



North Tyneside Council

Planning Committee

Friday, 2 June 2023

Tuesday, 13 June 2023 Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 6.00 pm.**

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. 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.	

If you need us to do anything differently (reasonable adjustments) to help you access our services, including providing this information in another language or format, please contact democraticsupport@northtyneside.gov.uk.

Agenda Item	Page
<p>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.</p>	
<p>4. Minutes</p> <p>To confirm the minutes of the previous meeting held on 9 May 2023</p>	<p>5 - 10</p>
<p>5. Planning Officer Reports</p> <p>To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.</p>	<p>11 - 54</p>
<p>6. 21/02546/FUL, Site of The Fusilier, Clydedale Avenue, Forest Hall</p> <p>To determine a full planning application from Karbon Homes for the erection of 20 affordable homes and associated landscaping.</p> <p>Speaking Rights Granted to:</p> <ul style="list-style-type: none"> • Local Resident, Martin Swinney • Andrew Moss on behalf of the applicant 	<p>55 - 112</p>
<p>7. 21/01569/FUL, Land at former School House, Sandy Lane, North Gosforth</p> <p>To determine a full planning application on behalf of George F White for the erection of 4 detached dwellings.</p> <p>Speaking Rights Granted to:</p> <ul style="list-style-type: none"> • Local Resident, Keith Dowd • Hannah Wafer on behalf of the applicant 	<p>113 - 162</p>

Agenda Item	Page
<p>8. 22/02231/FUL, Unit 8-10, Graphic House, Mylord Crescent, Camperdown Industrial Estate, Camperdown</p> <p>To determine a full planning application from FSNE Medical for a change of use from light industrial to operate as a base for emergency vehicles.</p> <p>Speaking Rights Granted to:</p> <ul style="list-style-type: none"> • Local Resident, Andrew Marsay • Greg Douglas on behalf of the applicant 	<p>163 – 178</p>
<p>9. 21/02496/FUL - Land adjacent to Hatfield House, Borough Road, North Shields</p> <p>To determine a full planning application from Low Town Developments for the erection of 5 three storey townhouse style terraced dwellings with communal parking and rear amenity space.</p>	<p>179 – 214</p>
<p>10. 23/00217/FUL - Land east of Weetslade Depot, Great Lime Road, Dudley</p> <p>To determine a full planning application from Aldi Stores Limited for the erection of a foodstore (Class E) with associated car parking, vehicular, pedestrian and cycle access, drainage and landscaping.</p>	<p>215 – 264</p>

Circulation overleaf ...

Members of the Planning Committee

Councillor Sarah Burtenshaw

Councillor Julie Cruddas (Deputy Chair)

Councillor Chris Johnston

Councillor Jim Montague

Councillor Pat Oliver

Councillor Matthew Thirlaway

Councillor Steve Cox

Councillor Tracy Hallway

Councillor Pam McIntyre

Councillor John O'Shea

Councillor Willie Samuel (Chair)

Agenda Item 4

(Note: These minutes are subject to confirmation at the next meeting of the Committee scheduled to be held on Tuesday, 13 June 2023.)

Planning Committee

Tuesday, 9 May 2023

Present: Councillor W Samuel (Chair)
Councillors J Cruddas, M Hall, C Johnston,
T Mulvenna, J O'Shea and J Shaw

Apologies: Councillors P McIntyre

PQ87/23 **Declarations of Interest**

There were no declarations of interest or dispensations reported.

PQ88/23 **Minutes**

Resolved that the minutes of the meeting held on 11 April 2023 be confirmed and signed by the Chair.

PQ89/23 **Planning Officer Reports**

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning applications listed in the following minutes.

PQ90/23 **21/01779/REM, Land West of Mackley Court, Wallsend**

The Committee considered a report from the planning officers, together with two addendums circulated prior to the meeting, in relation to a reserved matters application from VB Benton Ltd for the approval of the access, scale, layout, appearance and landscaping of planning approval 12/02025/FUL, construction of 1no. retail / commercial unit falling within Use Class E.

Planning Committee

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, local residents, Ben Reeve and Elaine Armstrong had been granted permission to speak to the Committee. Elaine Armstrong was unable to attend the meeting. The agenda papers included the reasons for objection for the development and Mr Ben Reeve was in attendance and provided a summary, which included the loss of privacy/residential and visual amenity, nuisance caused through disturbance/dust/dirt and noise. Traffic congestion, unsuitable vehicular access and pedestrian safety.

Fraser Tinsley of Bradley Hall on behalf of the applicants, VB Benton Limited addressed the Committee to respond to the speakers' comments. In addressing the concerns of the objections Mr Tinsley paragraphs 9.9 – 9.16 in the papers. In relation to parking, it was stated that the retailer would be providing 16 parking places, which was higher than standard for a development of the size and would provide local employment.

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

- a) Delivery access and potential noise nuisance
- b) Delivery hours of operation
- c) Construction of boundary fencing
- d) Traffic calming measures
- e) Landscaping

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 7 members of the Committee voted for the recommendation and 0 members voted against the recommendation.

Resolved that the application be permitted subject to the conditions set out in the planning officers report and addendum.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework the revised matters relating to the layout, scale, appearance, landscaping and access for the

Planning Committee

construction of one commercial/retail unit falling within Use Class E of the hybrid planning permission 12/02025/FUL were acceptable.)

PQ91/23 22/02106/FUL, Land East of Backworth Lane, Backworth

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Northumberland Estates for change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works..

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme Jowita Smolak and Max Seed had been granted permission to speak to the Committee. Mr Seed stated that the development would have impact on the landscape, cause continual disruption, cause visual impairment would raised that there was limited consultation for local people. A member questioned what consultation had been provided. Mr Seed stated one letter was received and no further information was displayed in the affected area. Officers provided information that 60 letters to affected residents had been sent, signs were displayed in the local area and notices were placed in the press.

Barry Spall of Northumberland Estates addressed the Committee to respond to the speakers' comments.

Members of the Committee asked questions of the speakers and officers and made comments. In doing so the Committee considered:

- a) Achieving the desired energy benefit from the site
- b) Impact on landscape and biodiversity
- c) Consultation
- d) CCTV and security operations
- e) Boundary and visual impact
- f) Site identification for use and expansion

Planning Committee

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 4 members of the Committee voted for the recommendation and 3 members voted against the recommendation.

Resolved that the application be permitted subject to the conditions set out in the planning officers report.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development and its impact on the character and appearance of the area, highway safety, the loss of agricultural land and biodiversity.)

PQ92/23 21/02496/FUL, Land Adjacent to Hatfield House, Borough Road, North Shields

This item was withdrawn.

PQ93/23 Land to the Rear of 12, 14 and 16 Stoneycroft East, Killingworth Tree Preservation Order 2022

The Committee gave consideration as to whether to confirm the making of the Land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth Tree Preservation Order 2022.

The Council had been notified of the intention to prune poplar trees on Council owned land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth. In response the Council had decided to make a Tree Preservation Order (TPO) to protect the tree. The TPO had been served on those people with an interest in the land in December 2022.

Two objections to the TPO had been received from the occupiers of 10 and 16 Stoneycroft East, Killingworth. The objections were on the grounds that the trees were in a poor condition and had not been managed by the Council for a

Planning Committee

number of years. The application was to cut back over hanging branches because they posed a danger to properties, overhanging habitable rooms. An earlier application had been submitted due to the Council not seeing the works as a priority. The Council had previously paid compensation when branches had caused damage to adjacent properties. The trees were now larger and more invasive than they have ever been.

The Committee considered the objection together with the comments of the planning officers and the Council's landscape architect before deciding whether to:

- a) confirm the TPO without modification;
- b) confirm the TPO with modifications; or
- c) not to confirm the TPO.

It was reported that the Council had agreed to undertake the pruning works first requested by the residents after they were initially told the works were not a priority. In view of this the Committee was recommended not to confirm the TPO as the management and maintenance of the trees would be undertaken by the Council and not by third parties, ensuring the amenity value and contribution to the conservation area of the trees is protected.

Resolved that the Land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth Tree Preservation Order 2022 is not confirmed.

(Reason for decision: The Committee were satisfied it was not necessary to confirm the Order because the trees are owned by the Authority and within Killingworth Village conservation area. The trees are believed to have sufficient protection in place to ensure only appropriate works are undertaken as part of their ongoing management and the intention to undertake the works by third parties is no longer applicable.)

PQ94/23 23/00470/TELGDO, Grass Verge Adjacent to Land East of Addington Drive, Wallsend, Tyne And Wear

The Chair had agreed to this item of business being considered at the meeting as an urgent item in accordance with Section 100(B)(4)(b) of the Local Government

Planning Committee

Act 1972 (as amended) because the Authority had received a petition and a request for speaking rights in relation to the application after publication of the agenda and the deadline for determining the matter was 31 May 2023.

The Committee considered a report from the planning officers in relation to a telecommunication system notification from CK Hutchinson Networks (UK) Ltd for the installation of 15m high phase 9 street pole slim-line monopole, supporting 4no. antennas, 3 no. equipment cabinets and ancillary development thereto including 1 no. GPS module.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme a local resident Mr R Burdon had been granted permission to speak to the Committee. However, Mr Burdon did not attend the meeting.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 6 members of the Committee voted for the recommendation and 1 member voted against the recommendation.

Resolved that consent be granted and the Authority exercise control over the siting and appearance of the monopole.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework and the Town and Country (General Permitted Development) (England) Order 2015, the proposed development was acceptable in terms of its impact on the visual amenity of surrounding occupiers and the character of the area.)

PLANNING COMMITTEE

Date: 13 June 2023

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.

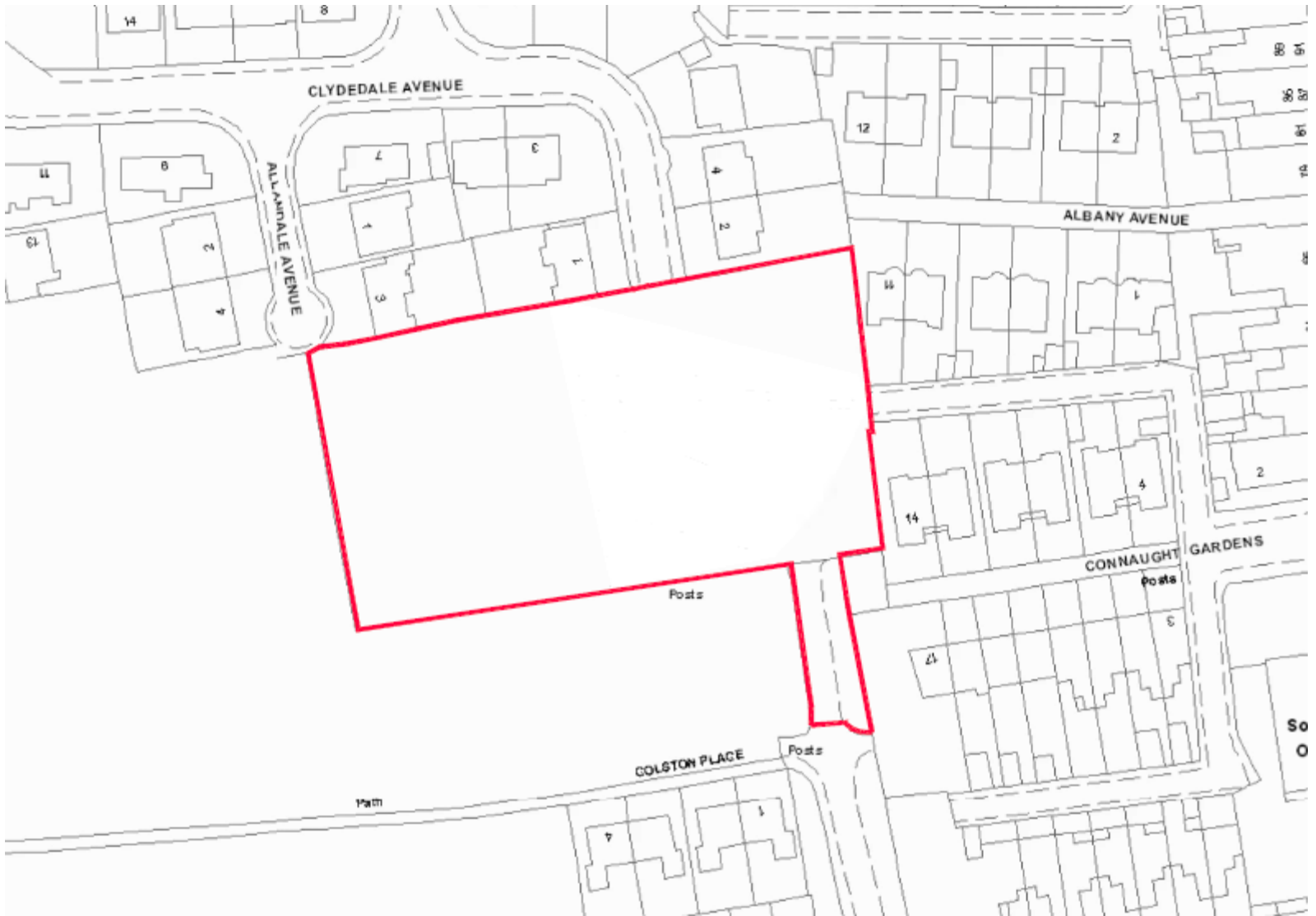
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Planning Committee

13 June 2023

21/02546/FUL

- Location: Site Of The Fusilier, Clydedale Avenue, Forest Hall
- Proposal: Residential development of 20no. affordable homes and associated landscape
- Applicant: Karbon Homes
- Ward: Benton







Plots 09-12 South Elevation

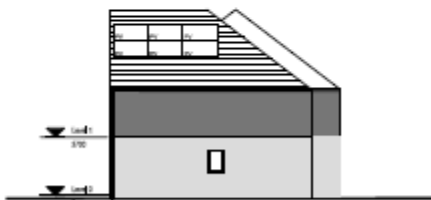


Plots 09-12 North Elevation

	Red fading brick
	Dark grey facing brick
	Slate effect roof tiles
Windows	SBD UPVC - RAL 7016 - Sekura
Rainwater pipes / guttering	UPVC black
Fascias	UPVC RAL 701
Soffits	UPVC RAL 701



Plots 09-12 West Elevation

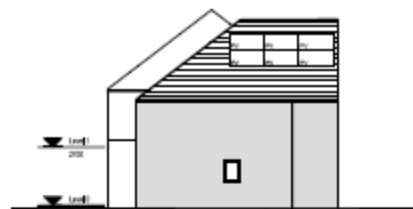


Plots 09-12 East Elevation

Page 22



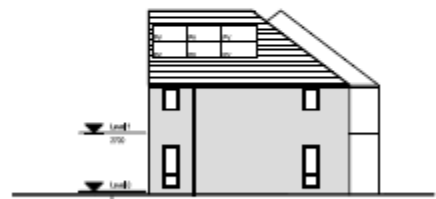
Plots 01-08 North Elevation



Plots 01-08 West Elevation



Plots 01-08 North Elevation



Plots 01-08 East Elevation

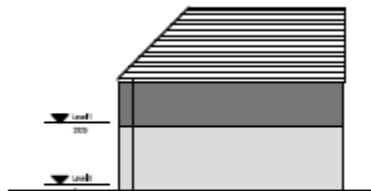




14/15 13/16
lots 13 to 16
West Elevation



13/16 14/15
East Elevation



14/15
North Elevation



13/16
South Elevation

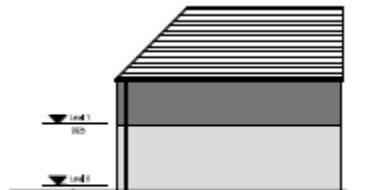
Page 23



18/19 17/20
lots 17 to 20
West Elevation



17/20 18/19
East Elevation



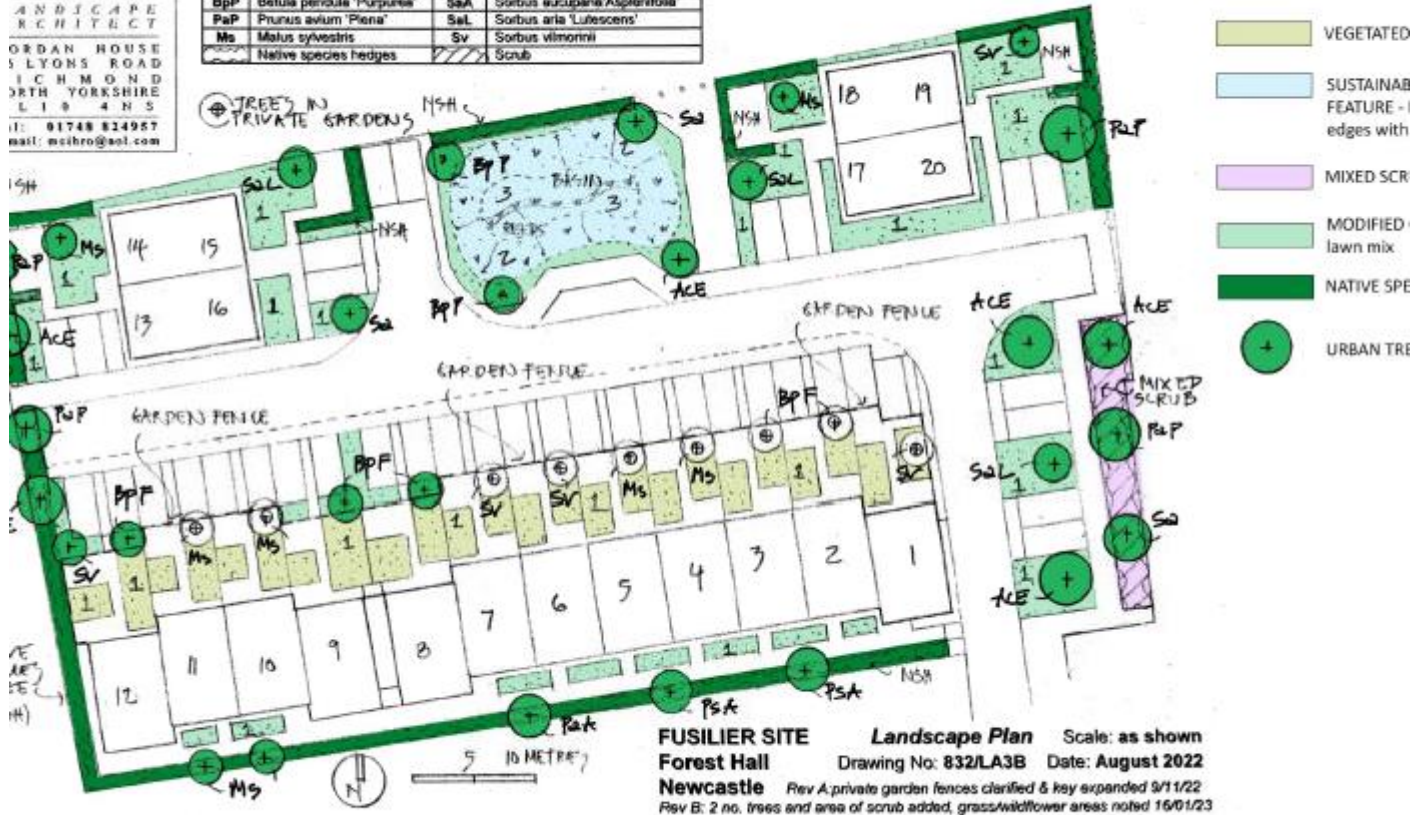
18/19
North Elevation



17/20
South Elevation

ARLENE McINTOSH
 LANDSCAPE ARCHITECT
 ORDAN HOUSE
 5 LYONS ROAD
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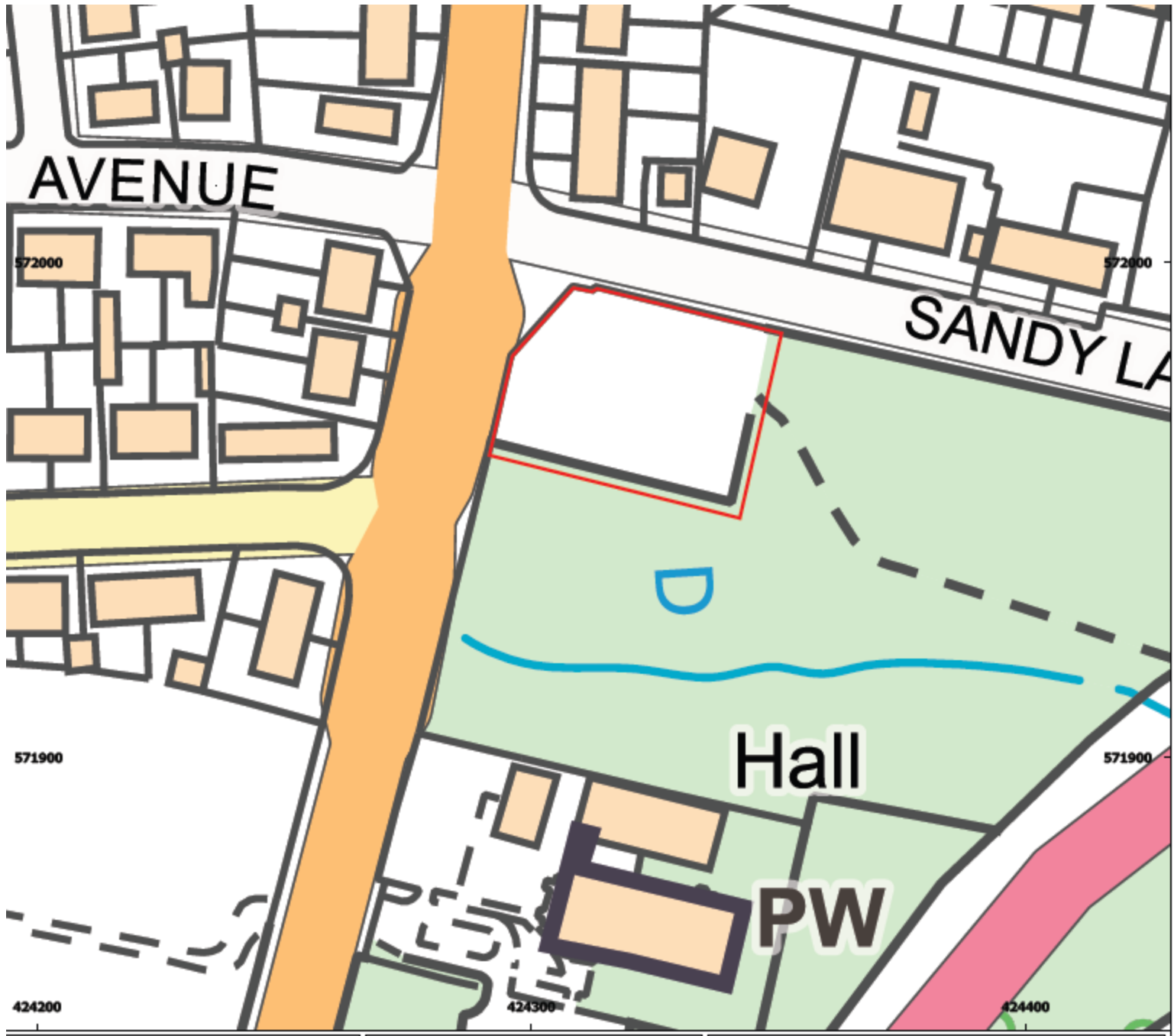
KEY			
AcE	Acer campestre 'Etrik'	PaA	Prunus subhirtella 'Autumnalis'
BpF	Betula pendula 'Fastigiata'	Sa	Sorbus aucuparia
BpP	Betula pendula 'Purpurea'	SaA	Sorbus aucuparia 'Asplenifolia'
PaP	Prunus avium 'Plena'	SaL	Sorbus aria 'Lutescens'
Ms	Malus sylvestris	Sv	Sorbus vilmonii
Native species hedges		Scrub	



FUSILIER SITE Landscape Plan Scale: as shown
Forest Hall Drawing No: 832/LA3B Date: August 2022
Newcastle Rev A: private garden fences clarified & key expanded 5/11/22
 Rev B: 2 no. trees and area of scrub added, grass/wildflower areas noted 16/01/23

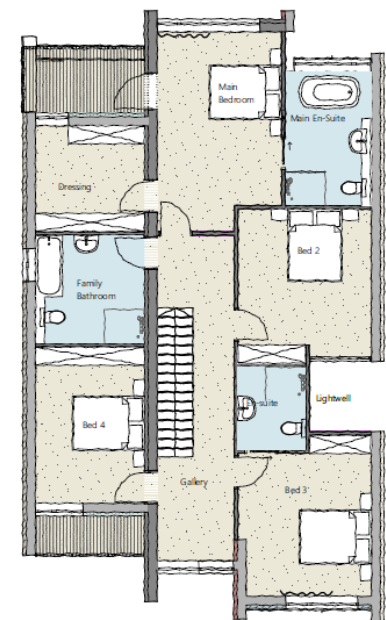
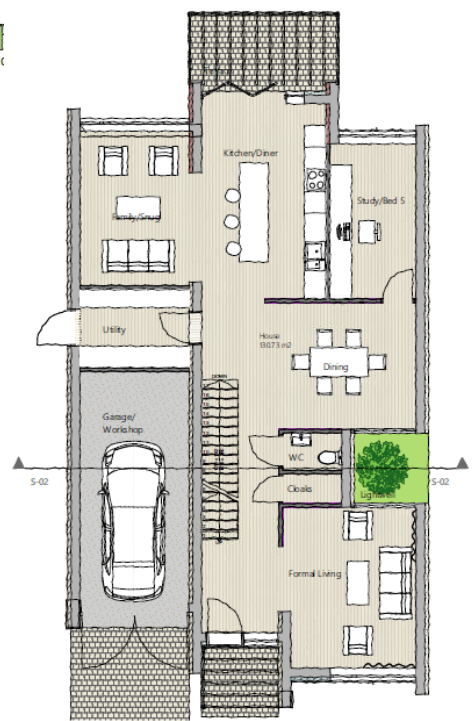
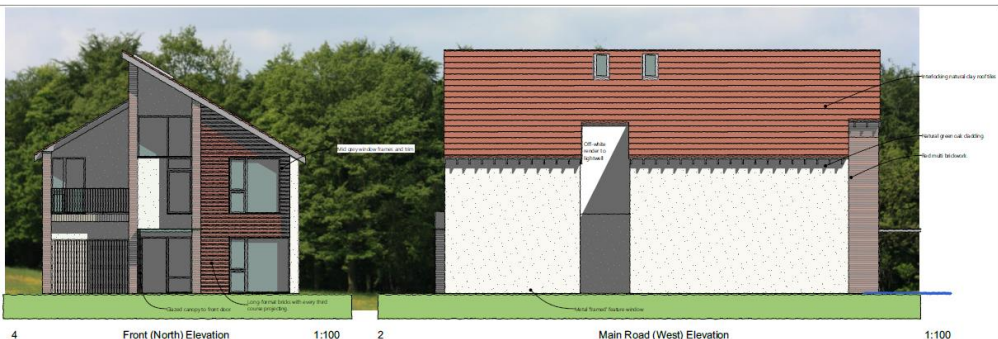
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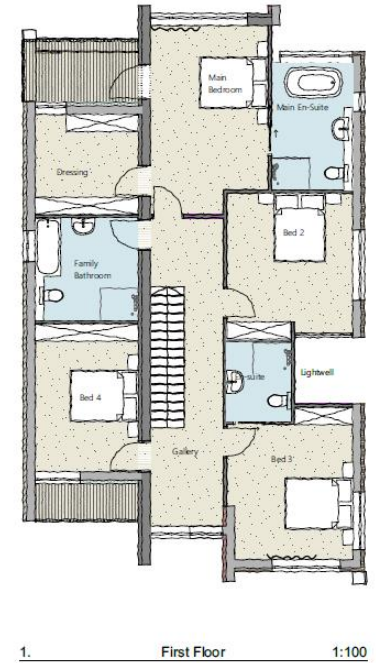
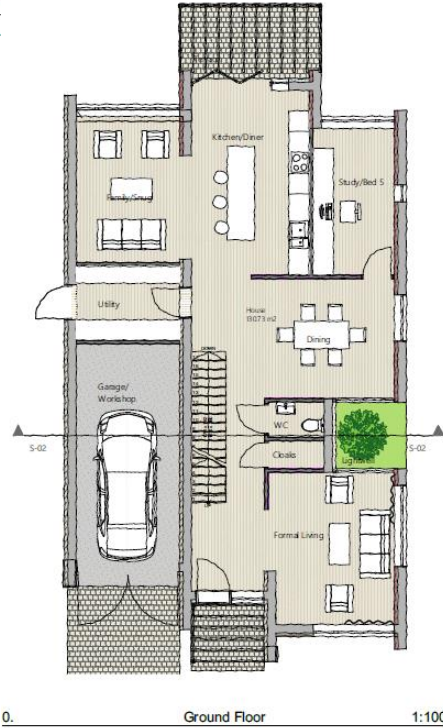
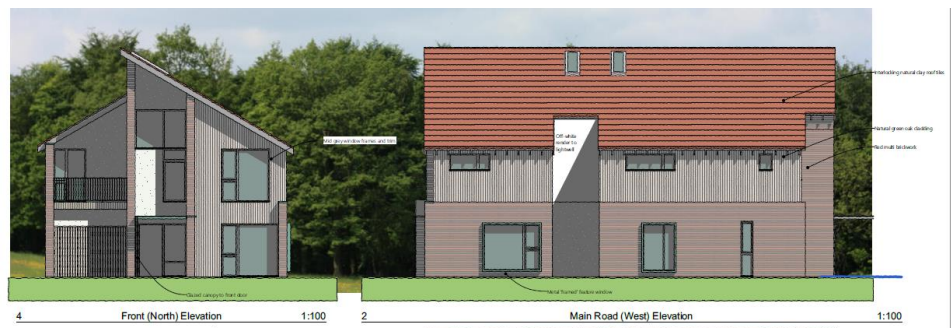
- Location: Land At Former School House, Sandy Lane, Wideopen
- Proposal: Erection of 4no detached dwellings. (Resubmission)
- Applicant: C/O George F White
- Ward: Weetslade

