and visit.

7.0 Contaminated Land Officer

7.1 No objection.

8.0 Local Lead Flood Authority

8.1 This application is for a change of use and conversion of the three storey buildings to provide 10 quality residential apartments with associated external alterations and rear roof extension. Surface water will be dealt with by existing NWL infrastructure and approval is recommended.

8.2 Recommendation - Approval

9.0 External Consultees

9.1 Natural England

9.2 As submitted, the application could have potential significant effects on

- Northumbria Coast Special Protection Area (SPA)
- Northumbria Coast Ramsar
- Northumberland Shore Site of Special Scientific Interest (SSSI)
- Tynemouth to Seaton Sluice Site of Special Scientific Interest (SSSI).

9.3 Natural England does not concur with the conclusions of the submitted HRA concerning this proposal and therefore requires further information in order to determine the significance of these impacts and the scope for mitigation

9.4 The following information is required:

9.5 The proposal has the potential to have significant adverse effect on the special interest features of the sites named above. It is advised that likely significant effects would be presented through recreational disturbance, increased by the provision of dwellings at this location.

10.0 Northumbrian Water

10.1 No comments to make at this stage.

11.0 Tyne and Wear Archaeology

11.1 No comments to make.

12.0 The Coal Authority

12.1 In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

12.2 Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore objects to this proposal.

12.3 If the applicant ultimately fails to demonstrate to the LPA that the application site is safe and stable to accommodate the proposed development then the LPA may refuse planning permission, in accordance with the National Planning Policy Framework, paragraphs 178-179.

12.4 The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

Item No: 5.7
Application No: 17/01777/FUL
Author: Julia Dawson
Date valid: 1 December 2017
Target decision date: 2 March 2018
☎: 0191 643 6314
Ward: Whitley Bay

Application type: full planning application

Location: 26 - 32 South Parade, Whitley Bay, Tyne And Wear, NE26 2RQ,

Proposal: Change of use and conversion of three storey buildings to provide 12no quality residential apartments with associated external alterations and rear roof extension. (Bat Risk Assessment _ HRA Report uploaded 31.05.2018)

Applicant: Bewick Properties, Mr Jonas Kaufman 45 Bewick Road Bury New Road Gateshead NE8 1TY

Agent: Jon Watson Consulting, Mr Jon Watson 68 Hackwood Park Hexham NE46 1AZ

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

Main Issues

The main issues in this case are:

- Whether the principle is acceptable;
- The impact on amenity of future residents and adjoining occupiers;
- Design and Layout; and
- Whether sufficient car parking and access would be provided.

1.0 Description of the Site

1.1 The site to which the application relates is a three storey terraced property (third floor located within the roof space) located within Whitley Bay town centre. The application site is vacant but was last in use as the Avalon Hotel and Bar. It adjoins the former Hush Bar to the south west (which is now vacant and subject to planning application 17/01466/FUL), which is being considered alongside this application) and Havana Bar to the north east. The host premises are south eastern facing on the western side of South Parade. The front curtilage of the former Avalon Hotel is paved and enclosed, but has access from the highway for vehicles to park within the site.

1.2 The front curtilage of the Avalon Bar is also paved and enclosed and has no existing vehicular access point. The rear of the host site is characterised by two

storey offshoots and rear yard areas enclosed by brick walls. Beyond the rear boundary there is an access lane and the rear of residential properties facing onto North Parade. Opposite to the application site on South Parade is the junction with Esplanade, both corners are occupied by public bars (Zync and Easy Street), both of which are closed.

2.0 Description of the Proposed Development

2.1 The proposal relates to the change of use and conversion of the three storey buildings to provide 12no. residential apartments with associated external alterations and rear roof extension.

3.0 Relevant Planning History

3.1 Host Site:

08/02913/FUL - Change of use of ground floor from separate C1 and A4 uses to mixed use hotel and bar. Proposed alterations comprising of new hardstanding, new entrance lobby to both, new secure front gates and railings, external seating area to rear, including internal refurbishment. – Approved 07.01.2009

17/00092/FUL - Change of use and conversion of the three storey buildings to provide 12no quality residential apartments, with associated external alterations and rear roof extension – Withdrawn

3.2 Adjoining Site (26 – 32 South Parade):

14/01607/FUL - Change of use from hotel to house of multiple occupation (retrospective) – Refused 08.04.2015

17/00093/FUL - Change of use and conversion of the three storey buildings to provide 10no quality residential apartments, with associated external alterations and rear roof extension – Withdrawn

17/01777/FUL – Change of use and conversion of three storey building to provide 12no quality residential apartments with associated external alterations and rear roof extension. (Resubmission)
Pending consideration.

3.3 Southlands Hotel, 12 South Parade:

16/01822/FUL - Change existing flat and hotel into 3no apartments and associated external alterations – Approved 09.01.2017

3.4 Former Shaggys Bar, 3 South Parade:

16/01228/FUL - Conversion of upper floors to four apartments – Approved 16.11.2016

3.5 Argyll Hotel And Guest House, 21 South Parade

74/00813/FUL - Alterations and extensions to provide a hotel – Approved 17.10.1974

79/02694/FUL - Change of use from derelict nursing home to residential use (dwelling house) – Approved 04.03.1980

84/01528/FUL - Change of use from dwelling house to hotel and erection of internal staircase - Approved 17.09.1984

16/00044/FUL - Change of use from hotel to 3 apartments. 2no pitched roof dormer to south and west elevations – Approved 07.03.2016

3.6 Northville Guest House, 23 South Parade

17/01358/FUL - Conversion of 10 bedroom guesthouse into 5no. residential units including relocation of external fire escape, demolition of single storey rear extension and external alterations to elevations – Approved 02.11.2017

3.7 Manor Court Guest House, 27 - 29 South Parade

17/00852/FUL - Change of use from Guest house to 2no. flats and 2no. maisonettes. Associated internal and external alterations including new dormer windows to the front, alterations to the roof and external fire escapes to the rear (Updated Noise Assessment Received 14.09.2017) – Approved 29.09.2017

3.8 Bar Vegas, 38 - 42 South Parade:

12/01747/FUL - Change of use from Ambassador hotel and bar with 28 bedrooms to a daycare centre and offices – Approved 21.12.2012

3.9 Former Breeze And Pier 39, 60 - 68 South Parade:

13/00235/FUL - Change of use from pub/night club, office and storage buildings into 14no residential apartments, including external alterations to the front and rear elevations and associated parking – Approved 16.05.2013

3.10 Aald Northville Guest House, 23 South Parade:

13/00986/FUL - Conversion of 10 bedroom guesthouse into 5no residential units including relocation of external fire escape, demolition of single storey rear extension and external alterations to elevations (revised description 31.07.2013) – Approved 31.07.2013

3.11 Waverley Hotel, 44 South Parade

14/00305/FUL - Change of use of ground floor bar to two bedroom flat including external alterations to form entrance to flat – Approved 17.04.2014

3.12 10 South Parade

15/00048/FUL - Conversion of property into three apartments including the addition of rear external staircase and external alterations – Approved 10.03.2015

4.0 Development Plan

4.1 North Tyneside Local Plan (2017)

5.0 Government Policy

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

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

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires

LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

6.0 The main issues for Members to consider are:

- Whether the principle is acceptable
- North Tyneside 5 year housing land supply;
- The impact on amenity of future residents and adjoining occupiers;
- Impact on character and appearance of site and surrounding area; and
- Whether sufficient car parking and access would be provided.

6.1 Consultation responses as a result of the publicity given to this application are included in an appendix to this report.

7.0 Principle of the Proposed Development

7.1 The NPPF sets out the core planning principles which should underpin decisions and that planning should amongst other matters proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. 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.

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

7.3 Policy S3.2 'Hierarchy of Centres' defines the area where the application site is located as within the 'town centre' of Whitley Bay.

7.4 Policy DM4.5 'Criteria for New Housing Development' states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

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

7.5 The application site is located on South Parade, which was previously the long established location of the night time economy within Whitley Bay in terms of drinking establishments and associated hotels/guesthouses. However, in recent years many of the drinking establishments in this locality have closed down and a number have been converted into residential apartments and other uses (e.g. Pier 39, Breeze, and Bar Vegas).

7.6 The proposal is for a residential use in a town centre location where there are existing residential properties in close proximity to the application site.

7.7 As is the case with the adjoining site (subject of planning application 17/01466/FUL, also being considered by planning committee alongside this application), the application site is a rundown site, and it is considered that the proposed change of use would assist in the regeneration of the coast and the town centre. No objections to the current application have been received. However, an objection to the proposed scheme was previously received (on a previously withdrawn application for the same site in 2017) from a nearby bar owner (Havana). It is considered that the proposed development will ensure the continued active use of the application site, which will assist towards the ongoing regeneration of the coastal area and the town centre. The proposed development will bring economic benefits to the town centre and will revitalise the existing building into a long term sustainable use in accordance with the Council's objectives for the regeneration of this area.

7.8 Members must determine whether the principle of the proposed development is acceptable. Officer advice is that the principle of the proposed change of use is in accordance with policies S1.4 and DM4.5 in that it will make effective and efficient use of this site, whilst making a positive contribution to the identified housing needs of the borough and contributing to an existing sustainable residential community.

8.0 North Tyneside 5-Year Housing Land Supply

8.1 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.

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

8.3 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.4 year supply of housing land. Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range

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

9.0 Impact on Amenity

9.1 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.

9.2 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.

9.3 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.

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

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

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

9.6 The Manager of Environmental Health has raised concerns regarding the impact of the proposed development on the adjoining Havana bar and the impact of Havana Bar on the residential amenity of the future occupants of the proposed flats, as well as to the noise generated by the local pubs and bars in the immediate vicinity. Havana bar immediately adjoins the proposed development, with the related expected music and customer noise, and use of the outside drinking areas. There will be external noise from the frontages of the bars operating, including raised voices, and noise break out from the pubs and bars. The Environmental Health team are concerned that this will lead to potential restriction on the activities of Havana and other public houses as the introduction of residential housing will cause a potential nuisance to arise. Environmental

Health has advised they have historically received complaints about customer noise and loud amplified music.

9.7 Since the original submission of the current application, the applicant has undertaken further noise assessment work to demonstrate that the host site can provide an acceptable standard of accommodation for future residents in terms of the potential harmful impacts identified by the Environmental Health team. The Environmental Health team have considered all of the revised noise assessment and have accepted that, with the suggested mitigation measures, an acceptable standard of residential amenity can be provided within the proposed apartments with the windows shut. The updated noise assessment also takes account of the flanking transmission, particularly of bass music, from Havana Bar. It also measures noise from plant situated on the flat roof of Havana (neither of these points were previously addressed).

9.8 The Environmental Health team have drawn attention to paragraph 182 of the NPPF which states that existing businesses (i.e. Havana and other nearby bars) should not have unreasonable restrictions placed on them as a result of development permitted after they were established and this is fully acknowledged. However, any future occupiers of the proposed development will be aware of the location they are moving to and will also be aware of potential noise impacts (with the windows open). The proposed mitigation measures will ensure that, with the windows closed, they will have acceptable internal noise levels, without resulting in any unreasonable restrictions on the existing businesses.

9.9 Along with the planning application for the adjoining site, it is noted that this is a finely balanced decision, whereby the existing rundown and vacant state of this building on South Parade will likely continue without support for redevelopment of the site. Whilst the concerns of the Manager of Environmental Health are set out, she has not recommended refusal and has suggested several conditions to ensure that an acceptable standard of residential amenity is achieved for future residents.

9.10 The layout of the rear street scene at the current time is relatively tight with overlooking between windows and across yard areas. Whilst the proposal will introduce new windows these will largely be in similar locations to the existing and will not result in direct and significantly increased overlooking to the habitable rooms of existing dwellings, or between new facing windows. This is an existing restricted site and it is considered that the reduced separation distances can be accepted whilst still providing an acceptable standard of outlook and privacy for existing and future occupants. It is considered that the proposed flats would be able to provide an acceptable standard of accommodation for the future occupiers in terms of layout, size and outlook.

9.11 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity and the existing businesses with particular reference to Havana. Officer advice is that the proposed development is acceptable, subject to the suggested conditions

10.0 Character and Appearance

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

10.2 Policy 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.

10.3 The Council's 'Design Quality' Supplementary Planning Document applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

10.4 The proposed external alterations relate to the removal of a number of single storey rear elements of the existing building, the replacement of some rear dormer windows with a new third floor extension (which is to project from the rear roof slope similar to a flat roofed dormer). Also included is general refurbishment, the alteration of the placement of windows and the introduction of several new windows as well as a new external fire escape.

10.5 The Council's Design and Layout Officer has offered his broad support for the proposed external works, stating that the conversion will enhance the appearance of the existing buildings and remove some insensitive alterations. He has suggested that the existing entrances to should be retained with one door providing direct access into the ground floor flats. He has also recommend that a more sensitive canopy is considered for the entrances, and that hard surfacing for car parking to the front should include landscaping behind the boundary wall to soften the appearance at street level. Such matters, along with building materials/finishes could be controlled by planning condition. On balance, the proposed canopy is considered acceptable and it would not be reasonable or necessary (or meet the six tests in NPPF) to attach a condition requiring a revised design for this.

10.6 The Council's Landscape Architect has also advised that an external landscape scheme should be submitted (on condition), with reference to the layout of the general external areas including associated access and boundary (perimeter) treatments, paving and furniture/storage. A landscaping condition is therefore recommended.

10.7 Members must determine whether the proposed development is acceptable in terms of its impact on the character and appearance of the host site and the street scene. Officer advice is that the proposed development will improve the appearance of the site and its relationship with the street scene and that it is acceptable.

11.0 Highways Impacts

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 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.

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

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

11.5 The Highway Network Manager has raised no objection to the proposed development at this site within Whitley Bay town centre, noting the existing/previous use would have required more parking than the proposed. In addition, an appropriate level of parking has been provided for the site given the location in Whitley Bay town centre with good links to public transport and local services.

11.6 A condition could be attached to the grant of planning approval to ensure that refuse storage facilities are provided within the rear yard area prior to the occupation of the flats and that the parking spaces are laid out prior to occupation.

11.7 Members must have regard to the above and determine whether the proposed development is acceptable in terms of its impact on existing on street parking and highway safety, subject to the suggested conditions.

12.0 Land Stability and Contamination

12.1 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil pollution or land instability and also remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 178 further states that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

12.2 Policy DM5.18 'Contaminated and Unstable Land' 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:

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

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

12.3 The application site is located within a high risk Coal Authority area and the Coal Authority has objected to the proposed development due to the lack of a coal mining risk assessment. Whilst this is noted, it is also noted that the Coal Authority have not submitted any objection to numerous previous consultations on this application. The proposed works (removal of existing extensions, hard standing, works to the roof of the building and general refurbishment) will not require substantial foundations or groundworks. In commenting on similar applications (i.e. Marlborough Hotel East Parade 18/01123/FUL), the Coal Authority have raised no objections on this basis.

12.4 In this instance it is therefore considered that it would be unreasonable to withhold planning permission on this basis. A condition is suggested to ensure that a Coal Mining Risk Assessment is submitted and agreed prior to commencement of any external alterations. The Council's Contaminated Land Officer has raised no objection to the proposed development.

12.5 Members must determine whether the proposed development is acceptable in terms of land stability and contamination, subject to the suggested condition.

13.0 Ecology

13.1 An environmental role of one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

13.2 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts of biodiversity and proving net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

13.3 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance

biodiversity. If significant harm resulting from a development cannot be avoided or at least compensated for, then planning permission should be refused.

13.4 Policy AS8.15 states that within the Coastal Sub Area in which this site is located, growth and development will be integrated with the protection and enhancement of nature conservation sites including the Northumbrian Coast SPA and the Northumberland Shore SSSI.

13.5 Policy S5.4 states the borough biodiversity and geo-diversity will be protected by amongst other matters by the protection of both statutory and non-statutory designated sites within the borough.

13.6 Policy DM5.5 states that proposed development inland within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

13.7 Policy DM5.6 states that proposals that adversely affect an International Site such as a Special Protection Area can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. If necessary developer contributions or conditions will be secured to implement measures to ensure avoidance or mitigation of, or compensation for all of the adverse effects. This can include appropriate signage and distribution of information to raise public awareness amongst other matters.

13.8 The application site is within close proximity to the Northumbria Coast Special Protection Area and Ramsar Site, the Northumberland Shore Site of Special Scientific Interest (SSSI) and Tynemouth to Seaton Sluice SSSI. The applicant has submitted a shadow Habitats Regulations Assessment (sHRA) and Bat Risk Assessment. Natural England does not agree with the conclusions of the sHRA and has advised that further information is required before they can confirm that they have no objections.

13.9 The Council's Biodiversity Officer has noted Natural England's comments and has advised that in order to address the impacts of the scheme on the SPA, a financial contribution is required towards a coastal mitigation service. She has also advised that details of how the developer will provide mitigation for the impacts on the Northumbria Coast SPA are also recommended to be agreed prior to determination of the application. However it is likely that measures such as providing additional information to potential occupiers of the new homes such as Information Packs, improved signage and interpretation within the local area can be adequately secured by condition and it is not considered reasonable to withhold planning permission in order to obtain this information upfront.

13.10 In addition, with regard to Natural England's comments, the applicant has agreed to enter into a Section 106 agreement for a financial contribution of £600 per dwelling towards a coastal wardening service. Therefore, there is no reason to require additional information at this stage and request further comments from Natural England prior to determination of the application.

13.11 The Biodiversity Officer has suggested a number of conditions and it is suggested that these are attached to the planning approval.

13.12 Members need to consider whether the proposal would result in significant harm to biodiversity and whether it would accord with the advice in NPPF, policies AS8.15, S5.4, DM5.5 and DM5.6 of the Local Plan and weight this in their decision. It is officer advice that subject to conditions that the proposal would avoid significant harm.

14.0 Flooding

14.1 The NPPF paragraph 163 makes it clear that “When determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.”

14.2 LP Policy “DM5.12 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

14.3 The Local Lead Flood Authority (LLFA) has been consulted. They have noted that surface water will be dealt with by existing NWL infrastructure and have recommended approval.

14.4 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with the relevant national and local planning policies.

15.0 Local Financial Considerations

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

15.2 North Tyneside Council is set to receive £503,860 in New Homes Bonus for the year 2018-19.

15.3 In addition, the dwellings will bring in additional revenue as a result of Council tax.

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

16.0 Planning Obligations

16.1 Policy S7.1 General Infrastructure and Funding of the Local Plan states that new development may be required to contribute to infrastructure provision to meet the impact of new development through the use of planning obligations where it is not possible to address unacceptable impacts through the use of a condition; and that contributions are fair, reasonable, directly to the development and necessary to make the application acceptable.

16.2 Policy DM4.7 of the Local Plan, which relates to affordable housing, states that the Council will seek 25% of new homes to be affordable on new housing developments of 11 or more dwellings taking into consideration specific site circumstances and economic viability. In all but the most exceptional cases the Council will require affordable housing provision to be made on-site.

16.3 Policy DM7.2 Development Viability states that if the level of contributions to fund infrastructure to support a new development would impact on the economic viability of a proposed development then robust evidence of viability should be provided.

16.4 The Council's revised Supplementary Planning Document LDD 8 on Planning Obligations was adopted in March 2018. Planning Obligations are required to ensure that new development appropriately mitigates site specific impacts on the physical, social and economic infrastructure of the borough. The SPD provides guidance on the type and extent of planning obligations that may be required in order to grant planning permission. They must be necessary and used directly to make a development acceptable.

