



North Tyneside Council

Planning Committee

24 September 2021

Dear Councillor,

With reference to the agenda previously circulated for the meeting to be held on Tuesday, 28 September 2021 please find attached various addendums and written statements from interested parties in relation to the following items.

Agenda Item		Page
7.	21/00462/FUL, Land adjacent to 5 Elm Villas, Hazlerigg	5 - 8
	To determine a full planning application from Mr Islam for the variation of conditions 1 (approved plans) and 4 (levels) of planning approval 14/1470/FUL relating to amendments to heights and elevations.	
8.	21/01510/FUL, Unit 14, Wesley Way, Benton Industrial Estate	9 - 14
	To determine a full planning application from Joseph Parr (Tyne and Wear) Ltd for variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL to permit the display of goods externally.	
9.	21/01618/FUL, Formica Limited, West Chirton Industrial Estate	15 - 24
	To determine a full planning application from Mr Grant Newberry to extend existing car park to the north of the site, for staff and visitor overflow with new access from Westmoreland Road. Relocation of existing motorbike shelter and cycle stores to new carpark including additional cycle storage. Erection of new factory to the north of the site to be linked to the existing west factory at two locations with two canopies to the north of the building including new concrete service yard. New access road to the west of the site to link new service yard to the existing road to the south of the west factory. Extending the existing west factory to the west. New sprinkler tanks to be installed to the west of the west factory extension.	
13.	1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021	25 - 26
	To decide whether to confirm the 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021.	

Circulation overleaf ...

Members of the Planning Committee:

Councillor Ken Barrie
Councillor Julie Cruddas
Councillor Margaret Hall
Councillor Chris Johnston
Councillor John O'Shea
Councillor Willie Samuel (Chair)

Councillor Trish Brady (Deputy Chair)
Councillor Muriel Green
Councillor John Hunter
Councillor Frank Lott
Councillor Paul Richardson

Agenda Item 7

Dear Planning Committee,

Thank you for approving my speaking request. Sorry I cannot be in front of you today presenting my objections to this planning application as I have work commitments which could not be changed.

I have summarised my objections and remaining issues that I still feel are relevant after reading the case officers report.

Sunlight/Roof Design of rear dwelling – The alterations that have been provided by the applicant to bring the total height of the rear dwelling in line with what was previously approved will reduce the harm in regards to loss of light in my home, however the way this has been proposed is not acceptable in terms of design.

The NPPF states *“the creation of high quality, beautiful and sustainable 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 place in which to live and work and helps make development acceptable to communities.”* Giving regard to that statement and reviewing the proposed plan to just remove approximately a quarter of the roof off the rear property, it does not promote good architectural design, it will be far from beautiful and will not integrate into the skyline of the surrounding area.

Paragraph 134 of the NPPF states that a development that is not well designed should be refused, especially where it fails to reflect local design policies. If we consider North Tyneside Design Quality SPD in section 4.4; *“Roof Form is an important visual element of a building. The roof design can help to convey the overall design approach of a development. Roof lines and pitches, roofing material and colour all serve to frame the street scene and skyline, particularly on low-rise development.”* Using North Tyneside own design guide it would suggest that the proposed roof design to the rear property fails to meet its own set planning standards. This is evident in the design where there is no conformity between the proposed rear dwelling, front dwelling and existing buildings in the area and the planning officers own remarks saying it would be preferable for the rear dwelling to retain a pitched roof design and acknowledges that it is not common place in the local area for the proposed roof design.

North Tyneside local plan states in DM6.1 *“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 to the characteristics of the site, its wider context and the surrounding area”*. As previously mentioned this design fails to demonstrate high design standards, and subsequently fails to integrate within the street scene effectively.

Whilst it has been acknowledged the current height of the rear dwelling is causing significant harm to properties on Melness Road in terms of lost amenity. A solution must be reached that is not to the detrimental effect of the local community in regards to visual amenity, skyline and character of the local area. The better solution to achieve a lower ridge height would be to reduce the overall pitch of the full roof to reach a total height that was previously approved in 2014.