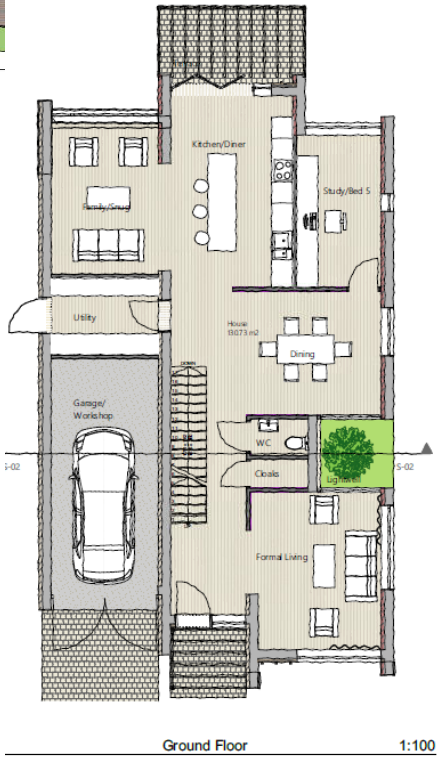












Page 32



22/02231/FUL

- Location: Unit 8-10, Graphic House, Mylord Crescent, Camperdown
- Proposal: Change of use from light industrial to operate as a base for emergency vehicles (sui generis)
- Applicant: FSNE Medical
- Ward: Camperdown





Entek International

NGN

UK Service

Shiremoor Press

DITM Cars
Used car dealer

Freightair Services

P A Timber Products

Doree Bonno
International

Mylord Cres

Mylord Cres

Mylord Cres

Locomotion Way

Mylord Cres

NBT Group

Trendsetting Awards
Trophy shop

J Dalby & Son

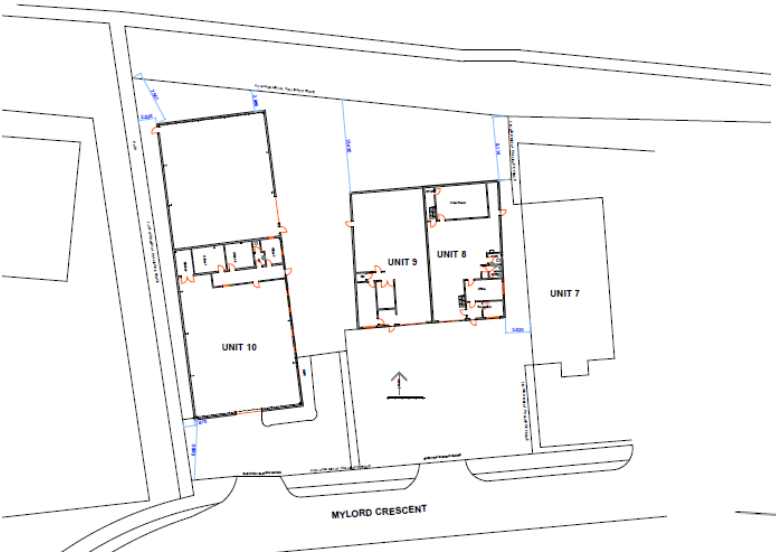
Newcastle K9 Group

The Turners Workshop
Gift shop

Bake for the Soul

Power Bolting
Systems Limited

decepa UK Ltd

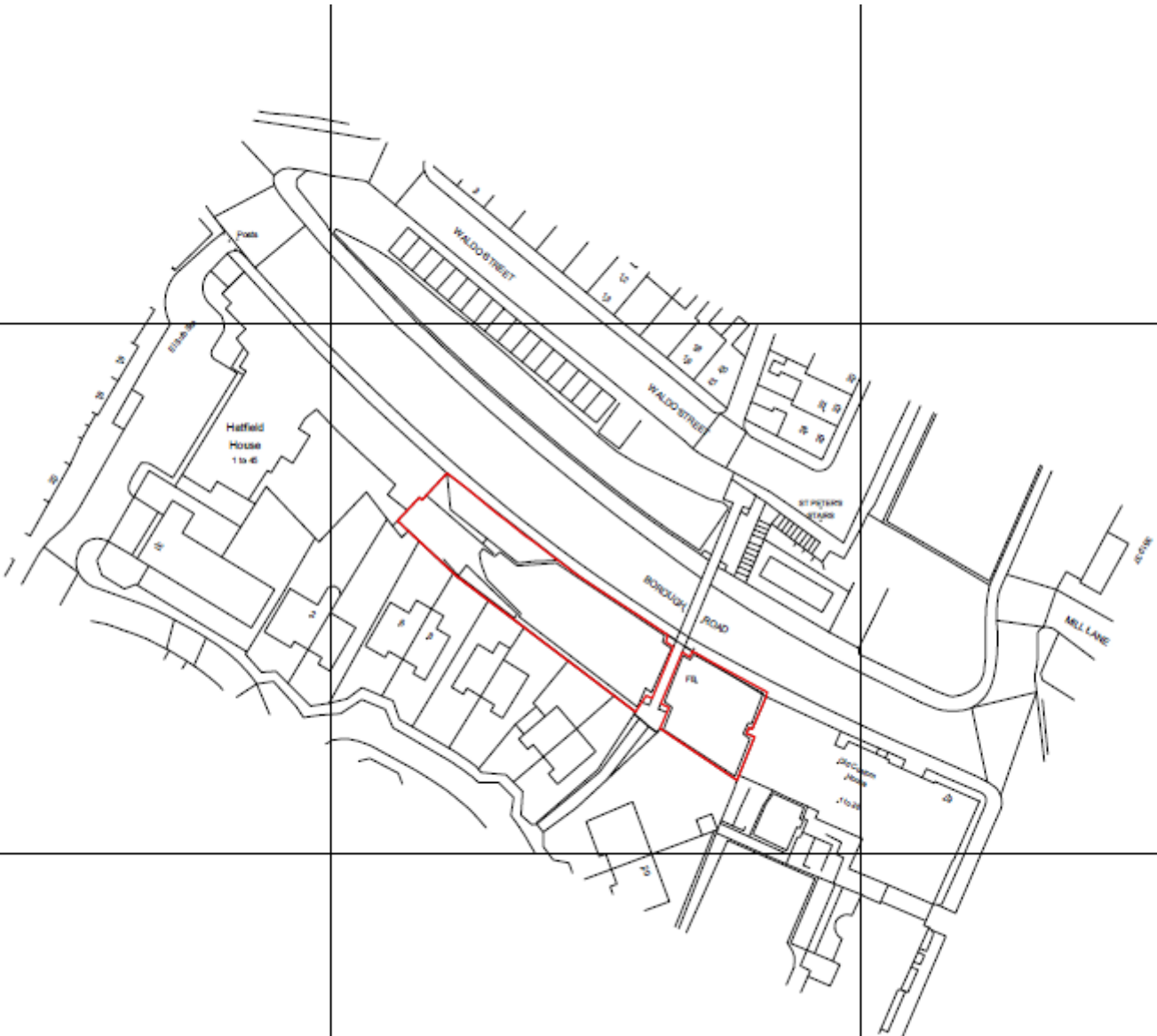




Client	Psma MEDICAL		
Address	UNIT 8 TO 10 MYLORD CRESCENT CAMPERDOWN INDUSTRIAL ESTATE M17 5JH		
Project	EMERGENCY AMBULANCE BASE		
Drawing Title	PROPOSED PLAN		
Scale	1:500 @ A1	Date	
Drawn	DB	Checked	Day No.
			17/06/23

21/02496/FUL

- Location: Land Adjacent To Hatfield House, Borough Road, North Shields
- Proposal: Erection of 5no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space
- Applicant: Low Town Developments
- Ward: Riverside

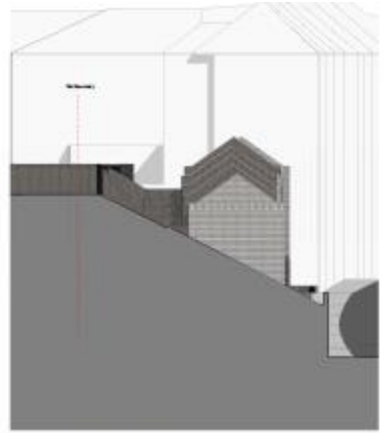








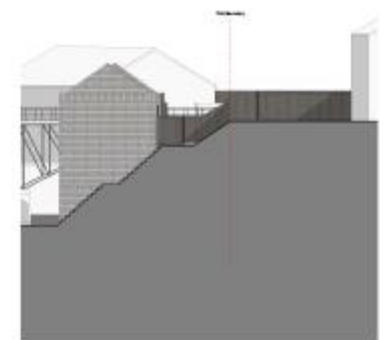
South-West Elevation (Proposed)



South-East Elevation (Proposed)



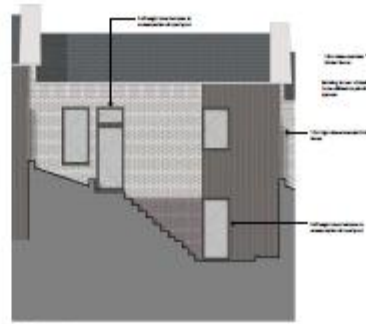
North-East Elevation (Proposed)



North-West Elevation (Proposed)



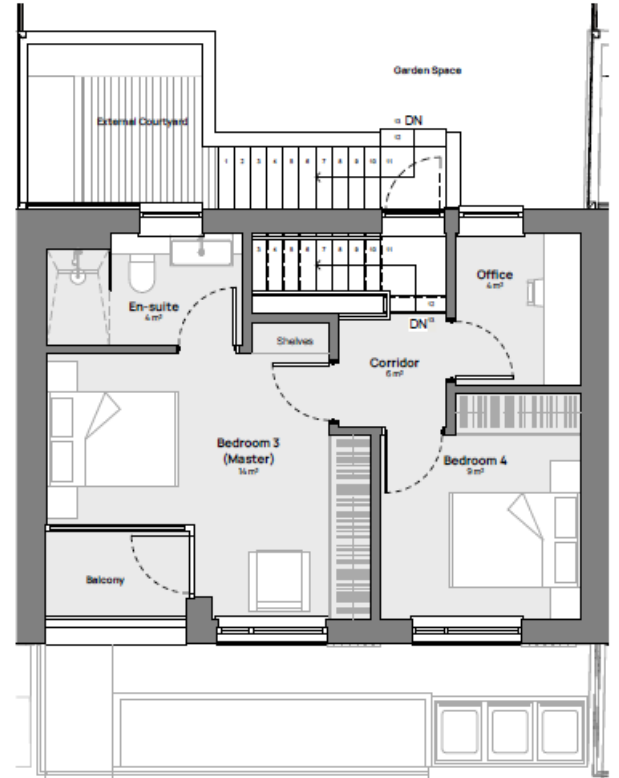
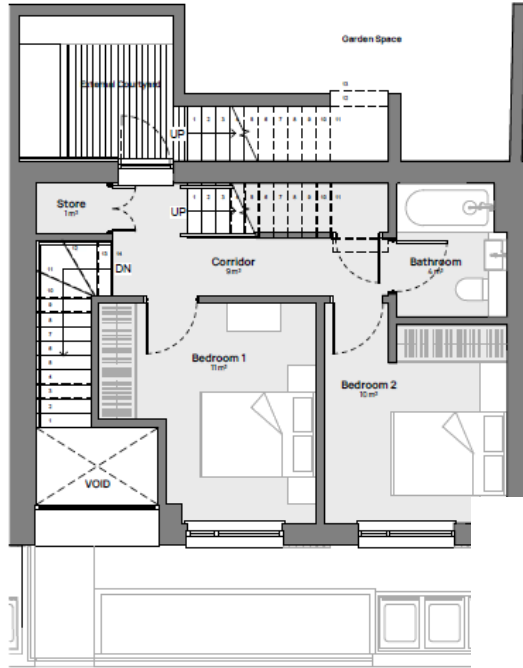
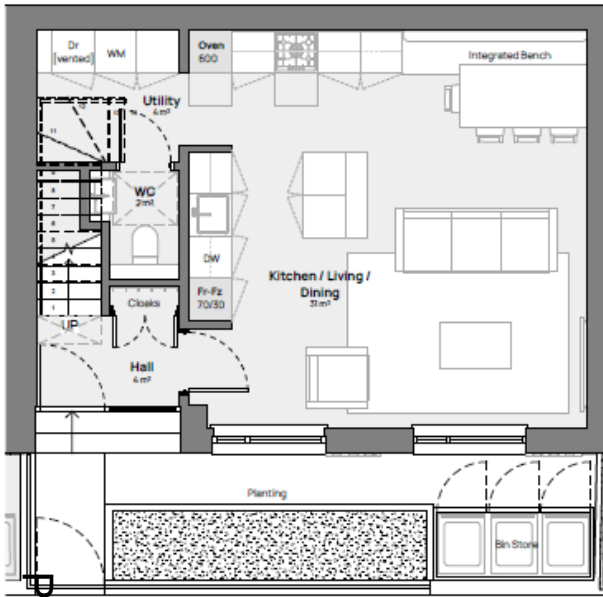
Front Elevation



Front Elevation

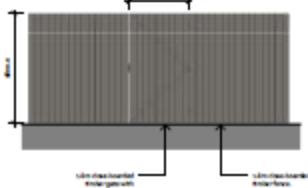
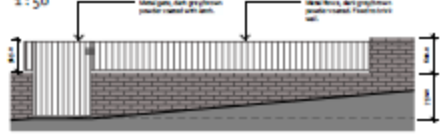


South-East Elevation (Proposed)

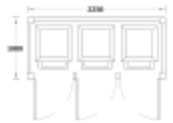
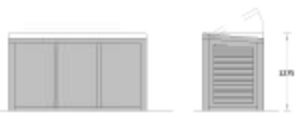
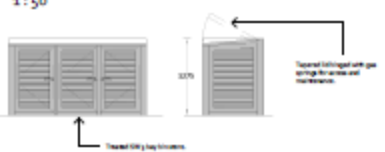


Refused scheme

Proposed boundary Details
1:50

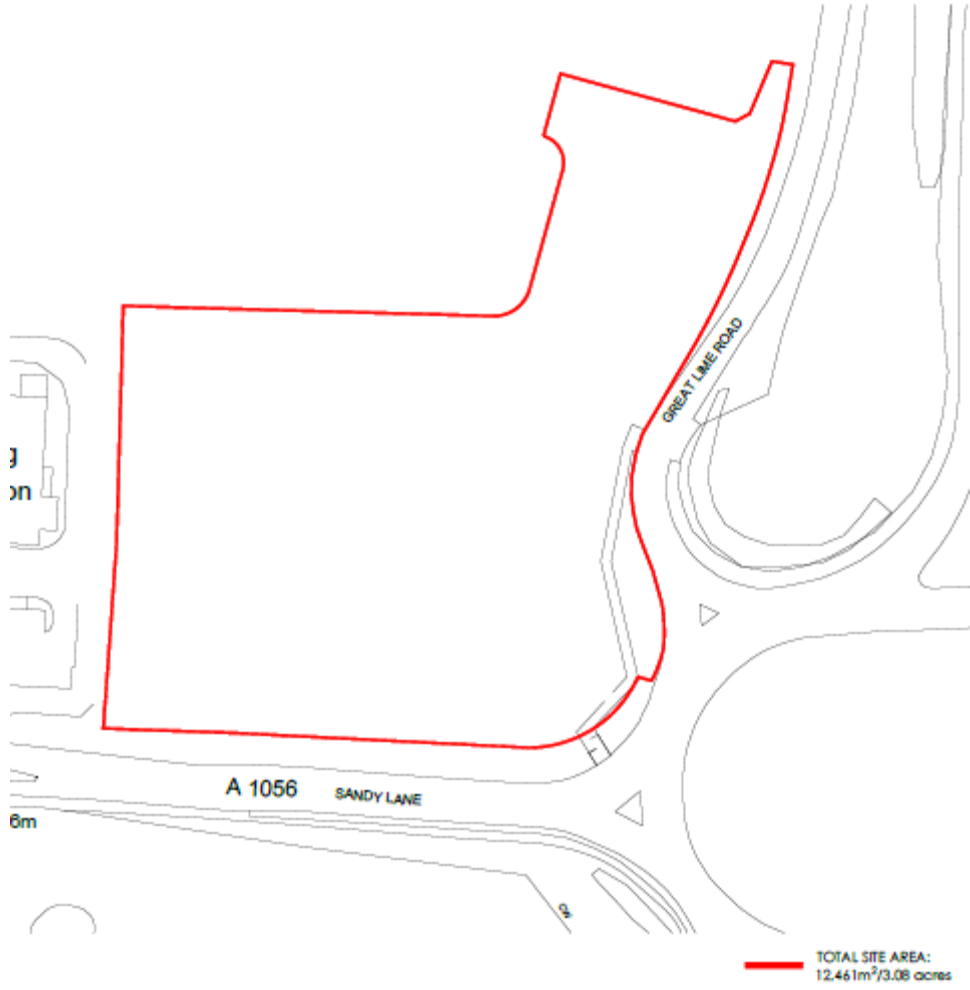


Proposed bin store Details
1:50



23/00217/FUL

- Location: Land East Of Weetslade Depot, Great Lime Road, Dudley
- Proposal: Erection of foodstore (Class E) with associated car parking; vehicular, pedestrian and cycle access; SuDs; and landscaping
- Applicant: Aldi Stores Ltd
- Ward: Weetslade









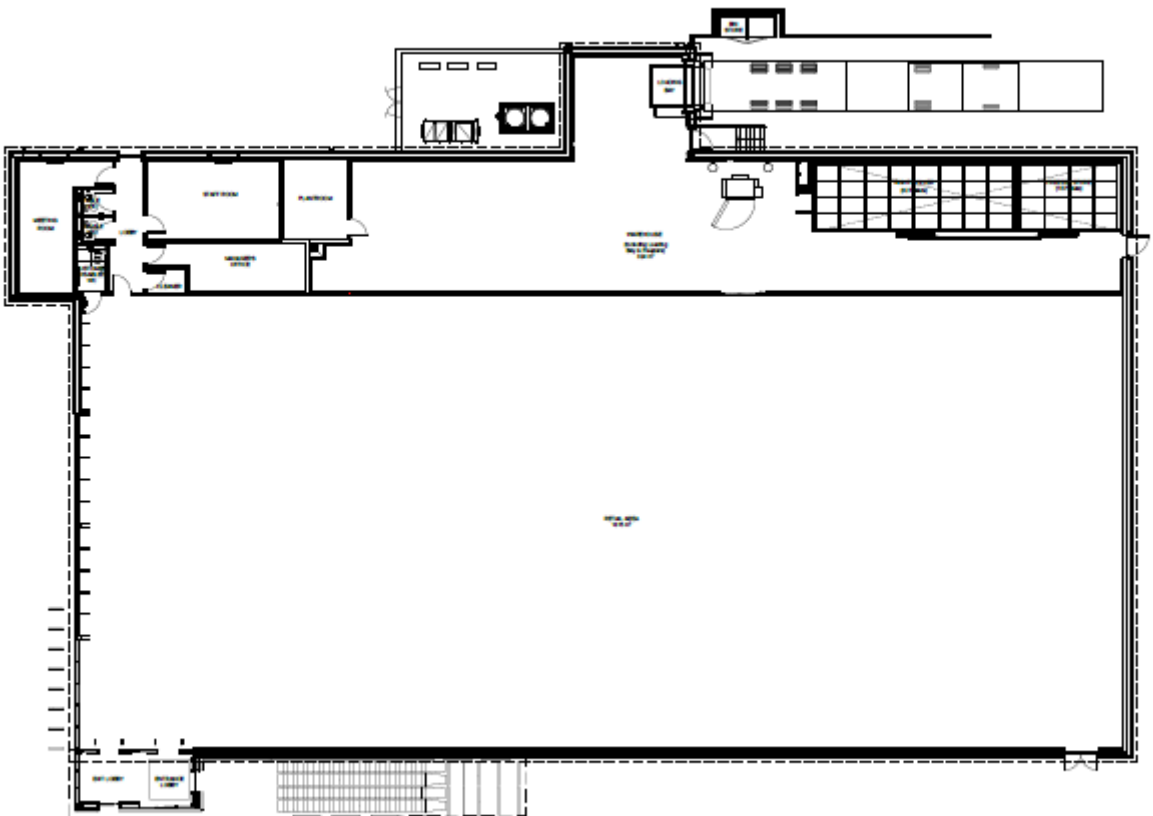


Page 53

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Item No: 1
Application No: 21/02546/FUL
Date valid: 11 February 2022
Target decision date: 13 May 2022
Author: Maxine Ingram
☎: 0191 643 6322
Ward: Benton

Application type: full planning application

Location: Site Of The Fusilier, Clydedale Avenue, Forest Hall, NEWCASTLE UPON TYNE

Proposal: Residential development of 20no. affordable homes and associated landscape (amended plans received 21.12.2022)

Applicant: Karbon Homes

Agent: BSBA Architects

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 in this case are:

- Principle of the development, including the loss of open space,
- Impact on the character and appearance of the area,
- Impact upon the amenity of residents,
- Impact on highway matters,
- Impact on biodiversity, including the wildlife corridor; and,
- Other issues.

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

2.0 Description of the Site

2.1 The application relates to the site of the former Fusilier Public House in Forest Hall. The total site area is approximately 0.44 hectares (ha). The most western part of the site is designated as open space in the Local Plan (LP) and measures approximately 0.21ha. The site is designated as a wildlife corridor.

2.2 The site is bounded to the north by the residential properties of Clydedale Avenue and Allandale Avenue. To the east it is bound by Connaught Gardens and Albany Avenue. Immediately to the south and west of the site is open space, including the Benton Village Green.

2.3 Members are advised that vegetation has been cleared from the site. These works did not require planning permission.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 20 residential units consisting of 12no. 3 bed dwellings and 8no. 2 bed apartments with associated parking, landscaping and drainage.

3.2 The proposed housing will be two storeys and it will be sited along the southern boundary overlooking the Village Green. To the north side of the housing are gardens and parking provision. The gardens will accommodate refuse and cycle storage. The proposed apartments will be accommodated in two blocks: one sited in the northeast corner of the site and one sited in the northwest corner of the site. The apartments will be two storeys. Parking and gardens accommodating refuse and cycle storage are proposed adjacent to the apartments.

3.3 Vehicular access to the site will be from Victoria Avenue. It will be sited in the southeast corner of the site. No vehicular access will be provided from Clydedale Avenue. Pedestrian access is provided within the site.

3.4 A drainage feature is sited adjacent to the northern boundary.

4.0 Relevant Planning History

18/01739/DEMGDO - Demolition of The Fusilier Public House – Permitted
08.01.2019

19/00108/FUL - Residential development offers a choice of 32 no. apartment homes for persons with cerebral palsy, communication impairments, sensory impairments and complex learning, social care and therapeutic needs. Accommodation is arranged across four separate, domestic-scale, group-living buildings of two-storeys, each with upper floor lift access and associated Landscape (amended plans received 20.05.2019) – Withdrawn 29.09.2021

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining

development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- Principle of the development, including the loss of open space,
- Impact on the character and appearance of the area,
- Impact upon the amenity of residents,
- Impact on highway matters,
- Impact on biodiversity, including the wildlife corridor; 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 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF. However, it is clear from paragraph 219 of the NPPF that, "... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)". Except for housing policies, the Council considers that the LP policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.3 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.4 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve 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 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. In this case, development plan policies important to the determination of housing applications will be regarded as out of date because the Local Planning Authority (LPA) cannot currently demonstrate a five-year supply of deliverable housing sites. What is referred to as the 'tilted balance' principle

means there is a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits.

8.5 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.

8.6 Paragraph 98 of 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 and can deliver wider benefits for nature and support efforts to address climate change.

8.7 Paragraph 99 of NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) 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
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

8.8 Annex 2 of the NPPF defines open space as: *“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”*

8.9 National Planning Policy Guidance states that open space, *“can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure (see National Planning Policy Framework paragraph 171, as well as being an important part of the landscape and setting of built development”*.

8.10 Paragraph 60 of NPPF states that to support the Government’s objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards 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.

8.11 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose 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.

8.12 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 considering flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.13 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.

8.14 Strategic Policy S5.1 'Strategic Green Infrastructure' states, '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.

8.15 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...."

8.16 LP 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.

8.17 LP 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 use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

8.18 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. 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.

8.19 Policy DM5.3 'Green Space Provision and Standards' 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.

8.20 The Council's Green Space Strategy 2015 (GSS) identifies a range of green spaces. Policy DM5.3 states that new development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. It is acknowledged that the GSS has not been updated since 2015, and the Local Plan came into force in 2017.

8.21 Chapter 13 of the Green Space Strategy, 'The Design of Green Spaces' also sets out how green spaces can be functional and can:

- Deliver biodiversity benefit through integrated habitat areas within the space and its borders to support and allow movement of wildlife; and
- Implement, where appropriate, flood storage or sustainable urban drainage systems (SuDS) to negate flood risk issues.

8.22 Objections have been received regarding the loss of open space. The content of these is noted.

8.23 Part of the application site, western part, is designated as open space. The designated open space is approximately 0.21ha. The remainder of the site is not designated for any purpose in the LP. The GSS defines this area of land as being of unlimited access and denoted "Amber" in value/quality. To clarify this area of land was assessed as an integral part of the green corridor that extends from Hailsham Avenue to Victoria Avenue. The site is assessed as poor quality/medium value. A review of available imagery suggests that the grassed area included in this planning application was an integral area of mowed grass at least as recently as 2012. The area to the west, south of Clydedale Avenue was excluded from the Open Space Strategy as it was bounded by a fence and not formally accessible. The analysis undertaken for the GSS gives regard to the function of land and its accessibility rather than its ownership. If the land was freely accessible it would have been assessed as such.

8.24 The submitted Open Space Assessment enables consideration of impact on open space provision as it exists today. This assessment has considered the NPPF, LP Policies DM5.2 and DM5.3 and the Green Space Strategy (GSS) (2015). This assessment advises the following:

- The site is private land and there are no formal access arrangements through the western portion, the former beer garden.
- The site will maintain a pedestrian/cycle route through the site.
- The site is not a designated wildlife site.
- Several recommendations are set out in the submitted Ecological Appraisal and net gain will be achieved.
- The GSS advises there are 35 greenspaces totalling 65.80 hectares (ha) in area in the Benton Ward. The western portion of the site measures approximately 0.21ha. This would result in a reduction of greenspace in the Ward to 65.59ha. A loss of 0.003% of the Ward's designated greenspace.
- The GSS finds 98.1% of properties in the Ward are within 300m of accessible greenspace. This assessment acknowledges that this could result in a small number of properties being further from designated open space a distance of a further 50m.
- Open space provision is not proposed as part of the development. A financial contribution is proposed to enhance other open space to mitigate for the loss of the open space. The assessment considers that existing lower quality/lower value open spaces could be improved.

8.25 The proposed development does not fully accord with Policy DM5.2 which sets out that existing green infrastructure and open space should be protected from development. The policy goes onto identify four exceptions where specific site circumstances may enable development. These are set out in full in paragraph 8.17. The policy only requires one of the above exceptions to apply. At the time of submission only part of the application site was enclosed, and the site could be accessed from Clydedale Avenue and its southeast corner. The site does not have a specific community role beyond its landscape character and contribution as an area of undeveloped land. The site is not a designated wildlife site. It is noted that, as an area of greenfield land, it would have some biodiversity value that must be appropriately addressed. In the context of DM5.2 the site is not understood to be of "important biodiversity value" but adequate mitigation and provision of net gain, clearly would be required in accordance with DM5.5. Based on the figures provided by the applicant the proposal has a minimum impact upon the overall supply of open space within the area. When considered against current Green Space mapping its loss would mean a small number of properties would be placed more than 300m from an area of accessible green space – the inclusion of currently undesignated green space to the west is likely to mean there is no impact on accessibility for existing homes. DM5.2 (d) does not apply, the development is for new homes and is not ancillary to the use of green infrastructure. Considering the above this proposed development could be considered an exception on the basis of points b and c.

8.26 Policy DM5.2 further sets out that where an exception does apply, planning permission would be granted "where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided". Paragraph 99 of the NPPF also requires alternative provision to be, "equivalent to or better than in

terms of its quantity and quality”. It is noted that this proposal cannot provide alternative provision to be equivalent or better in terms of quantity. It is proposed to improve the quality of an existing area of open space creating a better environment for its users. A parcel of land within Council ownership has been identified. A financial contribution is proposed to secure the delivery of planting enhancements which will improve the quality of this open space. Building on a site that is part brownfield and securing enhancements to an existing open space to improve its quality is considered to be satisfactory mitigation. The proposed development does not encroach onto the Benton Village Green.