16.5 A planning obligation must be lawful and comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. It must be necessary; directly related to the development; and fairly and reasonably related in scale and kind to the development.

16.6 Contributions were requested by service providers for parks, semi-natural green space, children's equipped play space, and 25% (3) affordable housing units.

16.7 The applicant has submitted a Viability Assessment. Viability of the proposed development has been assessed and the assessment concluded that there is no scope for affordable housing or s106 contributions from the proposed development if the development is to be viable.

17.0 Conclusion

17.1 Members must determine whether the proposed development is acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants, and highway safety.

17.2 Subject to the imposition of appropriate conditions the proposed development is acceptable and accords with relevant national and local planning policy. It is therefore recommended that subject to a s106 legal agreement and conditions that planning permission should be granted.

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

It is recommended that members indicate they are minded to approve the application and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application subject to:

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:
a contribution of £7,200 for a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area**

Conditions/Reasons

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

- Application Form 24.11.2017
- Location Plan NTC/MI/801, Jan 2017
- Proposed Site Plan NTC/MI/811, Jan 2017
- Proposed Parking Layout NTC/MI/811, Rev.A, Jan 2017
- Proposed Ground Floor Plan, NTC/MI/200, Rev.B, 3 June 2016
- Proposed Upper Floor Plans, NTC/MI/201, Rev.C, 3 June 2016
- Proposed Elevations 00, NTC/MI/203, 3 June 2016
- Proposed Elevations 01, NTC/MI/204, 3 June 2016
- Proposed Elevations 02, NTC/MI/205, Rev.A, 3 June 2016
- Roof Plans, NTC/MI/110, 3 June 2016
- Noise Report ref.6217.2, 01.08.2018
- Bat Risk Assessment 26-32 South Parade, Whitley Bay JWC-18-01, August 2018
- Method Statement Bats 26-32 South Parade, Whitley Bay JWC-18-02, August 2018
- Habitats Regulations Assessment Screening Report, JWC-18-01, April 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. Facilities for the storage of refuse from the approved flats must be provided within the rear curtilage of the application site. The facilities, which should include the provision of wheeled refuse bins, shall be provided prior to the first occupation of the approved development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies S1.4 and DM7.9 of the North Tyneside Local Plan (2017).

4. 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.

5. No other part of the development shall be occupied until the means of access has been altered in accordance with the approved drawing.

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

6. Construction Method Statement - Minor SIT006 *

7. Restrict Hours No Construction Sun BH HOU004 *

8. Restrict Hours No Demolition Sun BH HOU005 *

9. Notwithstanding any indication of materials which may have been given in the application, no development of any external construction works shall take place until a schedule and/or samples of the materials and finishes for the development (both to the exterior of the building and the surfacing) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the external 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 Local Plan 2017.

10. Prior to their installation full details of all new boundary treatments shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in complete accordance with the approved details and retained.

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

11. All demolition or renovation works to buildings must be undertaken in accordance with the Bat Method Statement submitted as part of the planning application.

Reason: In the interests of protecting ecology in accordance with Policy DM5.7 of the North Tyneside Local Plan 2017.

12. Any roofing works likely to disturb birds should be carried out outside of the bird nesting season (March - August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of protecting ecology in accordance with Policy DM5.7 of the North Tyneside Local Plan 2017.

13. Within one month from the start of works commencing on site, 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 landscaping scheme shall be

implemented in accordance with the approved details within the first available planting season following the approval of details or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

14. Prior to the commencement of any development involving any ground works or foundations a coal mining risk assessment shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved development shall only be carried out in full accordance with the findings and recommendations of the approved details.

Reason: In order to ensure that the land is safe and stable to accommodate the proposed development in accordance with the National Planning Policy Framework.

15. Prior to first occupation of the approved development a noise scheme for the acoustic glazing must be submitted to and approved in writing by the local planning authority. The scheme, which shall be in accordance with submitted noise report 6217.2, must address the external noise arising from the public bars located on South Parade including customer noise in the street and all external noise arising from the adjoining Havana Bar. The acoustic glazing must be in accordance with BS8233 and the World Health Organisation community noise guidelines and the scheme must demonstrate that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms. The development must be carried out in accordance with the approved details and retained thereafter.

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.

16. Prior to first occupation of the approved development a scheme of ventilation for all habitable rooms must be submitted to and approved in writing by the local planning authority. The scheme shall ensure that an appropriate standard of ventilation (with windows closed) is provided. When the internal noise levels specified in BS82233 are not achievable (with the window/s open) due to the external noise environment, an alternative mechanical ventilation system such as mechanical heat recovery (MVHR) must be provided to address thermal comfort and purge ventilation in order to reduce the need to open the windows. The alternative ventilation system must not compromise the façade insulation or the resulting internal noise levels.

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.

17. Prior to first occupation of the approved development a scheme of sound insulation works must be submitted to and approved in writing by the Local

Planning Authority. The scheme, which shall be in accordance with submitted noise report 6217.2 (specifically the remedial construction details specified in section 9), must be capable of restricting noise breakout from the adjoining Havana Bar to all adjoining and adjacent residential accommodation to levels complying with the following:

- All habitable rooms: NR20
- All habitable rooms: LAFmax 45dB, max 10 events

Note: Noise rating curves should be measured as an LZeq(15 mins) at octave band centre frequencies 31.5Hz to 8kHz).

Where the above noise criteria cannot be achieved with windows partially open a system of alternative acoustically treated ventilation must be included to all habitable rooms. (The NR curve to be altered depending on each individual application.) The development must be carried out in accordance with the approved details and retained thereafter.

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.

18. The design of the building(s) shall include an adequate form of sound insulation in accordance with a detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The approved scheme shall be carried out in full prior to the use and occupation of the site and of the building(s) hereby permitted.

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.

19. Prior to any development above damp proof course details of how the developer will provide mitigation for the impacts on the Northumbria Coast SPA shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. Such measures could include details of signage and interpretation boards regarding birds between the development site and the SPA. Thereafter the approved mitigation shall be provided in accordance with the approved details.

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

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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



Application reference: 17/01777/FUL

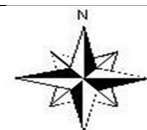
Location: 26 - 32 South Parade, Whitley Bay, Tyne And Wear, NE26 2RQ

Proposal: Change of use and conversion of three storey buildings to provide 12no quality residential apartments with associated external alterations and rear roof extension. (Bat Risk Assessment _ HRA Report uploaded 31.05.2018)

Not to scale

Date: 06.12.2018

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Appendix 1 – 17/01777/FUL
Item 7

Consultations/representations

1.0 Internal Consultees

1.1 Environmental Health (Pollution)

1.2 I have concerns with regard to potential noise arising from the various public houses located on South Parade. A change of use from hotel to residential apartments will result in residents residing at the premises for a longer period of time compared to a hotel, where the occupancy is usually of a very short duration. The site adjoins on one side with the former Ocean Inn at 20 to 24 South Parade and on the other side the Havana Bar. Easy Street, opposite the site is currently closed. The Zynk Bar and the Bazil Bar are close to this development.

1.3 There will be external noise from South Parade frontage due to the existing street noise from use of the public bars and outside drinking areas from raised voices and noise breakout from the public houses. This will lead to potential restrictions on the activities of the public houses as the introduction of residential housing will cause a potential nuisance to arise. Environmental Health has historically received complaints about the customer noise and loud amplified music from the Caprice Hotel affecting neighbouring residential flats.

1.4 Two noise assessments have been provided to assess noise arising from public bars on South Parade. The additional noise monitoring was carried out from Friday 16th June to Monday the 19th June 2017. Three monitoring locations were used, one to the front of the site to assess noise from amplified music and customer noise, one to the rear to assess plant and equipment located on the roof of the adjoining public house and one internally to assess internal noise transmission. The noise assessment has shown that noise levels from the nearby Havana public house will be high, in the region of 72 dB LAeq2h for the period 23:00 hours to 01:00 hours. This consisted of noise from amplified music and customers using the outdoor seating area and noise from people in the street. It indicated that it was possible to meet the BS 8233 internal noise levels if windows to the front were kept closed and mechanical ventilation was provided. I note that the maximum noise levels would be in the region of 87-89 dB L_{Amax} at night. Such a level would cause disturbance at night and wake residents from sleep if windows are left open.

1.5 A high level of sound attenuation would be required for habitable rooms to the front of the building to mitigate against this noise. A further noise assessment has been provided to outline the level of sound attenuation for the party wall between the proposed residential property and Havana Public House. I also have concerns about noise affecting the rear habitable rooms of the proposed residential properties with the BS4142 assessment indicating that the rating level of the noise is some 27 decibels above the background and indicates that noise from the plant and equipment will give rise to significant adverse impacts if windows are open.

1.6 It would be necessary to provide appropriate acoustic glazing and mechanical ventilation to the properties to prevent the need for open windows. The mitigation measures would not prevent complaint arising due to the sensitive nature of the noise e.g. bass noise and shouting to the front of the property and plant noise to the rear if residents open windows.

1.7 The noise from music from clubs, raised voices and potential noise from bottle collections to the rear of the site would create a higher level of annoyance. The night time noise levels are predominantly related to noise breakout from the night time activities e.g. bass noise, noise from revellers on the street and plant noise to the rear of the site. Such noise would not be classed as anonymous noise and it would be considered sensitive noise as it is unpredictable and more intrusive and would be likely to generate complaints. This would place a burden on the existing bar specifically the Havana and may lead to a review or service of notice with regard to the external seating area should residents choose to open windows and I consider that the external noise from people in the street, plant noise and music arising from the Havana Bar may give rise to serious detriment to any residents. Section 180 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. I would have concerns that this development may result in noise complaints if residents have open windows and result in restrictions being placed on the Havana Bar under statutory nuisance legislation

1.8 If planning approval is to be given I would recommend the following condition.

1.9 Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme for the acoustic glazing scheme in accordance to noise report 6217.2 to address the external noise arising from the public bars located on South Parade including customer noise in the street and all external noise arising from the adjoining Havana Bar. Details of the acoustic glazing to be provided must be in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

1.10 Prior to occupation, the residential accommodation hereby permitted shall not be occupied until a scheme of sound insulation works has been submitted to and approved in writing by the Local Planning Authority and installed and thereafter retained to meet the remedial construction details specified in section 9 of noise report 6175.2. Such a scheme of works shall be capable of restricting noise breakout from the adjoining Havana Bar to all adjoining and adjacent residential accommodation to levels complying with the following:

- All habitable rooms : NR20

- All habitable rooms: LAFmax 45dB, max 10 events

Note: Noise rating curves should be measured as an LZeq(15 mins) at octave band centre frequencies 31.5Hz to 8kHz).

Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

(The NR curve to be altered depending on each individual application)

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

1.12 HOU04 (construction hours) and SIT03 (dust suppression)

2.0 Highway Network Manager

2.1 This application is for a change of use and conversion of three storey buildings to provide 12 quality residential apartments with associated external alterations and rear roof extension (resubmission).

2.2 An appropriate level of parking has been provided for the site given the location in Whitley Bay town centre with good links to public transport and local services. Furthermore the previous use would have required more parking than the existing use.

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

2.4 Conditions:

ACC14 - Altered Access Access Alt Before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

2.5 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

3.0 Design Officer

3.1 The proposed change of use and conversion of the buildings on South Parade is supported. The conversion will enhance the appearance of the existing buildings and remove some insensitive alterations.

3.2 The existing entrances to number 26 and 28 should be retained with one door providing direct access into the ground floor flat. I would encourage this access arrangement to be repeated for the other units as well. I would also recommend that a more sensitive canopy is considered for the entrances.

3.3 The hard surfacing for car parking to the front should include landscaping behind the boundary wall to soften the appearance at street level.

3.4 The alternations to the rear are supported in terms of design; however I have not considered privacy distances as part of my comments.

3.5 Boundary treatments, surface materials and details for rendering and cladding should be conditioned.

4.0 Biodiversity

4.1 Habitats Regulations Assessment (HRA) Screening Report:

4.2 Information to support a Habitats Regulations Assessment (HRA) for the above scheme has been submitted to enable the Local Authority to determine if there will be a likely significant effect on the Northumbria Coast SPA and Ramsar site. The information provided has concluded there will be no impact from the scheme on the Northumbria Coast SPA. The Local Authority does not agree with the conclusions of the submitted HRA Screening report with regard to potential impacts on designated sites. The proposal will result in the conversion of the existing unoccupied Avalon hotel and bar into permanent residential properties and it is considered that the numbers of apartments and their proximity to the coast is likely to have an impact as a result of recreational disturbance, particularly in combination with other schemes and projects.

4.3 Natural England have also concluded that the proposal has the potential to have significant adverse effects on the special interest features of the Northumbria Coast SPA and Ramsar site and Northumberland Shore SSSI through recreational disturbance resulting from an increase in dwellings at this location. They have advised that appropriate mitigation will be required and the developer should liaise with the Local Planning Authority on how to address this issue. They advise that details of a strategy to mitigate against recreational disturbance needs to be submitted

4.4 In line with the above and to address the impacts of the scheme on the SPA, it is recommended that a financial contribution is agreed between the developer and the Local Authority towards a coastal mitigation service. Mitigation for the impacts on the Northumbria Coast SPA must be agreed with the Local Authority prior to the determination of the application.

4.5 Bat Survey:

4.6 An updated Bat Risk Assessment report has been submitted which concludes that the surveyed area is of negligible value for bats and based on the survey results, no further survey effort for bats is considered necessary. It recommends that a Method Statement is provided and followed during the works, which would include details of actions to be taken in the unlikely event that bats are encountered.

4.7 The Bat report recommends the following:-

- A Method Statement will be provided separately to accompany this report, which will outline the current legal protection afforded to bats, methods to follow during site works, and actions to be taken in the unlikely event that any bats are encountered during the works.
- Due to the confirmed presence of nesting pigeons, any roofing works likely to disturb the pigeons should be carried out outside of the nesting season (defined as March – August, inclusive). If this is not feasible, a nesting bird survey should be carried out within 48 hours of the start of any work to confirm the absence of any active nests.
- Any soft landscaping to be incorporated into the works should use native plant species and/or species of known wildlife value that will enhance the ecological value of the site

4.8 I have no objection to this application subject to the conditions set out below being attached to the application. In addition, as set out above, a financial contribution will need to be agreed between the developer and the LPA to address the impacts on the Northumbria Coast SPA prior to the determination of the application

4.9 Conditions

- Any demolition or renovation works to buildings must be undertaken in accordance with the Bat Method Statement submitted as part of the planning application
- A detailed landscape plan must be submitted to the Local Authority for approval within 4 weeks of works commencing on site.
- Any roofing works likely to disturb birds should be carried out outside of 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.

5.0 Landscape Architect

5.1 There does not appear to be a landscape design element to the proposed development and details of the external Landscape Scheme should be submitted (on condition), with reference to the layout of the general external areas including associated access and boundary (perimeter) treatments, paving and furniture/storage.

5.2 Conditions:

5.3 Within one month from the start on site of any operations, 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 landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details 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.

6.0 Contaminated Land Officer

6.1 No objection.

7.0 External Consultees

7.1 Natural England

7.2 As submitted, the application could have potential significant effects on

- Northumbria Coast Special Protection Area (SPA)

- Northumbria Coast Ramsar

- Northumberland Shore Site of Special Scientific Interest (SSSI)

- Tynemouth to Seaton Sluice Site of Special Scientific Interest (SSSI).

7.3 Natural England does not concur with the conclusions of the submitted HRA concerning this proposal and therefore requires further information in order to determine the significance of these impacts and the scope for mitigation

7.4 The following information is required:

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

8.0 Northumbrian Water

8.1 No comments to make at this stage.

9.0 The Coal Authority

9.1 In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

9.2 Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore objects to this proposal.

9.3 If the applicant ultimately fails to demonstrate to the LPA that the application site is safe and stable to accommodate the proposed development then the LPA may refuse planning permission, in accordance with the National Planning Policy Framework, paragraphs 178-179.

9.4 The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

10.0 Representations

10.1 One letter of support has been received, this is set out below:

The residents around Whitley Bay are getting quite fed up with the slow process over the much needed regeneration on South Parade. We are fed up with all the closed down bars/hotels making whitely bay look ugly and OUTDATED.

PLEASE move along to modernise the area with modern residential apartments, for the sake of the look, and to attract people to live here, which will help the businesses that are in need.

Item No: 5.8
Application No: 18/01159/FUL
Author: Maxine Ingram
Date valid: 14 September 2018
Target decision date: 14 December 2018
☎: 0191 643 6322
Ward: Weetslade

Application type: full planning application

Location: S And B EPS, Warehouse West Of, 2 Grieves Row, Dudley, NORTHUMBERLAND

Proposal: Erection of two buildings connected to existing buildings with link corridors, erection of a substation and roof modification to existing building. Reorganisation of internal traffic movements to direct HGV to roundabout access

Applicant: Mr Darren Smith, C/o Agent S And B EPS Dudley Cramlington NE23 7PY

Agent: Mr Mark Grant, Portland Consulting Engineers 10 Bankside The Watermark Gateshead NE11 9SY

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

2.0 Description of the Site

2.1 The site to which this application relates is an existing industrial site located to the west of the B1319. Access is from the B1319 via two accesses, one which is from a roundabout (south) and one direct from the road (north). The site overall is approximately 28, 000sqm and is the current location of the manufacturing facilities and associated logistics and administration operations of the applicant. The site is designated as a housing site (2) in the Local Plan (LP).

2.2 The existing buildings on site are a combination of brick and metal clad industrial structures.

2.3 To the west of the site is an area of designated open space and a wildlife corridor. To the north the site is bound by Sterling Pharma Solutions. Beyond the road to the east of the site are existing residential properties. To the south of the site is vacant parcel of land and existing residential properties. It is noted that this parcel of land is designated as a housing site (140) and a wildlife corridor in the LP.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of two warehouse facilities of 1100sqm (Building 1) and 1400sqm (Building 2). These will be linked by low level corridors. The construction of a new sub station is also proposed.

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

- Design and Access Statement
- Phase 1 Desk Top Study and Coal Mining Risk Assessment
- Flood Risk Assessment (FRA)
- Noise Assessment

3.3 The applicant has provided the following supporting statement to accompany this planning application:

"Background information

This is an existing family run business that generates a significant amount of employment within this part of the borough.

Polystyrene is a Green Grade A+ rating materials which is 100% recyclable back into its own product. The main process uses steam to expand the raw materials within block moulder machinery. As part of the process there is an opportunity to recycle heat to generate the boilers within the factory.

The product contains 98% air and it is sited into Silo block moulders where the process of moulding into blocks takes place. The blocks of polystyrene are then loaded onto large vehicles and distributed throughout the country.

The haulage side of the business involves the use of local based hauliers.

The proposed development will enable the company to improve their efficiency of the operation and significantly increase capacity to meet demand. The silo storage of the raw material beads within the factory will reduce pre-expander running times. This is the process of adding air to the raw material product.

Increased operation will introduce new advanced block moulding technology, allowing capacity per hour to change from 72 cubic metres to 150 cubic metres. This will reduce the running times associated with the general factory process.

An increase in internal storage will allow the internal movement of material traffic within the plant and thereby release the current extensive use of large storage trailers some of which are currently located within the open area reserved for the proposed development. The release of the external loading trailers being used for storage will decrease external yard noise.

The haulage trailers used for distribution are normally loaded during the evening ready for distribution to take place the next day.

Traffic Movement Improvement and Proposed Factory Development

The applicant has purchased the former Owen Pugh site. The applicant has advised that this site formerly operated with extensive building operation throughout the day from 06:00 – 18:00 hours each day, with an extensive number of staff, their associated parking and heavy plant vehicle movements within the site.