Privacy – Due to the significantly raised ground levels of this rear property I now face being watched by the prospective occupants from their kitchen/dining room windows into my garden and habitable

rooms within my property through no fault of my own. I find this unjustified that this is to be considered acceptable.

In the original grant of planning permission the ground floor views towards Melness Road would have been obscured by the boundary treatment which was mentioned in the case officer report back in 2014. The levels of this property have now changed which gives future occupants direct line of sight into my garden and living room window from their ground floor rear windows. This is not acceptable and fails to meet DM6.1 of the local plan as it does not provide a good standard of amenity for existing and future residents of buildings and spaces.

There is no boundary treatment blocking views into 57 & 59 Melness Road as the current ground floor height exceeds the capacity to what the existing boundary treatment is able to obscure. I have attached an image which hopefully will be presented to the committee showing the view from my rear living room window. In this you can see how half of the Kitchen/Dining room windows are visible above the brick wall at the rear of my garden. The current fixed boundary treatment is not suitable to protect this privacy and I ask that the committee today requests that this fixed boundary treatment is increased to a height which would protect our living environment from visual intrusion.

The separation distance is approximately 22 meters from my rear window to the applicants ground floor windows; this is 2 meters short of the distance needed to read a UK registration plate in a driving test and gives perspective of the detail I can see of this house and what the prospective occupants will be able to see without changes being made to the fixed boundary treatment.

In conclusion I feel that this planning application fails to meet planning criteria set in North Tyneside Local plan and the National planning policy framework. The design and scale of the proposals put forward are not in keeping with the surrounding area, it does not provide a better place to live and fundamentally fails to accord with the Councils "Design quality" SPD, Local Plan policies S1.4, DM6.1 and guidance from the NPPF particularly section 12 "Achieving well-designed places" paragraph 126.

Thank you for your time today.

Yours faithfully,

Thomas Skeet

Photo to be shared with Planning Committee regarding ground floor privacy



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Agenda Item 8

Members of the committee.

Several Holystone residents have requested that I present this statement on their behalf as an objection to the planning variation application 21/01510/FUL submitted by Joseph Parr.

For the planning committees' convenience, I will outline the bad working practices of this company and residents' opposition to this variation as they view it as a means by Joseph Parr to legitimise their failure to comply with the planning conditions agreed in 2010.

Since this company took over occupation of this unit in 2010 the residents' experiences with this building supplies company have been far from harmonious. Joseph Parr are not good neighbours. They have continuously and brazenly flouted the nine stipulations attached to the original approved Planning Application, granted by this committee in 2010.

Parrs have continually stored extensive amounts of building supplies, including timber, bricks and other building materials above a height of 2M and usually in excess of 4-5 M all across their premises but most prominently beside the Southern perimeter fence bordering Whitley Rd and facing local residents' houses. Goods are also routinely stored in the designated 6 staff and 21 customer parking bays (both required as part of the 2010 planning application agreement). This lack of clearly marked and accessible staff and visitor parking bays encourages the drivers of these vehicles to park on Wesley Way resulting in major traffic congestion. Generally, staff and visitors park their vehicles on the footpath in Wesley Way in an attempt to keep the road clear for incoming HGV deliveries, causing a hazard for pedestrians, including schoolchildren.

As well as negotiating the congestion on Wesley Way, the HGV drivers who are required to deliver to Parrs have major issues accessing the site because of the haphazard external stock storage situation and the fact that the unloading bays are also used to house building materials. This is against the intended purpose of these areas and in direct contravention of their former planning approval.

In addition, the failure by Parrs to implement the stipulated and approved sign posted one-way traffic system throughout their site as per their 2010 planning application, effectively means delivery drivers cannot safely negotiate throughout the site and pull into the onsite delivery bays. This results in some drivers simply unloading goods on Wesley Way and manually moving them across the road into the Parrs site – clearly a very dangerous method of work given the nature of the materials involved. The frequent blockage of Wesley

Way by deliveries to Joseph Parrs causes disruption for other businesses on the industrial estate and hampers access for emergency vehicles. The early morning deliveries (often well before 7 a.m.) to Joseph Parr causes disruption, noise and atmospheric pollution for residents and impacts greatly on their quality of life, especially when the HGV drivers sit with their engines running because the site is not open and they are unable to deliver.