8.27 The Council’s Biodiversity Officer and Landscape Architect have provided detailed comments which include concerns regarding the loss of designated open space. These concerns are noted. The biodiversity impacts are considered further in Section 13 of this report.

8.28 The application site is not an allocated housing site, and it does not fully comply with LP policies, as set out above, and thus policy DM4.5(g) in that it cannot be demonstrated that the proposals accord with the policies in the LP. Housing developments in locations with a housing shortfall should benefit from the presumption in favour unless there are significant and demonstrable adverse impacts (NPPF paragraph 11 (d)). Members are advised that the Council is unable to demonstrate a five-year housing land supply and therefore, in accordance with paragraph 11 of the NPPF, the ‘tilted balance’ applies meaning that planning permission should be granted unless there are adverse impacts which would significantly and demonstrably outweigh its benefits.

8.29 Members need to determine whether the principle of development is acceptable. Currently the Council do not have sufficient planning permissions for housing development to meet the housing requirements derived from the LP 2017 for the next five years. This development would involve the provision of 20 dwellings that are confirmed to be affordable homes, delivered by a registered provider. The delivery of such housing consequently has the potential to make an important contribution to meeting the evidence-based housing needs of residents of North Tyneside. Taking account, the current role of the site, its development would not be a fundamental departure from LP policy if appropriate off-site mitigation can be secured that delivers additional benefits for landscape quality, biodiversity and recreation.

8.30 It is officer advice, subject to all other matters set out below being addressed, that the adverse impacts which would result from the proposed development will not significantly and demonstrably outweigh its benefits. As such, planning permission should be granted.

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability

Assessment, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a three-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The proposed dwellings would make a contribution towards the borough achieving a five-year housing land supply.

9.3 The proposed development would assist in supporting the council's objective of meeting the objectively assessed housing need and ensure a mix of housing for both existing and new residents in the borough. This is therefore in accordance with LP policies S4.1 and S4.2(a) 'Housing Figures'.

10.0 Impact on the character and appearance of the area

10.1 Paragraph 126 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 states "Decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

10.3 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities.

10.4 Paragraph 131 of the NPPF states "Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change." It goes onto state that decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). Opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

10.5 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

10.6 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 of 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."

10.7 LP Policy DM7.9 'New Development and Waste' states "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."

10.8 LP DM5.9 'Trees, Woodland and Hedgerows' supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

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

10.10 Objections have been received regarding the development being out of keeping with the immediate surrounding area and overdevelopment of a small site. The content of these is noted.

10.11 The proposed housing fronts onto an existing open space, the Benton Village Green, creating an attractive development edge. The frontage of the

scheme is well designed with a varied building line roofscape. The initial design comments raised concerns regarding the rear elevations of units 1-12. The applicant has amended the rear elevations of these units. The design comments advise that the rear elevations of these units have been improved with further detailing and a variation of window sizes and materials which contribute towards a well-designed development.

10.12 The proposed apartment blocks are sited in the northeast and northwest corners of the site. Units 13-16 will be located to the south of No. 3 Allandale Avenue. Units 17-20 will be located to the south of No. 2 Clydedale Avenue. Entrances to these units are proposed on their east and west elevations creating an outward facing development that overlooks gardens and parking.

10.13 The immediate surrounding area is characterised by a variety of property types including bungalows and two storey properties. Therefore, the proposed two storey units are considered to be in keeping with the character and appearance of the immediate surrounding area.

10.14 Soft landscaping is proposed throughout the site and the drainage feature will also be planted.

10.15 Boundary treatments have been revised and there are now no longer large sections of timber fencing to the rear of units 1-12. The existing timber fence to the eastern boundary is to be retained and repaired. The existing southern boundary treatments serving Nos. 1 and 2 Clydedale Avenue and No. 3 Allandale Avenue will be retained. It is proposed to install a 1.8m high timber fence with 0.3m high trellis fencing above adjacent to the existing boundary treatment between the rear of No. 1 Clydedale Avenue and No. 3 Allandale and from the rear of No. 2 Clydedale Avenue extending around the northeast corner of the site to the rear of No. 11 Albany Avenue. The boundary treatment to the southern and west boundary will be a 1.0m high post and wire fence.

10.16 Conditions to secure materials of construction, hard surfacing and design of cycle storage are suggested to ensure that appropriate final details are secured.

10.17 Members need to consider whether the proposed development is acceptable in terms of its design and layout, and whether it is in keeping with the character and appearance of the immediate surrounding area. It is officer advice that the proposed number of units can be comfortably accommodated within the site without causing significant harm to the character and appearance of the immediate surrounding area. As such, subject to the imposition of the suggested conditions, the development is in accordance with the advice in the NPPF, LP Policies DM6.1, DM5.9 and DM5.7 and the Design Quality SPD.

11.0 Impact upon the amenity future residents

11.1 Paragraph 185 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 impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

11.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

11.3 LP Policy S1.4 'General Development Principles' 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.

11.4 LP Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

11.5 LP Policy DM6.1 'Design of Development' 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.

11.6 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.7 LP Policy DM4.6 'Range of Housing Types and Sizes' seeks to ensure that new residential development provides a mix of homes to meet current and future demand, and to create sustainable communities.

11.8 Policy DM4.9 'Housing Standards' states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities they must meet the standards set out in this policy subject to viability.

11.9 Objections have been received regarding the impacts on residential amenity. The content of these is noted.

11.10 The Manager for Environmental Health has been consulted. She has noted that the site is located near to Longbenton High School approximately 100 metres to the west of the site. This has raised concerns about potential noise from any external plant in use at the school, from associated noise from the car park and noise from use of any external play areas at the school. She has advised that a noise scheme will be required to ensure suitable sound attenuation measures are taken to mitigate any external noise. The required noise scheme can be secured by condition.

11.11 Additional conditions in relation to the submission of a Construction Method Statement and to control working hours will further assist in alleviating the impact on the amenity of local residents during construction works.

11.12 Units 1-7 will be located over 35m to the north of Nos. 1-4 Colston Place. Due to the separation distance that will exist, it is not considered that these units will significantly affect the residential amenity of these neighbouring properties in terms of loss of light, outlook or privacy.

11.13 Unit 1 will be located approximately 15m from the western boundary serving No. 14 Connaught Gardens. Based on the plans provided, it will not project beyond the front or rear building line of this neighbouring property. It is noted that there are three windows sited in the west gable of this neighbouring property: one at ground floor and two at first floor. The amenity of this existing ground floor window is already impacted by the existing boundary treatment. Due to the separation distance that will exist, it is not considered that this unit will significantly affect the residential amenity of this neighbouring property in terms of loss of light, outlook or privacy.

11.14 Units 13-16 will be located to the south of No. 3 Allandale Avenue. Based on the plans provided, these units will project approximately 1.5m beyond the front of this neighbouring property and approximately 2m beyond its rear. They will be sited approximately 1.5m from this shared boundary. There are no windows sited in the north elevation of these units. Obscure views over the rear garden serving this neighbouring property will be afforded from the windows sited in the east elevation of the first-floor units. The hipped roof will pull away from this shared boundary. It is noted that the garage serving this neighbouring property is sited adjacent to this shared boundary. There are no habitable windows sited in its gable elevation. Due to the orientation of these units a degree of overshadowing to part of the garden serving this neighbouring property will occur in the morning and afternoon. It is the view of the case officer that this impact is minimal and will not be so significant as to warrant a recommendation of refusal. It is not considered that these units will significantly affect the residential amenity of this neighbouring property in terms of loss of light, outlook or privacy.

11.15 Units 17-20 will be located to the south of No. 2 Clydedale Avenue. Based on the plans provided, these units will project marginally beyond the front of this neighbouring property and approximately 4m beyond its rear. They will be sited approximately 1.8m from this shared boundary. There are no windows sited in the north elevation of these units. Obscure views over the rear garden serving this neighbouring property will be afforded from the windows sited in the east elevation of the first-floor units. The hipped roof will pull away from this shared boundary. It is noted that this property has a single storey extension to the side sited adjacent to this shared boundary. This extension serves a habitable room. There are no windows sited in the flank elevation of this extension. It is also noted that this neighbouring property has two first floor windows sited in its gable. Due to the orientation of these units a degree of overshadowing to part of the garden serving this neighbouring property will occur in the afternoon. It is the view of the case officer that this impact is minimal and will not be so significant as to warrant a recommendation of refusal. It is not considered that these units will

significantly affect the residential amenity of this neighbouring property in terms of loss of light, outlook or privacy.

11.16 Units 19 and 20 will be located to the west of No. 11 Albany Avenue. They will be sited approximately 11m from this shared boundary and approximately 13m from this neighbour's gable. It is noted that there are two windows in this neighbour's gable at first floor. Due to the orientation of these units, the separation distances that will exist and the positioning of the windows, it is not considered that the residential amenity of this neighbouring property will be significantly affected in terms of loss of light, outlook or privacy will be sufficient to sustain a recommendation of refusal.

11.17 The layout of the development is considered to be acceptable in terms of separation distances and the standard of living accommodation for future occupiers. Each house will have their own private garden and the apartments will have access to outside space. All units will have adequate windows to provide good levels of light, outlook and privacy. Each unit will have its own parking bay, cycle storage and refuse storage. All units will be in accordance with the Government's Nationally Described Space Standards (NDDS).

11.18 The parking proposed to the eastern side of the vehicular access will be sited away from the shared boundary with No. 14 Connaught Gardens. An area of landscaping is proposed between the parking and the existing timber fence. It is not considered that the location of this parking will significantly affect the residential amenity of this neighbouring property.

11.19 The proposed drainage feature and two visitor parking bays are proposed to the south of No. 1 Clydedale Avenue. It is not considered that the proposed drainage or parking will significantly affect the residential amenity of this neighbouring property.

11.20 It is not considered that the first-floor windows sited in units 15 or 16 will significantly affect the privacy of No. 1 Clydedale Avenue.

11.21 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity for both existing and future occupants. As such, it is officer advice, subject to imposing the suggested conditions, that the proposed development does accord with the advice in paragraph 185 of the NPPF and LP policies DM5.19 and DM6.1.

12.0 Impacts on highway matters

12.1 The NPPF paragraph 111 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.

12.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

12.3 The NPPF paragraph 113 sets out guidance on sustainability and connectivity.

12.4 LP 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.

12.5 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 resident's health and well-being.

12.6 The Transport and Highways SPD sets out the parking standards for new development.

12.7 Significant objection on highway grounds has been submitted, including the impact on the highway network, inadequate vehicular access particularly during construction and for delivery vehicles post construction and pedestrian safety. The detailed content of these is noted.

12.8 Members are advised that the application was originally submitted with the vehicular access proposed from Clydedale Avenue to the north of the site. During the application the applicant has amended the vehicular access from the south via Victoria Avenue. It is clear from the objections that residents oppose the vehicular access from the north and south. Members are advised that the Local Highway Authority (LHA) did not request the applicant to amend the location of the vehicular access. The LHA has assessed this application as submitted with the vehicular access from the south.

12.9 A Transport Statement (TS) has been submitted as part of the planning application.

12.10 The Highways Network Manager has reviewed the TS and the submitted plans. As already discussed, vehicles will access the site from Victoria Avenue to the south. Pedestrian access through the site is provided. Parking will be provided in accordance with current standards and an area suitable for the turning of a refuse vehicle will be laid out. Cycle parking is being provided and the site has reasonable links with public transport.

12.11 The Highways Network Manager has not concluded that this development would result in an unacceptable impact on highway safety or the residual impacts on the road network would be severe. He has suggested planning conditions, which in his opinion, would mitigate the impacts of this development.

12.12 The Sustainable Transport comments have confirmed that a Travel Plan (TP) is not required due to the size of the site. The comments have put forward recommendations regarding dropped kerbs to allow smooth transitions between the carriageway and footway, cycle signage, and providing a new footway between the PRow and existing footway of Clydedale Avenue. These

recommendations are noted, and some can be attached as informatives. It is the view of officers that sufficient connections for pedestrians and cyclists are provided through the site from Victoria Avenue to Clydedale Avenue.

12.13 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable. As such, the proposed development accords with the NPPF and the LP.

13.0 Impact on biodiversity, including the wildlife corridor

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 174 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 179 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 180 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 LP Policy S5.4 'Biodiversity and Geodiversity' seeks to protect, create, enhance and manage sites within the borough relative to their significance.

13.5 Policy DM5.5 'Managing Effects on Biodiversity and Geodiversity' of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

13.6 LP Policy DM5.6 'Management of International Sites' states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

13.7 LP 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.

13.8 LP Policy DM5.9 'Trees, Woodlands and Hedgerows' supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new

development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

13.9 The application site falls beyond the 6km 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest (SSSI) and Special Protection Areas (SPA's)/Special Areas of Conservation (SAC)/Ramsar sites. Since this application will result in an increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance. Therefore, this development will need to comply with Policy DM5.5 and the Coastal Mitigation SPD which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

13.10 Objections have been received in respect of the impact on the wildlife corridor. The content of these is noted.

13.11 The Northumberland Wildlife Trust has reviewed the information and they have not raised any objections to the proposed development, subject to conditions.

13.12 Natural England have been consulted. They are satisfied that, subject to the coastal mitigation contribution being secured, there will be no damage or disturbance to the coastal areas.

13.13 The applicant has agreed to pay the coastal mitigation contribution. This financial contribution will be secured via a S106 Agreement.

13.14 Members are advised that site clearance works, including vegetation removal, have commenced on-site. These works do not require planning permission. Prior to these works the site contained few landscape elements. These are described in greater detail in the Landscape Architect and Biodiversity Officer's comments set out in the Appendix to this report.

13.15 The Landscape Architect and Biodiversity Officer have considered the additional information submitted.

13.16 The submitted Ecological Appraisal advises that the site is of local value to urban breeding bird species that may nest in hedgerow and shrub habitats in low numbers and to hedgehog which may forage over the site on occasion. No other protected or priority species are likely to be affected by the proposals. The proposed development is not predicted to have any impacts on statutory or non-statutory designated sites.

13.17 The Ecological Appraisal sets out the impacts of the proposed development which are set out in greater detail in the Appendix to this report. It proposes several mitigation measures to address the impacts of this development including bird and bat boxes, landscaping, lighting that minimises light spill and measures to ensure protected/priority species will not be impacted

as a result of the works. These measures can be conditioned as part of the application.

13.18 The Biodiversity Net Gain (BNG) Assessment/Metric Calculation confirms that existing habitat within the site and all native hedgerows around the site boundaries will be lost to accommodate this development. Post-development, the on-site landscaping will consist mainly of vegetated gardens with very small areas of modified grassland and mixed native scrub habitat. A bioswale is proposed which will be sown with wildflower meadow mix and 30no. medium sized urban trees are provided outside of private gardens. This will result in a BNG which is largely being achieved through the planting of urban trees within the site. Hedgerow creation proposed as part of the scheme will result in further BNG. The submitted landscape plan sets out the areas where habitats identified as part of the BNG Assessment will be delivered. The consultees have suggested conditions to secure a fully detailed Landscape Plan and 'Landscape and Ecology Management & Monitoring Plan' (LEMMP) to ensure the habitats set out on the landscape plan, deliver the required BNG.

13.19 The Arboricultural Impact Assessment (AIA) advises that all vegetation on-site is low quality, and it will be necessary to remove all trees and hedgerows to facilitate this development. The proposed plans indicate a comprehensive planting scheme which will complement the proposed development and include the replacement of hedgerows and trees which will enhance the development site and improve visual amenity.

13.20 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity, the wildlife corridor, and landscaping. It is officer advice that the proposal will not cause unacceptable harm to biodiversity interests. Officers do not consider that the proposal will conflict with Policies S5.4, DM5.5 and DM5.7 of the LP which seek to protect biodiversity resources, including non-statutory sites; conserving, enhancing and managing local sites and wildlife corridors; and the effects on protected species and locally designated sites. In the absence of harm, neither will there be conflict with paragraph 180 of the NPPF which seeks to avoid, adequately mitigated, or as a last resort, compensate for significant harm to biodiversity.

14.0 Other issues

14.1 Flood Risk

14.2 Paragraph 167 of the NPPF states "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 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.

14.4 LP Policy DM5.14 'Surface Water Run Off' 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.

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

14.6 Objections have been received in respect of inadequate drainage. The content of these is noted.

14.7 A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted as part of the application.

14.8 The Lead Local Flood Authority (LLFA) has reviewed the application documents. It is proposed to provide surface water attenuation within the site for up to a 1 in 100 year rainfall event plus 40% allocation for climate change. The rate of surface water leaving the site will be restricted to the equivalent greenfield run-off rates. The attenuation will be achieved via the use of permeable paved driveways and an attenuation basin with a flow control device fitted on the outlet and 75mm orifice plate to restrict the surface water discharge rate to 2.7 litres/second before it enters Northumbrian Waters surface water sewer network which in turn connects to a culverted watercourse. The applicant has advised that the maintenance of the suds features, and associated drainage will be their responsibility or an appointed contractor. Subject to imposing the suggested conditions, it is considered that surface water can be appropriately mitigated for.

14.9 Northumbrian Water have raised no objections subject to imposing a condition to ensure the development is carried out in strict accordance with the submitted FRA. They have advised that the submitted FRA reflects their pre-planning enquiry advice identifying that foul flows and surface water flows will discharge to the existing public surface water sewer.

14.10 Members need to consider whether the proposal is acceptable in terms of its impact on flooding. It is officer advice that subject to conditions it is acceptable.

14.11 Ground conditions

14.12 Paragraph 183 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.

14.13 Paragraph 184 of the NPPF goes on to 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.

14.14 LP Policy DM5.18 “Contaminated and Unstable Land” seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

14.15 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.

14.16 The application site is located within a Contaminated Land buffer zone.

14.17 A Phase 1 Desk Study and Coal Mining Risk Assessment and a Phase 2 Site Investigation Report have been submitted as part of the application.

14.18 The Contaminated Land Officer has reviewed the submitted reports and has raised no objections to the proposed development, subject to conditions.

14.19 Members need to consider whether the site is appropriate for its proposed use. It is officer advice, subject to conditions that the site would be appropriate for housing and mixed uses in accordance with the advice in NPPF and Policy DM5.18 of the LP.

14.20 Sustainability

14.21 Section 14 of the NPPF sets out the Government’s objectives for the planning system in terms of meeting the challenge of climate change, flooding and coastal change. Paragraph 152 of the 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. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 153 through to 158 set out measures for the planning system to address the climate change challenge, including the planning of green infrastructure, reduction of greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat. A planning application should be approved if its impact is, or can be made, acceptable.

14.22 LP Policy DM7.6 ‘Renewable Energy and Low Carbon Technologies’ states that proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

14.23 Within the submitted Design and Access Statement the applicant has advised that the proposed development has been designed with a ‘fabric first’ approach. The properties will also be installed with solar panels to encourage use of renewable energy.

14.24 Members need to determine whether the proposed development is acceptable in terms of its provision of renewable and/or low carbon technologies, incorporation of green infrastructure and measures to reduce greenhouse gas emissions in accordance with Policy DM7.6 and the NPPF.

14.25 Aviation Safety

14.26 Newcastle International Airport Limited (NIAL) has been consulted. They have considered the submitted Bird Strike Risk Assessment which advised that due to the scale of the proposed landscaping, the location of the site, and the percentage cover of native hedging, the species mix is considered appropriate and would not detriment the safe operation of the airport. The Airport has advised that they are satisfied that this proposal would not lead to an inappropriate rise in bird activity which would potentially harm the safe operation of the airport.

15.0 S106 Contributions

15.1 Paragraph 55 of NPPF states that 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.

15.2 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

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

15.3 LP Policy S7.1 'General Infrastructure and Funding Statement' 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.

15.4 LP Policy DM7.2 'Development Viability' states that the Council is committed to enabling a 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. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

15.5 LP Policy DM7.5 'Employment and Skills' states that 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.

15.6 LP Policy DM4.7 'Affordable Housing' sets out that to meet the Borough wide housing target, the Council will seek provision of 25% affordable homes on new housing developments.

15.7 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

15.8 The applicant has confirmed that they are agreeable to the following financial contributions and off-site mitigation requested by service areas:

- Benton Village Green/Local Wildlife Site 3, 900.00 pounds.
- Children's equipped play 7, 000.00 pounds.
- Parks and greenspaces 10, 647.00 pounds.
- Primary education 50, 000.00 pounds.
- Employment and training 1 apprenticeship or 10,000.00 pounds.
- Coastal Mitigation 3, 020.00 pounds.
- Open space improvements 18, 138.00 pounds.

15.9 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

15.10 Members are advised that this proposal will deliver 100% affordable housing provision.

16.0 Local Financial Considerations

16.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy (CIL).

16.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

17.0 Conclusions

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

17.2 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.

17.3 The site is part brownfield and part designated as open space in the LP. Members need to consider whether the loss of open space is acceptable. It is officer advice that it is acceptable.

17.4 This proposal would make a valuable contribution towards the requirement for the council to have a 5-year supply of deliverable housing sites. This is a significant material consideration which weighs in favour of the proposal.

17.5 Members need to consider whether the amount of development, type of development, design and layout of the proposal is acceptable in terms of its impact on existing residential dwellings and proposed residential dwellings. It is officer advice that it is acceptable.

17.6 Members need to consider whether this development is acceptable in terms of its impacts on existing and future occupants having regard to paragraph 185 of the NPPF and Local Plan Policies DM6.1 and DM5.19. It is officer that it is acceptable subject to imposing the suggested conditions.

17.7 Members need to consider whether this development is acceptable in terms of its impacts on highway safety and whether sufficient parking is provided. The proposal will provide parking in accordance with the Council adopted standards and will not have an unacceptable impact on highway safety or result in a residual cumulative impact that will be severe. It is officer advice that it is acceptable.

17.8 As there is a potential impact on designated sites at the coast, this development requires appropriate assessment however, the impacts relating to the Northumbria Coast SPA and Ramsar sites can be mitigated without causing significant adverse impacts. Members need to consider whether this development is acceptable in terms of biodiversity. Subject to a legal agreement to secure coastal mitigation and conditions to secure on-site mitigation the proposal would provide biodiversity net gain, which is encouraged by NPPF, and secure appropriate mitigation. The development will not significantly impact on biodiversity or significantly impact on the wildlife corridor. It is officer advice that is acceptable.

17.9 Issues to do with flooding and contaminated land can be dealt with via conditions.

17.11 The applicant has agreed to provide planning obligations in accordance with what the Council is seeking, and this proposal will deliver 100% affordable housing provision which weighs in favour of this proposal.

17.12 The 'tilted balance' principle (NPPF paragraph 11) makes a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits. The Council does not have a 5-year supply of deliverable housing sites. Development in locations with a housing shortfall should benefit from the presumption in favour. It

therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officers, the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that:

a) the Committee indicates that it is minded to grant the application; and the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:

b) the conditions set out in the planning officers report; the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and,

c) completion of a legal agreement to secure 100% affordable housing provision and a financial contribution for the following:

-Benton Village Green/Local Wildlife Site 3, 900.00 pounds.

-Children's equipped play 7, 000.00 pounds.

-Parks and greenspaces 10, 647.00 pounds.

-Primary education 50, 000.00 pounds.

-Employment and training 1 apprenticeship or 10,000.00 pounds.

-Coastal Mitigation 3, 020.00 pounds.

-Open space improvements 18, 138.00 pounds.

Conditions/Reasons

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

Location plan Dwg No. 20005 L01 A

Existing site Dwg No. 832/E1

Dwg No. 20005 P01R Site plan 01

Dwg No. 20005 P20C Roof plan

Dwg No. 20005 P11C Plots 13-30 proposed elevations

Dwg No. 20005 P10B Plots 1-12 proposed elevations

Dwg No. 20005 P04A GA plans plots 13-20

Dwg No. 20005 P03 GA plans plots 1-12

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Notwithstanding Condition 1, the existing roadway shown to be improved on drawing number 2005 P01R Site plan 01, shall be laid out in accordance with drawing number 2005 P01R Site plan 01, prior to any part of the development hereby approved being occupied and permanently retained and maintained thereafter.

Reason: In the interest of securing access to the site from the south and in the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

4. Notwithstanding Condition 1, the scheme for parking shall be provided and laid out in accordance with the approved plan Ref: Dwg No. 20005 P01R Site plan 01. These parking areas shall not be used for any other purpose and shall be permanently retained thereafter.

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

5. Notwithstanding Condition 1, prior to the occupation of any dwelling/flat/apartment hereby approved details of undercover cycle storage provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be implemented prior to the occupation of each dwelling/flat/apartment hereby approved. These storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policies DM6.1 and DM7.4 of the North Tyneside Local Plan (2017).

6. Notwithstanding Condition 1, prior to the occupation of any dwelling/flat/apartment hereby approved details of storage provision and enclosure details, for refuse, recycling and garden waste, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be implemented prior to the occupation of each dwelling/flat/apartment hereby approved. These storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policies DM6.1 and DM7.4 of the North Tyneside Local Plan (2017).

7. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until the scheme for traffic calming to 20mph including a timescale for its implementation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

8. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until details of a parking management scheme to prevent

vehicles associated with school drop off and pick up has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

9. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; 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). 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 predevelopment 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 Condition 1, prior to the commencement of any part of the development hereby approved a detailed drainage plan for the development including plans showing the drainage basin design, long sections and cross sections through the basin, and details of the appointed drainage management company, to manage the drainage and any associated infrastructure is managed and maintained in perpetuity, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details. Following the appointment of the SUDS management company, if any changes to the appointed SUDS management company are required the Local Planning Authority must be informed in writing before any changes occur.

Reason: To ensure the viability of the surface water attenuation is maintained in perpetuity having regard to the NPPF.

11. If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority within 24 hours. Work must be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters. If required remediation of any unexpected contamination or underground storage tanks discovered during the development must take place before development

recommences. Thereafter the development shall not be implemented otherwise than in accordance with the scheme approved under the planning consent.

Any additional reports should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

Reason: To ensure that the potential contamination 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.

12. 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.

13. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment Revision C " dated "August 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6402 and ensure that surface water discharges to the surface water sewer at manhole 5503. The surface water discharge rate shall not exceed the available capacity of 2.7l/sec that has been identified in this sewer.

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

14. Notwithstanding Condition 1, prior to the construction of any part of the residential development hereby approved above damp-proof course level a schedule and/or samples of all hard surfacing materials and external building materials, including doors and windows 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 ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

15. Notwithstanding Condition 1, the proposed dwellings must comply with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To ensure appropriate living conditions for future occupiers are provided in accordance with Policy DM4.9 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 Class A, B, C, D, E and F of Part 1 of

Schedule 2 or within Class A of Part 2 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 Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a noise scheme to address noise from Benton Dene Primary School and Longbenton High School shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall provide 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 and the World Health Organisation community noise guidelines.

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. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of a ventilation scheme to ensure an appropriate standard of ventilation, with windows closed, shall be submitted to and approved in writing by the Local Planning Authority. 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.

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

19. No 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).

20. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a revised Aboricultural Impact Assessment (AIA) shall be submitted to and approved in writing by the Local Planning Authority. The AIA is to be produced in accordance with BS 5837:2012.

Reason: This information is required from the outset to ensure that existing landscape features are adequately protected during construction and to ensure local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

21. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the details provided within the Biodiversity Metric 3.1 and BNG Assessment Report (E3 Ecology R06 Feb/March 2023). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are 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. 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 8545:2014. 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. Any revisions to the landscape plan are to be submitted and approved by the local authority.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

22. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for on-site landscaping as set out in the Biodiversity Metric 3.1 and BNG Report (E3 Ecology R06 Feb/March 2023) and an approved Landscape Plan, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:

- Details on the creation, enhancement and management of all habitats identified within the Biodiversity Net Gain Report/Biodiversity Metric (E3 Ecology R06 Feb/March 2023) and how the condition criteria will be met through management;

- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the Local Planning Authority for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the Local Planning Authority. The Plan will be reviewed every 5 years in partnership with the Local Planning Authority;

-Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

23. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 5no. bat features (e.g. bat brick, tile, bat box) and 5no. integrated bird features to be provided in the buildings hereby approved, including specifications and locations shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird and bat boxes shall be installed in accordance with these agreed details prior to the completion of the development hereby approved and shall be permanently maintained and retained.

Reason: To ensure that appropriate mitigation is secured to ensure protected species are adequately protected having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

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

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

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

Reason: To ensure that appropriate mitigation is secured to ensure protected species are adequately protected having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

25. No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified

ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

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

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

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

27. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level 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. These details shall include hedgehog gaps (13x13cm) shall be provided within any new boundary fencing to allow the movement of wildlife through the site. 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.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development, and to ensure protected species are adequately protected having regard to policies DM6.1 and DM5.7 of the North Tyneside Local Plan (2017).