The main traffic haulage and logistic advantages associated with this development will be to move significant storage operations of the manufactured product within the new buildings. As present, extensive storage for the raw polystyrene crystal material takes place within the open parts of the site, including to the west of the existing buildings.

This development will enable both the raw materials and completed product to be stored more efficiently within the new buildings. A dedicated entrance area adjoining the trailer parking area to the west of the new buildings will be for the delivery of raw materials. This location will be away from the eastern part of the site where there has been general congestion within limited areas available for delivery, storage and distribution. Reduction of activity in this area will result in a significant improvement for residential amenity for those properties on the eastern side of the B1319.

In relation to the operation of the existing open yard area surrounding the factory, the proposals will avoid the extent of the existing open external storage associated with the operation of haulage trailers to a significant degree. The major benefit will be to alleviate the existing open parts of the yard areas to the north and east. This is where existing site operations take place closest to the residential properties on the eastern side of the B1319. In addition, there will be less use of the existing northern access. Most heavy vehicle operations will now take place from the southern roundabout access.

Within the existing factory buildings new machinery will be installed. The new block moulder will be more efficient, quieter and involve less steam exhaust in the process. The steam produced will be recycled for heating purposes for the existing factory buildings. These efficiencies will result in a reduction in the hours of the overall operation for the manufacture of each unit of the product.

Hours of operation

Current operations of the factory:

Monday to Thursday 06:00 – 18:00 hours;

Fridays 07:00 – 15:00 hours;

Saturdays and Sundays vary between 08:00 -16:00 hours depending on demand.

Certain operations run on a 24 hour basis.

Existing vehicle movements

The existing operation features 20 daily trailer movements to the site by large haulage lorries to the western part of the site. At any one time approximately 10 of these trailers will be empty waiting to be loaded and 10 will be loaded with the product ready for delivery.

There are approximately 10 trailers used as a part of the existing operation in open parts of the site to the north and east of the existing buildings.

The vehicle operation movements start between 06:00-07:00 hours.

Proposed vehicle movements

It is estimated that there would be up to 30 large trailer movements from the site each day. Approximately six of these will take place during the night time period between the hours of 22:00 – 06:00 hours.

Use of the new access to the site via the main roundabout towards the southern end of the site will be the main feature for the operation of the site.

Use of the open parts of the site beyond the construction of the new buildings will stop the previous operations where haulage vehicles were often parked on the main highway to the east of the existing entrance on the B1319. Major haulage movements will be internalised within the site.

All external movements involving fork lift trucks will use gas driven 'quiet' vehicles to avoid noise impacts on residential amenity.

Employment

The company employs up to 50 persons (currently 47, six of whom are from agencies). The proposed development could provide an additional 10-15 full time employment positions.

Summary

- Less vehicle operations within the open parts of the site;
- Internalising storage and manufacture and therefore less noise from loading and unloading of vehicles;
- Up to 10 additional heavy haulage movements each day;
- No large vehicle movements at night within the site;
- Reduction in impacts on residential amenity on the eastern side of the site;
- More efficient manufacturing within existing factory buildings;
- Increased employment levels;
- Improved traffic management of the site;
- More fork lift truck movements within the site."

4.0 Relevant Planning History

The site has an extensive planning history. The most recent planning history is set out below:

13/00014/FUL - Proposed erection of a temporary structure on the site to enable the storage of the polystyrene blocks whilst the previously approved 12/00470/FUL proposed development is carried out. Retrospective planning approval for a new roller shutter to the side of the existing factory – Permitted 04.03.2013

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

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

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

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

8.0 Principle of the development

8.1 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.2 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.3 The NPPF paragraph 80 states “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both business needs and wider opportunities for development”.

8.4 Members are advised that the application site is allocated for housing within the Local Plan (LP), identified as site 2 by Policy S4.3 ‘Distribution of Housing Development Sites’, for the provision of 90 units. The Strategic Housing Land Availability Assessment (SHLAA) 2016/2017 (Ref 95) advises that housing delivery from this site would be expected from 2017/2018 to 2019/2020. The potential housing land supply from this site is included in the assessment that North Tyneside has a 5.56 year supply of housing land.

8.5 Albeit, the site is not designated as employment, it is clear that its former commercial nature remains. Therefore, albeit not directly applicable, LP Policy DM2.3 “Development Affecting Employment Land and Buildings” is considered to be of some relevance when assessing this application.

8.6 Consideration must be given to the fact that the housing allocation is for the lifetime of the LP i.e. until 2032. Furthermore, to date no planning applications have been submitted 2016/2017 or 2017/2018 as per the SHLAA which anticipated 30 houses to be built during each of these timeframes. Albeit, permanent buildings on this site are proposed it is not considered that they would prejudice the long-term implementation of Policy S4.3. Furthermore, any future planning applications for housing or other forms of development would need to be assessed on their own merits.

8.7 The application site is located in a mixed use area and under the previous development plan (Unitary Development Plan (UDP)) was allocated for employment use. Up until late 2017 the site was occupied by Owen Pugh. The submitted Design and Access Statement states that the applicant’s site ownership has recently been expanded by the purchase of the adjacent former Owen Pugh facilities, providing them with an opportunity to expand their current operation levels and increase employment. It is evident that the commercial nature of this site remains. The land immediately to the north of the application site, Sterling Pharma Solutions, and the existing buildings associated with the applicant are designated as employment land within the LP. It is also located within the North West Villages Sub Area where Policy AS8.24 states that North Tyneside Council will work positively with owners of vacant sites to bring them back into suitable, beneficial use.

8.8 The current buildings are used to manufacture expanded polystyrene products (EPS), such as insulation boards. These are manufactured from pellets stored on site. The applicant has advised that in order to increase manufacturing output of the expanded facilities, it is necessary to relocate warehousing facilities and free up existing manufacturing space. In addition, there is currently a need to store raw materials externally; the new facilities will allow this material to be brought inside and avoid current conflicts with logistic operations. Loading of vehicles is also currently being undertaken in areas fronting the road; the new facilities will transfer some of this to the rear of the building.

8.9 The north vehicular entrance is opposite residential properties and construction of the new facilities will result in some of the vehicle movements being transferred to the south entrance. The applicant considers that this access is more suited to receiving heavy goods vehicles (HGV's) via the roundabout configuration.

8.10 The proposed development is in keeping with the existing operations of the applicant which occupies the existing buildings to the north and east of the application site. When taking into account that the proposal would bring a currently vacant site into use, and secure economic development in accordance with the NPPF, it is officer advice that the principle of this development is considered to be acceptable subject to consideration of the issues set out below.

8.11 Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".

9.2 LP Policy S1.4 "General Development Principles" states " Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan." Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements".

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

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

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

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

9.4 The representation received regarding the impact of noise is noted.

9.5 In addition to the supporting information set out under paragraph 3.3 of this report the applicant has advised the following:

"The proposed buildings will be used for warehousing only and therefore will generate minimal noise. The space created in the factory by relocating the current warehousing to the new buildings may be used for additional manufacturing equipment in the future and this will be subject to a separate application if required. In addition the new buildings will allow some of the vehicle movements on the front forecourt to be moved to the rear thus reducing the noise from external areas in front of the residences". They also advised that "The development will take the movements away from the front of the site. The rear of the site backs onto a sports pitch so there is no-one affected. Please remember this used to be Owen Pugh's plant yard and as such this is a significant improvement on that, which will have had hundreds of movements each day as their fleet left and returned. These will have been early in the morning too and using the roundabout access. Their fleet was in excess of 100 vehicles; S&B have occasional deliveries/despaches. For clarity, the new buildings are for warehousing so have no plant associated with them."

9.6 The application site is located approximately 12m adjacent to residential properties in Grieves Row to the east of the site and approximately 71m from McNulty Court to the south west.

9.7 The applicant has submitted a noise assessment. This assessment has been considered by the Manager for Environmental Health. She has raised concerns regarding an intensification of use of the site from HGVs loading and off loading to the rear of the site resulting in additional noise for residents in McNulty Court.

9.8 Based on the information proposed the proposed reconfiguration of the site will result in additional HGV movements to the rear of the site. This will give rise to additional noise to the rear of the site. Members are advised that the site operates on a 24/7 basis. The Manager of Environmental Health has advised that historic complaints have been received about noise from HGV operations and fork lift truck movements and loading/unloading operations. A new substation is also proposed to the north of the southern access into the site, this may give rise to low frequency noise from any switch gear in the station.

9.9 The submitted noise assessment has considered the proposed development and increase in vehicle movements, substation and expansion of the warehouse. Background noise monitoring was carried out at the nearest sensitive receptors of McNulty Court and Meadowbank, adjacent to Grieves Road. Potential noise arising from the new warehouse and expansion of the operation has been modelled based on measured data obtained from operations being carried out on the site. Environmental health has advised that full details on the onsite measures including distances have not been provided.

9.10 The noise assessment concludes that the overall impact from noise levels for daytime and night time operations is considered to have a negligible impact at both monitoring locations. The noise assessment concluded that night time noise levels were +3dB above background during the night at McNulty Court. However, the night time assessment did not include reversing tonality of vehicles. This has not been provided as it has been assumed that mitigation from noise will include restrictions on reserving alarms on forklift trucks to those only using white noise reserving alarms. No consideration has been given to HGV reserving alarms at night which could cause adverse impact for residents of McNulty Court. However, environmental health considers that this could be resolved by way of a condition.

9.11 The noise assessment does not consider maximum noise levels for any external night time operations at the site. Environmental health has raised concerns that the warehouse development will result in additional operations during the night and noise may be audible at nearest residential properties. The supporting information on the site operations advises that there will be an additional 10 trailer movements from the site as a result of this development. Six of these movements will occur during the night time period using the southern access into the site. The applicant advises that the main operation of the factory is generally during daytime hours; therefore any expansion will potentially result in an intensification of night time use. The site currently operates unrestricted; therefore environmental health considers that conditions are necessary to restrict night time operations at the site resulting from the proposed development expansion.

9.12 The applicant has advised that no new external plant and equipment is proposed in the warehouse. If this is not the case, then a condition will be necessary to control any new external plant or equipment.

9.13 The NPPF paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 55 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it has been shown through the provision of a noise assessment that this development will result in some noise being audible at nearest sensitive receptors during day and night periods. However, it is clear from the environmental health comments set out in paragraphs 1.13 – 1.19 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise can be secured by conditions.

9.14 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity is acceptable. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF makes it clear that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 LDD11 ‘Design Quality’ applies to all planning applications that involve building works.

10.4 It is proposed to construct two warehouse facilities of 1100sqm (Building 1) and 1400sqm (Building 2). These buildings will be linked by corridors. Both buildings will be clad in profiled metal cladding in blue to match the existing. The proposed buildings will be higher than the existing buildings on site. The submitted drawing (Proposed site elevations Dwg No. 101 Rev A) shows the difference in height between the existing and proposed buildings. When viewed from the east, building 2 would be more visually prominent than building 1. However, it is not considered that the height of building 2 would significantly detract from the character and appearance of the area when viewed from this direction. Views of both buildings would be more prominent when viewed from the west and south of the site. However, when viewed from these directions the proposed buildings would be seen in the context of the existing buildings on site and Sterling Pharma Solutions located to the north of the site. It is not considered that the proposed buildings would significantly detract from the character or appearance of the areas of open space, Green Belt located to the west of the site or significantly affect the outlook from residential properties located to the east, south and south west of the site.

10.5 Views of the proposed buildings from the north would be restricted by the existing Sterling Pharma Solutions.

10.6 It is officer advice that the design of the proposed buildings and the alteration to the existing roof are considered to be in keeping with the character and appearance of the existing buildings on site. It is not considered that the proposed buildings would significantly detract from the character or appearance of the immediate surrounding area.

10.7 The proposed electricity substation is located to the north of the southern roundabout access. It would be sited behind the existing boundary treatment. Due to the siting of the substation, it is not considered that it would significantly detract from the character or appearance of the immediate surrounding area.

10.8 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance of the immediate surrounding area or significantly affect the outlook from nearby residential properties. As such, the proposed development accords with national and local planning policies.

11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

11.3 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.4 Vehicular access will be provided to both buildings by roller shutter doors and the buildings will be linked internally to ease the transfer and distribution of materials. Vehicular access will be from the rear of the site using existing hard standing areas. There will be limited new hard standing created except for maintenance paths around the buildings. The two existing accesses from the B1319 will be maintained however, the north entrance will become less used due to the applicants desire to direct HGVs to the south entrance which is more suitable for this type of vehicle.

11.5 The existing main access into the site via the mini roundabout will be utilised. This will result in less vehicle movements at the access to the north. A parking area remains within the southern part of the site.

11.6 The Highways Network Manager has been consulted. He has raised no objections to the proposed development subject to the imposition of the suggested conditions set out in the appendix to this report.

11.7 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

12.0 Other Issues

12.1 Contaminated Land

12.2 NPPF paragraph 178 states “Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This include risks arising from natural hazards of former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments”

12.3 NPPF paragraph 179 states “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

12.4 LP Policy DM5.18 “Contaminated and Unstable Land” states: “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

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

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

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

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

12.5 A Phase 1 Desk Top Study and Coal Mining Risk Assessment have been submitted to accompany this planning application.

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

12.7 The Coal Authority has been consulted. They have raised no objection to the proposed development.

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

12.9 Flooding

12.10 The NPPF paragraph 163 makes it clear that “When determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.”

12.11 LP Policy “DM5.12 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

12.12 The submitted application form advises that surface water will be disposed of via a main sewer. The applicant has also submitted a FRA to accompany this application. The applicant has confirmed that they have not contacted Northumbrian Water direct as the flows from the site will not be increased and they are not making a new connection.

12.13 The application site is located within flood zone 1; therefore it has a low probability of flooding.

12.14 The Local Lead Flood Authority (LLFA) has been consulted. They have advised that the applicant is proposing to attenuate surface water within the sites drainage system for a 1 in 30 year event and will attenuate a 1 in 100 year plus 40% climate change within the curtilage of the site. The surface water from the site will discharge the surface water in to an existing combined sewer within the site. This will provide betterment to the current sites drainage system. On this basis, they have recommended condition approval.

12.15 Northumbrian Water has been consulted. They have raised no objection to the proposed development as the applicant has confirmed that they are maintaining the current flow rates at the exit and will not be increasing the rate.

12.16 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with both national and local planning policies.

12.17 Health and Safety Executive (HSE)

12.18 The Health and Safety Executive (HSE) has been consulted. No objections have been raised.

12.19 Minerals

12.20 LP DM5.17 'Minerals' sets out guidance on minerals extraction. However, this development relates to an existing operational commercial site and a former operational commercial site.

12.21 Aviation Safety

12.22 Newcastle International Airport has been consulted. They have raised no objections to the proposed development, subject to the imposition of the suggested conditions set out in the appendix to this report.

12.23 North West Villages Sub Area

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

13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. It is not considered that the proposal results in any local financial considerations.

14.0 Conclusion

14.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development and its impact on residential amenity, its impact on the character and appearance of the area and all other issues including its impact on highways, ground conditions and flood risk. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. Approval is recommended.

RECOMMENDATION: 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 any outstanding Consultees following the expiry of the consultation period, and 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:

- Location plan Dwg No. 001 Rev B
- Site operations Dwg No. 004 Rev A
- Existing site plan (part) Dwg No. 002 Rev A
- Proposed site plan (part) Dwg No. 003 Rev A
- Existing elevations Dwg No. 100 Rev A
- Proposed site elevations Dwg No. 101 Rev A
- Existing roof plans Dwg No. 201 Rev A
- Proposed roof plans Dwg No. 202 Rev A
- Proposed building 1 plans, elevations and sections Dwg No. 301 Rev A
- Proposed building 2 plans, elevations and sections Dwg No. 401 Rev A
- Standard distribution substation drawing Ref No. C1061924 Rev A

Approved documents :

Construction Method Statement/Management Plan - Produced by J Dalby&Son Ltd

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 | HOU004 | * |
| 4. | Restrict Hours No Demolition Sun BH | HOU005 | * |

5. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

6. Notwithstanding Condition 1, prior to the commencement of any construction works above ground level, details of facilities to be provided for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to any part of the development hereby approved being brought into use and thereafter permanently retained.

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

7. No other part of the development hereby approved shall be occupied until the means of access has been altered in accordance with the approved drawing.

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

8. Notwithstanding the details submitted, the development hereby approved shall not be brought into use until detailed parking layout designed in accordance with LDD12 has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

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

9. Contaminated Land Investigation Housing CON001 *

10. Gas Investigate no Development GAS006 *

11. If a crane over 40m in height is required during any part of the construction of the development hereby approved Newcastle International Airport has advised that:

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

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

- The crane is fitted with medium intensity lighting (2000cd steady red) at its highest point;

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

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

12. All lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

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

13. Notwithstanding any indication of materials which may have been given in the application, prior to the commencement of any works on site above ground level details of the materials and finishes for the development shall 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 secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, prior to the commencement of any works above ground level, details of a surface water management scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of connectivity and discharge rates to the 225mm

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

Reason: In the interests of surface water management having regard to NPPF.

15. Noise No Tannoys Externally Audible NOI002 *

16. Flood Lighting Scheme Details LIG001 *

17. Prior to the installation of any new plant or equipment at the site, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be carried out in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels. Thereafter, the development hereby approved shall be carried out in accordance with these agreed 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.

18. Within one month of the installation of any plant and equipment pursuant to condition 17 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the operation of this plant and equipment.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

19. The rating level of the noise emitted from the site shall not exceed the existing background daytime noise level of 45 dB LAeq and 51 dB LAeq at McCulty Court and Meadowbank and 51 dB LAeq and 37 dB LAeq respectively at night by more than 3 decibels. The measurements and assessment shall be made according to BS 4142.

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. Loading and unloading operations during the period of 2300-0700 hours shall only take place within the area identified on layout plan drawing number 004.

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.

21. Notwithstanding Condition 1, prior to the commencement of any construction works above ground level, a management plan for the loading and unloading of any vehicles during the night time period (23:00 - 07:00 hours) shall be submitted to and approved in writing by the Local Planning Authority. No more than six lorries shall be permitted to be loaded during the night time period at the site. Lorries operating to and from the site during the night time period shall be fitted with white noise reversing alarms.

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

22. Only one electric or LPG forklift truck, fitted with white noise reversing alarm, shall be permitted for use at any time within the loading and unloading area during the night period 2300-0700 hours.

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

23. All doors serving the warehouse shall be kept closed at all times except for access and egress and in case of emergency.

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.

24. Access to the site during the night period 2300- 0700 hours shall be via the southern access located next to the offices as detailed on layout plan drawing number 004.

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.

25. There shall be no external storage of materials/goods at the site.

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.

26. The Best Practicable Means (BPM) shall be employed at all times to minimise the emission of noise from the development hereby permitted.