The ineffective management of Parrs site resulting in vehicles parking on Wesley Way means that HGV delivery drivers sometimes find their access route blocked by HGV's making deliveries. This means they often have to perform dangerous and unsafe reversing manoeuvres across the extremely busy Whitley Rd and into St Aidans Ave, a residential cul-de-sac opposite, in order to enable them to manoeuvre these extremely large, heavily laden, 14 wheeled juggernaut type vehicles back onto Whitley Rd and into oncoming traffic.

With regards to loss of visual amenity; the residents do not have to imagine what the impact on the loss of that would be like - they simply have to look out of their bedroom windows to see a wall of bricks and other building materials stacked 5M high. During the summertime the trees on Whitley Rd mercifully shield some of the eyesore but it is only effective when the trees are in full bloom - approximately 30% of the year. For the remainder of the year, especially once the leaves fall, the true impact of the way this company manages its stock levels and storage heights and the insensitive design of this application reveals the full extent of the loss of visual amenity for local residents, it is apparent for all to see. Sadly, I have recently been made aware that a subsequent application(10/00552/FUL) by the company to remove the requirement to install the amenity screening of the site has been submitted. I understand this will be considered in due course and I hope will be refused.

By consistently failing to adhere to previous planning stipulations and agreements as outlined earlier, Parrs appears to pay scant regard to their legal responsibilities when it comes to applying for and gaining the required planning permissions. Since taking over operation of the site some 11 years ago they have frequently undertaken developments without planning permission – including unauthorised signage; unauthorised floodlighting; storing of stock in unauthorised and external locations including some for display and sale and exceeding their agreed operating hours. All of these contraventions whilst ignoring their responsibilities under planning legislation to implement others, such as, the provision of covered cycle racks; the reinstatement of the footway verges, raised kerbs and highway boundaries and the implementation of the

onsite one-way system including signage for safe access/egress for deliveries and visitors, or to carry out required landscaping and environmental works to improve the visual amenity.

When Joseph Parr breeches the conditions that are applied to their planning application, they pay lip service to requests from planning enforcement officers to address issues and only grudgingly comply when threatened with impending legal action. Even then, they only do the minimum required to comply with the request – for example; even though they were refused planning permission to install post mounted signage in 2019, Parrs went ahead and installed it anyway. They eventually complied with the request to remove the illegal sign but dumped it next to the fence where it remained for many months whilst leaving the supporting posts in place sticking up 15 feet into the air like totem poles.

As witnessed by this variation application, this company believes that they can do as whatever they like and can just apply for retrospective approval and expect this committee will nod, agree and approve.

When we compare their custom and practice with their previous 2010 planning application, the likelihood is that Parrs won't feel constrained by the conditions applied to this variation but will continue to push the boundaries and continue with their questionable management practices with no consideration on how their actions impact on residents in the local community.

With this in mind, I ask the committee not to reward their bad management and continued failure to comply with planning legislation.

I strongly urge this committee to reject this planning variation application in order to protect the amenity of the surrounding area and local community, in line with NPPF guidelines and request that this committee makes recommendations that planning enforcement officers stringently monitor this company for adherence to its responsibilities under planning law.

Thank you.

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Dear Sir/Madam,

We have reviewed the comments contained in the delegated report and would like to table a written response as follows:-

Visual Impact

We have reviewed the comments contained with the report, and they are reiterations of previous points raised throughout the life of the application. Therefore, our position remains the same. In conjunction with the Architect, we have given due considering to the strategy of the outdoor storage areas. We must firstly emphasise that the storage heights are critical to the capacity of the business operation and we would have otherwise stored them in a far less prominent location if the option was available. This however is not the case. Having conceded the fact that some of the storage is within close proximity to the sensitive Southern Boundary (adjacent Whitley Road), we have arranged the proposed heights to keep the visual areas capped to the height of the existing perimeter fence. Furthermore, the yard surface sits below the surface of the aforementioned road and thus we consider the impact reduced further and more importantly, to what we consider a reasonable level. Given our reference to capacity issues, we have strategically raised the proposed storage height behind the trees which cloak it from the Whitley Road perspective. We note the comment with regard to the fact that the trees lose their foliage at some point during the year. However, this is only over a 3 month period but it must be pointed out that the remaining cluster of tree trunks and branches that remain still significantly cloak the view. Furthermore, these are throughout the darkest months of the year which further reduces the visual impact.