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that requests for Street Naming and Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

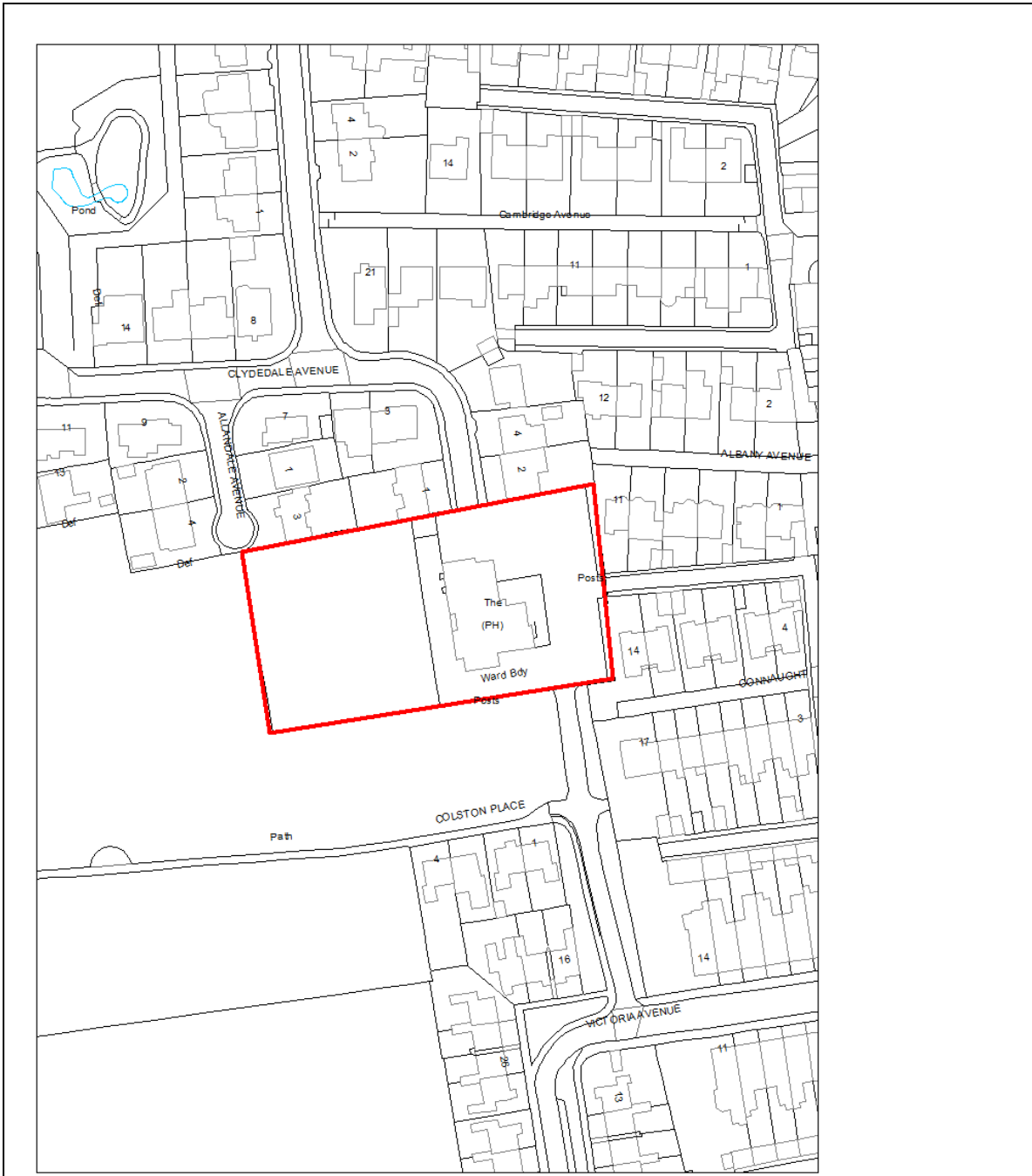
The Sustainable Transport Team Leader has made the following recommendations: -The new realigned pedestrian/cycle route between the site and Clydedale Avenue must have appropriate dropped kerbs at each end to allow a smooth transition between the carriageway and footway. Bollards must be positioned appropriately within a minimum spacing of 1.5m to allow users to approach in a straight line. -Cycle signage to TSRGD 967 should be erected on a

lamp column or individual posts within the development to highlight the presence of cyclists within the site.

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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



Application reference: 21/02546/FUL

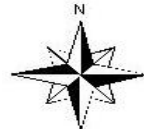
Location: Site Of The Fusilier, Clydedale Avenue, Forest Hall

Proposal: Residential development of 20no. affordable homes and associated landscape (amended plans received 21.12.2022)

Not to scale

Date: 01.06.2023

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Consultations/representations

1.0 Internal Consultees

1.1 Design

1.2 Following comments dated 25th March 2022, which raised concerns, further information has been submitted. The rear elevations of units 1 – 12 have been improved with further detailing and a variation of window sizes and materials which now contribute towards a well-designed development. Boundary treatments have been revised and there are now no longer large sections of timber fencing.

1.3 Overall, the revised plans address the previous concerns, and the design and layout of the proposal is acceptable, subject to the recommended conditions below.

1.4 Suggested Conditions:

Materials of construction

Hard surfacing

Landscape works implementation

Design of cycle storage

1.5 Highways Network Manager

1.6 The site will be accessed from Victoria Avenue to the south with pedestrian access through the site to Clydedale Avenue. Parking will be provided in accordance with current standards and an area suitable for the turning of a refuse vehicle will be laid out. Cycle parking is being provided and the site has reasonable links with public transport. Conditional approval is recommended.

1.7 Recommendation - Conditional Approval

1.8 Conditions:

Notwithstanding the details submitted, the new means of access shall be laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, the scheme for cycle storage shall be laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, the scheme for refuse storage shall be laid out in accordance with the approved details and retained thereafter.

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

No part of the development shall be occupied until a scheme for traffic calming to 20mph has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

No part of the development shall be occupied until details of a parking management scheme to prevent vehicles associated with school drop off and pick up has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. 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.

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 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.

1.9 Informatives:

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that requests for Street Naming and Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering and scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

1.10 Sustainable Transport

1.11 This is a resubmission of a full application for a residential development of 20no affordable homes and associated landscape. As part of the application, a Transport Statement (TS) was submitted that covered sustainable modes of transport to and from the site. The developer was advised in their initial submission that a Travel Plan (TP) was not required due to the size of the site.

The new site layout proposes the main access from Victoria Avenue instead of Clydedale Avenue and it includes improvements to the footways within the site.

1.12 We do not propose any conditions for the development but recommend the following matters are taken into consideration:

Recommendation 1: The new realigned PRow between the site and Clydedale Avenue must have appropriate dropped kerbs at each end to allow a smooth transition between the carriageway and footway. Bollards must be positioned appropriately within a minimum spacing of 1.5m to allow users to approach in a straight line.

Recommendation 2: Cycle signage to TSRGD 967 should be erected on a lamp column or individual posts within the development to highlight the presence of cyclists within the site.

Recommendation 3: Plots 17 and 18 of the development sever the eastern footway of Clydedale Avenue. It is recommended that the bin storage and hedge line of plots 17 and 18 is amended to provide a new footway between the PRow and existing footway on the eastern side of Clydedale Avenue. The footway width should not be less than the existing width on Clydedale Avenue.

1.13 Manager for Environmental Health (Contaminated Land)

1.14 The Phase 2 report has shown no contamination on site however the report also states that:

There is always the possibility, along with other contamination, that undiscovered asbestos exists between sample locations and the possibility of unknown asbestos exists on all sites, particularly brownfield sites where previous buildings have been demolished, where there were previous features that were infilled (old hollows, pits etc) or where significant quantities of materials such as demolition and brick rubble exist. It is not uncommon for historical asbestos wastes to be deliberately buried on derelict sites, or imported old demolition rubble which could contain asbestos to be imported for use as hardstanding/hardcore.

1.15 As there is the potential for unexpected contamination Con 007 must be applied.

1.16 Manager for Environmental Health (Pollution)

1.17 I note the site is located adjacent to Longbenton high School some 100 metres to the west of the site. I would be concerned about potential noise from any external plant in use at the school, from associated noise from the car park and noise from use of any external playing areas at the school. A noise scheme will be required to ensure suitable sound attenuation measures are taken to mitigate any external noise.

1.18 Conditions:

Prior to development submit and implement on approval of the Local Planning Authority a noise scheme to address noise from Longbenton High School 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 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, 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.

HOU04
SIT03

1.19 Lead Local Flood Authority (LLFA)

1.20 I have evaluated the flood risk and carried out a review of the surface water drainage proposals put forward as part of planning application 21/02546/FUL, I can confirm in principle I have no objections to the proposals as the applicant will be providing surface water attenuation within the site for up to a 1in100yr rainfall event + a 40% allocation for climate change and will be restricting the rate of surface water leaving the site to the equivalent greenfield run-off rates. The attenuation will be achieved via the use of permeable paved driveways and an attenuation basin with a flow control device fitted on the outlet and 75mm orifice plate to restrict the surface water discharge rate to 2.7l/s before it enters Northumbrian Water's surface water sewer network which in turn connects to a culverted watercourse. The applicant has also indicated the maintenance of the suds features and associated drainage infrastructure will be the responsibility of Karbon Homes or an appointed contractor.

1.21 I will require a condition to be placed on the application requiring the detailed drainage plans for the development and also plans showing the suds basin design including a long-section and cross sections through suds basin. These will need to be submitted to LLFA for approval prior to commencement of the development.

1.22 Landscape Architect and Biodiversity Officer

1.23 Existing Site Context

1.24 The proposed application comprises of land associated with the former Fusilier (PH). The site is nominally flat across its associated surface horizon, with a slight fall to open land in the west. The site is bordered by established residential development to the north and east, and open-aspect grassed communal land to the south and west some of which is known as Benton Village Green. Both pedestrian and vehicle access is provided into the existing site from the south and north respectively via Victoria Avenue and Clydedale Avenue, as well as informal pedestrian access from the north, west and south.

1.25 The topography of the combined site is generally flat and contains few landscape elements, with some areas of self-seeded trees and shrubs along the northern perimeter of the site, adjacent to the access point from Clydedale Avenue. There are scattered, solitary and isolated groupings of hedgerow, shrub and associated lower scrub elements bordering the grassed areas along the western and southern (proposed) perimeter site areas. A range of mixed-species hedgerows and solitary landscape elements, have formed along the collective rear garden areas of associated residential properties, bordering the northern and eastern perimeters and the western half of the proposed development site also contains a large area of poor semi-improved grassland habitat.

1.26 This application is for a residential development for 20no. residential dwellings and associated infrastructure. The land to the west of the proposed site (approx. 0.2ha) is designated as open space (Policy DM5.3) and located within a wildlife corridor as defined by the North Tyneside Local Plan (Policy DM5.7).

1.27 The following additional information has been submitted in response to previous comments:

Updated Open Space Assessment (Ward Hadaway March 2023)
Updated Biodiversity Metric (Rev 6 March 2023)
Updated BNG Assessment (R06 E3 Ecology Feb 2023)
Landscape Plan (DWG No: 832/LA3B Rev B 16/01/23)

1.28 Ecological Appraisal

1.29 An ecological appraisal was undertaken in 2018 and subsequently updated in 2021 by which time the pub buildings had been demolished. The Appraisal indicates habitats on site that include hard standing, bare ground with scattered ephemeral short perennial vegetation, introduced shrub of low habitat value, poor semi-improved grassland, species poor gappy young hedgerow, scattered scrub, and immature broadleaf trees of local habitat value. Single shrubs of rhododendron and Himalayan cotoneaster, listed on Schedule 9 of the Wildlife and Countryside Act (1981) as non-native, invasive species, were recorded on site in the earlier surveys and now appear to have been removed.

1.30 The site is considered to be of local value to urban breeding bird species that may nest in hedgerow and shrub habitats in low numbers and to hedgehog which may forage over the site on occasion. No other protected or priority species are likely to be affected by the proposals. The proposed development is not predicted to have any impacts on statutory or non- statutory designated sites.

1.31 The following impacts are anticipated as a result of the scheme:

- Loss of coarse mesotrophic grassland (0.2ha), species-poor gappy hedgerow, scattered and dense scrub, and immature broadleaf trees of local habitat value but forming part of the wildlife corridor.
- Disturbance to bats that may commute and forage on site through increased lighting.
- Harm/disturbance to breeding birds nesting within the hedgerows at the time of works.
- Harm to small mammals, including hedgehog, which may become trapped in excavations during site works.

-Disturbance to hedgehog which may forage over the site during site operation.

1.32 A number of mitigation measures have been proposed to address these impacts including bird and bat boxes, landscaping, lighting that minimises light spill and measures to ensure protected/priority species will not be impacted as a result of the works. These measures can be conditioned as part of the application.

1.33 BNG Assessment/Metric Calculation

1.34 Existing habitat within the site such as grassland, shrub and scrub habitat will be lost as part of the scheme resulting in a loss of 0.54 habitat units. All the native hedgerow around the site boundaries will also be lost to accommodate the scheme. Post-development, the on-site landscaping will consist mainly of vegetated gardens with very small areas of modified grassland and mixed native scrub habitat. A bioswale (SUDs feature) is also provided which will be sown with a wildflower meadow mix and 30no. medium sized urban trees are provided outside of private gardens. This will result in a net gain in habitat units of 7.66% which is largely being achieved through the planting of urban trees within the site. Hedgerow creation proposed as part of the scheme will result in a net gain in hedgerow units.

1.35 Landscape Scheme.

1.36 The Proposed Landscape Plan (DWG No: 832/LA3B Rev B 16/01/23) sets out the areas where the habitats identified as part of the net gain assessment (above) will be delivered. This shows native hedgerows to the southern and western boundaries and parts of the northern and eastern boundaries. A bioswale is located along the northern boundary planted with a wildflower meadow and there are a number of small communal and public open space areas where modified grassland will be provided. There is also a small area of mixed native scrub being provided on the eastern boundary and a number of 'urban' trees (30no.) throughout the development.

1.37 If the application is approved, a fully detailed Landscape Plan and 'Landscape and Ecology Management & Monitoring Plan' (LEMMP) will be required for a period of 30 years in order to ensure the habitats set out on the landscape plan, delivers the required net gain and meets the required target conditions.

1.38 Open Space Assessment

1.39 The land to the west of the former PH (approx. 0.2ha) is designated in the North Tyneside Local Plan as open space (DM5.3) and is also within a designated wildlife corridor (DM5.7). The former garden may appear as overgrown fenced-off land but nevertheless it is designated open space and within a wildlife corridor and contains semi-improved grassland of biodiversity value.

1.40 An updated open space assessment has been submitted (Ward Hadaway March 2023). The report considers all the requirements of the Local Plan policy DM5.2 (Protection of Green Infrastructure) which states the following:

'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 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'

1.41 The Report considers that Policy DM5.2 parts (b) and (c) have been met as the site is not a designated wildlife site/providing important biodiversity and the land is not required to meet a shortfall in the provision of that green space type. However, the assessment acknowledges that parts (a) and (d) of the Policy have not been met.

1.42 The Assessment concludes that:

"Limited harm would be caused by the proposed development acknowledging amongst other things the availability of open space in the ward and that the land is privately owned and there are no formal access arrangements". It also states that: "exceptional circumstances exist which support the proposed development which would enhance the area through the recycling of a site in need of re-use. Additionally, a financial contribution is proposed which it is envisaged would be used to enhance other open space in the locality".

1.43 The scheme clearly does not meet all of the criteria set out in Planning Policy DM5.2. An on-balance decision should, therefore, be made by the Planning Department which takes into consideration additional requirements and policies associated with the scheme. If the scheme is considered for approval on this basis, it would need to address the permanent loss of amenity open space associated with the scheme by providing off-site open space creation or enhancement in a suitable location agreed by the Local Planning Authority (LPA) to meet Local Plan and NPPF policies. A site has been identified on Council land close to the site which has the potential to be enhanced. Details of the financial contribution required to deliver this have been submitted to Planning for agreement by the applicant prior to the application being determined or approved.

1.44 Arboricultural Impact Assessment

1.45 The Arboricultural Report has been prepared by AllAboutTrees and dated July 2022 (revision D). The trees have been evaluated in accordance with BS 5837:2012 Trees in relation to design, demolition & construction, with regard to their quality and value. With regard to any retained trees, the type and size of the

root protection area is calculated, and the position of any protective barriers has been determined. The existing vegetation is made up of sparse single row hedgerows to the western and southern boundaries which are primarily hawthorn with three small fruit trees along the western boundary, and three small trees along the southern boundary. The eastern boundary hedge, which is not continuous, includes hawthorn, privet, cotoneaster and elder. The southern part has been removed at the request of the adjacent resident. There are two tree and shrub groups, one along the northern boundary covering an area of approximately 50 square metres, and includes privet, elder and wild cherry. The other is in the southwest corner of the garden and covers an area of approximately 40 square metres and is mainly willow.

1.46 The report states that all of the existing vegetation is described as being low quality (Category C as defined by BS 5837). It will be necessary to remove the existing trees and hedgerows to facilitate the proposed development and include Groups 1 (mixed species including privet, elder, wild cherry), Group 2 (Willow); hedgerow 1 (hawthorn, privet, cotoneaster and elder), hedgerow 2 (hawthorn, apple common pear and plum) and hedgerow 3 (hawthorn, ash, photinia, eucalyptus and fir. The proposed plans indicate a comprehensive planting scheme will be implemented to complement the proposed development and include the replacement of hedgerows with mixed native species hedgerows and a mix of native and ornamental trees, which will enhance the development site and improve visual amenity.

1.47 Drainage

A drainage strategy has been submitted (Drawing 2016101 000-00 A) that shows all drainage is to be collected into the road and taken off site via the existing drainage system to the north. Private car parking bays are to be constructed as permeable paving with connection to the main surface water system.

1.48 Coastal Designated Sites

1.49 The scheme will result in an increase in residential accommodation which will contribute to adverse impacts on designated sites at the coast through recreational disturbance. The scheme will, therefore, need to comply with the Councils Coastal Mitigation SPD. The SPD provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

1.50 If the application is recommended for approval, the following conditions should be attached to the application:

1.51 Conditions:

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a revised AIA is to be submitted based on the updated landscape proposals plan The AIA is to be produced in accordance with BS 5837:2012.

Within one month from the commencement of development on site, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the details provided within the Biodiversity Metric 3.1 and BNG Assessment Report (E3 Ecology R06

Feb/March 2023). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are 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. 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 8545:2014. 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. Any revisions to the landscape plan are to be submitted and approved by the local authority.

Within one month from the commencement of any development on site, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for on-site landscaping as set out in the Biodiversity Metric 3.1 and BNG Report (E3 Ecology R06 Feb/March 2023) and an approved Landscape Plan, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Biodiversity Net Gain Report/Biodiversity Metric (E3 Ecology R06 Feb/March 2023) and how the condition criteria will be met through management.
- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the Local Planning Authority for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the Local Planning Authority. The Plan will be reviewed every 5 years in partnership with the Local Planning Authority.
- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

5no. integrated bat features (e.g.bat brick, tile, bat box) and 5no. integrated bird features will be provided in new buildings within the development. Details of the specification and locations of the bird and bat features shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical

and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. This shall include the following information:

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

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

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°.

Hedgehog gaps (13x13cm) will be provided within any new boundary fencing to allow the movement of wildlife through the site. Details of the number, location and specification of the hedgehog gaps within the fencing shall be provided on a plan and submitted to the Local Planning Authority for approval in writing within 4 weeks of development commencing on site.

2.0 Representations

2.1 Support

2.2 Nine representations supporting this application have been received. These representations are summarised below:

- Great scheme that will provide much needed affordable housing in the area.
- Housing costs are significant at the moment and much needed affordable housing will provide relief for those on the housing waiting list.
- Fully support the entrance from Clydesdale Avenue as this will reduce the congestion around Victoria Avenue.
- The car park is being used to drop children at school which causes a lot of problems for Victoria Avenue residents. This is a danger for our children walking to and from school.

- It is important to build new homes to accommodate a growing population, especially at rents and prices that are affordable for people who cannot easily compete in the open market.
- Cheaper rents benefit existing businesses and residents because cash saved on rent might be spent on productive local businesses instead. Cheaper rents might attract new businesses and new residents, growing the local economy. Cheaper rents benefits, the wider economy because lower commercial and residential overheads boost productivity, which makes the UK more competitive.
- This would be a fantastic development in an area which could really do with the extra housing. This is also affordable housing too which we are really in need of so it will do wonders for the local people.
- I am in favour of the development but I am anxious to request the preservation of the existing hedgerow in the northeast corner of the site to preserve privacy.
- Support the planting of native trees and hedge plants. This will support the efforts of Friends of Benton Village Green and other members of the local community to improve the quality of the wildlife corridor through the site. The SUDS has potential for helping that aim too. Swift boxes should be built into all properties under eaves on north aspects as per official guidance.

2.23 Objections

2.24 155 objections have been received. These representations are summarised below:

- Adverse effect on wildlife
- Impact on landscape
- Inadequate parking provision
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion
- Loss of privacy
- Loss of visual amenity
- Inappropriate design
- Affect character of conservation area
- Inadequate drainage
- Inappropriate in special landscape area
- Loss of/damage to trees
- Pollution of watercourse
- Precedent will be set
- Within greenbelt/no special circumstance
- This development will add to traffic on Victoria Avenue, which is already congested at times. Urge the council to make more effort to promote sustainable transport in general so that residents can more easily choose to travel by bus rather than car. Until this is a more viable option, I hope the council will consider restricting parking by the junction of Victoria Avenue and Station Road. Parked vehicles on the latter hide oncoming traffic, which can make it especially difficult and dangerous for road users emerging from the former.

- Victoria Avenue and Clydedale Avenue are old and not very well-maintained streets and they are not designed for the current amount of traffic.
- Without meaning to pigeonhole every person who rents / lives in this type of "Social Housing Program" the sad truth is that the very nature of this type of development attracts a certain type of person or family which very often cause untold damage to the residents, properties and the feeling of safety and comfort that comes with living here in Forest Hall and particularly the aforementioned streets. Many of the residents have moved here for the quiet, peaceful and neighbourly atmosphere that Forest Hall provides. These people have then went on to invest huge amounts of money into their properties to make their quality of life better for themselves and for their often young families. This in turn raises the value of the surrounding properties and altogether improves the area. A Social Housing development such as this would degrade if not destroy that feeling of safety that we all share.
- This application is a mistake, it should not happen where you propose, and for once as our council change the habit of a lifetime and listen to the views of the people and residents you are supposed to serve in the public interest and know that we do not want this to happen. Instead of being motivated by greed look at an alternative for the site.
- Applicant is being greedy requesting to build so many properties on a small piece of land.
- The applicant has not worked with residents and has given no thought to the proposed plans.
- We need social bungalows; we do not have enough bungalows for our elderly living longer. There would be less traffic with bungalows so residents may be acceptable of this plan.
- Increase in traffic on Victoria Avenue will present safety issues for children who use Victoria Avenue to access the two schools in the area.
- Site needs to be developed but the proposed development is not in keeping with the local area.
- The suggested flats and the field drainage area are too close to existing properties.
The site, which is currently covered in rubble and weeds, and is a magnet to those wanting to create a disturbance could be developed to maintain the best qualities of the area. A safe place to walk and a haven for the wildlife.
- There is no guarantee of rental properties at housing benefit rates on the development, nor other clarity that the development will indeed benefit local people priced out of other housing.
- Will all the houses/ flats be for sale or will some be for rent?
- Could the Council or a Housing Association buy some for rent?
- Might Karbon Homes consider keeping a house for a refugee family rehoused through Community Sponsorship and the Home Office? The local charity Tyneside Welcomes (www.tynesidewelcomes.org) would support this: six of its members live in Victoria Avenue with others close by. I am Chair of Tyneside Welcomes.
- If the homes are to be affordable, they should have high levels of insulation, built in solar panels (Hot water and PV) and shared ground-source heating - easy to do when building from scratch.
- Access is an issue, whether via Victoria Avenue or Clydedale Avenue. Clydedale is very narrow. Having access via Victoria Avenue is a logical move as it is a more direct route to the main road. However, Victoria Avenue residents

mainly have no off-road parking, and many have more than one car, leading to significant existing congestion from parked vehicles. This makes both roads increasingly dangerous for children, especially at times of drop-off/pick-up for the three schools. Additionally, Post Office workers park in Victoria Avenue. There are already serious issues that the proposed development, in its present form, would make much worse.

-Avondale/Station Road junction has good lines of sight it is already busy. But parked vehicles on Station Road close to the junction with Victoria Avenue hide oncoming traffic, which makes it difficult and dangerous for road users to safely emerge from Victoria Avenue onto Station Road. This is exacerbated by the presence of another road directly opposite, leading to uncertainty over traffic priority at peak times, as well as a poor road surface. There are currently often long waits and dangerous incidents.

-Considering local conditions and the imperative to reduce motor traffic to combat climate change, air pollution and the eroding of safe space for walking and cycling that increased car use produces, we feel limiting the parking spaces to one per house would be advisable and desirable. Instead of over 30 potential cars having to drive along Victoria Avenue this could be reduced to 20. This would also encourage the use of bikes, buses and metros which in turn will address the need to reduce car use and air pollution.

-To enhance cycling and walking a segregated cycle route would be strongly supported (Photo 14 NT Cycling Design). The development without so many parking places lends itself to being landscaped as a play street.

-Has anyone considered where all the cars that drop off children for the schools will be parked if the car park disappears? What can be done to discourage cars being used to drop off children to school?

-The Village Green is a rare and precious relatively dark area locally. Bats are common in the area and will be negatively affected by bright and additional street lighting from the development. LED lighting should be "warm white" with less blue light. It is important that it should not stray onto the Village Green, which is used for stargazing and by bats at night; all lighting should be automatically dimmed after say, midnight. Birdlife is also affected by too intense street lighting.

-The area into Avondale Avenue is already heavily congested for access into existing houses, the school children high school and primary school are already compromised by the volume of traffic into school site and the cul de sac location Clydesdale Avenue is unsuitable. Construction vehicles are a danger in such a small cul de sac and the safety of the children and elderly residents is a concern.

-The number of houses should be reduced to make more space for play.

-Reduce the number of cars which would encourage the use of bikes, buses and metros which in turn will address the need to reduce car use and air pollution.

-As cyclists we would like to see the detailed cycling infrastructure of the site before the final submission to the Local Planning Authority.

-Height of the proposed fencing to the front of the terraced housing appears to be 1.8m high which we feel seems inappropriate considering the open aspect which exists in the surrounding streets.

-As a parent I object to this proposal on every level. This is not the type of development needed in this area. Especially not at the expense of our children's safety.

-The road is already too narrow to accommodate most large vehicles (the demolition of the Fusilier pub as an example, where wagons and lorries became stuck on the corner, or bin wagons who are unable to fit unless they fold all car

wing mirrors and have a colleague guide them) our children use the route via the Fusilier site to walk to school. This is already known locally as the 'School Gauntlet' due to the dangerous manoeuvring and volume of traffic from parents using the site as a car park. This is only going to get worse for our children throughout buildings works and into the future as the development is occupied.

- In Victoria Avenue alone we have 25+ school aged children, with the majority attending Benton Dene Primary and many just transitioning to Longbenton High School. Our children play in our street at all times in all weathers and deserve to do so safely. Many of our children also play on Benton Village Green directly adjacent, this would no longer be possible due to the dangers they will be presented with if this development is completed. The independence and responsibility they are able to have by using this area without very close supervision will be taken away from them. After spending so much time unable to be outside with their peers due to Covid restrictions this will only have a further negative impact on them as they grow to understand the adult world.
- This area would be much better suited to a safe space where our children can play freely without having to worry about the dangers of the world around them. We do not need additional housing and vehicles but more green space and amenities to occupy and engage our children. Benton Village Green has blossomed into a place that our children can learn and play, there are fruit trees, hundreds of plants and creatures of all shapes and sizes with designated areas for play. This site should be considered instead for our children. Be it a skate park, pump track, basketball court or simply grass.
- This kind of social housing will devalue our homes, increase crime rates and anti-social behaviour, over populate our existing, oversubscribed schools and create an environment that is not safe for our children to walk to school and play in.
- I am aware that residents on Clydesdale Avenue have concerns regarding traffic and would prefer to see access through Victoria Avenue, might I suggest you open both streets and distribute the traffic and dismay evenly so as to avoid resentment building between residents as I'm sure you will go ahead with your development regardless of our feelings, concerns and objections.
- I object to the plans based on vehicle access through Victoria Avenue only. The street is narrow with residents' cars parked on both sides of the road. It is not uncommon for cars to have to wait at either end of the street for access, due to another vehicle. This alone can cause problems on the main road. The street is a main pedestrian access for Benton Dene primary school and increased traffic, with the narrow road and parked cars will impact on the safety of the street. As a resident of Victoria Avenue, I also find it increasingly difficult to park on the street, which will only be made more difficult if it is the only through road for the new development.
- The plan is out of keeping with the existing residential mix, which is largely comprised of semi and detached bungalows, Dutch style bungalows with an upper storey extension and some detached and semi-detached houses. There is no provision on the site of bungalows for older residents. It would be appropriate to site 2-4 bungalows where the two blocks of flats are now planned. This would have the benefit of complementing the existing houses and continue the residential mix.
- The terrace of double storey housing is out of character with the rest of the surrounding area and would overwhelm the rest of the development. Each of the plots seems to have two parking places which would be a concern for traffic

congestion and safety also the existing traffic which is parked in the morning and afternoon for Benton Dene School pupil pick-up and drop off. These will only use Clydedale and Allendale Avenue causing even more congestion and aggro for residents.