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

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

Highway Inspection before dvlpt (I46)



Application reference: 18/01159/FUL

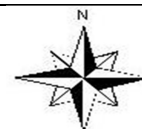
Location: S And B EPS, Warehouse West Of, 2 Grieves Row, Dudley

Proposal: Erection of two buildings connected to existing buildings with link corridors, erection of a substation and roof modification to existing building. Reorganisation of internal traffic movements to direct HGV to roundabout access

Not to scale

Date: 06.12.2018

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Appendix 1 – 18/01159/FUL
Item 8

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 The proposal is an extension of the existing factory to the north of the site and takes over the former Owen Pugh depot. The existing main access to the depot via the mini roundabout to the south of the site will be utilised and this will result in less vehicle movements at the access to the north. The proposal also allows raw materials to be stored inside the new buildings and some loading to take place at the rear of the site. A parking area remains at the south of the site. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

Notwithstanding the details submitted, the development shall not be occupied until a detailed parking layout designed in accordance with LDD12 has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

1.5 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

I46 - Highway Inspection before dvlpt

1.6 Contaminated Land Officer

1.7 I have read the Phase 1 report and note that it recommends further investigation into ground conditions and gas. The following must be applied:

Con 001

Gas 006

1.8 Local Lead Flood Authority (LLFA)

1.9 The proposed development lies within flood zone 1 so has a low probability of flooding. The applicant is proposing to attenuate surface water within the sites drainage system for a 1 in 30 year event and will attenuate a 1 in 100 year plus 40% climate change event within the curtilage of the site. The surface water from

the site will then discharge the surface water from the site into an existing combined 225mm diameter sewer located within the site. There are no objections to the proposal as this will provide betterment to the current site's drainage systems as there will be attenuation provided within the site in order to reduce the risk of flooding to the surrounding areas. Conditional approval is recommended.

1.10 Recommendation - Conditional Approval.

1.11 Condition:

No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of connectivity & discharge rates to the 225mm diameter NWL sewer. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied. Reason: In the interests of surface water management

1.12 Manager for Environmental Health (Pollution)

1.13 The site is located approximately 12 metres adjacent to residential properties in Grieves Row to the east of the site and approximately 71 metres from McNulty Court to the south west. I have concerns about an intensification of use of the site from heavy goods vehicles (HGVs) loading and off-loading to the rear of the site resulting in additional noise for residents in McNulty Court.

1.14 The proposed reconfiguration of the site will result in additional HGV movements to the rear of the site and give rise to additional noise to the rear. The site operates on a 24/7 basis and historic complaints have been received about noise from HGV operations and fork lift truck movements and loading/unloading operations. It is noted that a new substation is to be installed which may give rise to low frequency noise from any switch gear in the station.

1.15 I have viewed the noise assessment report which has considered the proposed development and increase in vehicle movements, substation and expansion of the warehouse. Background noise monitoring was carried out at the nearest sensitive receptors of McNulty Court and Meadowbank, adjacent to Grieves Row. Potential noise arising from the new warehouse and expansion of the operation has been modelled based on measured data obtained from operations being carried out on the site. Full details on the onsite measures including distances have not been provided. Calculated noise levels for daytime and night time from the operations have been determined and concluded that the overall impact is considered to have negligible impact with the rating levels calculated as being 38 dB LAeq at both monitoring locations during the day and at night 37 dB LAeq and 39 dB LAeq at McNulty Court and Meadowbank respectively. The noise assessment concluded that night time noise levels were +3 dB above background during the night at McNulty Court. The night time assessment did not include reversing tonality of vehicles. It has not been included as it has been assumed that mitigation from noise will include restrictions on reversing alarms on forklift trucks to those only using white noise reversing alarms. However, no consideration has been given to HGV reversing alarms at night which could cause adverse impact for residents of McNulty Court. This may be resolved by condition on the use of white noise reversing alarms.

1.16 Maximum noise levels from the operations has not been considered within the noise report for any external night time operations at the site. I would therefore have concerns that the warehouse development will result in additional operations during the night and noise may be audible at nearest residential properties. The supporting information on the site operations suggests that there will be an additional 10 trailer movements from the site resulting from this development, with 6 of the movements occurring during the night period using the new site access located further south away from Grieves Row. The applicant advises that the main operation of the factory is generally during daytime hours and therefore any expansion will potentially result in an intensification of night time use. The site currently operates unrestricted and I would therefore consider that conditions are necessary to restrict night time operations at the site resulting from the proposed development expansion.

1.17 The applicant considers that no new external plant and equipment is proposed in the warehouse, however, if this was not the case then a condition would be necessary.

1.18 The aim of planning policy guidance indicates the aim under Section 180 is to "avoid noise from giving rise to significant adverse impacts on health and quality of life". It has been shown through the provision of a noise assessment that this development will result in some noise being audible at nearest sensitive receptors during day and night periods. I would therefore recommend the following conditions are necessary to mitigate noise arising from this proposed development.

1.19 Conditions:

For new plant and equipment only

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

The rating level of the noise emitted from the site shall not exceed the existing background daytime noise level of 45 dB LAeq and 51 dB LAeq at McCulty Court and Meadowbank and 51 dB LAeq and 37 dB LAeq respectively at night by more than 3 decibels. The measurements and assessment shall be made according to BS 4142.

Loading and unloading operations during the period 2300-0700 hours shall only take place within the area identified on layout plan drawing number 004.

Submit for approval to the Local Planning Authority a management plan for the loading and unloading of lorries during the night period. No more than 6 lorries permitted to be loaded during the night period at the site. Lorries operating to and from the site during the night period to be fitted with white noise reversing alarms.

Only 1 electric or LPG forklift truck, fitted with white noise reversing alarm, permitted for use at any time within the loading and unloading area during the night period 2300-0700 hours.

All doors serving the warehouse must be kept closed except for access and egress and in case of emergency.

Access to the site during the night period 2300- 0700 hours shall be via the southern access located next to the offices as detailed on layout plan drawing number 004.

There shall be no external storage of materials/goods at the site

The Best Practicable means (BPM) shall be employed at all times to minimise the emission of noise from the development hereby permitted.

NOI02

LIG01 for any new floodlighting at the site.

HOU04

HOU05

SIT03

2.0 Representations

2.1 One letter of representation has been received. The comments submitted are set out below:

-Concerned with the letter justification for the noise survey. It states addition on the new building will allow vehicle movement to be moved to the rear of the building reducing noise at the front.

-No consideration has been given to the proximity of the homes at the rear of the site with regard to vehicle noise. If loading is to be done at the rear there will be an additional noise from fork lift trucks, hours of working etc.

-As the mining report site history is only up to 1992 is this why the rear homes are being taken into account.

3.0 External Consultees

3.1 Newcastle International Airport (NIA)

3.2 Physical Development

3.3 The proposed development falls within the Airport safeguarding zone and within the Airports 'inner horizontal limitation surface', and is circa 0.8km south of the eastern approach / departure flightpath.

3.4 Although unlikely, if a crane is needed on site beyond 45m in height it would penetrate the Airport's protected obstacle limitation surface, which the Airport would object to. If such construction equipment is required above this height it is requested that –

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

- The Airport's air traffic control service is informed before each use (contact ATC Watch Manager - ATSmanagementteam@newcastleinternational.co.uk 0191 2143250)
- The crane is fitted with medium intensity lighting (2000cd steady red) at its highest point;
- Work should cease during poor visibility and low cloud ceilings (below 1500m visibility or cloud ceiling below 750ft).

3.5 Lighting

3.6 Lighting can act as a distraction to pilots whilst operating from the airport. All lighting associated with the development, during construction and upon completion, should be cut off so as to not distract pilots flying aircraft nearby.

3.7 Coal Authority

3.8 The Coal Authority Response: Material Consideration

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

3.10 The Coal Authority records indicate that the application site is likely to have been subject to historic unrecorded coal mining workings at shallow depth associated with a thick coal outcrop.

3.11 The application has obtained appropriate and up-to-date coal mining information for the proposed development site; including information from BGS with regard to geological mapping and historic borehole records, as well as information from the Coal Authority in the form of a Non-Residential Coal Mining Consultants Report. This information has been used to inform a Phase 1 Desk Top Study and Coal Mining Risk Assessment (August 2018, prepared by Arc Environmental Limited) to accompany the planning application.

3.12 On the review of the above information the report is able to identify that the 'Ryhope Little' coal seam is likely to be at or close to outcrop below the site with a local seam thickness of 1.19m. The report advances to indicate that whilst the RL is at or close to outcrop, there is in excess of 30m of superficial drift locally and expected below the site such that local unrecorded workings in the RL are felt to be extremely unlikely due to the lack of roof support and excessive depth of drift.

3.13 Subsequently, the report identifies a negligible risk of shallow coal mining and as such, no further assessment or intrusive investigation works are required with regards to historical mining activities.

3.14 The Coal Authority Recommendation to the Local Planning Authority (LPA):

3.15 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions

and/or foundation design may be required as part of any subsequent building regulations application.

3.16 Health and Safety Executive (HSE)

3.17 No comment.

3.18 Northumbrian Water

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

3.20 Having assessed the proposed development and planning application we note that the Flood Risk and Drainage Impact Assessment makes reference to correspondence with NWL at Appendix 5. This does not appear to have been submitted to the application as yet and so we would request sight of that. However based on our records of our assets we have no comments to make from a protection point of view.

Item No: 5.9
Application No: 18/00899/FUL
Author: Maxine Ingram
Date valid: 28 August 2018
Target decision date: 27 November 2018
☎: 0191 643 6322
Ward: Weetslade

Application type: full planning application

Location: Auto Parc, Sandy Lane, North Gosforth, NEWCASTLE UPON TYNE, NE3 5HE

Proposal: Reconfiguration of 3no. existing industrial units to accommodate showrooms, including extending Block G. Construction of additional unit to accommodate showroom. Demolition of existing cafe and construction of a showroom. Re-configuration of roadways and parking lots within the site

Applicant: Tyneside Autoparc Ltd, Mr Geoff Dawson Auto Parc Sandy Lane North Gosforth NE3 5HE

Agent: Intersect Architects Ltd., Julie Booth The Toffee Factory Lower Steenberg's Yard Newcastle Upon Tyne NE1 6UQ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- The impact on trees and ecology; and
- Other issues.

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

2.0 Description of the Site

2.1 The site to which this application relates is an existing operational car sales site with associated industrial buildings, cafe and offices. The site covers approximately 3.8 hectares in area. The site is an irregular shape and is

accessed from Sandy Lane (A1056) via a purpose built access which restricts egress to left only.

2.2 The main access through the site runs south to north. Site offices, a café and separate car servicing units for valeting and MOTs and a car lot are located in an area to the western side of the access road. Individual car lots are dispersed throughout the site. The remaining car lots are located to the east of the access road and towards the back (north) of the site where they extend onto a plateau approximately 2m higher than the rest of the site and accessed by a ramp road.

2.3 Works have commenced on the petrol filling station and café to the south east corner of the wider site. These works were approved under applications 17/01913/FUL and 18/00735/FUL.

2.4 The site's southern boundary to Sandy Lane is predominantly treed. These trees are protected. Further west of the site there is a terrace of residential properties (Nos. 1-8 Sandy Lane) which front onto Sandy Lane. Beyond these residential properties there are a variety of commercial uses.

2.5 The eastern boundary is also planted and beyond these protected trees is land currently in agricultural use but is identified in the Local Plan (LP) as employment land and a wildlife corridor. To the north there are further commercial uses (including a vehicle recovery operator). The northern boundary between the site and the adjoining commercial uses is formed with palisade and timber fencing.

2.6 The western boundary consists of palisade fencing and a retaining wall approximately 6m high. Land beyond is designated as employment land and a wildlife corridor. Beyond which lies the Weetslade Country Park.

2.7 To the south of the site, beyond Sandy Lane, is Gosforth Park Nature Reserve.

3.0 Description of the Proposal

3.1 Planning permission is sought for the reconfiguration of the existing site layout and some of the existing buildings, construction of new industrial units, demolition of the cafe and construction of new showrooms. The proposed works include:

- The existing canopy (H on the submitted plan) will be enclosed to form a further showroom.
- The existing office building (Block F) will be retained and the adjacent cafe will be demolished. A new car showroom will be sited in the location of the former cafe.
- Block G will be divided into 3no. units and the existing cladding replaced with large showroom windows. A further 3no. showrooms will be added adjacent to this existing unit.
- 3no. industrial units (Block J) will be sited on the west elevation of the existing unit.
- Existing buildings K and L will be retained.

3.2 There will be an increase in the overall floor area of all of the buildings (existing and proposed) on the site. The increase will be 984 square metres.

3.3 The existing sales offices and office buildings are 3.6m high. The industrial units are 3.7m to eaves and 5.7m to ridge.

3.4 Members are advised that the submitted 'Site Plan – Proposed Plans' Dwg No. P-79/03/A shows an area of future development. This is annotated on this plan as 'Proposals excluded from this application'. This area of land is not included in the redline boundary shown on the submitted location plan and it does not form part of this application and assessment.

3.4 Background information

3.5 In 2009, a permanent planning permission was granted for Auto Parc to operate on this site. Further planning permissions between 2009 and 2015 were submitted to rationalise and reconfigure the existing car lots and update the appearance of the site and to construct a petrol filling station (PFS) and a replacement 120 seat cafe. These applications were permitted however, none were implemented.

3.6 Members are advised that in 2017 a planning application for a petrol filling station and café has been approved (References: 17/01913/FUL and 18/00735/FUL). Works have commenced on a petrol filling station and café to be located in the south east corner of the wider Auto Parc site.

4.0 Relevant Planning History

4.1 The site has a complex planning history and has been in a variety of temporary uses following the cessation of use of the coal storage and distribution use. The southern part of the site was used as a scrap yard from the 1980's until 1997.

4.2 The car sales use began in February 2003 originally operating on the basis of a temporary planning permission because of the potential impact on the delivery of the comprehensive redevelopment for the allocated employment use and the Northern Gateway highway improvements. A permanent planning permission was however granted in June 2009 in light of both the adoption of the Weetslade Development Brief and a legally binding agreement between the applicant and the Council having been entered into in respect of land required for the highway improvement scheme. However, the Northern Gateway highway improvements are no longer being progressed.

4.3 The most recent history is set out below:

18/01368/ADV - Shop fascia signs, canopy fascia signs, pump signs, wayfinding signage and 1no fuel supplier ID sign

Greggs Drive Thru - Shop Fascia Signs, 2x ID Signs, Height Barrier, Post Sign, 4x Digital Menu Boards – Pending consideration

18/00735/FUL - Removal of condition 40 (delivery times) of planning approval
17/01913/FUL – Permitted 23.07.2018

17/01913/FUL - Erection of a petrol service station (sui Generis) to include new shop (A1), restaurant with drive thru facility (A3), together with canopy, petrol pumps and tanks, jet wash bays ancillary landscaping and creation of a new vehicular access – Permitted 22.05.2018

17/00074/TPO - Works to trees in G1 and G2. Sandy Lane, North Gosforth TPO 2002 – Split decision 17.03.2017. Appeal determined. Agreed some trees can be removed.

15/00777/FUL - Relocation of previously approved cafe under 13/01963/FUL, to the south east corner of the site facing Sandy Lane – Permitted 25.09.2015

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:

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- The impact on trees and ecology; and
- Other issues.

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

8.0 Principle of the development

8.1 NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environmental.

8.2 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). For decision making this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.3 Paragraph 12 of the NPPF makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.4 Paragraph 80 of the NPPF makes it clear that “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.5 Local Plan (LP) Policy S2.2 “Provision of Land for Employment Development” sets out the council’s identified employment sites.

8.6 LP Policy “DM2.3 Development Affecting Employment Land and Buildings” states “The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.”

8.7 LP Policy DM2.3 seeks to enable flexibility in the use and development of employment land whilst ensuring that developments support the overall growth and prosperity of North Tyneside.

8.8 To achieve this flexibility it seeks to ensure that applications for development on employment land are considered on the basis of their impact on the economic prosperity of North Tyneside, rather than whether the use proposed falls within use classes B1, B2 and B8 are retained, but also that full use can be made of the economic potential of land in highly sustainable and accessible locations across North Tyneside.

8.9 National planning policy is clear that local authorities need to plan for future needs of economic development, but a balance needs to be struck between making land available and not reserving land which has little likelihood of being taken up. An employment site, which is considered as having no reasonable prospect of coming into use, would need to justify whether the site is no longer suitable, available and or economically viable, including evidence of appropriate marketing and future market demand.

8.10 In addition to the policies referred to above, the adopted 'Weetslade Development Brief' – Supplementary Planning Document (SPD) (2007) is relevant. The brief primarily deals with the development of the wider employment site only, the sites relationship with the Weetslade Country Park, existing ecology features and habitats will be factors in the determination of future planning applications.

8.11 The site is identified as employment land within the Council's Local Plan (2017). The current use of the site is primarily car sales with associated industrial units and offices. It is clear from the planning history that the site is well-established and has been operating as a mixed use since 2003. Therefore, the proposed development would not result in the loss of any land that is used specifically for B1, B2 and B8 purposes.

8.12 Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".

9.2 LP Policy S1.4 "General Development Principles" states " Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan." Amongst other matters this includes: being acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements".

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

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

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

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

9.4 The nearest residential properties are located approximately 15m to the west of the application site (Nos. 1-8 Sandy Lane). The Manager of Environmental Health has raised concerns regarding noise arising from the construction of new B2 industrial units and the impacts this would have upon the amenity of these existing properties.

9.5 No noise assessment has been submitted. However, the Manager of Environmental Health has made it clear that, should planning permission be granted conditions can be attached to secure a noise assessment. She has also suggested additional conditions to further protect the amenity of the closest residential properties including: details of any new external plant/equipment, control the hours of operations, deliveries and collections, hours of construction and keeping doors that will serve the proposed units shut. Subject to the imposition of these suggested conditions, it is officer advice that the impact on the amenity of the existing residential properties could be mitigated.

9.6 It is acknowledged that the general industrial use may include a number of industrial activities. The Manager of Environmental Health has advised that odour abatement may be necessary dependent on the proposed end use, especially any industrial processes that use resins or glues which may result in odours arising from the use of such products and odour controls will be necessary to minimise odours. She has advised that should planning permission be granted, a condition could be attached to require the location of all external vents and flues to be installed within the units.

9.7 The submitted plans do not propose any new lighting columns on site. However, if any additional lighting columns are proposed then a lighting assessment would need to be undertaken. A condition should be attached to ensure this information is submitted.

9.8 Members need to consider whether the impact on amenity is acceptable. It is officer advice, subject to the imposition of the suggested conditions that the

proposed development would not result in a significant impact on the amenity of nearby residential properties. As such, the proposed development accords with the relevant national and local planning policies.

10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF makes it clear that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 LDD11 ‘Design Quality’ applies to all planning applications that involve building works.

10.4 The existing site layout would be reconfigured and some of the existing buildings on site would be retained. The existing buildings to the west of Block F would be retained. The existing building, identified as Block G, would be retained and extended. The alterations to Block G include full height glazing to be installed to form new showrooms. The extension to Block G would be steel clad to match the existing building. New units, identified as Block J, are proposed to the rear of an existing unit. Part of Block F would be retained and the adjacent café would be demolished and a new showroom structure constructed with full height glazing (front and side) to form a new showroom.

10.5 A new showroom would be constructed beneath an existing canopy, identified as ‘H’ on the submitted site plan. The structure underneath this canopy would be glazed.

10.6 None of the buildings proposed would exceed more than one storey. The proposed buildings and extensions are simple in terms of the design and layout. Their overall appearance is considered to be in keeping with the character and appearance of this existing commercial site. When taking into consideration, the existing buildings on site, it is not considered that the visual impact on the immediate surrounding area would be significantly greater than that experienced at present, including the outlook from the residential properties (Nos. 1-8 Sandy Lane).

10.7 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on

the character or appearance of the immediate surrounding area. As such, the proposed development accords with the relevant national and local planning policies.

11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well being.

11.3 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.4 The current use of the site and its access arrangements have been established for some time. Members are advised that the site access from Sandy Lane would remain unchanged.