Overall, we consider this a balanced arrangement between protecting the visual amenity and providing the necessary storage to operate the business. Unfortunately we cannot appease all stakeholders completely but in our opinion this is a fair and reasonable proposal.

Furthermore, given that it is not referenced within the report particulars, the NPPF considers the 'economic objectives' of all cases as an important factor. The storage as presented already puts the business at a critical threshold. Any further restrictions/reduction would mean that the stock balance would not allow the business to operate as a merchant. Depending on the outcome of this application, we would have to look at the sustainability of the business and it is likely to mean either relating from the district or worse close the business completely. I do not have to explain the consequence economically this will have to the local area and wider construction business that use our merchant.

Highways

We also note the highways comments and appreciate their support through imposed conditions, which will be adhered to on approval. We would like to point out that an HGV was recorded navigating through the site successfully which was issued to the planning case officer during the application to ensure that highway were satisfied the external arrangement did not affect vehicle movement.

We also acknowledge the comments in respect of general vehicle difficulties witnessed by objectors outside the site as well as issues in regard to paving and surfacing conditions. This is the first instance in which we have been made aware of this issue and will happily deal with this through

consultation but we must emphasise that it is NOT A MATERIAL CONSIDERTION TO THIS APPLICATION.

The planning officer accepted the staff parking arrangement as described during discussion and therefore not be raises as an issue at this committee hearing.

Landscaping.

We note the comments relating to landscaping but they are not a consideration of this application but instead are being dealt with under a separate application ref: 21/01930/FUL.

Signage

All signage issues have been approved and were reiterated as satisfactory during a site meeting with Enforcement Officer Nathan Millin.

24.09.2021 ADDENDUM

Application No:	21/01618/FUL	Author	Rebecca Andison
Date valid:	4 August 2021	:	
Target decision date:	3 November 2021	☎:	0191 643 6321
		Ward:	Collingwood

Application type: full planning application

Location: Formica Ltd West Chirton Industrial Estate Middle Norham Road North North Shields Tyne And Wear NE29 8RE

Proposal: Extend existing carpark to the north of the site, for staff and visitor overflow with new access from Westmoreland Road. Relocation of existing motorbike shelter and cycle stores to new carpark including additional cycle storage. Erection of new factory to the north of the site to be linked to the existing west factory at two locations with two canopies to the north of the building including new concrete service yard. New access road to the west of the site to link new service yard to the existing road to the south of the west factory. Extending the existing west factory to the west. New sprinkler tanks to be installed to the west of the west factory extension.

Applicant: Mr Grant Newberry, C/o Agents Formica Ltd West Chirton Industrial Estate Middle Norham Road North North Shields Tyne And Wear NE29 8RE

Agent: Mr Mark Quigley, Portland Consulting Engineers 10 Bankside The Watermark Gateshead NE11 9SY

1.0 RECOMMENDATION:

1.1 It is recommended that members indicate that they are minded to approve the application subject to:

- a) the submission of information to satisfy the concerns of the Biodiversity Officer and Landscape Architect;**
- b) the submission of a landscape mitigation plan to demonstrate that that an acceptable level of biodiversity net gain can be achieved within the site and this plan being agreed by the Biodiversity Officer and Landscape Architect; and**

grant plenary powers to the Head of Environment, Housing and Leisure to determine the application subject to the conditions listed in the Officer Report, the additional conditions listed below and the addition, omission or amendment of any conditions considered necessary, 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.

2.0 Additional Information

2.1 An Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) have been submitted. To facilitate the development, it would be necessary to remove 8no. trees which are located along the northern edge of the proposed car park. A small section of 1no. tree group adjacent to the western boundary also requires removal. The AIA recommends that the layout of the car park is revised to allow 6no. of the trees to be retained.