-Who will be responsible for the maintenance and upkeep of the landscaping?

-The traffic on Victoria Avenue will increase in an area that is quiet and currently safe for our children. The street is a family street, and our children need safety. The area in question should be used as green space for the children. The noise and disturbance will affect the lives of people in Victoria Avenue negatively.

-The only reason these plans have changed is because of school traffic, so rather than rerouting the traffic, these plans should be completely reconsidered. Having social housing in this area will mean more noise, footfall, and is not in keeping with the area. I feel as though the residents of Forest Hall have not been considered here, and the council have not thought about the needs of the residents in the area. We don't need social housing, we need green space, parks, recreation, and safety for our families.

-Parents park on this site for drop off and pick up and regardless of this Clydedale Avenue is still full of cars one can only imagine how bad the surrounding streets would be if they no longer had access to park in there. This is already major safety issues for young children and high school children an accident waiting to happen. Thrown into this are many of the teachers parking in Avondale and users of the GP practice and surrounding shops.

-Changing the access from Clydedale Avenue to Victoria Avenue is a tremendous oversight and I strongly object to this.

-Victoria Avenue already gets highly congested, particularly during school drop off and pick up times. Unlike Clydedale Avenue, none of the terraced houses (1-14) have off-street parking or any space to create it, and the majority of the houses in the cul-de-sac (13-56) also lack adequate parking spaces. Houses on the north side of Victoria Avenue cannot use the back lane for access to our properties, as it is one cars width and used by the residents of Connaught Gardens who do not have any other option to access their homes as their street is pedestrianised to the front. There are always cars parked on either side of the road, reducing the access to one lane. This already causes issues in peak times, as there is nowhere for cars to go when they pull in from Station Road if the traffic is backed up along Victoria Avenue or a car / cyclist is coming in the opposite direction. Adding a substantial number of extra vehicles accessing the new development, particularly during peak times, will cause traffic to back up onto Station Road and cause significant congestion throughout Forest Hall and the environmental and safety issues should not be overlooked. The access onto Station Road has poor visibility due to parked cars on both sides of the junction which further delays cars exiting Victoria Avenue. It also causes cars to speed along the section between Station Road where it is reduced to one lane by the parked cars.

-You only have to look at the screenshots from Google maps (attached) to see the difference in width and accessibility to the site from both Victoria Avenue and Clydedale Avenue, including annotations to draw your attention to specific issues with the access. As a QHSE professional working in the construction industry, we look to mitigate the risks to all stakeholders and the environment whilst planning, both during the construction phases and for the lifecycle of the built site but the change in access looks to increase the risk to all stakeholders and I would like to

understand how this decision has been reached and ask you to provide this information to residents.

-Forest Hall and its residents, like so many other areas in North Tyneside are being "squeezed" with the cost of living crisis. The general infrastructure, the businesses, the transport links, the schools, everything is poorly maintained and supported, and we are all feeling the effects. To bring in another 50 or more people into this immediate area will put undue stress on every aspect of the area.

-These plans are not what we want, and personally I will be writing to our local MP to let him know of my feelings about this. We as residents do not want this development, my family does not want this development to happen, and I sincerely hope that you break a habit of lifetime as our council and start listening to the views of your residents in this matter and think of another way to use the aforementioned site.

-Clydesdale Avenue access would be better as residents can park on their drives.

There is a build-up of cars at the terraced section particularly at peak times. A potential increase to the current volume of traffic will cause further delays and potentially more congestion for vehicles entering and exiting Station Road.

-Congestion on the terraced section of Victoria Avenue will also cause serious delays or prevention of access for emergency vehicles.

-I live in Redesdale Close and have to drive down Avondale and through Weardale Avenue to get to my house. In term time Benton Dene parents and even some of the teachers park for up to 30 mins on Avondale and Weardale Avenue the traffic is dangerous and they double park so if an ambulance or fire engine needed to get through they wouldn't be able to. I have complained to the school on several times.

-There are quite a few parents of Benton Dene children who park on the site so where are they going to park? You need to sort Benton Dene parking first.

-Closeness of the gable end of the proposed houses too close to my house.

-Closeness of eastern block of flats to 11 Albany.

-On the plans a new fence is shown that blocks my side gate exit this gate has been in place for my family to use and the two families before us.

-My home has subsidence this has happened since the removal of the Fusilier pub, shrubs that belonged to Karbon Homes have been removed as this is thought to have been the problem but I am obviously very concerned for any future building work as I find it difficult to believe it was the shrubs alone that have caused the subsidence.

I would like my home to be independently monitored if/when Karbon homes commence their building work for any movement I hope you understand my concerns.

-This application has not addressed the main problem of vehicular access via Clydedale Avenue. The Benton Dene and High School traffic on the mornings afternoons from both ends is terrible with people ignoring the road restrictions, this will cause issue with site traffic and potential residents at pickup/drop off times endangering school children. While I have no problem with opening up the end of Clydedale Avenue to enable a secondary access to this area, I believe that the current access to the site via Victoria Avenue is more sustainable in the long run as a main entrance especially for large vehicle access. Current waste management services struggle navigating the narrow (Clydedale Avenue) and as a result current stone bollards have previously been destroyed in the attempt.

Furthermore the entrance into the estate via Station Road is the only entrance and exit, in the long run I believe that traffic lights will be needed due to the congestion this will inevitably cause, making Victoria Avenue access the better choice.

-The flats numbered 13 - 16 appear very close to the side of our house and are not in keeping with the bungalows and housing in this area.

-This amended application has not addressed the main problem of vehicular access through the estate.

-At a time when government is advocating 'clean air' around schools, these proposals, if agreed, would divert traffic towards a school entrance and residential area which is already experiencing high volumes of traffic.

-This development will block the view from the houses at the end of Albany Avenue and surrounding residences. It will also significantly limit the light into these houses as these are south facing and ruin views across the wildlife area which contributes to the value of the homes.

-Opposite the site of the old pub where the development is proposed is a wildlife area popular with families and local residents to sit and enjoy the green break in an otherwise heavily developed area. If this area were developed on the next wildlife area to sit and enjoy would be Killingworth Lake, (1.7 miles away) or Rising Sun reserve (2.2 miles away) both of which are already very busy.

-Outdoor spaces have always been important but it is since covid and the lockdowns that I personally have understood how important local green spaces are to support the maintenance of good mental health and relaxation. I fear should this development go ahead it will remove a green space currently used by many local residents for walking, dog walking, cycling, enjoying the local wildlife etc and push them onto further afield green spaces that are already heavily used.

-Together with the increased parking that will no doubt spill over from the large number of properties with at least two cars per property, more with visitors which will end up spilling onto nearby streets which are already dense with properties and cars.

-As an architect myself I would also like to comment on the densely packed design of terrace effect of the properties which have obviously been crammed on the site with little amenity space, which is not in keeping with the houses adjacent and in the area generally. A blatant overdevelopment in my opinion. A looser design with less properties, more amenity space and more thought to access would be more appropriate in my opinion. I hope as Planners all these points will be taking into account together with the previous objections from neighbours who are also concerned with the density and close proximity to their own properties.

-The surrounding streets in this location are already heavily congested not just at school pick up there is also teacher access, and wraparound care from 7:30am to 6pm. At the moment this site is used by the parents for school parking as well as parking in the surrounding streets this will only push the cars further into Victoria Avenue and make the Clydedale access worse than it already is. It is a huge safety risk to the small children accessing this primary school.

-The communication we had received from Karbon Homes which outlined a different plan to that which we had received from North Tyneside Council, I wish to put in writing our further concerns around the proposed pedestrian and cycle route through Allandale Avenue and onto the proposed site. There has never been an access route at this point, and I honestly cannot understand why this is needed. All I can see is that it would serve as a short cut from the site. The original plans proposed a pedestrian access around the site which I believe

would be adequate without adding an extra gate at the end of our driveway.

-The plans included 2 blocks of 4 flats. One of which is proposed immediately to the side of our property. You advised that there is a corridor of 1.5 meters between our house and the proposed block of flats. We feel that this is far too narrow, and we believe this would be a dark and frankly dangerous strip of land running alongside our house.

-I do not believe that the proposed blocks of flats are appropriate. I would have thought houses and some bungalows, which would offer much needed accommodation for older tenants, would be more appropriate.

-It seems very unsatisfactory to have vehicular access to the site through Avondale Avenue and Clydedale Avenue. Avondale is the only road in and out of the whole 'Dales Estate' and as a result can often already be quite busy and congested, especially with vehicles always parked on either side of it. Clydedale Avenue is a very narrow residential street which can only be accessed from Avondale Avenue by two tight 90-degree corners and which itself has another tight 90 degree corner along its length.

-Clydedale Avenue has for very many years, if not always, been a cul-de-sac, blocked off to vehicular traffic at the entrance to the pub car park. It was clearly never designed for any quantity of through vehicular traffic and is quite unsuitable for this purpose. This is especially so given the nature and size of the completed development which it appears will inevitably involve quite heavy and regular traffic flows at all times of the day.

-The development will have 8 flats and 12 houses with a total of 44 bedrooms, so a large number of adults will be living there with potentially a large number of private cars. Indeed, the proposal includes 32 on-site parking spaces for residents plus more for visitors so it is obviously envisaged that the number of vehicles at least could be regularly going in and out of the development. In addition, of course there will be services, maintenance and delivery vehicles, etc. These risks will be exacerbated by the fact that there is, and will be, a pedestrian/cyclist public right of way through the site via Clydedale Avenue which is quite well used at all times, but particularly in the morning and afternoon by children and their parents going to and from the local schools which have an entrance at the other end of Clydedale Avenue. There must be serious safety concerns about these pedestrians in future having to share the narrow width of Clydedale Avenue, and the same entrance to the development, with the vehicular traffic which will be generated by it.

-Vehicular access to this site has always been via Victoria Avenue. That is not to say that vehicular access via Victoria Avenue would be any more satisfactory for a development of this size. The Fusilier pub generated relatively light vehicle traffic as far I understand it but nevertheless still created some traffic management and safety concerns for residents of Victoria Avenue. These would likely be exacerbated by the increased traffic volumes arising from a development of this size.

-A new 3 metre wide walk/cycleway is proposed through the eastern end of the end of the site. This is welcome, if the development does go ahead. However, I would question what is proposed for the 10 metre strip of Victoria Avenue which leads onto that cycleway at the southeast corner of the site. As I understand it, one principal reason given by Karbon Homers in the past for not using Victoria Avenue for its owner coming forward later and stopping use of that strip by vehicles. (This ownership problem does seem to be evidenced by the current unmaintained state of the surface of that 10 metre strip). If this ownership

uncertainty is a real problem, who in the future will ensure the surface of that strip of Victoria is adequately maintained for pedestrians and cyclists. Is the Council planning to compulsorily acquire it and adopt it?

-It would not make sense to have a nice new cycleway through the development which can only be accessed by a potholed approach road.

-It appears the eastern gable ends of the houses and one block of flats will only be approximately 12 metres from the existing dwellings at 11 Albany Avenue and 14 Connaught Gardens. The pub was set rather further back than this. I question whether this relatively close proximity could impact adversely upon the right to light of those two properties and also the privacy of the residents there, with their gardens and windows being overlooked by the new development.

-Would a development of say half a dozen dwelling houses not be financially viable for the developer?

-These homes are very small, and I believe too many homes have been squeezed in to such a small site. There is very little green or landscaped space, so this development will look like a car park.

-Local wildlife, such as a deer, use Benton Village Green and the fields down to Benton Lane, A188. The wildlife will be disturbed by the building work.

-The Fusilier was always serviced via Victoria Avenue for both customers and deliveries, at present the Fusilier land is used as parking facilities for the school, this was agreed with the landlord of the pub at the time, when this land is developed all of these vehicles will then head into Avondale, Weardale and Clydedale, speak with the school regarding the safety issues of the danger to the kids. The headmistress e-mails, send letters out asking parents not to use these as drop off points but they ignore her and the permit parking, she even spoke about setting a road block up with the help of residents at the junction of Avondale and Weardale during the times of the permit. I invite you to visit and look at the way they drive in and out of the estate with no thought of the danger they are putting their own kids and others at risk. It would also have a further impact on the junction of Albany and Station Road, this junction services, Albany, Avondale, Weardale, Clydedale, Allendale, Teesdale, Wensleydale, Liden Court, Cambridge Avenue, along with the Doctors, Nursing Home, Benton View, Amici, three hairdressers, Firstvets, Gearbox, Sweet shop Chemist and beauty salon, the school plus the additional cars that are using the Fusilier and now the additional proposed 20 homes plus additional parking they have allowed for, the junction at Victoria Avenue and Station Road only services Victoria Avenue, if this was the access road they would have less traffic than they do now with the school using the facility, plus Clydedale Avenue is so narrow, houses 1 and 2 have permit parking for visitors who park on the road, this would make the entrance to the development very narrow and again for foot traffic, please come and witness especially when the high school comes out and the route they take walking through Clydedale Avenue, it's an accident waiting to happen.

-Things may have been different if parking control had taken a stronger stance but we never see them but then they turned up twice during lockdown when we had no issue as the school was closed, they had come to ticket residents who were not shown a permit.

-What is the impact this will have on the village green? This has over the last few years been redeveloped to include a wildlife conservation area - how would this be affected by the building of 20 homes?

-The houses are too close to the village green. They appear to be only 3m from the boundary. This should be at 6m.

3.0 External Consultees

3.1 Northumbrian Water

3.2 In making our response to the Local Planning Authority (LPA) Northumbrian Water assess the impact of the proposed development on our assets and assesses the capacity within our 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.

3.3 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://nwl.co.uk/services/developers/>

3.4 We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment". This document reflects our pre-planning enquiry advice identifying that foul flows will discharge to the existing public surface water sewer at manhole 6402. Surface water flows will discharge to the existing public surface water sewer at manhole 5503, at a restricted rate of 2.7l/sec.

3.5 We request that the following approval condition is attached to the planning approval, so that the development is implemented in accordance with the above-named document:

3.6 Condition: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "January 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6402 and ensure that surface water discharges to the surface water sewer at manhole 5503. The surface water discharge rate shall not exceed the available capacity of 2.7l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

3.7 It should be noted that we are not commenting on the quality of the FRA as a whole or the developer's approach to the hierarchy of preference. The council, as the LLFA, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts/design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SUDS for future adoption.

3.8 Newcastle International Airport Limited (NIAL)

3.9 The Airport welcomes the production of a Bird Strike Risk Assessment. The applicant has argued that due to the scale of the proposed landscaping, the location of the site and the percentage cover of native hedging, the species mix is considered appropriate and would not detriment the safe operation of the Airport. On balance, after considering this argument, the Airport is satisfied that the proposal would not lead to an inappropriate rise in bird activity which would potentially harm the safe operation of the Airport. The Airport wishes to remove its original holding objection.

3.10 Northumbria Police

3.11 We have noted the new layout and boundary treatments. As with our comments dated 14th March 2022, we still have concerns regarding the footpath located adjacent to Plot No's 13, 14.15 and 16. I would ask this footpath is reconsidered and removed as there is already pedestrian access from Clydedale Avenue and Victoria Avenue.

3.12 As per pervious comments, we would recommend lighting levels conform to British Standard for street lighting BS5489-1:2020 which is the industry standard for road and public amenity lighting.

3.13 Northumberland Wildlife Trust

3.14 The Trust has no objection to the application as long as the following details are confirmed and agreed under relevant planning conditions or ideally a Landscape and Ecology Management Plan (LEMP).

3.15 The following habitats have been listed as being lost under the current plans – semi-improved neutral grassland, species-poor defunct hedgerow, scattered and dense scrub, and immature broadleaved trees forming part of a local wildlife corridor. Further impacts include disturbance to foraging and/or commuting bats, potential disturbance to breeding birds using hedgerows and small mammals that may be using the site.

3.16 Plans include the creation and or enhancement with native species-rich hedges along sections of the boundaries as mitigation for the listed impacts. There is mention of hedgerows with standard trees but this does not appear to be indicated on the plan or planting list. The final landscape plans should therefore indicate species mixes and hedgerow trees at intervals along the hedgerows, using locally native species.

3.17 In addition, there are a number of 'urban trees' throughout the development. The Trust recommends that more locally native tree species are planted within the site rather than the ornamental varieties noted in the planting list, which will increase the overall value for biodiversity, as 58% of the net gain contribution is through the planting of 'urban trees'. The hedgerows and trees to be retained or removed should be clarified in the LEMP, alongside replacement habitat and species lists. Timings of vegetation removal or disturbance also need to avoid bird-breeding season.

3.18 The Trust welcomes the proposals for wildflower areas; however, the Soft Landscape Specification does not provide details of appropriate soil use for the establishment of these areas or the future management to maintain these areas.

3.19 Details of the above points need to be clarified and then agreed by the Council Biodiversity Officer, through appropriate conditions, to ensure adequate mitigation and future management for nature conservation.

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Item No: 2
Application No: 21/01569/FUL
Date valid: 23 July 2021
Target decision date: 17 September 2021
Author: Maxine Ingram
☎: 0191 643 6322
Ward: Weetslade

Application type: full planning application

Location: Land At Former School House, Sandy Lane, North Gosforth, NEWCASTLE UPON TYNE

Proposal: Erection of 4no detached dwellings. (Resubmission) (Additional information: landscape plan, tree report, biodiversity net gain assessment, received and uploaded 10.01.2022)

Applicant: C/O George F White

Agent: George F White

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider are:

- The principle of the development,
- The impact on character and appearance including the conservation area, the setting of the listed building and the Green Belt,
- The impact upon residential amenity,
- The impact on the highway,
- The impact on biodiversity; and
- Other issues.

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

2.0 Description of the Site

2.1 The site to which this application relates is a vacant parcel of land measuring approximately 0.18 hectares (ha). It is located at the junction of B1318 and Sandy Lane. To the north the site is bound by Sandy Lane. To the west the site is bound by the B1318. Within the site there are several trees, these are protected

by the Sandy Lane West Tree Preservation Order (TPO) 2007. Immediately beyond the southern and eastern boundaries of the site is an area of designated Green Belt. This encompasses a large, wooded area, the trees located within this area are also protected by the Sandy Lane West TPO. Further to the south of the site are the Church of the Sacred Heart (Grade II Listed Building), Church Hall and Presbytery. Beyond the highways to the north and west of the site are residential properties.

2.2 The application site is located within the Sacred Heart Conservation Area.

3.0 History of the Site

3.1 The site has a detailed and complicated history which is set out in greater detail in Section 4 of this report. The site was formerly occupied by a Victorian building, known as the Old School House. The former buildings on the site were damaged by fire, resulting in the demolition of the buildings several years ago. Since the demolition of these buildings the site has remained vacant and undeveloped. Members are advised that the history of events leading to the demolition of the former buildings is not a material planning consideration in the determination of this application nor is it a reason to refuse any form of development on this site.

3.2 It is noted that there have also been several enforcement cases relating to this site. Members are advised that the enforcement cases are not a material planning consideration in the determination of this application, which must be assessed on its own merits.

3.3 The last appeal decision related to the construction of 8no. managed residential letting properties (Planning Ref: 17/01543/FUL). This appeal was dismissed. The Planning Inspector found the appeal scheme, in combination of scale, mass and form, a dense development in close proximity to the undeveloped woodland that would consequently result in a harmful effect on the character and appearance of the area and the Conservation Area. The Planning Inspector considered that the proposed development would cause less than substantial harm to the significance of the Conservation Area as a whole and whilst there may be some public benefit that did not overcome the harm they identified.

3.4 The Planning Inspector considered that appropriately worded conditions could deal with the drainage works without having an unacceptable detrimental impact on the protected trees. They also considered that an appropriately worded condition could secure a lighting scheme that would not have an unacceptable impact on the woodland. They concluded that the development would not have an unacceptable impact on biodiversity.

3.5 The Planning Inspector did not find that the additional activity generated by the appeal scheme would be sufficient to have a notable detrimental impact on the living conditions of the occupiers on the nearby Sandy Lane and the busy B1318 road.

4.0 Description of the Proposed Development

4.1 Planning permission is sought for the construction of four detached residential dwellings.

4.2 The north building line of the proposed dwellings is staggered. The units, excluding the recessed part of the proposal, will be sited between 7m and 11m from the northern boundary (approximately). The unit closest to the B1318 will be sited between 1m and 3m from the western boundary (approximately). Each dwelling will accommodate a pitched roof which is split to vary the height. The height varies between 9.6m and 7.5m (approximately). The eaves will be approximately 5.6m.

4.3 The ground floor will accommodate an integral garage, kitchen/dining room, living room, dining room, study and utility. The first floor will accommodate four bedrooms two with en-suite and a bathroom. First-floor balconies are proposed to the front and rear of the dwellings.

4.3 To the front of the integral garage is a driveway which can accommodate two vehicles. Gardens are located to the front and rear of the dwellings.

5.0 Relevant Planning History

5.1 The planning history confirms that all applications received relating to tree works were returned.

21/01774/FUL - Erection of gym with associated parking (Re-submission) - (Additional information: landscape plan, tree report, biodiversity net gain assessment, received and uploaded 25.02.2022, additional information: AIA, TPP received 12.01.2023) – Permitted 15.03.2023

20/01261/FUL - Erection of a Gym / Nursery Building (Additional information submitted February (various reports) and April 2021 (sequential assessment)) - Withdrawn 10.05.2021

20/01260/FUL - Erection of 4no detached dwellings (Additional information submitted) – Withdrawn 15.03.2021

17/01543/FUL - Development of 8no. managed residential letting properties, including construction of new site access and parking area and removal of one protected tree (Amended plans/documents received 22.05.2018) – Refused 08.08.2018. Dismissed at appeal 30.04.2019.

09/03313/FUL - Demolition of existing structure and erection of a single detached dwelling house incorporating parking, guest house and landscaping/maintenance plan. Two options for design of guest accommodation (Amended proposal and additional option (2)) – Withdrawn 17.01.2013

09/03314/CON - Demolition of existing structure and erection of a single detached dwelling house incorporating parking, guest house and landscaping/maintenance plan. Two options for design of guest accommodation (Amended proposal and additional option (2)) – Withdrawn 17.01.2013

09/02158/FUL - Demolition of existing derelict building and construction of residential dwelling and detached garage – Refused 16.10.2009.
Allowed at appeal.

09/02159/CON - Demolition of existing derelict building and construction of residential dwelling and detached garage – Refused 16.10.2009.
Allowed at appeal.

08/03479/FUL - Demolition of existing building and construction of residential dwelling and detached garage – Withdrawn 26.01.2009

08/03480/CON – Demolition of existing building - Withdrawn 26.01.2009

07/00902/CON – Demolition of dangerous structure – Refused 11.05.2007

06/03017/OUT – Proposed 2 storey residential care home providing 42 private bedrooms and associated accommodation – Refused 13.12.2006

6.0 Development Plan

6.1 North Tyneside Local Plan (2017)

7.0 Government Policies

7.1 National Planning Policy Framework (NPPF) (July 2021)

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

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

PLANNING OFFICERS REPORT

8.0 Main Issues

8.1 The main issues in this case are:

- Principle of the development,
- The impact on the character and appearance including the conservation area, the setting of the listed building and the Green Belt,
- Impact upon residential amenity,
- Impact on highway safety,
- Impact on biodiversity; and,
- Other issues.

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

9.0 Principle of the development

9.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

9.2 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

9.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve 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 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. In this case, development plan policies important to the determination of housing applications will be regarded as out of date because the Local Planning Authority (LPA) cannot currently demonstrate a five-year supply of deliverable housing sites. What is referred to as the 'tilted balance' principle means there is a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits.

9.4 Paragraph 60 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards 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.

9.5 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose 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.

9.6 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 considering flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

9.7 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.

9.8 LP Policy S4.3 'Distribution of Housing Development Sites' states: "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."

9.9 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...."

9.10 LP 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.

9.11 Several objections have been received regarding the development of this land. These objections are noted.

9.12 The site is not designated for housing; however, the surrounding area is predominantly residential. Furthermore, the former use of the site was residential. The proposed development would be on previously developed land within a built-up area. It is the view of the case officer that the principle of residential development on this site is acceptable.

9.13 Members need to determine whether the principle of the proposed development, in terms of bringing a vacant, brownfield site forward for residential use and whether it meets the requirements of the NPPF and LP Policies S1.4 and DM4.5. It is the view of officers that the principle of bringing a vacant, brownfield site forward for a residential development is acceptable, subject to all other material considerations set out below being addressed.

10.0 North Tyneside Council Housing Land Supply

10.1 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

10.2 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a three-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The proposed dwellings would make a contribution towards the borough achieving a five-year housing land supply.

10.3 The proposed development would assist in supporting the council's objective of meeting the objectively assessed housing need and ensure a mix of housing for both existing and new residents in the borough. This is therefore in accordance with LP policies S4.1 and S4.2(a) 'Housing Figures'.

11.0 Impact on character and appearance, including the conservation area, the setting of the listed building and the Green Belt

11.1 Under Sections 66(1)) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering granting planning permission which affects a listed building, or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any feature of special architectural or historic interest which it possesses. Section 72(1) of the same Act contains similar requirements with respect to buildings or land in a conservation area.

11.2 Paragraph 195 of the NPPF requires LPA's to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. LPA's should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

11.3 Paragraph 196 of the NPPF states "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

11.4 Paragraph 197 of the NPPF requires LPA's to determine applications taking account of the following:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- 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.

11.5 In respect of designated heritage assets, the NPPF states that when determining the impact on the significance of a 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 (para 199). Potential impacts on heritage assets are further considered in paragraphs 200-202 of the NPPF.

11.6 Paragraph 206 of the NPPF encourages LPA's to look for opportunities for new development within conservation areas or the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

11.7 Members are advised that the application site is not located within designated Green Belt; it borders the designated Green Belt to the east and south. The main purpose of the Green Belt is to check the spread of the built-up area by keeping land permanently open, preventing urban sprawl and merging settlements. In conformity with the NPPF, Policy DM1.6 'Positive uses within the Green Belt' the Council will regard the construction of new buildings in the Green Belt as inappropriate.

11.8 LP Policy S6.5 'Heritage Assets' seeks to pro-actively preserve, promote and enhance its heritage assets.

11.9 LP Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states:

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

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.

Heritage assets that are to be affected by development will require recording (including archaeological recording where relevant) before development commences.

Any heritage reports prepared as part of a development scheme will be submitted for inclusion on the Tyne and Wear Historic Environment Record (HER) and published where considered appropriate.”

11.10 Paragraph 126 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.

11.11 Paragraph 130 of the NPPF states “Decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

11.12 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities.

11.13 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

11.14 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 of 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.”

11.15 LP Policy DM7.9 ‘New Development and Waste’ states “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.”

11.16 LP DM5.9 ‘Trees, Woodland and Hedgerows’ supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

11.17 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.

11.18 The Sacred Heart Church Conservation Area Character Appraisal was adopted in January 2009. It acknowledges that most of the conservation area forms part of the Green Belt and therefore consideration must be given to how it looks when viewed from its environs, including the adjoining areas of Green Belt. Specific reference is made about the application site in this document stating, “Whilst it is acknowledged that the derelict site cannot remain in its current state, any proposed development will be subject to intense scrutiny and extremely careful consideration to ensure that it is deemed suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area”.

11.19 The objections received regarding the impact on the conservation area, affecting the setting of a listed building, inappropriate design, inappropriate materials, out of keeping with surroundings and amount of development proposed are noted. This site is not designated as a Site of Special Scientific Interest (SSSI), and it is not located in the Green Belt; it borders the Green Belt to the east and south.

11.20 The Northumberland and Newcastle Society considers the design of the application to be modern incorporating steep pitched roofs. They do not consider that the chosen design approach and layout addresses the challenges of this site set out in Council documents. They consider that it ignores the importance of the corner site and the elevation to the B1318 road. They consider the design of the

houses to be repetitive and perhaps too many to achieve an appropriate treatment of the site. They consider an individual house at the corner would be more likely to address the issue of this corner site.

11.21 The objector's comments regarding the footprint of the development being greater than the buildings that previously occupied the site is noted. Members are advised that this application must be assessed on its own merits and consider whether, in their opinion, the site can accommodate the development proposed and consider whether the design of the proposed housing is appropriate in this part of the Conservation Area.

11.22 The application site is located within the Sacred Heart Church Conservation Area occupying a corner position. The conservation area has an undeveloped character, its only buildings being the Grade II listed Sacred Heart RC Church, Parish Hall and Presbytery. The wider Conservation Area is largely covered in mature woodland and is also designated as Green Belt. It is bound to the north by Sandy Lane and to the west by the B1318. The residential properties located to the north of the site vary in terms of design.

11.23 Members are advised that this application is a re-submission of a similar proposal for four detached dwellings (Ref: 20/01260/FUL). The applicant was advised that the design failed to recognise its surrounding built context and the proposed materials were also considered to be unsuitable. This application was withdrawn.

11.24 This application is for the construction of four detached dwellings, designed with a contemporary architectural approach.