11.5 The Highways Network Manager has been consulted. He has advised that parking and internal circulation have been provided to meet the needs of the site. On this basis, he has recommended conditional approval.

11.6 Members need to consider whether the impact on highway safety is acceptable. It is officer advice that, subject to the imposition of the suggested conditions, the proposed development would not result in a significant impact on the highway network or the internal circulation within the site. As such, the proposed development accords with the relevant national and local planning policies.

12.0 Impact on trees and ecology

12.1 NPPF paragraph 174 sets out guidance on protecting and enhancing biodiversity and geodiversity.

12.2 NPPF paragraph 175 states "When determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative sites with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused,...."

12.3 LP Policy "S5.4 Biodiversity and Geodiversity" states "The Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance."

12.4 LP Policy "DM5.5 Managing effects on Biodiversity and Geodiversity" sets out guidance on all development proposals that would impact on these.

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

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

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

12.7 Part of the application site lies adjacent to a wildlife corridor to the east of the site. The site itself consists mainly of hard standing area with broadleaved trees along the southern and eastern site boundaries as well as some small areas of semi-improved grassland and ephemeral grassland along the boundaries.

12.8 An Ecological Appraisal (2018) has been submitted to accompany this application. This assessment shows that the areas of the site to be impacted upon, comprising hard standing habitat, are of low value for the habitats they support. Some areas of neutral grassland and ephemeral short perennial habitat within the site would not be impacted upon under current proposals.

12.9 The submitted ecology appraisal advises that the buildings that are to be impacted upon are considered to be of negligible to low suitability for roosting bats. Trees adjacent to the site boundary are considered to be of negligible suitability. It advises that foraging and commuting opportunities for bats are limited to the southern, eastern and parts of the western site boundaries. This report concludes that the site is considered to be of low value to bats.

12.10 The ecology appraisal advises that there is a pond present approximately 100m to the south east of the site, from which there are records of great crested newts dating from 2013. There is, however, a road and wall in between the site and this pond, which will present some barrier to movement. There are also a number of additional ponds, ditches and wetland areas within 500m of the site from which no records of GCN are known. This appraisal advises that the risk of GCN being present within the site is considered to be low.

12.11 The ecology appraisal recommends a number of mitigation measures to address any residual impacts resulting from this scheme.

12.12 The Council's Biodiversity Officer has been consulted. She has raised no objection to the proposed development subject to the imposition of the suggested conditions set out in paragraph 1.11 of the appendix to this report.

12.13 The trees along the southern and eastern boundaries of the site are protected by a Tree Preservation Order (TPO). The submitted Design and Access Statement states "existing trees will be retained on the east and south boundaries and some additional shrub and tree planting is proposed to the site with the boundary trees to the eastern boundary being reinforced and two further rows of screening trees provided behind the proposed new industrial units to the west of the site".

12.14 The Council's Landscape Architect has been consulted. She has advised that the proposed construction associated with the development is likely to impact close to the existing tree groupings with works being carried out close to the root protection areas (RPA) of trees and their canopy areas. She has advised that the use of temporary fencing would be required to protect these trees, in accordance with the relevant British Standards. She has also advised that the existing landscaping to the west of the site would also need to be considered and protected. It is clear from her comments that this information can be dealt with by the imposition of appropriately worded conditions.

12.15 The Landscape Architect has also advised that a landscaping condition should be imposed.

12.16 Members need to determine whether the proposed development is acceptable in terms of its impact on biodiversity and trees. It is officer advice, subject to the imposition of the suggested conditions, that the impact on biodiversity and trees is acceptable. As such, the proposed development accords with the relevant national and local planning policies.

13.0 Other Issues

13.1 Flooding

13.2 The NPPF paragraph 163 makes it clear that "When determining planning applications, LPA's should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test."

13.3 LP Policy "DM5.12 Development and Flood Risk" states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.4 The submitted application form advises that surface water will be disposed of via a main sewer.

13.5 The Local Lead Flood Authority (LLFA) has been consulted. They have recommended conditional approval.

13.6 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with the relevant national and local planning policies.

13.7 Contaminated Land

13.8 NPPF paragraph 178 states “Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This include risks arising from natural hazards of former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

13.9 NPPF paragraph 179 states “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

13.10 LP Policy DM5.18 “Contaminated and Unstable Land” states: “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

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

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

13.11 LP DM5.17 ‘Minerals’ sets out guidance on minerals extraction. However, this development relates to an existing operational commercial site.

13.12 The Contaminated Land Officer has been consulted. She has raised no objections to the proposed development.

13.13 The Coal Authority has been consulted. They have raised no objection to the proposed development.

13.14 The Environment Agency (EA) has been consulted. They have raised no objection to the proposed development.

13.15 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is. Members need to consider whether the proposed development is acceptable in terms of its impact on archaeology. It is officer advice that it is. As such, the proposed development accords with the relevant national and local planning policies.

13.16 Archaeology

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

13.18 LP Policy "DM6.7 Archaeological Heritage" seeks to protect, enhance and promote the Borough's archaeological heritage, and where appropriate, encourage its interpretation and presentation to the public.

13.19 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objections to the proposed development.

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

13.21 North West Villages Sub Area

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

14.0 Local Financial Considerations

14.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. It is not considered that the proposal results in any local financial considerations.

15.0 Conclusion

15.1 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity, its impact on the character and appearance of the area and all other issues including its impact on highways, biodiversity, trees, ground conditions and flooding. It is the view of officers that, subject to the imposition of the suggested conditions, the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policy in terms of its impact on amenity. Approval is recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Site location plan Dwg No. P-079/20
 - Site plan as existing Dwg No. P-79/01
 - Site plan - proposed plans, drainage and refuse stores locations Dwg No. P-79/03
 - Site plan - proposed elevations and sections Dwg No. P-79/05/C
 - Proposed elevations G & H Site Sections P-79/06
 - Proposed elevations Block F Dwg No. P-79/10
 - Site plan as proposed Dwg No. P-79/03/A
 - Site plan - existing elevations and plans, buildings G, J, K and L
 - Site plan - existing elevations and plans building F

Reason: To ensure that the development as carried out does not vary from the approved plans.
2. Standard Time Limit 3 Years FUL MAN02 *
3. Restrict Hours No Construction Sun BH HOU004 *
4. Restrict Hours No Demolition Sun BH HOU005 *
5. Prior to the commencement of any development on site, a Working Method Statement for Bats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out in full accordance with these approved details.

Reason: This information is required pre-commencement to ensure that the protected species are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.
6. Prior to the commencement of any construction works above ground level, details of two bat boxes, including specification, locations on suitable trees within or adjacent to the site and a timescale for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out in full accordance with these approved details.

Reason: To ensure appropriate mitigation is secured for protected species having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.
7. Works to any structures on site will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

Reason: To ensure that the impacts on protected species are appropriate having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

8. Prior to the commencement of any development on site, an Amphibian Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out in full accordance with these approved details.

Reason: This information is required pre-commencement to ensure that the protected species are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

9. Prior to the commencement of any construction works above ground level, a detailed landscaping plan, including native trees and shrubs of benefit to biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

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

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

Reason: To ensure that the impacts on protected species are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017) and NPPF.

11. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Any additional lighting adjacent to the boundaries shall be low level and low lumen to minimise impacts on adjacent planting. The lighting scheme shall include the following information:

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

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

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

12. Prior to the installation of any chimney or extraction vent to be provided in connection with the development hereby approved, including details of the height, position, design and materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in full accordance with these agreed details.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

13. Prior to the commencement of any construction works above ground level, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be submitted in accordance with BS:4142 and it shall determine the background noise levels for daytime, evening and night. The rating for all plant must not exceed the current background noise levels by more than 5 decibels. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

14. Within one month of the installation of any plant and equipment pursuant to condition 13 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the operation of this plant and equipment.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

15. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to any plant or machinery being installed. This scheme shall include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise level rating. The plant and machinery shall not be brought into use until the approved soundproofing has been implemented. Thereafter, the proposed development shall only be carried out in accordance with these agreed details which shall be permanently retained.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

16. Deliveries and collections to the site, subject of this grant of planning permission, shall be restricted to between 07:00 hours and 23:00 hours.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

17. The premises shall only be operational between the hours of:

- B1(A) uses Monday to Friday 08:00 hours to 18:00 hours;
- B2 uses Monday to Friday 08:00 hours to 18:30 hours and 08:00 to 13:00 hours. No B2 uses shall be operation on any Sunday or Bank Holiday;
- Other uses Monday to Friday 08:00 hours to 20:00 hours; Saturdays 08:00 hours to 18:00 hours; Sundays and Bank Holidays 10:00 hours to 16:00 hours.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

18. Notwithstanding Condition 1, prior to the commencement of any construction works above ground level a methodology to review the existing surface water drainage system and carry out any subsequent remedial actions required to ensure its optimisation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in full accordance with these approved details prior to any part of the site being brought into use.

Reason: In the interests of surface water management having regard to NPPF.

19. No part of the development hereby approved shall be occupied until an area has been laid out within the site for all vehicles using the site 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).

20. 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).

21. Notwithstanding Condition 1, prior to the commencement of any construction works above ground level, details of facilities to be provided for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to any part of the development hereby approved being brought into use and thereafter permanently retained.

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

22. 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.

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.

23. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. 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 adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

24. Prior to the commencement of any development a construction phase Method Statement (MS) and Tree Protection Plan (TPP) in accordance with British Standard 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include the alignment and positioning of the fencing including adjacent to the protected tree groupings (G1 and G2) as well as the tree groupings along the western boundary and the contractors site access and set up area. There shall be no site storage or parking of (plant) vehicles within the root protection area of any tree of landscape feature within the area of the proposed site or adjacent to the boundary or perimeter area of the application site. These protection measures shall be carried out in full accordance with these agreed details which shall be installed prior to the commencement of any development and retained until the completion of the development.

Reason: In order to safeguard the existing trees and landscape features having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

25. No utilities or drainage should be located within the root protection areas of any nearby trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group Publication Volume 4 (November 2007).

Reason: In order to safeguard the existing trees and landscape features having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

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

Reason: In order to safeguard the existing trees and landscape features having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

27. If a crane over 40m in height is required during any part of the construction of the development hereby approved Newcastle International Airport has advised that:

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

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

- The crane is fitted with medium intensity lighting (2000cd steady red) at its highest point;

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

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

28. All lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

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

29. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

30. Notwithstanding Condition 1, prior to the commencement of works on site above ground level, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. Thereafter, the boundary treatments shall be installed in accordance with these agreed details.

Reason: This information is required from the outset to protect the existing vegetation and protected trees having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

31. Notwithstanding any indication of materials which may have been given in the application, prior to the commencement of any works on site above ground level details of the materials and finishes for the development shall 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 secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

32. All doors at the industrial units must be kept closed at all times except for access and egress and in case of an emergency.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

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

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

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

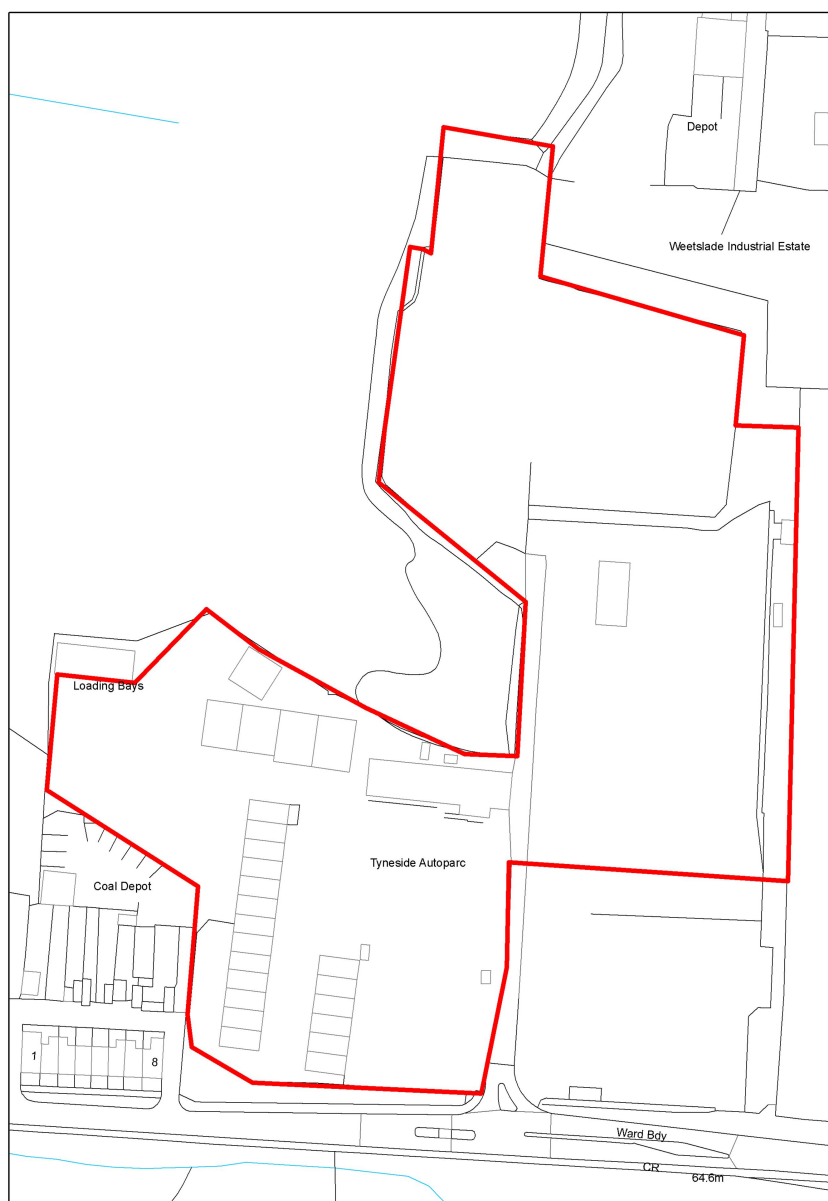
Advice All Works Within Applicants Land (I29)

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

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is also available on The Coal Authority website: www.coal.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at: www.groundstability.com



Application reference: 18/00899/FUL

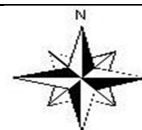
Location: Auto Parc, Sandy Lane, North Gosforth, NEWCASTLE UPON TYNE

Proposal: Reconfiguration of 3no. existing industrial units to accommodate showrooms, including extending Block G. Construction of additional unit to accommodate showroom. Demolition of existing cafe and construction of a showroom. Re-configuration of roadways and parking lots within the site

Not to scale

Date: 06.12.2018

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Appendix 1 – 18/00899/FUL

Item 9

Consultations/representations

1.0 Internal Consultees

1.1 Biodiversity Officer

1.2 An Ecological Appraisal (October 2018) has been submitted for the above application in relation to previous comments made on this application. This assessment shows that the areas of the site to be impacted upon, comprising hard standing habitat, are of low value for the habitats they support. Small areas of neutral grassland and ephemeral short perennial habitat within the site will not be impacted upon under current proposals.

1.3 Protected Species

1.4 Bats

1.5 Buildings that are to be impacted upon under current proposals are considered to be of negligible to low suitability for roosting bats. Features within these buildings that have the potential to be used by roosting bats are not considered suitable for use as maternity or hibernation roosts, but may occasionally be used as day roosts by small numbers of bats. Trees adjacent to the site boundary are considered to be of negligible suitability. Foraging and commuting opportunities for bats are limited to the southern, eastern and parts of the western site boundaries. The site is considered to be of low value to bats.

Great Crested Newt

1.7 There is a pond present approximately 100m to the south east of the site, from which there are records of great crested newts dating from 2013. There is, however, a road and wall in between the site and this pond, which will present some barrier to movement. There are also a number of additional ponds, ditches and wetland areas within 500m of the site from which no records of GCN are known. Given the small scale of the proposed development, the low value to GCN of the hardstanding habitat to be impacted upon, the distance to some of these ponds and the presence of substantial barriers between the site and the closest pond, the risk of great crested newts being present within the site boundary is considered to be low.

1.8 Mitigation

1.9 The Ecological Appraisal recommends the following mitigation measures to address any residual impacts resulting from the scheme:-

- Works to the buildings should be undertaken in accordance with a precautionary working method statement for bats.
- Works to structures will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.
- Works will be undertaken in line with a precautionary amphibian method statement in order to address the low risk to such species during the works.
- Additional lighting adjacent to the boundaries of the site will be minimised as far as possible and will be low level and low lumen where required.

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

-The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

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

1.11 Conditions

-A Working Method Statement for Bats must be submitted to the Local Authority for approval prior to development commencing

-2no. Bat boxes to be installed on suitable trees within or adjacent to the site. Details of bat box specification and location to be submitted to the Local Authority for approval prior to development commencing.

-Works to structures will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

-An Amphibian Method Statement must be submitted to the Local Authority for approval prior to development commencing.

-A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. Planting should include native trees and shrubs of benefit to biodiversity.

-Additional lighting adjacent to the boundaries will be low level and low lumen to minimise impacts on adjacent planting.

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

-Existing trees within and adjacent to the site will be adequately protected during construction works in accordance with BS5837:2012.

1.12 Manager for Environmental Health (Pollution)

1.13 I have concerns with regard to noise arising from the construction of new B2 industrial units due to potential noise arising from the activities permitted for B2 use. The site is located within 15 metres of residential properties on Sandy Lane. Any noise arising from the industrial units will affect the neighbouring residential properties, if the doors to the units are located on the side of the building not screened from the residential houses then a condition will be necessary to ensure they are kept closed whenever any activities take place within the units except for access and egress and in case of an emergency.

1.14 No noise assessment has been provided for the reconfiguration of the site, however, conditions can be attached to ensure any new external plant and equipment is assessed and mitigation incorporated within the design. No information has been provided on delivery and collections to the site but this can be controlled via a condition.

1.15 B2 general industrial use may include for a variety of industrial activities. Odour abatement may be necessary dependent on the proposed end use, especially of any of the industrial processes incorporate use of resins or glues

which may result in odours arising from the use of such products and odour controls will be necessary to minimise odours. I would therefore recommend a condition to require the location of all external vents and flues to be installed within the units.

1.16 I note that the layout plans do not propose any new lighting columns on the site; however, if this was not the case then a lighting assessment would be necessary for new lighting columns.

1.17 I would recommend the following conditions if planning consent is to given:

EPL01 for any external vents and chimneys.

Noise condition: New External Plant and Equipment

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels by more than 5 decibels.

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.

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

Deliveries or collections to the site to be restricted to between 07:00 hours and 23:00 hours.

All doors at the industrial units must be kept closed at all times except for access and egress and in case of an emergency.

NOI02

HOU03 to those on the application

HOU04

SIT03

LIG01 for any new external lighting provided at the site.

1.18 Local Lead Flood Authority (LLFA)

1.19 The site has been established for some time and the internal reconfiguration utilises existing hard surfaced areas. For these reasons, conditional approval is recommended.

1.20 Condition:

Notwithstanding the details submitted, the development shall not be occupied until a methodology to review the existing surface water drainage system and carry out any subsequent remedial actions required to ensure its optimisation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details.

Reason: In the interests of surface water management

1.21 Highways Network Manager

1.22 The site has been established for some time and the main access arrangements remain unchanged. Parking and internal circulation have been provided to meet the needs of the site and conditional approval is recommended.

1.23 Recommendation - Conditional Approval

1.24 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

1.25 Informatives:

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

1.26 Contaminated Land Officer

1.27 I have reviewed the Report on Ground Investigation. Results of chemical testing has shown that for a commercial development there is no land contamination. The report also shows that the site would be classified as Characteristic Situation 1 and would not require gas protection measures.