2.2 The applicant has agreed to amend the layout in accordance with this recommendation. An additional condition is therefore recommended requiring that revised plans are submitted for approval.

2.3 A revised Ecological Assessment, which includes updated dingo skipper and bird risk assessments, and a Biodiversity Net Gain (BNG) Assessment have also been submitted. The BNG Assessment states that the development would result in an anticipated habitat loss of 4.12 habit units (-8.98%) but with enhancement of an existing grassland area within the north west part of the site and the provision of hedgerow there would be a predicted net gain of 1.77 biodiversity units (+3.86%) and 1.35 (100%) hedgerow units.

2.4 The additional information has been reviewed by the Landscape Architect and Biodiversity Officer. Their comments are set out below.

2.5 The applicant has requested an early determination of the application so that if permission is granted, they can proceed with the tender process and gain final investment approval. The new warehouse is a strategic investment and will deliver significant and much needed financial savings for the UK business. It is their intention to commence development this year and complete construction in 2022.

3.0 Additional Consultee Comments

3.1 Landscape Architect and Biodiversity Officer

3.2 The following outstanding information is required to support this application:

1) Defra Metric calculations (raw results). These have not been included with the BNG report. A copy of the Metric (i.e. the completed spreadsheet) should be submitted. A summary document outlining the results of this is not sufficient. The information in the metric should correspond directly to the Biodiversity Report and the Proposed Habitats Plan.

2) A proposed Habitats Plan (Landscape Mitigation Plan). The plan should detail what existing habitats are to be retained and enhanced, and any new habitat types that will be created. The plan should ensure that each habitat type is identified, and the area/length of each habitat type should be quantified in hectares (or linear metres if hedgerow). This plan should correspond to the metric spreadsheet and Net Gain report to ensure adequate mitigation and BNG is being delivered in accordance with these documents. Details of how

the existing grassland will be enhanced to achieve a moderate condition would also need to be provided as well as details of the creation of the open mosaic habitat (for dingy skipper)

3) Details of the dingy skipper habitat (Open Mosaic Habitats on Previously Developed Land) that is being provided to mitigate against the loss of suitable dingy skipper habitat and to achieve a net gain will need to be provided

4) Aerial images and site plans appear to show that trees have been removed/cleared recently prior to the application being submitted and the Ecological Assessment being undertaken. These areas include trees removed to the north east boundary for the new access, individual trees that lined the current access road (western boundary) and a tree/woodland planting area of approx. 0.15ha to the north of the large building on the western boundary, which is now shown on the ecological assessment as dense scrub. The areas that have already been removed should be included within the net gain assessment to ensure they are fully accounted for and mitigation is provided for this loss as part of the scheme.

5) The scheme appears to impact on additional trees which will require removal to facilitate the development, particularly in relation to the creation of the new access (T13 and T12) with a small area of existing trees removed from the western boundary of the site due to the proximity of the new construction. A landscape plan will help understand how this additional tree loss will be mitigated for and meets Local Plan policy DM5.9

3.2 The scheme has not provided sufficient information to assess the scheme (i.e.detailed mitigation/net gain plans) and is therefore not in accordance with planning policy DM5.5 or DM5.9.

3.3 Coal Authority

3.4 As you are aware, the application site falls within the defined Development High Risk Area. More specifically, the Coal Authority's information indicates that a number of coal seams outcrop at or close to the surface of the site, which may have been worked in the past. In addition, the potential zone of influence/instability associated with off-site recorded mine shaft 432568-003 encroaches into the western part of the site.

3.5 You will recall that the Coal Authority objected to this planning application in our initial consultation response letter of 9 September 2021. Our concerns related to the assessment of the safety and stability risks posed by the recorded off-site mine entry.

3.6 We note that the LPA has now received additional information in support of the application in the form of an email from Mark Grant of Portland Consulting Engineers, which includes a sketch drawing showing the proposed development relative to the recorded mine shaft and a copy of a Geoenvironmental Appraisal (December 2016, prepared by Dunelm

Geotechnical & Environmental). We note that the Appraisal is missing its associated drawings and the majority of its appendices.