11.25 Heritage and Design comments have been sought. These comments are clear that the officer considers this revised application overcomes the reasons for their previous objections. They consider the contemporary architectural design maintains a relationship to its surroundings through the scale, form and use of materials. As already discussed, there is a mixture of building forms and styles around the site, and they are all unified by pitch roofs which create a visual link between buildings. The proposed application continues the visual link.

11.26 The dwellings would accommodate pitched roofs of varying scales. By varying the roofscape and providing breaks between the footprints of the plots, views of the woodland to the rear would be afforded.

11.27 The Heritage and Design comments are clear that the success of the proposal will rely on the quality of materials used and architectural details employed. A range of materials are proposed including red multi-brickwork, render and timber alongside clay roof tiles. This reflects the materials on the surrounding buildings or where contemporary materials are used, they reflect the colours and tones of existing materials in the local area. Conditions are recommended to ensure sample details of materials are secured.

11.28 The dwellings will be sited away from the boundaries of the site. The proposed dwellings would front onto Sandy Lane creating an outward facing development and improving natural surveillance. The property sited closest to the

B1318 would be the most visually prominent. The lightwell serving this property is sited on its west elevation which assists in reducing the mass and breaking up the front print of this property. The windows proposed at ground floor and first floor further break up this elevation. It is considered that the design approach for this property responds positively to its corner location.

11.29 Each dwelling will have its own driveway to the front of an integral garage and front and rear gardens with sufficient space to accommodate refuse storage. Alterations to the existing stone wall along the northern boundary will be required to provide vehicular and pedestrian access to the dwellings. A condition is recommended to secure details of boundary treatments.

11.30 Due to the separation distance that will exist between the proposed development and the listed building, including the intervening woodland, it is not considered that the setting of the listed building would be significantly affected. No alterations are proposed to the existing stone wall on the western boundary.

11.31 As already discussed, the site lies adjacent to the Green Belt. Given that the site is well screened to the east and south by the existing woodland, it is the view of the case officer that the proposed development would not impact on the openness of the Green Belt.

11.32 Members need to determine whether the impact of the development is acceptable in terms of its impact on the character and appearance of the conservation area, it is acceptable in terms of its design, scale and mass and its impact on the Green Belt. It is officer advice that it is acceptable.

12.0 Impact upon residential amenity

12.1 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location considering 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 impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

12.2 LP Policy S1.4 'General Development Principles' 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.

12.3 LP Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

12.4 LP Policy DM6.1 'Design of Development' 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.

12.5 LP Policy DM4.6 'Range of Housing Types and Sizes' seeks to ensure that new residential development provides a mix of homes to meet current and future demand, and to create sustainable communities.

12.6 LP Policy DM4.9 'Housing Standards' states that the Council will require that new homes provide quality living environments for residents both now and in the future. All new homes, both market and affordable, are to meet the Government's Nationally Described Space Standards (NDSS).

12.7 The objections received regarding the impact on residential amenity are noted.

12.8 The proposed development would be constructed on previously developed land. It is sited on a corner plot close to the junction of Sandy Lane and the B1318. The site is enclosed by a stonewall to its north and west boundaries with an access/egress from Sandy Lane. Immediately to the north of the site are two existing residential dwellings, No. 1 The Villas and Roscobie, which directly overlook the site. The remaining properties on Sandy Lane do not afford direct views of the application site. Immediately to the west of the, beyond the B1318, are existing residential dwellings Avonside, Stella Maris, Cherholme, Singapura that afford direct view of the application site.

12.9 The proposed development would be set back from the north and west boundaries of the application site. A separation distance of over 20m would exist between the proposed dwellings and the existing residential dwellings located to the north and west of the site. The properties located to the west of the site would mainly afford views of the property proposed closest to the B1318. The pitched roof over this part of the proposed development would pull away from the western boundary which would assist in reducing its scale and mass when viewed from the west. It is the view of officers that the proposed dwellings, by virtue of their siting, would not significantly affect the outlook from the residential dwellings located to the north and west of the site or the amount of light entering them.

12.10 Windows are proposed to the west elevation of the property sited closest to the B1318. Due to the separation distance that would exist between this dwelling and the existing dwellings to the west of the site, it is not considered that it would significantly affect their privacy.

12.11 The proposed dwellings would afford views to the existing dwellings located to the north of the site. Views from the ground floor window towards the existing dwellings would be partially screened by the boundary treatment. The first-floor windows would serve bedrooms and a gallery/landing area. It is noted that a balcony is proposed to the front of one of the bedrooms. Due to the separation distance that would exist it is not considered that the first floor windows and balcony would significantly affect the privacy of the existing dwellings to such an extent that would sustain a recommendation of refusal.

12.12 A first-floor balcony is proposed to the rear of the dwellings. Due to the positioning of these balconies, it is not considered that the privacy of future occupants would be significantly affected to such an extent that would sustain a recommendation of refusal.

12.13 It is clear from the site layout that each dwelling will have its own private amenity space, parking and sufficient space to accommodate refuse storage. It is considered that the proposed layout would provide future occupants with an appropriate level of residential amenity. A compliance condition is recommended to ensure the properties comply with Policy DM4.9.

12.14 The Manager for Environmental Health has been consulted. She has raised concerns regarding road traffic noise from the B1318 affecting the proposed development.

12.15 No noise assessment has been provided to outline the impact of road traffic noise affecting the site to determine the sound attenuation measures necessary to protect the proposed dwellings. She has also raised concerns regarding the limited screening being provided by the existing wall. Her comments regarding the increase in height of the existing wall is not acceptable and alternative provision within the site will need to be considered. She has recommended a condition requiring a noise assessment to be submitted to determine necessary sound mitigation measures to ensure good standards of internal noise and external gardens meet noise levels for outside spaces.

12.16 The Manager for Environmental Health has recommended further conditions to control the hours of construction and dust suppression measures during construction.

12.17 The NPPF, paragraph 55 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 56 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 185 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". The Manager of Environmental Health has clearly set out in her comments that she considers conditions can be imposed to secure appropriate mitigation for future occupants.

12.18 Members need to consider whether the proposed development, including having regard to the advice from the Manager of Environmental Health, would result in an acceptable impact on the residential amenity of existing residents living conditions and future occupants living conditions in accordance with NPPF and LP Policies DM6.1 and DM5.19 and weight this in their decision. Officer advice is that subject to imposing the suggested conditions, the impact on the amenity of existing and future occupants is acceptable.

13.0 Highways

13.1 The NPPF paragraph 111 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.

13.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

13.3 The NPPF paragraph 113 sets out guidance on sustainability and connectivity.

13.4 LP 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.

13.5 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 considered and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

13.6 The Council's maximum parking standards are set out in the Transport and Highways SPD (2022).

13.7 The objections received regarding the impact on the highway network, lack of parking provision, poor traffic and pedestrian safety and poor and unsuitable vehicular are noted.

13.8 Individual vehicular access to each dwelling would be provided from Sandy Lane. The existing stone wall along the northern boundary would need to be altered to accommodate the access/egress points. Each dwelling would have an integral garage with a driveway to front. A total of three parking bays, including the garage, would be accommodated within each plot.

13.9 The Highways Network Manager has been consulted. He has confirmed that parking would be provided in accordance with current standards for each dwelling. No visitor parking is proposed but he considers there is ample capacity on Sandy Lane which is not a through route and is wide enough to accommodate the small number of parked vehicles likely associated with visitors to the proposed dwellings. The site is also within walking distance of local bus services. On this basis, he has recommended conditional approval.

13.19 A further condition is recommended to secure appropriate refuse storage.

13.20 Members need to consider whether the proposed development is acceptable in terms of its impact on highway safety and parking provision. It is officer advice that it is.

14.0 Biodiversity

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

14.2 Paragraph 174 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.

14.3 Paragraph 179 of the NPPF states that when determining planning applications Local Planning Authority's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 180 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.

14.4 LP Policy S5.4 'Biodiversity and Geodiversity' seeks to protect, create, enhance and manage sites within the borough relative to their significance.

14.5 LP DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links.

14.6 The objections received regarding impacts on wildlife and trees are noted.

14.7 The Landscape Architect and Biodiversity Officer have been consulted. They have considered the submitted information including a Biodiversity Net Gain Assessment and Metric, Woodland Enhancement Area and Tree Reports.

14.8 The site consists of semi-improved grassland and scrub with several large mature trees and shrubs close to the east and south boundary. The collective trees and tree groups skirting the proposed development form part of a larger woodland area that affords protection by a Tree Preservation Order (TPO) and Conservation Area.

14.9 The consultees have advised that the land surrounding the application site is valuable habitat for wildlife and biodiversity with the trees being the most important feature providing some amenity and screening.

14.10 BNG will be delivered as part of the development through on and off-site habitat creation/enhancements. Habitat creation within the site includes vegetated garden and off-site compensation will be delivered through the enhancement of the existing woodland (0.16 hectares (ha)) adjacent to the site to reach a target of 'fairly good'. The off-site enhancements include removal and management of invasive species, control of public access into the enhancement area by introducing designated paths to reduce trampling, planting of native species-rich mixtures of scrub to increase structure and diversity, introduce a woodland ground flora mix to increase species diversity, creating standing deadwood and log piles.

14.11 The proposed landscaping plan indicates areas of landscaping within the scheme that include privacy hedging between plots, a mixed native hedge to the western boundary, trees and bulb planting to the northern boundary of each garden plot and woodland wildflower seeding to the southern boundaries of each plot.

14.12 There are 18 significant individual trees and one tree group within influence of the site. The proposed development will not require the removal of any trees, but the consultees have advised some ground works are scheduled near the trees and within Root Protection Area's (RPA's). Works within the RPA must employ special construction techniques to minimise disturbance to tree roots. Such measures are detailed in the AMS regarding the installation of drainage and parking provision.

14.13 The application site is beyond the 6km 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest (SSSI) and Special Protection Areas (SPA's)/Special Areas of Conservation (SAC)/Ramsar sites. However, this application will result in an increase in recreational accommodation, impacts to the designated sites may result from increased recreational disturbance.

14.14 This development will need to comply with the Coastal Mitigation SPD which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Natural England have not raised any objection to this application subject to the coastal mitigation contribution being secured, there will be no significant damage or disturbance to the coastal areas. The Council's Biodiversity Officer has not raised any objection to this development in terms of its impact on the Northumbria Coast SPA subject to securing the coastal mitigation contribution.

14.15 The consultees have suggested conditions to appropriately mitigate the impacts of this development regarding its impact on trees and protected species, including lighting conditions.

14.16 Members need to determine whether the development results in significant harm to ecology trees and adjacent woodland. It is officer advice that the development would not result in significant harm.

15.0 Other issues

15.1 Flooding

15.2 Paragraph 167 of the NPPF states "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment...."

15.3 The objections received regarding inadequate drainage and watercourse are noted.

15.4 The Local Lead Flood Authority (LLFA) has been consulted. They have carried out a review of the surface water drainage proposals. The development would provide surface water attenuation within the site for a 1 in 100 year rainfall event plus 40% increase for climate change via the use of permeable paving and underground storage crates. The proposed surface water discharge rate would be restricted to 2.5 litres/second (l/s) and would discharge into the highway drainage system location on Sandy Lane. Surface water will not discharge into the watercourse located to the south of the site.

15.5 Members need to determine whether the proposed development is acceptable in terms of flood risk and drainage. It is officer advice that it is.

15.6 Ground conditions

15.7 Paragraph 183 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.

15.8 Paragraph 184 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.

15.9 LP Policy DM5.18 “Contaminated and Unstable Land” seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

15.10 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.

15.11 The Contaminated Land Officer has been consulted. She has advised that the site is located within close proximity to unknown filled ground and mine workings. It is clear from her comments that conditions can be imposed to deal with ground conditions.

15.12 Archaeology

15.13 Paragraph 205 of the NPPF states “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”

15.14 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.

15.15 Previous planning applications have confirmed that there are no archaeological constraints affecting this site.

15.16 Aviation

15.17 Newcastle International Airport has raised no objections to the proposed development. An informative is recommended to advise future occupants of the proximity of the site to the airport.

15.18 North West Villages Sub Area

15.19 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.

16.0 Local Financial Considerations

16.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy (CIL).

16.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

17.0 Conclusions

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

17.2 Specifically, NPPF states that Local Planning Authority'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.

17.3 The site is not designated for a specific use in the LP. Members need to consider whether the principle of the proposal is acceptable. The council does not have a 5-year supply of deliverable housing sites. This proposal would make a valuable contribution towards the requirement for the council to have a 5-year supply of deliverable housing sites. This is a significant material consideration which weighs in favour of the proposal.

17.4 Members need to consider whether the design and layout of the proposal is acceptable in terms of its impact on existing residential dwellings, its impact on the character and appearance of the Sacred Heart Church Conservation Area and the adjacent Green Belt. It is officer advice that it is acceptable.

17.5 Members need to consider whether this development will result in an unacceptable impact on the residential amenity of existing residential dwellings or future occupants having regard to the NPPF and Local Plan Policies DM6.1 and DM5.19. It is officer that it is acceptable subject to imposing the suggested conditions.

17.6 Members need to consider whether this development is acceptable in terms of its impacts on highway safety and whether sufficient parking is provided. It is officer advice that this proposal will provide sufficient parking and will not have an unacceptable impact on highway safety.

17.7 Members need to consider whether this development is acceptable in terms of biodiversity and trees. The development will not significantly impact on the trees or biodiversity. It is officer advice that is acceptable.

17.8 Issues to do with flooding and contaminated land can be dealt with via conditions.

17.9 It is therefore recommended that planning permission should be granted subject to a Legal Agreement to secure a coastal mitigation contribution and conditions.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that:

the Committee indicates that it is minded to grant the application; and the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:

the conditions set out in the planning officers report;

the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;

and,

iii) completion of a legal agreement to secure a financial contribution for the following:

-604.00 pounds towards coastal mitigation.

It is recommended that:

the Committee authorises the Director of Law and Governance and the Director of Regeneration and Economic Development to undertake all necessary procedures (relevant legal agreement) to secure:

-Altered access

-Upgrade of existing footpaths abutting the site

-Associated drainage

-Associated street lighting

-Associated road markings

-Associated signage

-Associated Traffic Regulation Orders

Conditions/Reasons

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

- Location plan 1:1250
- Proposed site layout SA 1 Si1 A
- HT1 ELevations SA 1 HT1.2 A
- HT1 Plans SA 1 HT 1.1 A
- HT2 ELevations SA 1 HT2.2
- HT2 Plans SA 1 HT 2.1

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Notwithstanding Condition 1, prior to the occupation of any dwelling hereby approved the applicant shall enter into an appropriate Legal Agreement with the Council for the following works and agree a timetable for their implementation:

- Altered access
- Upgrade of existing footpaths abutting the site
- Associated drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders

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).

4. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until all new means of access have been sited and laid out in accordance with the approved drawing, Proposed site layout Dwg No. SA1 Si1, and permanently retained and maintained thereafter.

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

5. Notwithstanding the Condition 1, the scheme for driveways, private parking spaces, and garages associated with each dwelling hereby approved shall be laid out in accordance with the approved plan, Proposed Site Layout SA1 Si1, prior to the occupation of each dwelling. These parking areas, driveways and

garages, shall not be used for any other purpose and shall be permanently retained thereafter.

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

6. Notwithstanding Condition 1, prior to the occupation of each dwelling a scheme for the provision of and storage of refuse, recycling and garden waste bins shall be submitted to and approved in writing by the Local Planning Authority. These agreed storage areas and refuse provision shall be provided prior to the occupation of each dwelling and retained thereafter.

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

7. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; 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). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. Tree protection is to be installed in accordance with the AIA, AMS and TPP. The tree protection fence is to be of a type and height as described in the revised AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence. 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), to ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity and residential amenity having regard to policies DM5.9, DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

8. Notwithstanding Condition 1, no development shall commence until a condition survey has been carried out on the highway drain from point of connection through to point of discharge and submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Any issues identified shall be resolved by the applicant and/or appointed developer prior to connection from the development.

Reason: This information is required from the outset to ensure that an appropriate drainage connection can be achieved and the development would not increase flood risk having regard to the National Planning Policy Framework (July 2021).

9. 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 DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. No development shall be commenced until a Desk Study (Phase 1) has been completed and a written sampling strategy (scope of works) for the contamination site investigation is submitted to, and agreed in writing by, the Local Planning Authority before the commencement of site investigation works.

The Desk Study Report should be written in accordance with the current government guidelines including but not exclusive of those including the BS10175 2011 +A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

Reason: To ensure that the potential contamination 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.

11. Prior to commencement of development a detailed Site Investigation (Phase 2) must be carried out including an interpretative report on potential contamination of the site. This must be prepared by an appropriately qualified person and submitted to and approved in writing by the LPA to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and an assessment whether significant risk is likely to arise to the end users and public use of land, building (existing or proposed) or the environment, including adjoining land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) an appraisal of remedial options, and proposal of the preferred option(s).

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
- Results of sampling and monitoring carried out in accordance with sampling strategy, and;
- An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation).

The Site Investigation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

Reason: This information is required from the outset to ensure that the potential contamination 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.

12. Should the site investigation reports pursuant to conditions 10 and 11 require remediation works, a detailed Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any part of the development hereby approved above damp proof course level. The remediation method must include phase 1 and 2 reports in accordance with BS10175 risk assessment pre and post remediation scheme. The method statement must specify remediation for each identified contaminants giving installation or construction methods required to break pathway, or specifying disposal; or in situ treatment as deemed appropriate, the handling and disposal of contaminants to prevent spread of contaminants and the critical control checks required to ensure remediation areas, handling and deposition areas and installation drawings of gas protection scheme must be included.

The design of the remediation strategy should consider the results from the previous two phases of investigation and consider the proposed use/layout of the development.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protections Act 1990 in relation to the intended use of the land after remediation. An options appraisal will only be acceptable upon the inclusion of the recommended preferred option.

The Remediation Method Statement should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management.

Reason: This information is required to ensure that the potential contamination 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.

13. Prior to the occupation of each dwelling on the development hereby permitted, a Remediation Validation report for the site, if required, must be submitted to and approved in writing by the Local Planning Authority. A Validation report (sometimes referred to as a Verification report) is used to demonstrate remediation completed in accordance with submitted and approved remediation report.

This report must contain the following:

- A summary of site investigation and remediation works undertaken with accompanying site layout identifying source / treatment areas;
- Confirmation of Required Concentration of Reduction Targets, and/or Cover and Break Screens;
- Post Remediation Interpretative report of Sampling to demonstrate compliance with quantitative goals.
- An explanation / discussion of any anomalous results, or failure to meet agreed target values, alongside additional work proposed and actioned;
- Demonstrate via photographic and documentation evidence of remedial measures;
- Post-remediation contaminated land risk assessment profile;
- Cross sectional diagrams for the site and detailed plans of the site.

The Remediation Validation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

Reason: To ensure that the potential contamination 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.

14. If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority within 24 hours. Work must be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters. If required remediation of any unexpected contamination or underground storage tanks discovered during the development must take place before development recommences. Thereafter the development shall not be implemented otherwise than in accordance with the scheme approved under the planning consent.

Any additional reports should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

Reason: To ensure that the potential contamination 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.

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 occupation of any dwelling hereby approved a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme shall provide details of the window glazing 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. These agreed details shall be implemented prior to the occupation of each dwelling and shall be permanently retained and maintained.

Reason: To ensure appropriate mitigation is provided to safeguard the amenity of future occupants having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

17. Prior to the occupation of any dwelling hereby approved details of the ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority and thereafter implanted in accordance with these agreed details which shall be implemented prior to the occupation of each dwelling and shall be permanently maintained and retained. This scheme must ensure an appropriate standard of comfort to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours and maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels 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 to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance.

Reason: To ensure appropriate mitigation is provided to safeguard the amenity of future occupants having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

18. Notwithstanding Condition 1, prior to the commencement of any construction works on the site details showing the existing and proposed ground levels and levels of thresholds and floor levels of the proposed dwelling 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 and protecting existing landscape features having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

19. Notwithstanding Condition 1, the proposed dwellings must comply with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To ensure appropriate living conditions for future occupiers are provided in accordance with Policy DM4.9 of the North Tyneside Local Plan (2017).

20. All trees on the site and adjacent to the site are to be retained. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants of similar size and species. Any retained trees within the application site that die within five years from the completion of the development hereby permitted shall be replaced with a semi mature standard (18-20cm girth) unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

21. The development hereby permitted shall only be carried out in accordance with the Pre-Development BS5837 Arboricultural Implications Assessment (V5 May 2023) incorporating a Tree Protection plan and Method Statement (May 2023), BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

22. Prior to any works commencing within the Root Protection Area (RPA) of any retained tree a working method statement shall be submitted to and approved in writing by the Local Planning Authority. The works hereby approved shall be carried out in full accordance with this agreed working method statement. All works within the RPA of retained trees involving excavation of soil, including the installation of all services, drainage, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken (Areas of 'Special No Dig Construction' as defined on the revised TPP).

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

23. Notwithstanding Condition 1, all groundworks shall follow the Reptile and Amphibian Method Statement set out in Appendix 2 of the E3 Ecology Report (January 2021).

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

24. No pruning works to any trees shall take place until details have been submitted to and approved in writing. Thereafter these agreed works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

25. Prior to any works commencing on site,

a) details demonstrating that the Developer has engaged the services of an arboricultural consultant shall be submitted to and approved in writing by the Local Planning Authority. This will discharge the pre-commencement part of this condition.

b) Then, within 1 month of the first occupation of the first house to be completed, sufficient written evidence of 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. This will discharge the second part of this condition.

The role of the consultant shall be 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 approved Arboricultural Method Statement relating to the development hereby approved. If the appointed consultant changes, then the developer shall provide updated contact details to the Local Planning Authority via the general planning contact email address.

Reason: This information is required from the outset in the interests of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

26. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed planting specification including ground preparation and maintenance. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All new trees

shall be a minimum of 14-16cm girth. 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 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of ten 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: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

27. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for the off-site woodland compensation area shown on the 'Woodland Enhancement Area' Plan (DWG No: NCL-400-172-02-REV A) and set out in the BNG Report and Biodiversity Metric (Rev 03 Feb 2022), shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all off-site habitats identified within the Biodiversity Net Gain Report/Biodiversity Metric (E3 Ecology Rev03) and how the condition criteria will be met through management;

- A detailed 'Woodland Enhancement Plan' showing the location and extent of areas for habitat creation and enhancement;

- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the Local Planning Authority for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the Local Planning Authority. The Plan will be reviewed every 5 years in partnership with the Local Planning Authority;

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric;

- The Plan will also include details of the creation of hedgehog/reptile/amphibian hibernacula or habitat piles within the adjacent woodland as set out in the BNG Report

Reason: This information is required within the set timeframe in the interests of amenity and to ensure a satisfactory standard of landscaping and in

the interests of biodiversity having regard to Policies DM6.1, DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

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

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

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

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

30. Hedgehog gaps (13cmx13cm) will be provided within any new or permanent fencing or construction phase fencing within the scheme. Locations of hedgehog gaps shall be detailed on fencing plans and submitted to the LPA for approval prior to installation.

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

31. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 4no. bird boxes to be provided in suitable locations within the development site or in the adjacent woodland, to include 2no. sparrow terraces and 2no. boxes suitable for a range of other species including tits and finches, including specifications and locations, and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird boxes shall be installed in accordance with these agreed details and permanently maintained and retained.

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

32. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 3no. bat boxes to be provided in suitable locations within the development site or in the adjacent woodland, including specifications and locations, and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bat boxes shall be installed in accordance with these agreed details and permanently maintained and retained.

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

33. External lighting shall be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT and Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK".

Reason: In the interest of protecting residential amenity and protecting sensitive habitats within or adjacent to the site having regard to policy DM5.7 and DM5.19 of the North Tyneside Local Plan (2017) and the National Planning Policy Framework.

34. Prior to any works commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority that includes a bat working method statement for any tree felling, a checking survey for any red squirrel dreys or badger setts prior to works commencing and appropriate working methods including pollution control and measures to prevent disposal of waste into the adjacent woodland. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

35. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. These details shall include 1.8m high acoustic fencing to be provided on the plot closest to the B1318 to screen road traffic noise. These agreed details shall be implemented prior to the occupation of any residential dwelling and any part of the commercial development. Thereafter, these agreed details shall be permanently retained and maintained.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

36. Notwithstanding Condition 1, prior to the construction of any part of the residential development hereby approved above damp-proof course level a schedule and/or samples of all surfacing materials (hard surfacing) and external building materials, including doors, windows and rainwater goods 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 ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

37. 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 Part 1 of Schedule 2, within Classes A, B and H of Part 14 of Schedule 2 or within Class A of Part 2 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, including the conservation area, having regard to Policies DM6.1 and DM6.6 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)

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)

CIL information (I50)

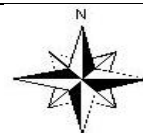
The development hereby approved lies within close proximity to the designated and well-established flightpath from Newcastle International Airport. The airport operates unrestricted, flying 365 days per year, 24 hours per day. The site is also a co-opted military airfield and therefore unrestrictedly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



Application reference: 21/01569/FUL
Location: Land At Former School House, Sandy Lane, North Gosforth
Proposal: Erection of 4no detached dwellings. (Resubmission)

Not to scale
 Date: 31.05.2023

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 0100016801



Consultations/representations

1.0 Ward Councillors

1.1 Councillor Michelle Fox

Historically, residents were assured when the land was purchased that any build would be sympathetic to the design and look of the School House, which was much loved locally, and not extend beyond the footprint of this original dwelling and its cottages. Following a series of fires, the land was cleared and this proposal includes 4 large detached houses, which fill the entire area of the land. The design of the houses is modern and not sympathetic to the area. A good example of where this has been successful is in the recent terraced housing in North Shields along the A193 road, which is aesthetically in keeping with the area's historical buildings and housing. I am not against modern buildings per se, however, in this instance they do feel very incongruous to the residential area, and I am not clear on why this type of design is preferable?

2.0 Internal Consultees

2.1 Heritage and Design

2.2 The application site lies within the Sacred Heart conservation area, near to the grade II listed Sacred Heart church. The conservation area is relatively small and has an undeveloped character, its only buildings being the Church, Parish Hall and Presbytery. The application site is situated in a prominent position at the junction of Sandy Lane and the B1318 and faces onto residential properties, to the rear of the site is an area of dense woodland.

2.3 The proposed application is for the development of 4 detached dwellings, designed with a contemporary architectural approach. An earlier application under 20/01260/FUL was for a similar proposal for 4 detached dwellings. This was not acceptable as the design failed to recognise its surrounding built context and the proposed materials were also considered to be unsuitable. The application was subsequently withdrawn.

2.4 The revised application overcomes the reasons for the previous objections. The contemporary architectural design maintains a relationship to its surroundings through the scale, form and use of materials. There is a mixture of building forms and styles around the site, and they are all unified by pitch roofs which create a visual link between buildings. The proposed application continues this visual link.

2.5 The trees make a significant contribution to the character of the conservation area, and the application outlines that the woodland background is a key driver for the design. The building footprint allows for slot views of the woodland to the rear which is welcomed.

2.6 The success of the proposal will rely on the quality of the materials used and architectural details employed. The proposed materials include red multi-brickwork, render and timber alongside clay roof tiles. This reflects the materials

on the surrounding buildings or where contemporary materials are used, they reflect the colours and tones of existing materials in the local area.

2.7 Overall, the position of the units has been carefully considered to reflect the existing woodland and the design responds to its surrounding built context. The proposed materials are also suitable and would complement the character of the area. The application is acceptable. The following conditions are recommended:

Boundary walls and fences

Materials of construction

Sample of materials

Hard surfacing

Windows and doors

Rainwater goods

2.8 Lead Local Flood Authority (LLFA)

2.9 I have carried out a review of the surface water drainage proposals for planning application 21/01569/FUL, I can confirm in principle that I have no objections to the proposals as the development will be providing surface water attenuation within the site for a 1in100yr rainfall event + 40% increase for climate change via the use of permeable paving and underground storage crates. The proposed surface water discharge rate will be restricted to 2.5l/s and will discharge into the highway drainage system located on Sandy Lane.

2.10 I would recommend that a condition is placed on this application requiring a condition survey is carried out on the highway drain from point of connection through to point of discharge. Condition survey to be provided to LLFA and any issues identified to be resolved by applicant prior to connection from development.

2.11 Landscape Architect and Biodiversity Officer

2.12 Existing Site Description

2.13 The proposed application site is located on the junction of Sandy Lane and the B1318, between Wideopen and Gosforth and is approximately 0.18 hectares in size and is currently vacant. The site is within a central location in North Gosforth close to the main road network of the immediate and wider area. The site is bounded by residential development, the north and west, with the B1318 trunk road delineating its western boundary and the original course of Sandy Lane to the north. A free-standing boundary stone wall with ornamental capstones and pier, contains part of the west site boundary of the proposed development area. This wall structure continues to run the length of the western boundary of the woodland, south to the B1318 and the junction with Sandy Lane. The topography of the site is generally flat and consists of semi-improved grassland and scrub with a number of large mature trees and shrubs close to the proposed south and eastern boundary. The collective trees and tree groups skirting the proposed development form part of a larger woodland area, which is associated with the Sacred Heart RC Church, affording protection both by a Tree Preservation Order (A1) and by its location within the Sacred Heart Conservation Area. The trees within the survey site are a mix of Ash, Sycamore, Lime, Beech and Oak, with sycamore being present in the greatest numbers.