1.28 The site is suitable for its proposed use.

1.29 No conditions are required.

1.30 Landscape Architect

1.31 Existing Site Description

1.32 Legislative Framework: *Groups: G1 and G2 of the Sandy Lane, North Gosforth TPO (2002).*

1.33 The proposed application relates to an area currently being utilised as an outdoor vehicle showroom, consisting of large-scale hard standings with associated offices, café, workshops and storage areas. The area in question lies off the A1056 Sandy Lane midway between North Brunton and Camperdown and was previously used as the Weetslade coal depot before being developed as a car retail park.

1.34 There are two separate TPO groupings of trees bordering the site G1 and G2, along the southern and eastern perimeters respectively. The (G1) avenue of trees are Beech (*Fagus species*) and inhabit the verge area(s) between the adjacent highway (Sandy Lane) and the automobile hardstand areas. The avenue (G1) is effectively divided at its centre point by the vehicle site access road from Sandy Lane. The (G2) alignment, along the eastern perimeter, consist

of mixed species hedgerow trees, including Elm, Beech, Sorbus and Acer with an understorey of native shrubs.

1.35 Both tree groups (G1 and G2) have Tree Protection Order (TPO) status, in relation to the above reference, and so are therefore protected. The purpose of the order is to preserve and protect the amenity value of significant local tree cover. The solitary and collective tree canopies in the (TPO) group make a significant contribution to the immediate and wider (Gosforth Park) tree structure of the area.

1.36 Other linear tracts of mature planting (Trees and Shrubs) are located, on other land, along the western fringes of the site, with canopy areas of trees often extending over the perimeter of the proposed development footprint of the site.

1.37 The general land use in the surrounding area is mixed, with Gosforth Park and a golf course to the south of the site, an arable field to the east. To the west and north lie further industrial areas as well as open areas of disturbed ground. The Weetslade Country Park lies approximately 500m to the north

1.38 For the reasons given above in terms of the TPO status it would be preferable to retain as much significant tree cover in the area as possible.

1.39 This application is for the proposed reconfiguration of 3no. existing industrial units to accommodate showrooms, including extending Block G and the construction of an additional unit to accommodate a showroom. Demolition of existing cafe and construction of a showroom is also proposed as well as the re-configuration of roadways and parking lots within the site and associated landscape works.

1.40 An arboricultural Tree Report and Tree Schedule have been supplied as part of the submitted documents together with a Design and Access Statement, which detail the landscape constraints and aspiration for the site.

1.41 I have had a look at these submitted documents and other than the Design and Access Statement, they appear to refer to application (17/01913/FUL) which relates to another earlier phase of works and so are not relevant to this application.

1.42 Other information in support of the application (Design and Access Statement) refers to;

5.1: *The existing trees are retained on the East and South boundaries*

5.2: *Some additional shrub and tree planting is proposed to the site with the boundary trees to the east boundary being reinforced and two further rows of screening trees provided behind the proposed new industrial units to the west of the site.*

1.43 Further details of an indicative Landscape Scheme should be submitted (on condition), with reference to its layout as part of the general external areas. This should take into account the prevailing (soft) landscape flavour and species of the immediate and wider area, including type and sizes of any proposed trees, hedges and shrubs as well as method(s) of support for the trees.

1.44 The proposed construction associated with the development is likely to impact close to the existing tree groupings (G1) and (G2) with works being carried out close to the root protection areas (RPA) of trees and their canopy areas. The use of temporary (HERAS) fencing will be required to protect these assets, in accordance with British Standard 5837:2012.

1.45 Further linear tracts of existing landscape (Trees and Shrubs) border the site, on other land, along the western perimeter areas. This landscape asset should also be considered for protection in relation to the proposed development footprint, as there is a potential likelihood that it will infringe on the canopies and RPA's of the adjacent trees.

1.46 A construction phase Method Statement (MS) and Tree Protection Plan (TPP) in accordance with British Standard 5837:2012 should be provided, on condition, to demonstrate how this will be achieved. The visual plan should indicate a dimensioned line that demonstrates where the alignment and positioning of the fencing will occur with respect to the tree groupings G1 and G2 on site as well as the tree groupings along the western perimeter areas.

1.47 The Contractors site access and set up area are to be submitted for approval, on condition, prior to commencement of any proposed works.

1.48 No site storage or parking of (plant) vehicles to be located within the root protection area of any tree or landscape feature within the area of the proposed site or adjacent to the boundary or perimeter area of the proposed site.

1.49 No utilities or drainage should be located within the root protection areas of any nearby trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group Publication Volume 4 (November 2007).

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

2.0 Representations

2.1 None

3.0 External Consultees

3.1 Environment Agency

3.2 No objection.

3.3 The Coal Authority

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

3.5 The Coal Authority Response: Material Consideration

3.6 I have reviewed the proposals and confirm that parts of the application site fall within the defined Development High Risk Area.

3.7 The Coal Authority records indicate that within these parts of the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals.

3.8 Notwithstanding the content of the submitted Ground Investigation Report, which is neither specific to the application site or the development proposed, when considering these particular proposals; the specific parts of the site where built development is proposed fall outside the defined Development High Risk Area. The Coal Authority therefore has no objection to this planning application.

3.9 However, in the interests of public safety The Coal Authority would recommend that the following wording is included as an Informative Note within the Decision Notice:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

*Further information is also available on The Coal Authority website:
www.coal.gov.uk*

*Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at:
www.groundstability.com*

3.10 Newcastle City Council

3.11 No objection.

3.12 Newcastle International Airport (NIA)

3.13 Physical Development

3.14 The proposed development falls within the Airport safeguarding zone and within the Airports 'inner horizontal limitation surface', and is circa 1.8km south of the eastern approach / departure flightpath.

3.15 Although unlikely, if a crane is needed on site beyond 40m in height it would penetrate the Airport's protected obstacle limitation surface, which the Airport would object to. If such construction equipment is required above this height it is requested that –

- The jib is only in the raised position during use;
- The Airport's air traffic control service is informed before each use (contact ATC Watch Manager - ATSmanagementteam@newcastleinternational.co.uk 0191 2143250)
- The crane is fitted with medium intensity lighting (2000cd steady red) at its highest point;

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

3.16 Lighting

3.17 Lighting can act as a distraction to pilots whilst operating from the airport. All lighting associated with the development, during construction and upon completion, should be cut off so as to not distract pilots flying aircraft nearby.

3.18 Tyne and Wear Archaeology Officer

3.19 I do not anticipate that the proposed works will impact on any significant archaeological deposits or features.

Item No: 5.10
Application No: 18/01559/FUL
Date valid: 7 November 2018
Target decision date: 6 February 2019
Author: Elliot Peters
☎: 0191 643 6304
Ward: Valley

Application type: full planning application

Location: Land North East Of Holystone Roundabout, Earsdon Road, Shiremoor, NEWCASTLE UPON TYNE,

Proposal: Erection of Units for retail (Class A1) and gym (Class D2) uses, with associated parking, servicing provision and landscaping. (Resubmission)

Applicant: Northumberland Estates, Mr Guy Munden Quayside House 110 Quayside Newcastle NE1 3DX

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main issues

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

- The principle of the development;
- The risk of land contamination and stability;
- The impact upon Biodiversity and Landscaping within the site;
- The impact of the proposal upon flood risk and drainage;
- The impact of the proposal upon the character and appearance of the site and its surroundings;
- The impact upon the living conditions of neighbouring properties through impacts upon amenity and outlook;
- Whether sufficient car parking and access would be provided.

2. Description of the site

2.1 The application site measures 2.52 hectares in area and it is Phase 2 of a larger commercial development that is being constructed. Phase 2 is the southern end of the site. It is bounded to the west by the A19 dual carriageway and to the east by the A186 Shiremoor Bypass, beyond which are two-storey residential properties. Adjoining the site to the north-east is the Toby Carvery restaurant. Phase 1 is to the north, beyond which is the Metro and Blyth & Tyne mineral railway lines. There is a large group of trees that are situated in the south-eastern corner of the site and run along the A186. The site is allocated for retail development by Policy S3.3 and also within the A19 (T) Economic Corridor of policy AS2.6 according to the Local Plan.

3. Description of the proposed development

3.1 The proposal seeks full planning permission for the erection of 4no units for retail (Class A1) and gym (Class D2) uses, with associated parking, servicing provision and landscaping. The four retail units would provide a total 6,539 sq m of Class A1 retail floor space. The gym would provide 2,322 sq m of Class D2 floor space.

3.2 This application is a resubmission of a previously refused application, reference 18/01060/FUL. The application was refused due to the loss of existing mature vegetation, and the proposed indicative planting did not demonstrate that adequate mitigation could be provided on site to compensate for the loss of the former vegetation. As such the proposed development was considered to be harmful to the biodiversity and landscaping in the area, contrary to Policies S5.4, DM5.2, DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

3.3 The applicant has submitted a revised 'Indicative Landscape Proposals Plan' (Revision L) with this application.

4. Relevant planning history

18/01060/FUL - Erection of 4no units for retail (Class A1) and gym (Class D2) uses, with associated parking, servicing provision and landscaping (Amended Landscape Plans Submitted 02.10.18)
Refusal 02.11.2018.

17/00606/REM - Reserved Matters application of 15/01146/OUT for the first phase of development, consisting: Proposed 1,819sqm gross (1,254 sqm net) discount food store; 197 sqm gross cafe and drive thru; with associated access, car parking, service area and landscaping, along with infrastructure works (including construction of sub-station) (additional information relating to Coal 12.07.17) (amended plans received 09.08.17) (amended landscaping plan 15.09.17)
Approval 04.10.2017.

15/01146/OUT - Proposed retail development (Class A1), food and drink unit (Class A3) and petrol station (Sui Generis) with associated access, parking, service area and landscaping (Supplementary Highways Info uploaded 01.10.2015) (Additional Landscape/Ecology Info uploaded 06.10.2015)
Permitted 11.03.2016.

5. Development plan

5.1 North Tyneside Local Plan 2017.

6. Government policy

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

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

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the

determination of this application. It requires local planning authorities 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 National Planning Policy Framework.

PLANNING OFFICERS REPORT

7 Main Issues

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

- The principle of the development;
- The risk of land contamination and stability;
- The impact upon Biodiversity and Landscaping within the site;
- The impact of the proposal upon flood risk and drainage;
- The impact of the proposal upon the character and appearance of the site and its surroundings;
- The impact upon the living conditions of neighbouring properties through impacts upon amenity and outlook;
- Whether sufficient car parking and access would be provided.

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

7.3 Principle

7.4 The National Planning Policy Framework (NPPF) confirms that local authorities should attach significant weight to the benefits of economic growth and enable the delivery of sustainable development. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, social objective, and an environmental objective. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.5 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 of sustainable development.

7.6 Policy DM1.3 states that the Council will work pro-actively with applicant's 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 the application of policies in the Local Plan. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

7.7 The site is allocated for retail development by policy S3.3 of the Local Plan. This policy seeks to provide for future retail demands. Paragraph (b) of the policy

expects the development of the extension of the [Northumberland Park] District Centre to be fully integrated with the existing centre, surrounding neighbourhood and Northumberland Park Metro Station, with particular attention paid to addressing pedestrian and cycle links. It also expects proposals to predominantly deal with the comparison retail needs of the borough. Finally, the scale of any new floorspace should reflect its position as a District Centre.

7.8 The site is also within the A19(T) Economic Corridor and therefore policy AS2.6 is relevant. This policy seeks to support further development and investment in a range of employment activities.

7.9 It is important to note that outline planning permission (15/01146/OUT) was granted previously for a mix of uses on the site consisting of retail, and other food and drink uses falling within Use Class A3 as well as a petrol filling station (sui-generis). The original outline permission granted a total of 12,950 sq m of retail (Use Class A1), 100 sq m for restaurant and cafe (Use Class A3) and 300sq m for the petrol filling station (sui-generis).

7.10 The reserve matters (17/00606/REM) related to the northern part of the site only. This related to 1,819 sq m of retail floorspace for a discount foodstore, 197sq m for a cafe and drive thru and 121 sq m for a retail pod.

7.11 This proposal seeks four retail units that would provide a total 6,539 sq m of Class A1 retail floor space. The gym would provide 2,322 sq of Class D2 floor space. The gym would be provided on the first floor level above unit 1. This is primarily a retail based development with some additional leisure floorspace at first floor level, but that is considered appropriate given that it is allocated as an extension to the existing Northumberland Park District Centre. It is considered that the proposal would provide additional retail and leisure facilities that would support the role of Northumberland Park as a District Centre and it is considered that the proposal would comply with policies AS2.6, and S1.4, S3.3, and DM1.3 of The Local Plan.

7.12 Members need to consider whether the principle of the development is acceptable and weight this in their decision. It is officer advice that it is.

7.13 Contamination and Land Stability

7.14 Paragraph 179 of NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer/landowner.

7.15 Paragraph 180 of NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health the natural environment or general amenity and the potential sensitivity of the area or the wider area to impacts that could arise from the development.

7.16 Policy DM5.18 states that where 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

amongst other matters sets out measures to allow the development to go ahead safely without adverse effect.

7.17 The Council's Contaminated Land Officer has been consulted and does not object subject to conditions.

7.18 Members need to consider whether the site could be developed safely in accordance with Policy DM5.18. It is officer advice that subject to conditions it could.

7.19 Biodiversity & Landscaping

7.20 The applicant has submitted an Extended Phase 1 Survey Update. This states that all areas of woodland will be retained as part of the proposed development, with a net loss of approximately 0.25Ha of ephemeral short perennial vegetation and 1Ha of bare ground. The applicant's ecologist states that small areas of low level ornamental planting consisting of a range of shrub species and feature tree planting will be incorporated into car parking areas within the development.

7.21 The applicant has also submitted an amended landscape plan (Rev L) showing the retention of the existing woodland areas on the site.

7.22 It is also considered that the site is not part of the green infrastructures network and therefore the proposal would not be contrary to Policy DM5.2. There is protected open space on the eastern side of the A186, but this is unaffected by the proposed development.

7.23 The Council's Biodiversity Officer and Landscape Architect consider the revised Indicative Landscape Proposals Plan (Rev L), showing the retention of existing tree planting along the A186 (eastern boundary of the site) with additional tree and scrub planting to improve and enhance the remaining woodland boundary planting, to be acceptable.

7.24 The applicant has confirmed that all retained and new landscape planting would be within the application site boundary and would be maintained from within the application site. None of the enhancement works adjacent to the A19 would be within Highways England land. Highways England has no objection to the application.

7.25 On balance, it is the Planning Officer's advice that the revised landscaping scheme is considered to be acceptable and subject to conditions would accord with Policies S5.4, DM5.5, DM5.9 and the advice within the NPPF. Members need to consider whether they agree.

7.26 Flooding

7.27 Paragraph 148 of NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

7.28 Paragraph 163 of NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.

7.29 Policy DM5.12 states that all major development 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.

7.30 The applicant has submitted an indicative drainage layout. Northumbrian Water have been consulted and state that they have no issues to raise with the above application provided that it is carried out in accordance with the Indicative Phase 2 drainage layout. This will ensure that foul flows discharge to the foul sewer at manhole 9801 and that surface water will discharge to the soakaway. They also state that the applicant may pursue connecting into the lateral drain which was constructed to serve the adjacent Toby Carvery site which is subject to a pending s104 Agreement and not part of the planning application.

7.31 Members need to consider whether the proposal would avoid an adverse impact in terms of flooding. It is Officer advice that it would accord with Policy DM5.12 and the advice within the NPPF.

7.32 Character and Appearance

7.33 Paragraph 122 of The National Planning Policy Framework (NPPF) states that planning decisions should support development that makes efficient use of land taking into account amongst other matters the importance of securing well-designed attractive places.

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

7.35 Paragraph 127 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

7.36 Paragraph 130 states 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.

7.37 Paragraph 170 of NPPF states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscaping commensurate with their statutory status or identified quality in the development plan.

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

7.39 The Council's Supplementary Planning Document 'Design Quality' applies to all planning application that involve building works. It seeks active frontages for ground floor retail units and that retail parks should promote high quality design on order to enhance the overall quality of the built environment.

7.40 In terms of the design, the new retail units would be situated around a central car park and situated towards the western site boundary, parallel to the A19, creating an L-shaped development when viewed together with the first phase. Running along the row of shop fronts would be a wide pedestrian footway, with a canopy above. The row of retail units would be glazed at the front and this would help create an active frontage. Vertical detailing has been introduced in order to help break up the horizontal emphasis. The palette of materials includes dark grey bricks at ground floor level, dark grey cladding to the building facade and feature cladding to the east and southern elevations. Overall, the design is modern and contemporary, it will fit with and complement the existing phase 1 and the existing Toby Carvery, which is also of a modern and contemporary design.

7.41 Impact upon Neighbours

7.42 Paragraph 180 of NPPF state 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 ne development and avoid noise giving rise to significant adverse impacts on health and quality of life.

7.43 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.

7.44 Policy DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air, 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.

7.45 The neighbours most likely to be directly affected by the proposal are those living to the east of the A186. For them it is considered that the proposal would not have an adverse impact. The commercial and leisure units are situated in the south western corner of the site and are separated from the neighbouring residential dwellings by the A186, which at this point is a four lane carriageway and central reservation. This in combination with the retention of planting and the fact that the nearest residential property would be approximately 105m away and that the new units face north eastwards whilst the rear elevations of the housing faces west meaning that the proposal would not adversely affect the living conditions of neighbouring occupiers.

7.46 In conclusion, Members need to consider whether the proposal would avoid having an adverse impact upon the amenity of neighbouring occupiers and whether the proposal would accord with Policies S1.4 and DM5.19 of the Local Plan. It is officer advice that subject to conditions it would.

7.47 Car Parking and Access

7.48 The NPPF 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.

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

7.50 Local Plan Policy DM7.4 states that the Council and its partners will ensure that 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 health and well-being.

7.51 LDD12 Transport and Highways SPD sets out the parking standards for new development.

7.52 The Council's Highways Network Manager has been consulted and states aside from the proposed gym, this area of the site was agreed in principle at the outline stage. He goes on to state that it is considered that the previously-agreed level of parking is suitable for inclusion of the gym rather than the original retail use and that the trips associated with the gym will not have a severe impact on the adjacent highway network, particularly when taking into account the off-site highway improvements previously secured.

7.53 Members must determine whether the proposal is acceptable in terms of its impact on the highway network. Officer advice is that the proposal is in accordance with NPPF, LDD12 and Policy DM7.4.

7.54 Other Matters

7.55 Comments have been received from Nexus. They have no objection to the application, subject to the imposition of conditions regarding the safe use of cranes and plant, the requirement of a dialogue between Nexus Rail and the developer, and the recovery of all reasonable costs associated with the facilitation of works by Nexus in relation to the proposed development.

7.56 The requirement for a dialogue between Nexus and the developer is not considered to be enforceable and therefore cannot reasonably be added as a condition. It is officer advice that the imposition of this condition is not appropriate.

7.57 The condition recommending the recovery of all reasonable costs associated with the facilitation of works by Nexus in relation to the proposed development is also not considered relevant to planning or reasonable. This is

considered a private and civil matter between the developer and Nexus and therefore it is officer advice that the imposition of this condition is not appropriate.

7.58 Local Financial Considerations

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

7.60 Economically there would be benefits in terms of the provision of jobs via the employment of staff at the site and during the construction phase. Socially, the proposal will add to the existing retail and leisure facilities in this area, providing an additional service to the community. Environmentally, the proposal would provide retention of woodland trees and landscape enhancements.