3.7 Recorded mine shaft 432568-003:

Mr Grant has indicated that his sketch shows the position of the recorded mine shaft based on the Coal Authority's co-ordinates. Taking into account the results of a borehole investigation detailed in the Geoenvironmental Appraisal, he has calculated that the zone of influence of an off-site collapse of the recorded shaft would extend 25m from the shaft. The sketch drawing indicates that new building will be a minimum of 32.4m from the centre point of the shaft.

3.8 The Coal Authority notes the additional information provided, however, as we highlighted in our initial consultation response letter, due to potential plotting inaccuracies, the actual position of the recorded shaft could depart/deviate from its plotted position by several metres and could therefore be located much closer to the building than shown on the sketch plan. This matter has not been considered by Mr Grant.

3.9 As such, taking into account the potential departure distance (c.10m), the potential radius that could be affected by a collapse as calculated by Mr Grant (25m), the assumed diameter of the shaft (2.5m), the potential zone of influence/instability could encroach across the access road and slightly within the footprint of the proposed building.

3.10 As we highlighted in our initial consultation response letter, the Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. In this instance, however, we note that due to the scale of the proposed building and site constraints, there may be difficulties in revising the layout of development to avoid the edge of the zone of influence of the shaft. We also note that your reconsultation email highlights the importance of the proposed development in terms of job creation and investment into the area.

3.11 The Coal Authority is therefore satisfied that in this particular instance our concerns can be addressed through the imposition of a planning condition to secure the undertaking of measures in the design and construction of the development to mitigate the risk posed by an off-site shaft collapse. These could include deepened foundation solutions for the building and the use of geogrid reinforcement beneath access roads in the affected part of the site.

3.12 Unrecorded shallow mine workings:

You will be aware, that the applicant's Phase I Geo-environmental Site Assessment (July 2021, prepared by ERGO) identified that recorded and possible unrecorded mine workings in a number of shallow coal seams posed a risk to the development. It went on to recommend that these should be investigated by means of intrusive site investigations.

3.13 We note that the Geoenvironmental Appraisal (December 2016, prepared by Dunelm Geotechnical & Environmental) provided by Mr Grant indicates that three boreholes were drilled at the site to investigate the shallow coal mining situation. The report confirms that no coal was recorded within the boreholes within at least 35m of the site surface and concludes that shallow mining does not pose a significant risk to development at the site. The results of the site investigations referenced in the Geoenvironmental Appraisal were not used to inform the Phase I Geo-environmental Site Assessment.

3.14 Given its submission by Mr Grant, we assume that the study area for the Geoenvironmental Appraisal covers the current application site, however, this is not entirely clear as none of the drawings associated with the report have been made available to view. Nevertheless, providing that the LPA is satisfied that the study area covers the current application site boundary, and based on the professional opinions expressed by the report author in respect of the risk posed by shallow coal mining legacy, the Coal Authority would not insist upon further intrusive site investigations in this regard.

3.15 If the LPA is uncertain on this matter, a condition may be imposed on any permission granted which requires the undertaking of the further investigation of the shallow coal mining situation at the site and, if necessary, the undertaking of remedial works, prior to the commencement of development.

3.16 Mine Gas:

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

3.17 SuDS:

It should be noted that where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

3.18 The Coal Authority Recommendation to the LPA:

The applicant's supporting information confirms that recorded mine shaft 432568-003 lies outside the application site. However, it does not definitively

demonstrate that the proposed development will be located outside the zone of influence of the mine entry and does not demonstrate that the development will not be at risk of instability in the event of an off-site shaft collapse.

3.19 As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence until the zone of influence of recorded off-site 432568-003 has been calculated, taking into account the Coal Authority's potential departure distance for the shaft, the potential radius that could be affected by a collapse based on proven depth to rockhead in the vicinity, and the assumed diameter of the shaft.