2.14 The following Local Plan policies apply to this application:

Policy S5.4 Biodiversity and Geodiversity
Policy DM5.5 Managing Effects on Biodiversity and Geodiversity
Policy DM 5.9 Trees, woodland and hedgerows
Policy S5.1 Strategic Green Infrastructure
DM5.2 Protection of Green Infrastructure

2.15 The land surrounding the application site is valuable habitat for wildlife and biodiversity. The trees are the most important feature on this site and provide the site with some amenity and screening. Their retention along with the planting of new trees will contribute to the setting of the development and should be an integral part of any new development. Maintaining the existing trees on site will enhance visual and residential amenity, provide biodiversity and environmental benefits and strengthen linkages between adjacent greenspaces and wildlife areas. The presence of the mature trees in the landscape have significant amenity value, and consequently of major importance to the character of the conservation area. Any tree removal either as a result of the development or long-term tree removal, will be harmful to the character of the area.

2.16 Concerns were raised in a previous response (08/07/22) regarding the impacts on trees from the proposed drainage and delivery of biodiversity net gain. The following additional information has, therefore, been provided by the applicant in response to the issues raised:

- Biodiversity Net Gain (BNG) Assessment (Rev 03 Feb 2022) & Biodiversity Metric
- Proposed Landscape Layout (DWG No.SA1 Si2)
- Woodland Enhancement Area' Plan DWG No: NCL-400-172-02-REVA
- Pre-Development BS5837 Arboricultural Implications Assessment (V5 May 2023) incorporating a Tree Protection plan and Method Statement (May 2023)

2.17 Biodiversity Net Gain Assessment and Biodiversity Metric

2.18 The updated Biodiversity Metric (Version V02) indicates that a 13.11% net gain will be delivered as part of the scheme through on and off-site habitat creation/enhancements.

2.19 Habitat creation within the site includes 0.082ha of vegetated garden and off-site compensation will be delivered through the enhancement of 0.16ha (1600sqm) of the 1.3ha of existing woodland adjacent to the site to reach a target condition of 'fairly good'. The location of this woodland enhancement area is shown on the 'Woodland Enhancement Area' Plan (DWG No: NCL-400-172-02-REV A) and the enhancement measures outlined include the following:

- Removal and management of the invasive species.
- Control of public access into the enhancement area by introducing designated paths to reduce trampling.
- Planting of native species-rich mixtures of scrub to increase structure and diversity within the woodland and reduce the area of open space to less than 20%.
- Introducing a woodland ground flora mix to increase species diversity.
- Creating standing deadwood and log piles

2.20 Proposed Landscape Layout

2.21 The 'Proposed Landscape Layout' (DWG No: SA-1-Si2) indicates areas of landscaping within the scheme that include 'privacy hedging' between plots, a mixed native hedge to the western boundary (within the garden curtilage of Unit 4), trees and bulb planting to the northern boundary of each garden plot and woodland wildflower seeding to the southern boundaries of each garden plot. This planting was originally identified as habitat creation/landscaping to help deliver a net gain in accordance with the BNG Assessment but has now been removed from the Metric/BNG delivery as this planting is vulnerable to removal and management could not be enforced. However, this landscaping still adds value to the site and should remain as part of the overall landscape delivery for the site. In addition, an area of woodland (0.16ha) adjacent to the site boundary (identified on 'Woodland Enhancement Area' Plan DWG No: NCL-400-172-02-REVA) is proposed for 'enhancement' to deliver the majority of the 13.11% net gain outlined in the Biodiversity Metric. The enhancement of the adjacent woodland provides a more suitable and sustainable area for net gain delivery.

2.22 Designated Coastal Sites

2.23 The scheme will result in an increase in residential accommodation which will contribute to adverse impacts on designated sites at the coast through recreational disturbance. The scheme will, therefore, need to comply with the Councils Coastal Mitigation SPD. The SPD provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

2.24 Arboricultural Implications Assessment (AIA)

2.25 This V5 (Version 5) report has been produced to incorporate additional access and protective measures along the sites eastern boundary. This is referenced in section 4.5 'Special Protection Requirements' with further detail contained within section 6 Arboricultural Method Statement (AMS).

2.26 The report now looks to retain T13 with the tree protection plan amended accordingly. The AIA also makes reference to the installation of underground utilities in relation to the retained trees.

2.27 If the application is recommended for approval, the following conditions should be attached to the application:

All trees on the site and adjacent to the site are to be retained. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants of similar size and species. Any retained trees within the application site that die within five years from the completion of the development hereby permitted shall be replaced with a semi mature standard (18-20cm girth) unless the Local Planning Authority gives written consent to any variation.

The development hereby permitted shall only be carried out in accordance with the Pre-Development BS5837 Arboricultural Implications Assessment (V5 May 2023) incorporating a Tree Protection plan and Method Statement (May 2023), BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection is to be installed in accordance with the AIA, AMS and TPP. The tree protection fence is to be of a type and height as described in the revised AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence.

All works within the RPA of retained trees involving excavation of soil, including the installation of all services, drainage, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken (Areas of 'Special No Dig Construction' as defined on the revised TPP). Confirmation of the proposed working method is to be submitted for approval.

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.

A plan indicating the positions, design, materials and type of any new or altered boundary treatments 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 the RPA's of retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS.

Any pruning works on protected trees 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.

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 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 to be shown on a plan and not to be located within the Root Protection Area (RPA) of the retained trees as defined by the Tree Protection

Plan and maintained for the duration of the works. Any new kerb edges within the RPA of retained trees are to be constructed using materials and construction methods that minimize excavation depths or other methods to approval.

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 monitor and oversee the implementation of the works as set out in the AMS. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

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 a fully detailed planting specification including ground preparation and maintenance. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All new trees shall be a minimum of 14-16cm girth. 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 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of ten 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.

Prior to the commencement of any development, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for the off-site woodland compensation area shown on the 'Woodland Enhancement Area' Plan (DWG No: NCL-400-172-02-REV A) and set out in the BNG Report and Biodiversity Metric (Rev 03 Feb 2022), shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all off-site habitats identified within the Biodiversity Net Gain Report/Biodiversity Metric (E3 Ecology Rev03) and how the condition criteria will be met through management;
- A detailed 'Woodland Enhancement Plan' showing the location and extent of areas for habitat creation and enhancement;
- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the Local Planning Authority for review in years 3, 5 and 10 and 5

yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the Local Planning Authority. The Plan will be reviewed every 5 years in partnership with the Local Planning Authority;

-Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric;

-The Plan will also include details of the creation of hedgehog/reptile/amphibian hibernacula or habitat piles within the adjacent woodland as set out in the BNG Report.

External lighting will be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "*Bats & Artificial Lighting in the UK*".

All works will be undertaken in accordance with an approved Construction Environmental Management Plan (CEMP) that includes a bat working method statement for any tree felling, a checking survey for any red squirrel dreys or badger setts prior to works commencing and appropriate working methods including pollution control and measures to prevent disposal of waste into the adjacent woodland. Details of the CEMP shall be submitted to the Local Planning Authority for approval in writing prior to works commencing on site.

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

4no. bird boxes will be provided in suitable locations within the development site or in the adjacent woodland, to include 2no. sparrow terraces and 2no. boxes suitable for a range of other species including tits and finches. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

3no. bat boxes will be provided in suitable locations within the development site or in the adjacent woodland. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

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°.

Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details of the locations and specification of the hedgehog gaps shall be submitted to the Local Planning Authority for approval within 4 weeks of development commencing on site.

All groundworks will follow the Reptile and Amphibian Method Statement set out in Appendix 2 of the E3 Ecology Report (January 2021).

2.28 Manager for Environmental Health (Contaminated Land)

2.29 The site is located within close proximity to unknown filled ground and mine workings.

2.30 Due to the proposed sensitive end use and the potential for ground gas I recommend that the following conditions be applied:

Con 003

Con 004

Con 005

Con 006

Con 007

Gas 006

2.31 Manager for Environmental Health (Pollution)

2.32 I have concerns with regard to road traffic noise from the B1318 affecting the proposed development.

2.33 No noise assessment has been provided to outline the impact of road traffic noise affecting the site to determine the sound attenuation measures necessary to protect the proposed residential properties. I note that the garden areas are to be provided will be afforded limited screening by the provision of the existing high wall around the site and this may be required to be increased in height to screen road traffic noise. A noise scheme will be required via condition to determine on the sound mitigation measures necessary to ensure good standards of internal noise levels in accordance with BS8233 to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 decibels for living rooms is achieved and external gardens meet the world health organisation community noise level for outside spaces to 50 dB LAeq.

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

Prior to occupation submit and implement on approval of the Local Planning Authority a noise scheme providing details of the window glazing 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.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of comfort to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours and maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels 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 to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance.

Prior to occupation, submit details to the Local Planning Authority for approval in writing of the acoustic screening to be provided to the western boundary of the site to attenuate noise from the B1318, to ensure noise levels achieve the World Health Organisation community noise level for outside spaces to 50 dB. Measures to be implemented and thereafter retained.

HOU04
SIT03

2.35 Highways Network Manager

2.36 This is an application for the erection of 4 detached dwellings. It is a resubmission of a previous application (20/01260/FUL) which was withdrawn by the developer.

2.37 The dwellings will have individual private accesses from Sandy Lane and parking will be provided in accordance with current standards for each dwelling. No visitor parking will be provided, however there is ample capacity on Sandy Lane which is not a through route and is wide enough to accommodate the small number of parked vehicles likely associated with visitors to the four dwellings. Furthermore, the site also has reasonable links to public transport. On balance, conditional approval is recommended.

2.38 Recommendation - Conditional Approval

The applicant will be required to enter into an appropriate Legal Agreement with the Local Authority for the following works:

- Altered access
- Upgrade of existing footpaths abutting the site
- Associated drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders

2.39 Conditions:

- ACC11 - New Access: Access prior to Occ
- PAR04 - Veh: Parking, Garaging before Occ
- REF01 - Refuse Storage: Detail, Provide Before Occ
- SIT06 - Construction Method Statement (Minor)

2.40 Informatives:

- 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 dvlp

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 Representations

3.1 38 objections have been received. These objections are set out below:

- Adverse effect on wildlife
- Affect character of conservation area
- Impact on landscape
- Inadequate parking provision
- Inappropriate design
- Loss of/damage to trees
- Nuisance - disturbance
- Nuisance - noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion
- Within greenbelt/no special circumstance
- Inadequate drainage
- Inappropriate in special landscape area
- Inappropriate materials
- Loss of visual amenity
- Affect setting of listed building
- Affect Site of Spec. Scientific Interest
- Inappropriate materials
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- None compliance with approved policy
- Not in accordance with development plan
- Nuisance - dust/dirt
- Nuisance - fumes
- Pollution of watercourse
- Precedent will be set
- We have enough housing being built around the area, and this seems a waste of the land for 4 houses, the plan for a gym facility is much better due to it along something to the local area rather than more of what we already have in the area.

- I strongly object to this proposal to build 4 detached dwellings to land at the rear of former school cottages, Sandy Lane, North Gosforth. This will be on land where the trees with TPO's on them once stood and surrounded the school cottages. The owner has made several applications on this site after the loss of the old school house and cottages through arson and unlawful demolition.

- The last proposal was to build 8 residential letting properties in 2017.

Surprisingly the planning officers at North Tyneside Council recommended that the development should go ahead. However, when the application went to Planning Committee, they unanimously voted to refuse permission to build. The owner then appealed, and the Planning Inspectorate visited the site and area and reached the decision to dismiss the appeal. I find the action of planning officers at NTC extremely worrying because of this.

It appears that they have ignored NTC's own Local Plan and the Conservation Area Appraisal for the Sacred Heart Church, the Council's Design Quality Supplementary Planning Document and the National Planning Policy Framework.

- The statutory definition of a Conservation Area is 'an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance.' The Planning (Listed Buildings and Conservation Areas) Act 1990.

- The site lies within the Sacred Heart Conservation Area designated by the Council. The document for this clearly states 'Whilst it is acknowledged that the derelict site cannot remain in its current state, any proposed development will be subject to intense scrutiny and extremely careful consideration to ensure that it is deemed suitable for this sensitive site and be able to preserve or enhance the character of the Conservation Area.'

- Clearly the proposal of 4 detached houses whose design is outrageous, very modern and is an affront to the Conservation Area and the Grade 2 Listed Sacred Heart Church.

The proposed development is clearly an overdevelopment. There is parking for one car to each of these very large 4/5 bedroomed houses. The Council's own Design Quality Supplementary Planning Document seeks to ensure that the design of new buildings are in keeping with the local character and integrates into a setting. The owner is attempting to cram as many houses as possible into this very small space to make a greater profit to the detriment to the area. Clearly this is the wrong development for this setting. I urge the Council to reject this proposal.

- I strongly object to the application to build 4 detached houses each with 5 bedrooms (20 bedrooms in total) and a parking space for only a single vehicle. This proposal is within the Sacred Heart Church Conservation area and is adjacent to the Sacred Heart Church built in 1835 and is a Grade II listed building.

- The Sacred Heart Church Conservation Area Character Appraisal produced by North Tyneside Council (<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/sacred%20heart%20CA%20CA.pdf>) states "any proposed development will be subject to intense scrutiny and extremely careful consideration to ensure that it is deemed suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area."

- The design of these new houses are clearly not in keeping with, nor suitable for, the Conservation Area and do not fit in with the other well-kept residential properties in the vicinity. This current planning application far exceeds the original footprint of the former Old School House that was on the site for over 140 years

until it was burnt down under the management of the current owner. North Tyneside Council insisted any development would not exceed the original footprint of the Old School House and to preserve the character and appearance of this conservation area.

- I also note the perpetual scattergun approach to (re)submissions of plans for unsuitable and overdeveloped buildings by the owner (including gyms, nurseries and oversized housing) over the years, as well as the cynical timing, during the summer holidays, when many residents are away and unable to comment within the short timeframe allowed.

- I appeal to the planners to refuse both this planning application and the second one running concurrently for a commercial property (a gym; 21/01774/FUL).

- Inappropriate plan to develop in a friendly, quiet and neighbourly area.

- I strongly object to this planning proposal, it is an over development for what is a relatively small plot of land. The site is only suitable for 2, maximum 3 detached properties. The application states in the section Biodiversity and Geological that there are no protected or priority species affected by the development, this is not true, the woodland area is a habitat for bats, owls, woodpeckers and the occasional roe deer. Furthermore, in the section Assessment of Flood Risks is the proposal within 20m of a watercourse, the applicant answered no, this is another untruth, as there is a beck within the woodland area.

- The proposed design and materials are not in keeping with residential buildings on Sandy Lane and The Villas. The addition of 4, 4/5 bedroom properties will have a significant impact on vehicles parking on Sandy Lane, as there is inadequate vehicle parking in the design of the properties, resulting in permanent overflow of vehicles parking on Sandy Lane

- Yet again the owner has submitted a plan that is an overdevelopment of this site. With a design that is not in keeping with the surrounding area. Taking into account the history of unsuitable previous applications made by the owner why can't he just do what was agreed by council planning officers after the original building were destroyed by arson. That any development should be on the footprint of the original buildings. This massively oversteps that footprint and is designed to make as much money as possible to the detriment of the site and the surrounding environment. Please just reduce the number of properties planned and build on the footprint.

- The building of 4 large properties within the Sacred Hearts conservation site is wholly inappropriate, completely out of keeping with the surrounding properties which have retained their original looks. They will completely alter the current tree line and once again impact the wildlife in the area.

- The parking provision for such houses is inadequate to say the least and will result in more on street parking in Sandy Lane. I am also against any further impact on trees under a TPO.

- I would also question whether there is actually a need for further dwellings given the massive building programs within the near vicinity.

- I would call on the planning officers and the council to adhere to the directive that any building should be in keeping with the original school house so as to remain in keeping with the Sacred Hearts Church.

- Considering the number of houses proposed for this small area (well beyond the perimeter of the old school house) this should be considered as an over development. The number of houses proposed should be reduced.

- The proposal is likely to increase the number of vehicles. Parking is not adequate and likely to cause parking spillage on to Sandy Lane.

- The character and materials of the proposed buildings are not in keeping with surroundings/ context.
- The ecology report is outdated/ recycled and does not include a lot of flora and fauna in the area.
- There is a small watercourse flowing through the area. This development is likely either to cause flooding or pollute the watercourse.
- New development in the area - North Gosforth Park and Five Mile Park (East Wideopen) have caused ground water to be pumped out for the building work which has resulted in water finding its way across the B1318 and forming a lake which elevated across the old Sandy Lane at certain times.
- Protected trees are more than likely to be removed.
- The elevation will be a visual intrusion for surrounding properties
- The planning officer should take consideration of all comments not just base decisions on building materials.
- The site for these dwellings lies within the Sacred Heart Conservation Area. The proposed houses with their mix of brick, wood cladding and render are in total contrast to the stone gothic styled School House and the Grade Two listed church. These houses will replace the architecturally and historically much-loved building of the Old School House which was lost to arson and unlawful demolition. There appears to be no appreciation of the architectural style and design characteristics of the building that was lost to fire. The Council's own Design Quality Supplementary Planning Document seeks to ensure that the design of new buildings are in keeping with the local character and integrates into a setting. The applicant has failed to respond to the residential characteristics of the surrounding residential developments. After the fire planning officers at NTC made it clear that any proposals for this site should be within the footprint of the old School House and should be no greater in terms of scale, height and massing. The proposal of the 4 detached houses have a combined footprint of 523 square metres. The footprint of the school house was 256 square metres. The proposed 4 dwellings represent a huge 104% increase in footprint size. Then add on parking spaces and gardens to the front and rear of these houses, this is clearly an overdevelopment of the site. The owner is attempting to squeeze as many houses as possible into this very small space to make a greater profit and should not be allowed. There is clear conflict with the requirements of National Planning Policy Framework and NTC's Local Plan and the application should be refused.
- The first application was quite inappropriate for this site and the new revised plans are again inappropriate not only for the site but for the surrounding area.
- I do think any development should be more in keeping with the Old School House – details of which are recorded in the History of the Old School House and Cottage in the Tyne and Wear Historic Environment Records. The core text states: Rare survival in this area of Victorian Gothic Revival dates to circa 1865. 'Revival' in this area is not blessed with many historic buildings which puts extra value on the few that remain. The loss of the Old School House was therefore a very serious local loss to North Gosforth, Wideopen and the surrounding area.
- Some appropriate dwelling for this historic site should be considered and not four unattractive, modernistic, out of character buildings which would be too big for the footprint of the old school house. Also, only one parking space per property would mean more parking in the now busy lane with cars, pedestrians, children, dogs, horses and people walking to schools and employment.

- I would also strongly object to any trees being felled for this application as the wood has a conservation order and is an important part of the wildlife corridor especially now the Government and Councils are asking for and to be planted to help with global warming. It is and has been home for a century or more to nature and many varieties of wildlife and deer and should be maintained and preserved for future generations.

- This is also an oasis for the local residents to filter the noise and pollution from the ever increasing traffic on Sandy Lane and the main road into Wideopen. The traffic on the road at the top of Sandy Lane cul de sac is now threefold since the Five Mile Park was built and will only get worse when the homes on the new sites in Hazelrigg are completed. Also, access to and from the Sandy Lane cul de sac should be considered in the light of the many new developments in the area and, of course, the additional cars associated with the proposed development.

- Why is this land only being used for 4 houses, at least build something that will add to the community in the area, we only have a pub and a Co-Op along this road so rather turning this into more housing (which there's enough being built at the moment) turn it into something people can actually use (gym, shops, entertainment venue etc)

If the land must be used for building purposes it shouldn't be for housing, there's an abundance already.

- My understanding is that any development of the site had to use the existing sandstone blocks from The Old Schoolhouse building, which was destroyed in the fire(s). Unfortunately, the landowner has been allowed to remove the sandstone blocks from the site over a period of time.

4.0 External Consultees

4.1 Newcastle International Airport (NIA)

4.2 The location is outside the airport noise contours, but given that it is an area that experiences noise I would recommend a noise informative is attached to any permission.

4.3 The Northumberland and Newcastle Society (N&N)

4.4 We understand this site has become vacant due to the destruction and demolition of the former school buildings which were a key element in the designation of the Sacred Heart Conservation Area.

4.5 The Sacred Heart Conservation Area Character Appraisal states at para.6.1, page 19:- "the potential redevelopment of this site is a challenge for this conservation area"; and at para 5.5, p18:-"Any proposed redevelopment will be subject to intense scrutiny and extremely careful consideration to ensure it is deemed suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area."

4.6 The Design and Heritage Statement prepared by CEAD Architects to accompany application 20/01260/FUL refers on page 10 to an application 17/01543/FUL which was refused on appeal. This was for eight holiday lets in an L shaped block. The negative points of the plans were highlighted in the refusal as being the location of the hardstanding built into the trees, the visual relationship to the trees and the failure to use the corner to its full potential. Photo 1 on page 8 of the document shows how visually important what happens on the corner will be. These points were stated to have been adopted on page 11 of the

Statement (Concept). The submitted scheme however was for four detached houses, which overcame the objection to the positioning of the area of hardstanding while ignoring in particular the last point concerning the corner treatment. After a negative response to the designs and materials but not to the concept of four detached houses this application was withdrawn, resulting in the current re-submission 21/01569/FUL. This redesigns the house types but does not address the previous requirement concerning the potential for the corner treatment. If it was considered to be of importance then, what has changed so that it is no longer considered a valid design element in the conservation area.

4.7 The N&N considers the designs of both applications are fair examples of modern design with similarities in the use of steep pitched roofs, the breaking down of the massing and the angled orientation towards Sandy Lane. Neither is considered to address the challenges of this sensitive site, which were acknowledged in the Council's documentation. The designs of the houses are repetitive and perhaps too many to achieve an appropriate treatment of the site. Both applications ignore the previously acknowledged importance of the corner site and the elevation to the B1318 road. The N&N considers it preferable for houses to be built on the site and would seek an amendment for an individual house at the corner would be more likely to address the issue satisfactorily. We do not support construction of a gymnasium but if this option were to be approved further consideration should be given to the orientation of the building and the location of the car parking.

4.8 Newcastle City Council

4.9 The application has been reviewed and is not considered to prejudice the interests of the City.

Item No: 3
Application No: 22/02231/FUL
Date valid: 24 April 2023
Target decision date: 19 June 2023
Author: Maxine Ingram
☎: 0191 643 6322
Ward: Camperdown

Application type: full planning application

Location: Unit 8-10, Graphic House, Mylord Crescent, Camperdown Industrial Estate, Camperdown

Proposal: Change of use from light industrial to operate as a base for emergency vehicles (sui generis)

Applicant: FSNE Medical

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 (noise, residential amenity, and visual impacts),
- The impact on highway safety, 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 application site relates to Units 8-10 Graphic House within Camperdown Industrial Estate, which is an allocated site (Site E006) for employment uses in the Local Plan (LP) (2017). The site is located on the northern side of the industrial estate, with access from Mylord Crescent.

2.2 The units are set back from the road. Parking is provided to the north and south of the units.

2.3 Existing commercial uses are located to the east, south and west of the site. To the north the site is bound by a Public Right of Way (PRoW) beyond which lies agricultural land.

2.4 There are no parking restrictions to the front of the application site.

2.5 Camperdown Industrial Estate has one access/egress from Station Road. To the southwest of this access/egress point and to the south side of Mylord Crescent are the residential properties of Silverbirch Drive.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for a change of use from light industrial to operate as a base for emergency vehicles (sui generis). Members are advised that the site is already operational.

3.2 No external alterations are proposed.

3.3 Since the submission of the application the applicant has provided a further statement in response to the Environmental Health comments dated 19.05.2023:

The industrial estate is already operating 24/7 with large HGVs coming from the industrial site at all times of the day and night.

FSNE Medical have implemented a "no sirens use" direction to our staff when leaving the site. Staff do not activate their blue lights or sirens until they are on the roundabout Killingworth Way/Station Road. The exception of this, is when our crews are responding to a patient who is not breathing.

FSNE Medical operate multiple contracts around the ambulance service network. This includes providing medical cover to events such as festivals and athletic events. Therefore out of the 27 vehicles, the only vehicles that would leave under emergency conditions, would be those on the NHS 999 contract. Therefore, this contract works on the following shifts:

Vehicle 1 - 0600-1800 1800-0600

Vehicle 2 - 0700-1900 1900-0700

Vehicle 3 - 0600-1600 1600-0200

Crews will return to station for their meal-breaks once a shift.

The use of sirens is to respond to those who are in need of medical assistance. The team have implemented a no siren policy as above within the industrial estate and the entrance with the exception of those responding to patients who are no longer breathing and CPR is in progress. The North East Ambulance Service has several ambulance stations within the North Tyneside Council catchment all within a closer footprint to residential homes.

Our recent CQC report gave praise to the location of the station as it allowed rapid access to main routes i.e. A1, A19 etc. Our team have recently responded to a C2 emergency which is deemed as a Time Critical Life Threatening Emergency within Silverbirch Drive. Our team came off their break and were on-scene within 90 seconds of the 999 call.

Other than the team returning for their meal break, it is very uncommon given the demand on the service for the vehicle to return during the day. Once the vehicle

has left on its first emergency, they do not return until their break. It is also worth noting that sirens can be heard all day long in the area which is also contributed by Northumbria Police, Tyne and Wear Fire and Rescues Service and the North East Ambulance Service as they also respond in the area.

The following selected sites are all located next to residential properties, some significantly closer than we are to Silverbirch Drive. Some of these sites also have a much greater frequency of siren use.

Northumbria Specialist Hospital
Backworth Ambulance Station
Hawkeys Lane Ambulance Station
Tynemouth Community Fire Station
Wideopen Ambulance Station
Wallsend Ambulance Station
Debdon Gardens Ambulance Station
Middle Engine Lane Police Station

All of the above are based within the same distance and all have 24 hour responding emergency vehicles.

I am struggling to understand where the Council would prefer a base for an Emergency Ambulance other than near residents. If the resources were based in the countryside, we would not get to patients in time to save their lives.

3.4 The applicant has provided further information regarding staffing:

During an operational day we have the following clinical staff who are out on emergency ambulances responding to 999 calls:

Emergency Crews

6's (24 hour rota) - 1 x Paramedic 1 x Emergency care assistant

7's (24 hour rota) - 1 x Paramedic 1 x Emergency care assistant

6's (20 hour rota) - 1 x Paramedic 1 x Emergency care assistant

Patient Transport

1100-2100 - 2 x Ambulance Care Assistants

1300-2200 - 2 x Ambulance Care Assistants

Management Team/Operations Team (9-5 Monday - Friday)

2 x Divisional Commanders - Both have company rapid response vehicles which are parked within the grounds due to having drugs on board.

1 x Operational Co-ordinator - Company response vehicle parked within the grounds

1 x Rota co-ordinator - Public transport to work

1 x Finance assistant - public transport

1 x logistics technician - cycles to work - odd occasion drives

I think it's a point to stress that we actually have the lease for all units on the site which when you take into account as a "light commercial" building is occupied by different companies, this would bring considerably more traffic to the site. We

have been here for 1 year now and never had a complaint in relation to parking. We are not causing any obstruction and all the other units park on the road round the site. There are no yellow lines and there is more than enough space for HGVs to pass.

4.0 Relevant Planning History

4.1 The most recent planning history is set out below:

4.2 Unit 10, Mylord Crescent

20/01017/FUL - Proposed factory extension – Permitted 05.11.2020

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (July 2021)

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

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

PLANNING OFFICERS REPORT

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

- The principle of the development,
- The impact on amenity (noise, residential amenity, and visual impacts)
- The impact on highway safety, and,
- Other issues.

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

8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 219 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that the LP policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.4 Paragraphs 81-83 of the NPPF set out the Government’s strategy for building a strong, competitive economy. Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, and that 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 LP Policy S2.2 ‘Provision of Land for Employment Development’ seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council’s strategy for economic prosperity, job growth and investment over the plan period.

8.6 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 Camperdown Industrial Estate is an allocated site for employment uses in Policy S2.2 of the North Tyneside Local Plan (2017). The Local Plan Policies Map also identifies reserved employment land.

8.8 Policy S2.2 of the Local Plan defines employment uses as those in the former use class of B1 (now part of the wider definition of the E Class) and the extant

use class B2 and B8. Policy DM 2.3 of the Local Plan aims to support proposals for B8 uses on employment sites. Members are advised that the proposed use does not fall within the preferred use classes set out in Policies S2.2 and DM2.3 as it is a sui-generis use.

8.9 The supporting information advises that the site is to be used as base for emergency vehicles, ambulances. The applicant has advised that 27 vehicles will operate from this site. The contract requires medical cover to be provided at events i.e. festivals and athletic events and to respond to calls for those in need of medical assistance.