7.61 S106 Contributions

7.62 The Highway Network Manager has commented that as part of the first phase, a S106 contribution of £187,104 was agreed to contribute towards the Holystone roundabout as well as S278 improvements to sustainable links to and from the site.

7.63 A Framework Travel Plan (TP) was also submitted as part of the application, which will be developed out as and when the site becomes occupied. A Travel Plan Bond for the sum of £50,000 was also secured at the outline stage.

7.64 Should Members be minded to grant planning permission a Deed of Variation to the original S106 Legal Agreement is required to ensure that the original obligations that have been agreed can be secured.

7.65 Conclusions

7.66 The proposal seeks full planning permission for a new retail-led development with a gym proposed at the first floor of one of the units. The proposal would complete the extension to Shiremoor District Centre. It would complement the first phase of the extension, which has recently been constructed. The proposal would be well designed and would avoid having an adverse impact upon the character and appearance of the site or the surroundings. Subject to conditions it would not have an adverse impact on neighbours living conditions, would not have a significant adverse impact upon existing biodiversity and landscaping within the site, and would avoid having an adverse impact upon highway safety. It is therefore recommended that planning permission should be granted subject to a deed of variation to the original legal agreement to ensure that its provisions remain enforceable.

RECOMMENDATION: Minded to grant legal agreement req.

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

- a financial contribution to cover the cost of the provision of three Toucan crossings in order to provide and improve sustainable links to the application site.
- A Travel Plan Bond in order to ensure that targets set out within the Travel Plan are implemented and adhered to.

Members are also requested to authorise that the Head of Law and Governance and the Head of Environment and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:

- the provision and improvement of sustainable links to the application site.

Conditions/Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and specifications;
 - Application form, dated 07.11.18;
 - Site Location Plan, Drawing No. 2150 P2 - AL (0) 01 Rev B;
 - Arboricultural Impact Assessment for Trees at Holystone, North Tyneside, Revision D, dated 07.11.18;
 - Arboricultural Method Statement For Trees at Holystone, North Tyneside, Revision B, dated 07.11.18;
 - Arboricultural Impact Assessment - Tree Protection Plan Dwg. No. AIA TPP Rev D;
 - Arboricultural Method Statement Tree Protection Plan Dwg No. AMS TPP Rev D;
 - Northumberland Park Shiremoor - Phase 2 Design Statement, Design and Access Statement (REV A), dated 05.11.18;
 - Phase 2 External Lighting Layout, Dwg No. 2017009/Z(96)L005;
 - Flood Risk and Drainage Strategy, D/I/D/105515/24, Issue 3, June 2018;
 - Proposed Streetscape Elevations, Dwg. No. 2150 P2-AL (0) 07 Rev C;
 - Proposed Terrace Elevations, Dwg. No. 2150 P2 - AL (0) 06 Rev C;
 - Proposed Terrace Floor Plans, Dwg. No. 2150 P2 - AL (0) 04 Rev F;
 - Proposed Terrace Roof Plan, Dwg. No. 2150 P2 - AL (0) 05 Rev A;
 - Northumberland Retail Park, Phase 2, Holystone, Extended Phase 1 Survey Update, dated 06.11.2018;
 - Indicative Landscape Proposals Plan, Dwg No. 105515/8001 Rev L;
 - Proposed Site Plan, Dwg No. 2150 P2 - AL (0) 03 Rev E;
 - Indicative Drainage Layout - Phase 2, Drawing No 105515/2023 Rev D;
 - Phase 2 Northumberland Retail Park, Shiremoor, Geo-Environmental Interpretative Report, Issue 2, dated 01.06.2018.

Reason: To ensure that the development is carried out in accordance with the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 *

3. No part of the development shall be occupied until an area has been laid out within the site for refuse and delivery vehicles to turn in accordance with the

approved Drawing No. 2150 P2 - AL (0) 03 Rev D 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).

4. The scheme for parking, garaging and manoeuvring indicated on Drawing No. 2150 P2 - AL (0) 03 Rev E shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

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

5. Prior to any of the units being first occupied details of the facilities for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved refuse facilities shall be provided and maintained thereafter.

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

6. 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.

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.

7. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully

operational for the duration of the construction of the development hereby approved. 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 adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

8. Notwithstanding the details submitted, no part of the development shall be occupied until details of two Electric Vehicle (EV) charging points have been submitted to and approved in writing by the Local Planning Authority. Thereafter the electric charging points shall be provided in accordance with the approved details prior to any part of the development hereby permitted being first occupied.

Reason: In the interests of sustainable transport in accordance with Transport and Highways Supplementary Planning Document (LDD) 12, May 2017.

9. No part of the development shall be occupied until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan (2017).

10. No part of the development shall be occupied until a detailed methodology of monitoring the car park and surrounding highways has been agreed in writing with the Local Planning Authority. This monitoring shall commence upon full occupation and continue until a period of 12 months from full occupation of the site. Once this monitoring has taken place and the results are analysed, any mitigation required by the Local Planning Authority will be implemented at the expense of the applicant.

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

11. No part of the development shall be occupied until a scheme for the provision of secure undercover cycle storage for the uses hereby permitted 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 first occupied.

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

12. No part of the development shall be occupied until a Travel Plan taking into account the new development and the wider site as a whole 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 in accordance with LDD 12 Transport and Highways Supplementary Planning Document (LDD) 12, May 2017.

13. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Indicative Drainage Layout Phase 2" dated "27/03/2018". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7801 and ensure that surface water discharges to the soakaways.

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

14. No part of the development shall be occupied until details of a surface water management scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is first occupied.

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

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

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

16. Prior to the installation of any chimney or extraction vent to be provided in connection with any part of the development, full details of the height, position, design and materials shall 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.

17. Prior to the installation of any air ventilation systems to any part of the approved development full details must first be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

18. Prior to the installation of any refrigeration plant in connection with the development full details shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

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. Prior to the installation of any plant or machinery (including condensing units, extraction and air conditioning equipment), a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall include a background noise assessment which must be carried out in accordance with BS4142:2014. This assessment shall determine the background noise levels at the nearest residential property. An acceptable noise rating level for all plant and machinery shall be agreed in writing by the Local Planning Authority upon submission of the assessment. Thereafter, the agreed noise rating level shall be adhered to at all future times.

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. There shall be no deliveries or collections to the site outside the hours of 07:00 to 23:00.

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.

21. No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. 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.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

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.

22. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

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.

c) 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.

d) 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 having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

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

24. All operations, including the use of cranes or other mechanical plant working adjacent to Nexus Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling outside the Nexus boundary fence, within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. No cranes or plant are allowed to oversail Nexus Rail property, overhead lines or track.

Reason: To ensure the development would not obstruct or constrain the use of railway lines adjacent to the site, having regard to Policy S7.3 of the North Tyneside Local Plan (NPPF).

25. 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 (in accordance with Indicative Proposal Plan Revision L), shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme is to include additional planting to the A19 boundary, and shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (trees to the car park to be a minimum 12-14cm girth), as well as the positions, design, materials and type of boundary treatment to be erected. This shall also include a

splayed footpath at the junction with the A186. The landscaping scheme shall be implemented in accordance with the relevant recommendations of BS 4428:1989 and the approved details, within the first available planting season following the approval of details. All works, where they impact on retained trees, are to be carried out by hand and in accordance with BS 5837:2012.

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).

26. No development shall take place until a schedule of landscape maintenance for a minimum period of five years, including details of the arrangements for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Reason: To ensure that measures are in place to ensure that the landscaping is properly managed in the interests of biodiversity in accordance with policies DM5.5 of the North Tyneside Local Plan (2017).

27. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedule for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is sooner, for its permitted use. The landscape management plan shall thereafter be carried out as approved.

Reason: To ensure that measures are in place to ensure that the landscaping is properly managed in the interests of biodiversity in accordance with policies DM5.5 of the North Tyneside Local Plan (2017).

28. Within one month from the commencement of development, details of the 9no. bat boxes and 19no. bird boxes indicated on the Indicative Landscape Plan (Revision L), will be submitted to the Local Planning Authority for approval. Details will include bird and bat box specifications, locations, aspect and timing of installation. Bird and bat boxes must be installed at a minimum height of 4m for bat boxes and 3m for bird boxes.

Reason: To safeguard important habitats and species of nature conservation value having regard to policy DM5.5 of the North Tyneside Local Plan (2017).

29. Prior to commencement of development, the trees within or adjacent to and overhanging the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Arboricultural Impact Assessment and Tree Protection Plan submitted by All About Trees unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence is not to be repositioned without the written approval of the Local Planning Authority. Thereafter, all works are to be undertaken in complete accordance with the approved tree protection scheme and Arboricultural Method Statement.

Reason: To ensure the long term retention and protection of trees on the site having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

30. Any new service installations or serving diversions and any works including demolition, excavations, soil stripping including foundations and the laying of services and any lighting installation which will impact on the retained trees including the filter drain to the western boundary of the site is to be carried out in accordance with the Arboricultural Method Statement by All About Trees and National Joint Utilities Group (NJUG) 'Guidelines for the planning, installation, and maintenance of utility services in proximity to trees' and BS 5837: 2012 with works being undertaken by hand or suitable method such as an air spade or trenchless techniques to ensure works will not damage the root systems of the retained trees.

Reason: To ensure the long term retention and protection of trees on the site having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

31. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans (Drawing no. 8001 Rev L and Arboricultural Impact Assessment and Tree Protection Plan) 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, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees, shrubs, or hedge plants of similar size and species in such positions as specified by the Local Planning Authority, and until the Local Planning Authority gives written consent to any variation.

Reason: To ensure the long term retention and protection of trees, shrubs and hedges on the site having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

32. No vegetation removal will take place in 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 safeguard important habitats and species of nature conservation value having regard to policy DM5.5 of the North Tyneside Local Plan (2017).

33. Details of a Lighting Strategy must be submitted to the Local Authority for approval within one month from the start of any operations on site. Lighting will be designed in accordance with Bat Conservation Trust (BCT) Guidelines to minimise light spill in sensitive locations such as the woodland boundary planting to reduce impacts on bats, and any adverse impacts on adjacent woodland, scrub, grassland and hedgerow habitats within or adjacent to the site.

Reason: To safeguard important habitats and species of nature conservation value having regard to policy DM5.5 of the North Tyneside Local Plan (2017).

34. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 -

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

Reason: To ensure the long term retention and protection of trees on the site having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

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

Reason: To ensure the long term retention and protection of trees on the site having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

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

Reason: To ensure the long term retention and protection of trees on the site having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

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

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

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

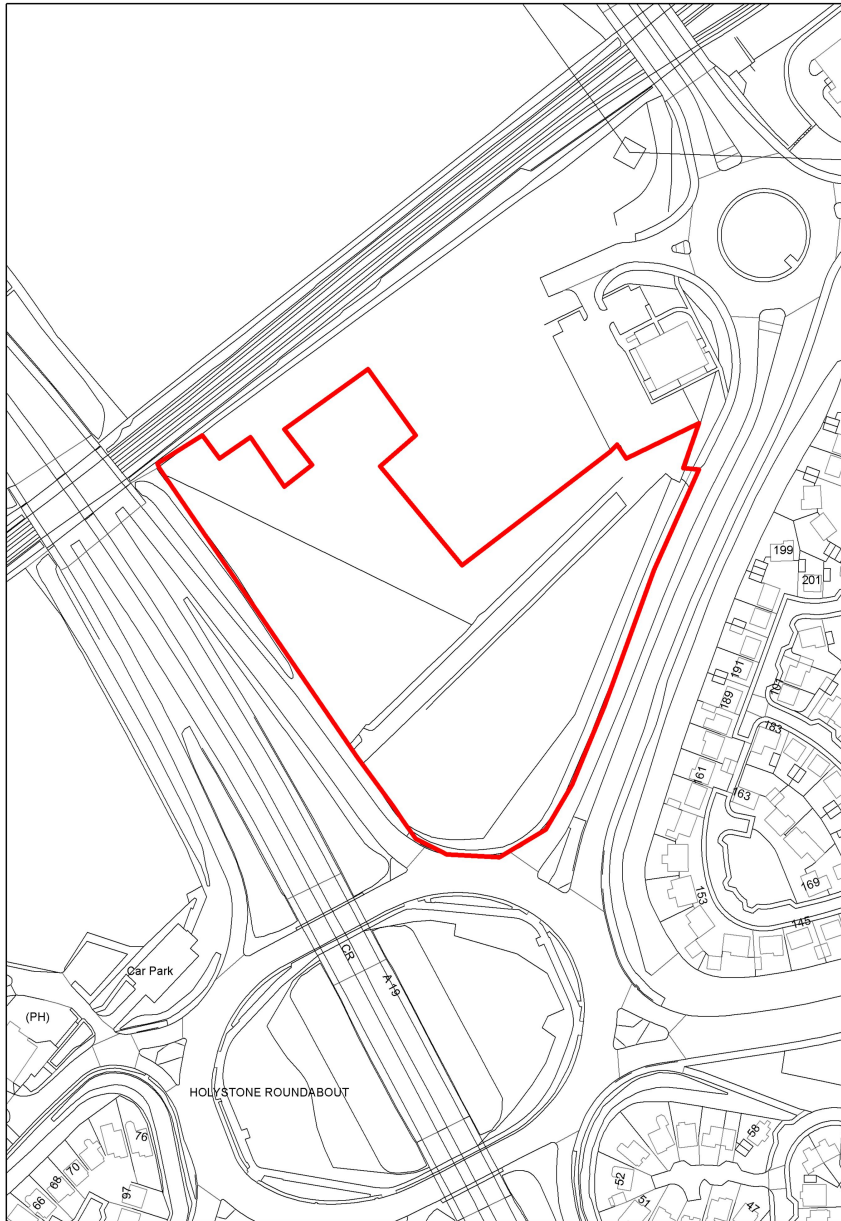
Highway Inspection before dvlpt (I46)

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

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

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

The developer and design team are to establish a dialogue with Nexus Rail. Liaison between the developer and Nexus Rail shall continue as necessary to ensure safe working adjacent to the operational railway infrastructure and that the development has no adverse impact on the property of Nexus.



Application reference: 18/01559/FUL

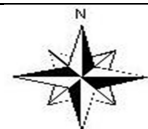
Location: Land North East Of Holystone Roundabout, Earsdon Road, Shiremoor, NEWCASTLE UPON TYNE

Proposal: Erection of Units for retail (Class A1) and gym (Class D2) uses, with associated parking, servicing provision and landscaping. (Resubmission)

Not to scale

Date: 06.12.2018

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Appendix 1 – 18/01559/FUL
Item 10

Consultations/representations

Internal Consultees

1. Highway Network Manager

1.1 This application is for the erection of 4 units for retail (Class A1) & gym (Class D2) uses, with associated parking, servicing provision and landscaping. Outline permission has been granted for the site as a whole (15/01146/OUT) as well as reserved matters permission for the discount food store and cafe & drive thru (17/00606/REM).

1.2 As part of the first phase, a S106 contribution of £187,104 was agreed to contribute towards Holystone roundabout as well as S278 improvements to sustainable links and to and from the site.

1.3 A Framework Travel Plan (TP) was also submitted as part of the application, which will be developed out as when the site becomes occupied. A Travel Plan Bond for the sum of £50,000 was also secured at the outline stage.

1.4 This application seeks to add an additional 4 retail units and a gym to the site. Aside from the proposed gym, this area of the site was agreed in principle at the outline stage. It is considered that the level of parking, previously agreed is suitable for the inclusion of the gym rather than the original retail use and that the trips associated with the gym will not have a severe impact on the adjacent highway network, particularly when taking into account the off site highway improvements previously secured.

1.5 For these reasons outlined above, conditional approval is recommended.

1.6 Recommendation - Conditional Approval

1.7 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

1.8 Notwithstanding the details submitted, no development shall commence until details of two Electric Vehicle (EV) charging points have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these charging points have been constructed to the satisfaction of the Local Highway Authority

Reason: In the interests of sustainable transport

1.9 No development shall commence until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority.

Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety.

1.10 No development shall commence until a detailed methodology of monitoring the car park and surrounding highways has been agreed in writing with the Local Planning Authority. This monitoring shall commence upon full occupation and continue until a period of 12 months of the site. Once this monitoring has taken place and the results are analysed, any mitigation required by the Local Planning Authority will be implemented at the expense of the applicant.

Reason: In the interests of highway safety.

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

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings.

1.12 No development shall commence until a Travel Plan taking into account the new development and the wider site as a whole 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.

1.13 Informatives:

- I05 - Contact ERH: Construct Highway Access
- I07 - Contact ERH: Footpath/Bridleway X's Site
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

1.14 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.

1.15 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 of Environmental Health (Contaminated Land)

2.1 I have reviewed the Geo Environmental Interpretative Report and the report shows that further work is required to be carried out. The following must be attached

2.2 Con 001 and Gas 006.

3. Biodiversity Officer

3.1 Further to my previous comments (dated 17.10.18), an amended landscape plan has been submitted (DWG No: 105515/8001 Revision L) showing no further loss of trees on site as well as tree and scrub planting to improve and enhance the remaining woodland boundary planting.

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

3.3 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 (in accordance with Indicative Landscape Proposal Plan Revision L), shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme is to include additional planting to the A19 boundary and shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (trees to the car park to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

3.4 Any new service installations or service diversions and any works including demolition, excavations, soil stripping including foundations and the laying of services and any lighting installation which will impact on the retained trees including the filter drain to the western boundary of the site is to be carried out in accordance with the Arboricultural Method Statement by All About Trees and National Joint Utilities Group (NJUG) 'Guidelines for the planning, installation, and maintenance of utility services in proximity to trees' and BS 5837:2012 with works being undertaken by hand or suitable method such as an air spade or trenchless techniques to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method is to be submitted for approval.

3.5 Within one month from the start of any operations on site, details of the 9no. Bat boxes and 19no. bird boxes indicated on the Indicative Landscape Plan (Revision L), will be submitted to the Local Authority for approval. Details will include bird and bat box specifications, locations, aspect and timing of

installation. Bird and bat boxes must be installed at a minimum height of 4m for bat boxes and 3m for bird boxes.

3.6 No vegetation removal will take place in 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.

3.7 Details of a Lighting Strategy must be submitted to the Local Authority for approval within one month from the start of any operations on site. Lighting will be designed in accordance with Bat Conservation Trust (BCT) Guidelines to minimise light spill in sensitive locations such as the woodland boundary planting to reduce impacts on bats.

4. Landscape Architect

4.1 Additional information by way of a revised Indicative Landscape Proposals Plan drawing 105515/8001 Rev L showing the retention of existing tree planting along the A186 with additional landscape planting enhancement. The proposal is acceptable subject to the following conditions:

4.2 No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans (Drawing no. 8001 Rev L and Arboricultural Impact Assessment and Tree Protection Plan) 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.

4.3 Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Arboricultural Impact Assessment and Tree Protection Plan submitted by All About Trees unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority. Thereafter all works are to be undertaken in complete accordance with the approved tree protection scheme and Arboricultural Method Statement. Any trees removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not

later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

4.4 Any new service installations or service diversions and any works including demolition, excavations, soil stripping including foundations and the laying of services and any lighting installation which will impact on the retained trees including the filter drain to the western boundary of the site is to be carried out in accordance with the Arboricultural Method Statement by All About Trees and National Joint Utilities Group (NJUG) 'Guidelines for the planning, installation, and maintenance of utility services in proximity to trees' and BS 5837:2012 with works being undertaken by hand or suitable method such as an air spade or trenchless techniques to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method is to be submitted for approval.