2. A scheme of measures to mitigate the risk of land instability arising from an off-site shaft collapse, within the part of the site which falls within the zone of influence of recorded off-site 432568-003 (as established under Condition 1), shall be implemented prior to, or during the construction of the development, as necessary.

These measures shall accord with authoritative UK guidance.

3. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any mitigation necessary to address the risks posed by past coal mining activity.

3.20 The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above conditions. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

Additional Conditions

25) No development shall commence until the zone of influence of recorded off-site 432568-003 has been calculated, taking into account the Coal Authority's potential departure distance for the shaft, the potential radius that could be affected by a collapse based on proven depth to rockhead in the vicinity, and the assumed diameter of the shaft.

Reason: This needs to be pre-commencement condition to ensure that to ensure that the coal mining legacy of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

26) A scheme of measures to mitigate the risk of land instability arising from an off-site shaft collapse, within the part of the site which falls within the zone

of influence of recorded off-site 432568-003 (as established under Condition 25), shall be implemented prior to, or during the construction of the development, as necessary. These measures shall accord with authoritative UK guidance.

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

27) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any mitigation necessary to address the risks posed by past coal mining activity.

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

28) Prior to commencement of development revised plans shall be submitted to and approved in writing by the Local Planning Authority to amend the layout of the development to allow 6no. trees along the north edge of the proposed car park to be retained in accordance with Figure 2 of the submitted Arboricultural Impact Assessment.

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 trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

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North Tyneside Council Report to Planning Committee Date: 28 September 2021

Title: 1 Holywell Avenue,
Whitley Bay Tree
Preservation Order 2021

Report from Directorate: Environment, Housing and Leisure

Report Author: Phil Scott Head of Environment, Housing and Leisure (Tel: 643 7295)

Wards affected: Monkseaton North

1.1 Purpose:

To present additional information in relation to the proposed confirmation of the 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021.

1.2 Recommendation(s)

Members are requested to consider the representations to 1 Holywell Avenue, Whitley Bay, Tree Preservation Order 2021 and confirm the Order.

1.3 Information

1.3.1 Alaric and Jo Pritchard of 1 Holywell Avenue, Whitley Bay have submitted the following additional representations:

"We have lived at this address for 10 years and have no intention of damaging a conservation area or depriving others of amenity. In summary, the paper going to Planning on 28.9.21 is positioned on an incorrect premise that the Pine will be felled and not replaced.

Appropriate replacement planting and trees were recommended and planned. If we intended to merely fell trees and leave barren, we could have done under the previous permission granted but did not.

In short, the removal of the pine without a replacement was never was our intention. We want to follow the guidance issued from the Council (below)

The removal of the Pine within the front garden area, although now clearly outgrowing its location, will leave quite a significant space as a result of its removal however, equally it will allow the adjacent street tree more space for development. The Pine tree is likely to become an increasingly problematic element in the streetscape at its current growth rate and is not appropriate in terms of scale, or eventual scale to retain within a suburban garden setting.

In light of this proposed action and to potentially mitigate its loss, the applicant should also consider an appropriate replacement tree or tree(s) within the front garden location, of appropriate scale and species, to further the aims of the Conservation Area status.

https://idoxpublicaccess.northtyneside.gov.uk/online-applications/files/789FCDC798A02C48F261301D94643DB1/pdf/18_00503_TREECA--562367.pdf

We have spent a great deal of time and effort improving the back garden and now want to concentrate on improving the front garden, however the proposed TPO prevents us from doing this. It limits our ability to plant tree replacements and native plants on the boundary along the front of the house, which is our intention if we have the permission to do so.

We had considered replacement with an ash, Willow or bird cherry tree which are all in keeping with planting in the local area, but would welcome other suggestions or recommendations from the landscape architect.

In summary, in relation to the Paper tabled, we would request option 3, no TPO imposed, to enable improvements as outlined above.”

- 1.3.2 The Committee are advised that the local authority can only require a land owner to replace a tree in a conservation area if the tree is deemed to be dead or presents an immediate risk of serious harm and therefore requires removal (Planning Practice Guidance Para 121 [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas)). A TPO tree also ensures the local authority can require a land owner to replace a protected tree.