4.5 All construction works on site are to be carried out in accordance with the Arboricultural Method Statement by All About Trees and National Joint Utilities Group (NJUG) 'Guidelines for the planning, installation, and maintenance of utility services in proximity to trees' and BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'

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

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

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

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

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

This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the preappointed tree specialist during construction.

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

4.7 A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning

Authority within one month of work starting on site. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012

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

4.9 The contractor's 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 as concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

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

4.11 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 is to include additional planting to the A19 boundary and shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (trees to the car park to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

4.12 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.

4.13 No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved schedule.

4.14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

4.15 A detailed lighting strategy must be submitted to the Local Authority for approval prior to development commencing. Lighting must be designed to minimise light spill and any adverse impacts on adjacent woodland, scrub, grassland and hedgerow habitats within or adjacent to the site.

External Consultees

5. Highways Agency

5.1 Referring to the planning application referenced above, dated 12 November 2018, for the Erection of Units for Retail (Class A1) and Gym (Class D2) Uses, With Associated Parking, Servicing Provision and Landscaping. (Resubmission) At Land North East of Holystone Roundabout Earsdon Road Shiremoor, notice is hereby given that Highways England's formal recommendation is that we offer no objection.

6. Northumbrian Water

6.1 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Phase 2 Northumberland Retail Park Development, Shiremoor Flood Risk Assessment & Drainage Strategy June 2018*". In this document it states that foul will connect at MH9801 in the adjacent Cloverfields housing development. However the applicant may pursue connecting into the lateral drain which was constructed to serve the adjacent Toby Carvery site which is subject to a pending S104 Agreement. Surface Water is identified to be discharged via infiltration.

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

6.3 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "*Phase 2 Northumberland Retail Park Development, Shiremoor Flood Risk Assessment & Drainage Strategy June 2018*". Foul water shall connect into MH9801 or into the lateral foul drain which has been constructed as part of the adjacent Toby Carvery restaurant development subject to agreement between Northumbrian Water and relevant owners. Surface Water to be discharged via infiltration.

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

7. Northumbria Police

7.1 After considering it from a crime prevention point of view I can find no grounds on which to object.

7.2 I would, however, recommend that to create a safe and secure environment for employees and customers alike the client considers constructing the buildings in line with the specifications set out in the police approved security scheme Secured by Design and use the 2015 Commercial Guide which can be found at www.securedbydesign.com and following the links to Design Guides.

8. Nexus

8.1 Nexus has received the following comments from the Nexus Rail 3rd Party Works project manager:

8.2 If the footbridge proposal is resurrected Nexus will need to be heavily involved. Having reviewed the plans Nexus have the following comment:

8.3 The proposed Retail Units are taller than the ALDI store and run down towards the railway (larger crane required than ALDI). The Garden Centre is on a similar line to the ALDI store (crane required). Planning Conditions to be added:

8.4 All operations, including the use of cranes or other mechanical plant working adjacent to Nexus Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling outside the Nexus boundary fence, within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. No cranes or plant are allowed to oversail Nexus Rail property, overhead lines or track.

8.5 The developer and design team are to establish a dialogue with Nexus Rail and we require that liaison between the developer and Nexus Rail continues as necessary to ensure safe working adjacent to the operational railway infrastructure and that the development has no adverse impact on our property.

8.6 Nexus Rail is required to recover all reasonable costs associated with facilitating these works.

9. Representations

9.1 1 letter of support has been received raising the following issues; Having reviewed the planning application as per above reference, I would like to express my support for this proposal.

North Tyneside Council

Report to Planning Committee

Date: 18 December 2018

ITEM 6

Title: 5 Bygate Road,
Whitley Bay, Tyne and
Wear Tree Preservation
Order 2018

Report from Directorate: Environment, Housing and Leisure

Report Author: Phil Scott Head of Environment, Housing and Leisure (Tel: 643 7295)

Wards affected: Monkseaton South

1.1 Purpose:

To consider the above Tree Preservation Order for a single beech tree taking into account any representations received in respect of the Order.

1.2 Recommendation(s)

Members are requested to consider the representations to the 5 Bygate Road, Whitley Bay, Tyne and Wear Tree Preservation Order 2018 and confirm the Order.

1.3 Information

- 1.3.1 Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local Council, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the local planning authority gives consent. This notice period gives the Council an opportunity to consider whether to make an Order on the tree.
- 1.3.2 The notice to fell the single beech tree (18/01199/TREECA) in Monkseaton conservation area was assessed and in this case the Council decided to make a Tree Preservation Order (TPO) for the tree. The Order was served in October 2018.
- 1.3.3 Two letters of objection have been received following the Council's decision to serve a TPO on the tree. One from the owners/residents of the land covered by the TPO and one from the adjoining neighbour (4 St Georges Crescent). Copies of these representations are included as Appendix 2 to this report. The grounds of objection can be summarised as follows:
- 1.3.4 Objections from 5 Bygate Road
- The tree should be felled because it's causing damage to boundary walls, driveway and excessive shading to 4 St Georges Crescent.
 - It does not provide a high level of amenity to the area because it is part of a number of mature trees in the owners garden that would soon provide continuing amenity if the tree were felled.

1.3.5 Objections from 4 St Georges Crescent

- Damage that the roots and trunk of the tree are doing to the shared boundary wall with 5 Bygate Road and 4 St Georges Crescent and the boundary wall between 5 Bygate Road and the public footpath.
- Large sections of adjoining walls will be destroyed if the tree is not felled and this will lead to difficulty in parking on the driveway of 4 St Georges Crescent by reducing width of the driveway.
- The tree is causing damage to the surface of the driveway at 4 St Georges Crescent, especially where the garage door meets the ground and it is proposed that this will eventually lead to the loss of the driveway as valuable off road parking space.
- Concern at the overall height and spread of the tree onto the public footpath and street, a very large tree for a suburban garden.
- Several other extremely large shrubs and trees that border 5 Bygate Road and 4 St Georges Crescent would benefit from the extra room created after the tree is felled and in time would cover the space left after the tree is removed.
- Much of the natural light is lost to 4 St Georges Crescent all year round.
- The problem is only going to get worse.

1.3.6 The Council has responded, in consultation with the landscape architect, to each of the objections:

- a) The tree does not provide a high level of amenity and therefore should not be considered worthy of protection by a TPO
- b) Damage to boundary wall with 5 Bygate Road and 4 St Georges Crescent
- c) Damage to the driveway of 4 St Georges Crescent
- d) Trees causing excessive shading to 4 St Georges Crescent.
- e) Concern at the overall height and spread of the tree onto the public footpath and street, a very large tree for a suburban garden

a) The tree does not provide a high level of amenity and therefore should not be considered worthy of protection by a TPO

1.3.7 The tree makes a significant contribution to the amenity value of the area, being in a prominent position, visible from Bygate Road and St Georges Crescent and within Monkseaton Conservation Area.

1.3.8 The proposed works to remove the tree would not be in accordance with Local Plan Policy DM5.9, which aims to protect trees within the borough. Nor would its removal be in accordance with Local Plan Policy S6.5 and DM6.6, which aims to preserve, promote and enhance the overall character of the conservation area and its loss would have a detrimental impact on the character of the area. In serving a TPO, the tree must be able to show that protection would bring a reasonable degree of public benefit in the present or future. The Monkseaton Conservation Area Character Appraisal (2006) identifies the qualities of trees in the area:

For most, a large, sheltered, well-established back garden is an indispensable part of living in Monkseaton Conservation Area and care should be taken not to weaken their intrinsic significance either by infill development, removing trees, or eroding green maturity. Monkseaton Conservation Area Character Appraisal, 2006.

1.3.9 The landscape architect in the comments on the original application (18/01199/TREECA) notes that the tree is in reasonable condition with no visible indications that the tree is dying, diseased or dangerous. No detail or information has been submitted regarding its physiological and structural condition.

1.3.10 The decision to determine whether the tree is worthy of protection by a Tree Preservation Order has assessed the amenity value of the tree. The TEMPO assessment (Tree Evaluation Method for Evaluating Preservation Orders) is a widely recognised and respected method of assessing the suitability of a tree for a TPO.

1.3.11 The TEMPO evaluation method takes into account factors such as a tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Following this assessment the tree is considered to be worthy of protection.

b) Damage to boundary wall with 5 Bygate Road and 4 St Georges Crescent

1.3.12 Evidence has been submitted (photos) claiming related damage to the adjacent brick wall of the applicant's property and also the driveway associated with the neighbouring property on St Georges Crescent. The wall is approximately 600mm in height and does not appear to be retaining any material to the rear. The wall is located within Conservation Area but has no significant architectural merit nor is it listed. The removal of the tree will only be considered if the wall is proven to be irreplaceable.

1.3.13 The displacement of the wall appears to be caused by pressure from tree roots and the buttress of the tree. However, no detail or information has been submitted to establish if the wall can be repaired whilst retaining the tree. As the wall will need to be repaired to ensure its safety and alleviate any concerns, the wall could be taken down and rebuilt with an option of incorporating a concrete lintel in the foundation to 'bridge over' tree roots to stop any pressure. In addition, placing stainless steel ladder reinforcement into stone courses to restrain the wall in its length and link it to the existing part could be considered. However, this is a suggestion and will need investigation by an appropriate person, builder or engineer who could provide further advice and suggest methods for protecting the tree roots and repairing the wall.

c) Damage to the driveway of 4 St Georges Crescent

There is also some displacement of the brickwork to the driveway but not sufficient to cause any obvious trip hazards. Given the proximity of the tree, the displacement of the brickwork to the driveway by the tree is probable, but not conclusively proven in the absence of any positive identification of individual roots that may have caused movement through direct pressure.

d) The tree is causing excessive shading to 4 St Georges Crescent.

1.3.14 In response to the evidence presented in support of the tree removal, the lateral canopy overhang does appear to be exerting a strong influence on the neighbouring property however, its influence is only visual and diminishes, falling short of the actual house structure. There is also evidence at present that other trees and/or shrubs in the supporting group may be a contributory factor.

1.3.15 Trees are not usually felled because they are allegedly reducing light levels into properties unless it is demonstrated that a severe restriction has resulted. Remedial tree works such as crown thinning can relieve the situation but shade is not sufficient reason to allow the removal of the tree or the withdrawing of the TPO.

e) Concern at the overall height and spread of the tree onto the public footpath and street, a very large tree for a suburban garden

1.3.16 A tree would not be removed because it is considered to be 'too big' or 'too tall' for its surroundings. The size of the tree can be managed by pruning. However the TPO will

ensure that any pruning works are not detrimental to the trees and in accordance with approved standards.

Additional Guidance

- 1.3.17 Confirming the TPO will not prevent any necessary tree work from being carried out but will ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the tree. If the owners/occupiers were concerned about the condition of the tree and require pruning works to be carried out, an application to the Council can be submitted as required by the TPO.
- 1.3.18 In accordance with the Town and Country Planning Act 1990 (as amended) the Authority considers it necessary to issue a Tree Preservation Order to maintain and safeguard the contribution made by these trees to the landscape and visual amenity of the area. The Tree Preservation Order was served on the owners and other relevant parties on 4 October 2018. A copy of this original Order is attached as Appendix 1.
- 1.3.19 The Order must be confirmed by 4 April 2019 otherwise the Order will lapse and there will be nothing to prevent the removal of this tree which is currently protected.

1.4 Decision options:

1. To confirm the Tree Preservation Order with no modifications.
2. To confirm the Tree Preservation Order with modifications.
3. To not confirm the Tree Preservation Order.

1.5 Reasons for recommended option:

Option 1 is recommended. A Tree Preservation Order does not prevent the felling of trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.

1.6 Appendices:

Appendix 1 – 5 Bygate Road, Whitley Bay, Tyne and Wear Tree Preservation Order 2018
Appendix 2 – Letters of objection.

1.7 Contact officers:

Peter Slegg (Tel: 643 6308)

1.8 Background information:

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Report author Peter Slegg

Town and Country Planning Act 1990
The Council of the Borough of North Tyneside (5 Bygate, Whitley Bay) Tree
Preservation Order 2018

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the (5 Bygate, Whitley Bay) Tree Preservation Order 2018.

Interpretation

2. (1) In this Order “the authority” means the Council of the Borough of North Tyneside

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4.—In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 4th day of October 2018

The Common Seal of the
Council of the Borough of North Tyneside
was affixed to this order in the presence of:



Chair of the Council



Authorised Signatory



TREE PRESERVATION ORDER 2018

5, BYGATE ROAD, WHITLEY BAY, TYNE AND WEAR

SCHEDULE

The map referred to is at a scale of 1:500 and is based on an enlargement of the O.S. edition of sheet numbered NZ 3471. The area covered by the Order is on land at 5 Bygate Road, Whitley Bay NE25 8BN.

The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	1no. Beech (Fagus sp)	Located in the southern corner of the rear garden of 5 Bygate Road; approximately 4000mm in a south west direction from point *A at 4 St. Georges Crescent, Whitley Bay.

TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

GROUPS OF TREES

(within a broken black line on the map)


<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

WOODLANDS

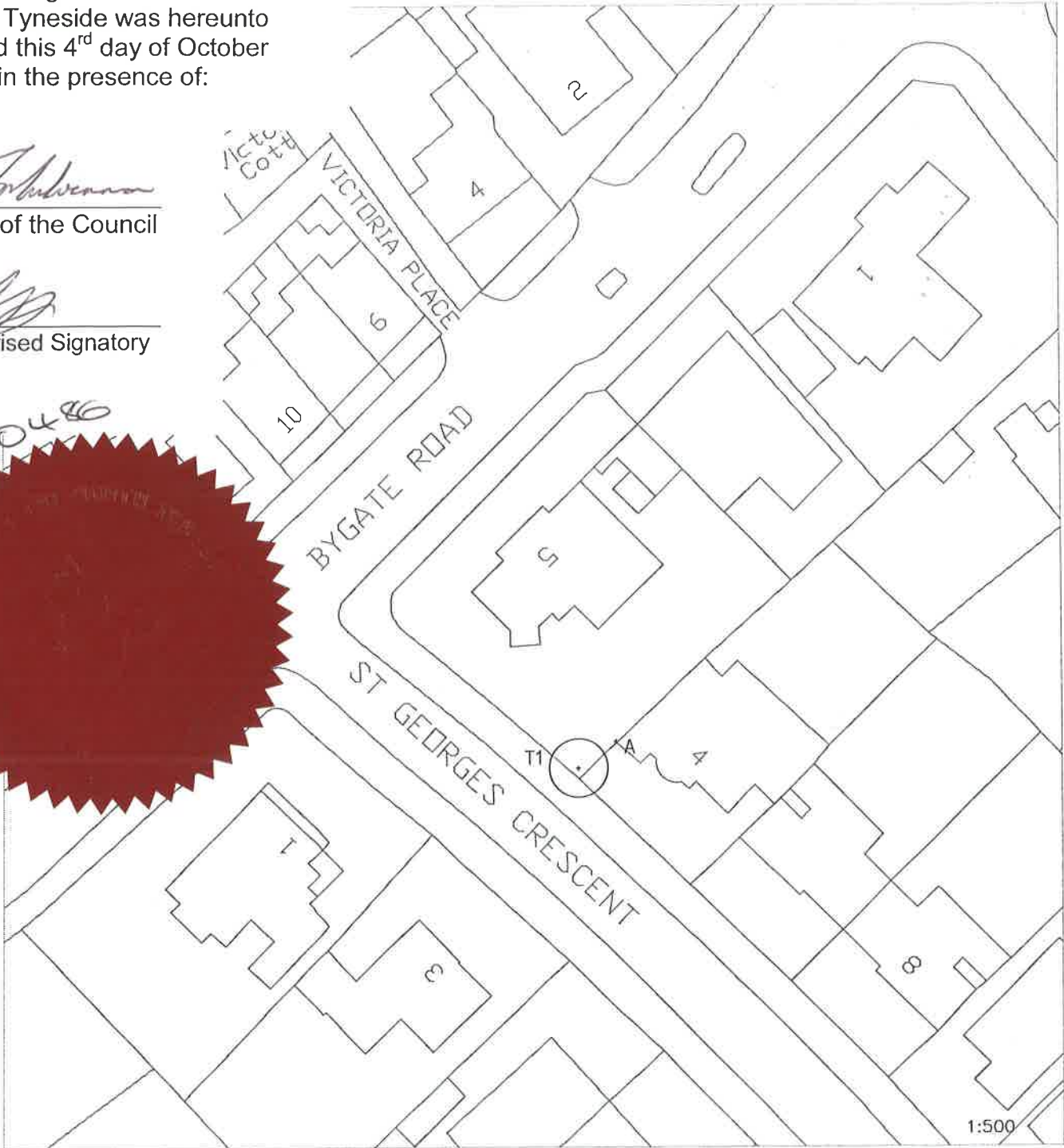
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

The common seal of the Council of
the Borough of
North Tyneside was hereunto
affixed this 4th day of October
2018 in the presence of:


Chair of the Council


Authorised Signatory



NORTH TYNESIDE COUNCIL

5 BYGATE ROAD, WHITLEY BAY
TREE PRESERVATION ORDER 2018

Phil Scott
Head of Environment, Housing and Leisure
Quadrant East
The Silverlink
Cobalt Business Park
North Tyneside
NE27 0BY



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EXTRNL

Dear Sir/Madam,

We are contacting you in regard to the above planning application which was initiated by neighbour, Mr John Paton of 5 Bygate Road, Monkseaton. We fully support this application to fell the tree that borders our property for several reasons. The first and most distressing is the damage that the roots and trunk of the tree are doing to both our shared boundary wall and Mr Paton's boundary with the public footpath. If the tree preservation is upheld it will lead to the destruction of large sections of both walls and lead to difficulty in parking as the driveway's width will be reduced. It is also causing damage to the surface of our driveway especially where the garage door meets the ground which will eventually lead to the loss of this valuable off road parking space.

We are also concerned about the trees overall height and spread onto the public footpath and street. Put simply - It is a very large tree for a suburban garden; it is also pertinent to point out that there are several other extremely large shrubs and trees that border the two gardens and which will benefit from the extra room left after this tree is felled.

The trees' overall size, standing above our own two story house, does mean that much of our natural light is lost all year round. We do realise that the law does not always recognise the 'right to light' however, the tree does block out much of the sun we (infrequently) may enjoy in Monkseaton, meaning the front of our south facing house is prematurely in the dark especially in the summer months.

We have lived at this address for 18 years and planted smaller more appropriate shrubs and trees in our own rear garden which hopefully will not either damage property or lead to a loss of light in our neighbours' spaces and, as stated in Mr Paton's application and objection, there are several trees and large shrubs that will soon cover the space left by the removal of this particular tree.

We very much appreciate that Mr Paton has put in the request and hope that the council will recognise that this is a problem that will only grow (pardon the pun) leading to further damage of property and a reduction in quality of life through the lack of sunlight. We are also happy to provide more information, as is Mr Paton, if required.

We look forward to hearing from you soon.

Yours

Craig & Fiona Leather
4 St George's Crescent
Monkseaton
Whitley Bay
NE258BJ

EXTRNL

I object to the decision to designate a tree in my garden with a TPO. My neighbours and I think this tree should be felled. it is causing damage to boundary walls, driveway and causing excessive shading to my neighbour's house. It does not provide a "high level of amenity to the are" since it is part of a number of mature trees in my garden, which would soon provide a continuing "tree amenity" to the area, if it were felled.
we think the tree should be allowed to be felled.

John Paton
5 Bygate Road
Monkseaton
NE25 8BN