8.10 Members need to consider whether the proposed sui-generis use is acceptable on an allocated site for employment uses. It is officer advice that whilst the proposed use does not fall within the preferred use classes set out in Policies S2.2 and DM2.3, it is not considered that it would result in a significant reduction in the supply of employment land when considering the overall amount, range, and choice available for the remainder of the plan period. The impacts of the proposed use upon the amenity and operation of neighbouring properties and businesses will be considered in a latter part of this report. 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 (noise, residential amenity, and visual impacts)

9.1 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location considering 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 impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 LP Policy S1.4 'General Development Principles' 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 LP Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.4 One objection from a resident of Silverbirch Drive has been received. Specific objections relating to noise, nuisance and disturbance are noted. The objection raised regarding the site operating without planning permission is not a material planning consideration. The objection raised regarding consultation for residents to comment on the qualitative change in the nature of the environment is noted. Members are advised that the LPA is required to comply with statutory

consultation requirements. In this case, the LPA notified in writing properties immediately adjacent to the site which complies with the statutory consultation requirements. However, as Camperdown Industrial Estate only has one point of access/egress, site notices were displayed either side of the junction leading to the residential properties of Silverbirch Drive. These are the only residential properties sited on this industrial estate.

9.5 Members are advised that the Manager for Environmental Health initially recommended refusal of this application. In response to those comments the applicant provided further information for consideration. This additional information has been considered by the Manager for Environmental Health.

9.6 The residential properties of Silverbirch Drive are located to the southwest of the only point of access/egress serving Camperdown Industrial Estate and to the south side of Mylord Crescent. The rear gardens serving Nos. 1 and 19-28 Silverbirch Drive back onto Mylord Crescent. The residential properties of Station Road lie to the east of the access/egress serving this industrial estate. To the north of this access/egress and to the east of the industrial estate are the residential properties of Atkin Street.

9.7 Members are advised that noise from vehicles operating within the industrial estate on the adopted highway is outside the remit of statutory nuisance legislation. The use of emergency sirens is also outside the remit of statutory nuisance legislation, as it forms part of the operation of the vehicle on the highway.

9.8 The Manager for Environmental Health has raised concerns regarding the proposed change of use as the site will operate on a 24/7 basis. Noise from the use of the blue lights for the emergency vehicles will cause disturbance to neighbouring residents. The applicant has advised that they operate a “no sirens use” policy at this site and drivers are instructed not to sound their sirens until the main highway at Killingworth Way/Station Road. Vehicles are operated on three shifts at the site and will only return to the site for breaks during the shift. The Manager for Environmental Health has advised that this will minimise the frequency of vehicles operating to and from the site during the night period.

9.9 All vehicles operating from this site will need to pass the residential properties of Silverbirch Drive to enter and exit this industrial estate. The Manager for Environmental Health has advised that as the site operates a no siren use policy the use of emergency vehicles will be no different to any other industrial vehicle operating within the industrial estate. The no siren use policy will minimise potential nuisance for neighbouring properties and residents.

9.10 The Manager for Environmental Health has advised if sirens sound frequently during the night period they are likely to above the World Health Organisation community noise guidelines. This guidance advises that the probability of being awakened increases with the frequency of noise events during the night period. The use of the siren once the vehicle is on the main highway of Killingworth Way/Station Road will be no different to any other emergency vehicle operating within that area.

9.11 The NPPF, paragraph 55 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 56 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.” Although concerns have been raised by the Manager of Environmental Health, she has advised should planning permission be granted a condition is imposed restricting the use of the emergency vehicle sirens being sounded at the premises, when exiting the site, except for emergencies deemed time critical life threatening. Subject to the suggested conditions it is considered that the impacts on residential amenity can be appropriately mitigated for.

9.12 Paragraph 134 of the NPPF states that development that is not well designed should be refused.

9.13 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.

9.14 The ‘Design Quality’ SPD applies to all planning applications that involve building works.

9.15 No external alterations are proposed. Parking provision is proposed to the north and south of the buildings. It is officer advice that the proposed use will not result in any harm to the visual amenity of the immediate surrounding area.

9.16 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties and the character and appearance of the immediate surrounding area. It is officer advice that the proposed development is, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in paragraph 185 of the NPPF and LP policies DM5.19 and DM2.3(c).

10.0 Impact on highway safety

10.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

10.3 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

10.4 The Council's maximum parking standards are set out in the Transport and Highways SPD.

10.5 The objections received regarding the impact on inadequate parking provision and parking on the adjacent highway are noted.

10.6 The applicant has proposed further information regarding staffing and parking. This information is set out in Section 3 of this report.

10.7 Within the site there are 35 parking spaces. Vehicles will utilise the existing access/egress from Mydlord Crescent. To the front of the site there are no parking restrictions i.e. double yellow lines.

10.8 The Highways Network Manager has been consulted. He considers that an appropriate level of parking provision is being proposed. He is recommending conditional approval.

10.9 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.

11.0 Other Issues

11.1 Strategic Policy Area

11.2 Policy AS8.24 'The North West Villages Sub Area' seeks to encourage and support the availability of good public transport and active travel options, improve the public realm and work positively with owners of vacant sites to bring them back into use.

11.3 It is the view of officers that this development will not impact the aims of Policy AS8.24.

12.0 Local Financial Considerations

12.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy (CIL).

12.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL

contributions are material in terms of making this development acceptable in planning terms.

13.0 Conclusion

13.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, its impact on amenity and its impact on highways. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. Approval is recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Location plan Dwg No. 1719-1
 - Existing site plan Dwg No. 1719-2
 - Proposed site plan Dwg No. 1719-3
 - Existing ground floor plan Dwg No. 1719-4
 - Proposed ground floor plan Dwg No. 1719-5Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Notwithstanding Condition 1, the scheme for parking and turning of vehicles shall be laid out in accordance with the approved plan Dwg No. 1719-5. These parking areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

3. Emergency vehicle sirens shall not be sounded at the premises when exiting the site, except for emergencies deemed time critical life threatening.
Reason: In order to safeguard the amenities of adjoining properties and nearby properties and protect them from undue noise and disturbance 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)

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Local Highway Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information.

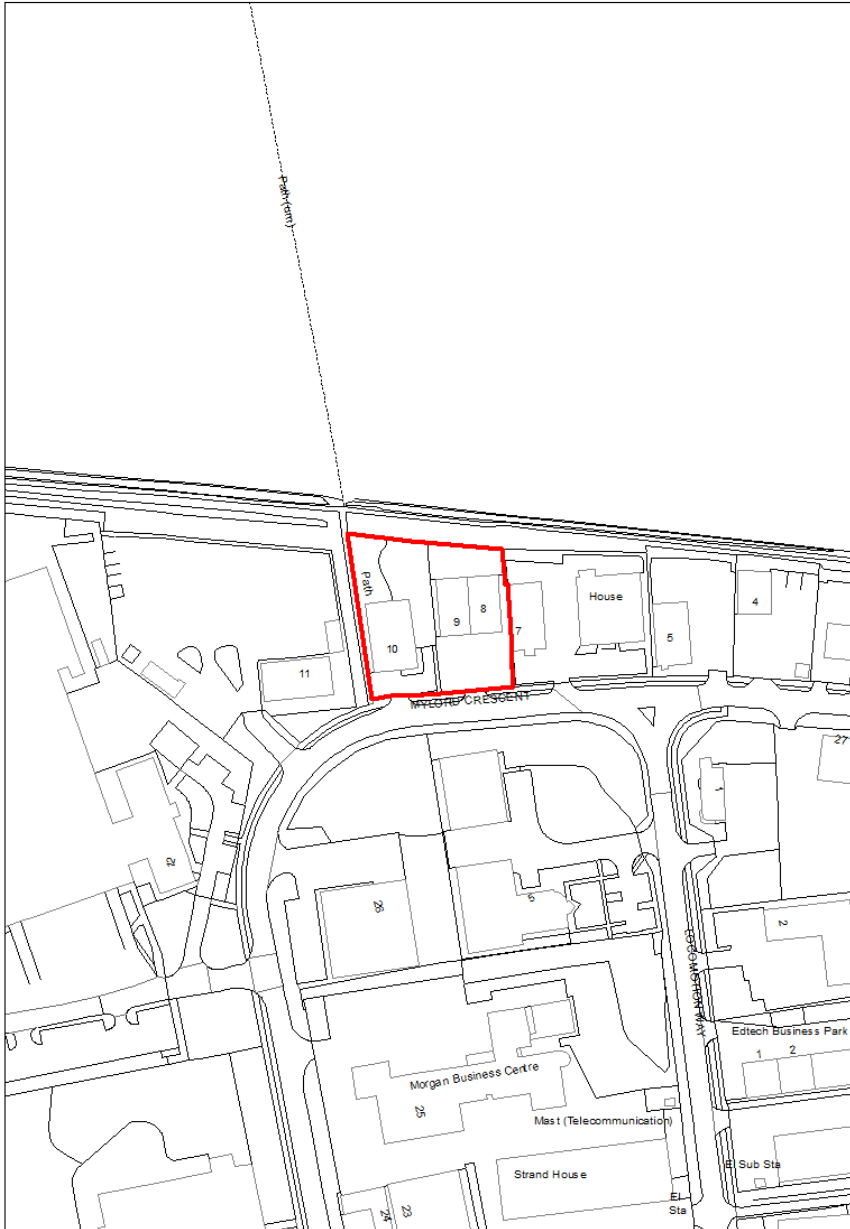
The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that they should contact the Local Highway Authority to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

No Doors Gates to Project Over Highways (I10)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)



Application reference: 22/02231/FUL

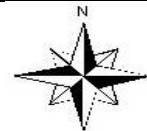
Location: Unit 8-10, Graphic House, Mylord Crescent, Camperdown Industrial Estate

Proposal: Change of use from light industrial to operate as a base for emergency vehicles (sui generis)

Not to scale

Date: 31.05.2023

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0100016801



Consultations/representations

1.0 Internal Consultees

1.1 Manager for Environmental Health (Pollution)

1.2 The premises are located within a dedicated industrial estate, however, residential properties are located to the south of the site in Silverbirch Drive and to the east on Atkin Street and Station Road. I have concerns with regard to the change of use as the site will operate on a 24/7 basis. Noise from the use of the blue lights for the emergency vehicles will result in causing disturbance to neighbouring residents.

1.3 I have reviewed the additional information provided by the applicant regarding the management of the emergency vehicles at the site. Noise from vehicles operating within the industrial estate on the adopted highway is outside the remit of statutory nuisance legislation. Road traffic noise is considered anonymous noise unlike noise from the use of sirens, which would result in causing disturbance to neighbouring residents if used within the vicinity of the residential properties. The use of emergency sirens is also outside the remit of statutory nuisance legislation, as it forms part of the operation of the vehicle on the highway. However, associated noise from the use of sirens will result in disturbance and affect amenity. The applicant has confirmed that they operate a "no sirens use" policy at the base and drivers are instructed not to sound their sirens until the main highway at Killingworth Way/Station Road. Vehicles are operated on 3 shifts at the site and will only return to the base for meal breaks during the shift, which will minimise the frequency of the vehicles operating to and from the base during the night period.

1.4 Residential properties at Silverbirch Drive are located to the south of the industrial estate and the vehicles will need to pass these properties to exit the estate but given the 'no siren' policy at the base, their use will be no different to any other industrial vehicle operating within the industrial estate. As the site operates a no siren use policy at the base then this will minimise potential nuisance for neighbouring residents. Sirens if sounded frequently during the night period are likely to be above the WHO community noise guidelines of 45 dB LAMAX. The WHO community noise guidance advises that the probability of being awakened increases with the frequency of noise events during the night period. The use of the siren once the vehicle is on the main highway of Killingworth Way/Station Road will be no different to any other emergency vehicle operating within that area. If planning consent is to be given, then I would recommend a condition is attached to restrict the use of the emergency vehicle sirens being sounded at the premises, when exiting the site, except for emergencies deemed time critical life threatening.

1.5 Highways Network Manager

1.6 This application is for a change of use from light industrial to operate as a base for emergency vehicles. The site is long-established, access remain unchanged, and an appropriate level of parking is being proposed. Whilst it is noted that there is some level of on-street parking that takes place throughout the

wider industrial estate, the impact of this proposal on the adjacent highway is not considered to be severe under guidance in the NPPF. Conditional approval is recommended.

1.7 Recommendation - Approval

1.8 Condition:

Notwithstanding the details submitted, the scheme for parking and turning of vehicles shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

1.9 Informatives:

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Local Highway Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that they should contact the Local Highway Authority to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

2.0 Representations

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

- Inadequate parking provision
- Loss of residential amenity
- Nuisance - disturbance
- Poor/unsuitable vehicular access
- Precedent will be set

Residents who purchased houses in Silverbirch Drive have done so aware that we are adjacent to a light industrial estate. Commercial / HGV / employee cars traffic was 'part of the deal' from the outset.

We did not anticipate a noise-making use. At the very least there should be full consultation with residents regarding this qualitative change in the nature of the environment.

This is a matter of planning principle. This activity has started without permission and without any consultation at all. This needs to be properly tested and every opportunity given for residents to register concerns.

Re parking: at present almost all staff vehicles are parked on the roadside and grass verges, doing damage. The application states that there will be a small number of onsite parking spaces but that staff will continue to park in surrounding streets. Is this consistent with planning regulations?

External Consultees

None

Item No: 4
Application No: 21/02496/FUL
Date valid: 16 December 2021
Target decision date: 10 February 2022
Author: Rebecca Andison
☎: 0191 643 6321
Ward: Riverside

Application type: full planning application

Location: Land Adjacent To Hatfield House, Borough Road, North Shields, Tyne And Wear

Proposal: Erection of 5no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space (REVISED PLANS AND ADDITIONAL INFORMATION)

Applicant: Low Town Developments

Agent: Building Design (Northern) Ltd

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Design and impact on the character of the conservation area;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

2.0 Description of the Site

2.1 The application site is located on the south side of Borough Road, which lies to the south of North Shields Town Centre. It comprises a steep, vegetated embankment and is bisected by a column which supports Borough Road Bridge. The northern part of the site contains an advertising hoarding.

2.2 The site is located between Borough Road and Tennyson Terrace, a residential street at the top of the embankment. To the northwest is Hatfield House, a 4-storey apartment building, and to the southeast is Old Customs House, a grade II listed building also containing apartments.

2.3 The application site falls within the New Quay Conservation Area.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for a development of 5no. three-storey town houses in a stepped terrace with amenity space and a communal car-parking area.

3.2 The dwellings would be located to the west of the bridge column while the car park would be located to the east. Each property contains 4no. bedrooms and would be provided with amenity space at the rear. It is proposed to retain a landscaped area between the easternmost dwelling and the bridge.

4.0 Relevant Planning History

19/01216/FUL - Erection of 6no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space – Refused 02.09.2020 for the following reasons:

- 1) The proposal would result in the loss of habitat and trees that would have an adverse impact upon biodiversity contrary to the advice in National Planning Policy Framework (2019) and policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan 2017.
- 2) Insufficient information on land stability has been submitted to demonstrate that the site could be developed safely and not affect adjacent land such as Tennyson Terrace. The proposal is therefore contrary to the advice in National Planning Policy Framework (2019) and policy DM5.18 of the North Tyneside Local Plan 2017.
- 3) The proposed design would have an adverse impact upon the character and appearance of the New Quay Conservation Area contrary to the advice in National Planning Policy Framework (2019) and policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017, and The Design Quality Supplementary Planning Document (2018).

An appeal in respect of the above decision (20/00015/S78TPA) was dismissed on 09.04.2021. The Inspector upheld refusal reasons 1 and 3 but dismissed reason 2.

18/01497/FUL - Demolition of Borough Road Footbridge including works to the abutments and masonry walls at both bridge approaches, and stopping-up the existing public right of way including closing the footway off Tennyson Terrace. Permitted 04.02.2020

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Design and impact of the proposal on the character of the conservation area;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access 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.

8.0 Principle

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 Paragraph 60 of 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 Paragraph 74 of NPPF requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.5 Paragraph 86 of NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

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

8.6 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.7 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable Greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.8 Policy S4.3 specifically allocates sites to meet the overall housing needs. The application site is not allocated for housing in the Local Plan.

8.9 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

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

8.10 The development would provide 5no. new homes, which would contribute to meeting the housing needs of the borough in accordance with the NPPF and part (a) of Policy DM4.5. It is located in a sustainable location close to shops and services within North Shields town centre and bus stops on Saville Street West/Prudhoe Street.

8.11 Having regard to the above; the principle of the proposed development is considered acceptable subject to consideration of the following matters:

8.12 North Tyneside Council Housing Land Supply

8.13 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.14 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 additional dwellings, a total which includes

delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 3-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. The proposed 5no. dwellings will make a small, but valuable contribution towards the borough achieving a five year housing land supply.

9.0 Impact on the amenity of existing and future occupiers

9.1 Paragraph 185 of 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. 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 quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

9.4 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.

9.5 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.

9.6 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.

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

Accessibility of homes:

Market Housing

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

Affordable Housing

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

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

Internal Space in a Home:

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

9.8 The Design Quality Supplementary Planning Document (SPD) states: “The quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. 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.”

9.9 The proposed development is located to the northeast of residential dwellings on Tennyson Terrace. The difference in land levels means that the apex of the roof would project approximately 4m (max) above the ground level of Tennyson Terrace with the eaves projecting approximately 2m above ground level. There would be a separation distance of approximately 15.6m between the rear elevations of Tennyson Terrace and the roof apex of the development. A distance of 12.6m would exist between the eaves of the development and the rear of Tennyson Terrace.

9.10 When taking into account the location of the development to the northeast of Tennyson Terrace, the difference in land levels and the fact that the pitched roof slopes away from the shared boundary it is officer opinion that the impact on light and outlook is acceptable.

9.11 It is noted that the rear elevations of Tennyson Terrace overlook the rear of the proposed dwellings. However, each of the dwellings on Tennyson Terrace and the proposed dwellings would have a rear fence of at least 1.8m in height. These fences combined with the steep angle of the embankment would limit the overlooking between the properties. In addition, the main windows are located within the front elevation of the development with only office, bathroom windows and glazed doors facing Tennyson Terrace. It is therefore officer opinion that the impact on privacy is acceptable.

9.12 There are no windows in the flank elevation of Hatfield House overlooking the proposed dwellings and the bridge piers of the Borough Road bridge would screen the proposed dwellings from Old Customs House to the southeast.

9.13 The proposed 4-bedroom dwellings have a floor area of approximately 120 sqm which complies with the Government's Nationally Described Space Standard (NDSS).

9.14 The main living accommodation is towards the front of the dwellings and all the living area and bedrooms are provided with windows facing Borough Road which would give acceptable levels of light and outlook. Each property would be provided with a steeply sloping rear garden and an external courtyard. A small planted area would also be created at the front of the development to provide separation from the highway. The level of outdoor space is considered to be acceptable when taking into account the urban character of the area and the constraints of the site.

9.15 The Manager of Environmental Health (Pollution) has been consulted and provided comments. She notes the potential for residents to be affected by noise from traffic and activity on the quayside. To protect residents from noise conditions in respect of noise and ventilation schemes are recommended.

9.16 Members need to determine whether the proposed development is acceptable in terms of its impact on existing residents and whether acceptable living conditions would be provided for future occupiers. It is officer advice that the impact on existing and future residents, in terms of noise, light, outlook and privacy is acceptable, and that the proposed development accords with the NPPF and LP Policies DM5.19, DM4.9 and DM6.1.

10.0 Impact on Character and Appearance

10.1 The Local Planning Authority must have regard to its statutory duty to ensure the preservation and enhancement of the character and appearance of conservation areas, as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It must also have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under section 66 of the same Act.

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

10.3 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.4 Par.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.5 Para.200 states that 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 NPPF para.201 states that where a proposed development will lead to substantial harm to (or total loss of significance) of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

10.7 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para.202).

10.8 NPPF para.206 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

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

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

10.11 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;

- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

10.12 Relevant sections of the Design Quality SPD include:

4.2 “The appearance and materials chosen for a scheme should create a place with a locally inspired or otherwise distinctive character. Identifying whether there are any architectural features or specific materials that give a place a distinctive sense of character should be a starting point for design.”

4.3 “The scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting.”

5.3 “North Tyneside’s historic environment creates a sense of place, well-being and cultural identity for the borough.....New buildings clearly need to meet current needs and reflect the availability of modern materials and techniques while also respecting established forms and materials that contribute towards the character of an area. As with all development, understanding significance of the place is crucial.”

5.3 “Development within the curtilage of heritage assets must have full regard to the following:

- a) The heritage asset should be retained as the visually prominent building.*
- b) The special architectural and visual qualities of the area or asset and their setting.*
- c) The pattern of existing development and routes through and around it.*
- d) Important views.*
- e) The scale, design, detail and character of neighbouring buildings.*
- f) Any potential impacts of the proposed development on heritage assets and their setting.”*

10.13 The Fish Quay Neighbourhood Plan SPD was adopted in 2013. Relevant points from Section 4 Design Principles include:

4.2.1 Respect what has gone before, ensuring new design makes a positive contribution to the neighbourhood, and is created within the context.

4.2.2 Pastiche old design, that is, design that imitates being old, will generally not be supported. Good quality modern design is more appropriate.

4.2.3 New development should make a positive contribution through sensitive design that is developed specifically in relation to the site in question.

4.3.2 New development should preserve or enhance the wildlife corridor.

4.5.2 Should be generally between three and five storeys, and could be as low as one or two storeys nearer the water's edge.

4.9.1 Should use materials that are sympathetic to the surroundings but which also add to the diversity of the area.

4.9.2 Should generally be traditional and natural (particularly in development which is designed in traditional styles), but also with minimal sensitive use of modern man-made materials.

10.14 The application site is located within the New Quay Conservation Area adjacent to a grade II listed building. It occupies a prominent embankment position, overlooking the adjacent Borough Road and is clearly visible on the approach to the town centre from the riverside. The site sits between the grade II listed Old Custom House and a more modern building at Hatfield House. The predominant roof form of both these buildings and the surrounding residential properties is pitched. Hatfield House is constructed mainly from red brick with cream bricks around the base of the building, while Old Customs House is a stone building. On the opposite side of Borough Road is a vegetated embankment.

10.15 5no. 3-storey town houses are proposed in a staggered terrace which would be set back slightly from the edge of Borough Road. The height of the proposed development is significantly lower than Hatfield House and steps down to reflect the slope in ground level from north to south along Borough Road. As such it is officer opinion that the height and scale of the development are appropriate for the site.

10.16 The proposed dwellings have pitched roofs and would be constructed from dark grey/brown brickwork with brick detailing and white mortar at ground floor level and light grey brick with white mortar at first and second floor levels with small sections of timber cladding and aluminium framed windows. The rear amenity spaces would be enclosed by a 1.8m timber fence and the front amenity space would be enclosed by a low brick wall and railings.

10.17 A Design and Access Statement has been submitted. This explains that the ground floor has been designed to be taller and visually stronger, and the first and second floors shorter and simpler in detail. This design is also reflected in the size of the windows on the front elevation - taller windows on the ground floor, followed by shorter windows on the first and second floors.

10.18 A previous application for a development of 6no. flat roofed dwellings has been refused planning permission and one of the refusal reasons refers to the adverse impact of the design on the character and appearance of the New Quay Conservation Area. The decision was upheld by the Planning Inspector when he determined the subsequent appeal. The appeal decision states:

“the contemporary flat roofed form of the appeal scheme would not sufficiently reflect the historic roof forms that characterise this particular Conservation Area. Given the positioning of the appeal site, this would be evident from street level, particularly on approach to the quayside and more so from elevated points along the neighbouring bridge and surrounding higher ground.”

10.19 The Inspector notes the flat roofed component of the neighbouring building and the more recent contemporary designed developments in the area. However, they did not consider that the proposal sufficiently referenced the prevailing important architectural roof form of the existing townscape to assimilate successfully with this important historic context and adequately articulate its significance. The decision goes on to states that *“Consequently, by virtue of its roof design, the appeal proposal would not adequately reflect the existing local distinctiveness of this particular Conservation Area.”*

10.20 The design of the development has been amended to address the Inspector’s comments regarding the roof design. The proposed dwellings now have pitched roofs which is in keeping with the predominant roof form in the area. The Inspector did not raise any other concerns regarding the design of the development and stated that the construction materials could be agreed via a planning condition. It is therefore officer opinion that the design of the proposal is acceptable.

10.21 The appeal decision refers to the undeveloped nature of the site and states that this makes a positive contribution to the character and appearance of the conservation area. The Inspector has regard to the cumulative visual impact of the proposed roof form and the loss of the important green space.

10.22 The proposal would still result in the loss of greenspace and the relief that this currently provides within what is a predominantly built-up area. However, the number of units has been reduced from six to five to allow a landscaped area to be retained within the site. It is officer opinion that when taking into account the revisions that have been made to the design of the development the loss of greenspace would not represent sufficient grounds on which to refuse the application. In the terms of the NPPF it is considered that the harm to the conservation area is at a level which can be described as being at the lower end of ‘less than substantial’.

10.23 NPPF states that where a development results in less than substantial harm this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. LP Policy DM6.6 states that any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

10.24 When the previous appeal was determined the Local Authority had a five year supply of housing land and therefore the Inspector attached only moderate weight to the delivery of additional homes. This is no longer the case and there is now a shortfall against the requirement to maintain a 5-year supply. The proposal would make a small but valuable contribution towards achieving a 5-

year housing land supply. It is officer opinion that this is a benefit which should be afforded substantial weight.

10.25 It would not be possible to deliver this benefit without losing the existing greenspace and the public benefits could not therefore be achieved in a less harmful way.

10.26 The previous appeal decision states that the harm to the conservation area was derived from a combination of the loss of greenspace and the roof design. The roof design has been amended and it is officer opinion that the design and scale of the development is acceptable. The loss of green space would result in less than substantial harm to the conservation area, and it is officer opinion that the benefits of providing additional homes in a sustainable location outweigh this harm.

10.27 It is not considered that the development would harm the setting of the adjacent listed building. This is view was also reached by the Planning Inspector.

10.28 It is officer opinion that the development complies with the NPPF, Policies DM6.1 and DM6.6 of the North Tyneside Local Plan, the Fish Quay Neighbourhood Plan SPD and the Design Quality SPD.

11.0 Landscaping and ecology

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

11.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment 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.

11.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

11.4 Policy DM5.2 sets out 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;
- b. If it is not a designated wildlife Site or providing important biodiversity value;
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type;
- 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.

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

11.6 Policy DM5.5 of the Local Plan states that all development proposals should:

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

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the Biodiversity Action Plan), 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.

11.7 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

11.8 Policy DM5.7 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.

11.9 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote

and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

11.10 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast Special Protection Area (SPA) /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

11.11 The site is located within a designated Wildlife Corridor as shown on the Local Plan Policies Map (2017) and contains existing scrub and grassland habitat and semi-mature trees. The application is supported by a Biodiversity Metric and a landscape scheme. A Bat Survey, Arboricultural Impact Assessment (AIA) and tree condition report have also been submitted.

11.12 The appeal decision made in respect of application 19/01216/FUL states that the submitted evidence did not provide sufficient certainty that the proposed development would not reduce habitat to an unacceptable level and disturb and fragment the wildlife corridor. The Inspector also stated that the proposal did not demonstrate that mitigation would be inappropriate. The Inspector states "Moreover, given the constrained nature of the site, the absence of detailed mitigation proposals does not provide sufficient certainty that these impacts could be satisfactorily addressed on-site or compensated for elsewhere or that appropriate biodiversity net-gains would be attained."

11.13 There are 9no. existing trees within the site and 8no. of these would be removed to facilitate the development. Other habitats that would be lost to facilitate the scheme include bramble scrub and modified grassland. It is proposed to provide a small area of modified grassland, ground level planters, a green wall and vegetated gardens within the site along with the enhancement of small areas of bramble scrub to mixed native scrub and modified grassland to other neutral grassland. 5no. replacement trees are also proposed. Overall, the scheme results in a biodiversity net loss of - 16.22%.

11.14 In order to address the biodiversity loss the applicant has agreed to pay a financial contribution of £2,566 towards the delivery of additional planting on Council owned land to deliver an overall biodiversity net gain of 5%. The Biodiversity Officer and Landscape Architect have provided comments and state that this acceptable.

11.15 The development lies within 6km of the coast and therefore has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. To mitigate this impact, in accordance with the Coastal Mitigation SPD, the developer has agreed to make a contribution of £337 per unit towards coastal mitigation.

11.26 Members need to consider whether the impact on trees and ecology would be acceptable and weight this in their decision. It is officer advice that the impact is acceptable subject to the conditions recommended by the Landscape Architect and Biodiversity Officer and contributions towards the Coastal Mitigation Service and habitat creation. It is considered that the proposal accords with the NPPF and LP policies S5.4, DM5.5, DM5.6, DM5.7 and DM5.9 and the Coastal Mitigation SPD.

12.0 Whether there is sufficient car parking and access provided

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

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

12.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

12.5 The Transport and Highways SPD sets out the Council's adopted parking standards.

12.6 The site would be accessed via Borough Road and the development includes a car park containing 6no. parking bays.

12.7 Whilst only 1no. parking space has been provided for each dwelling with 1no. visitor bay, the site is located close to North Shields town centre with reasonable links to public transport and local services. On this basis, the Highways Network Manager has no objection.

12.8 NPPF is clear that 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.

12.9 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, it is officer advice that the proposal would not have an unacceptable impact on highway safety and complies with the advice in NPPF and policy DM7.4.

13.0 Other issues

13.1 Contaminated Land and Ground Stability

13.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

13.3 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.

13.4 Refusal reason 2 of application 19/01216/ FUL refers to the failure to submit sufficient information on land stability to demonstrate that the site could be developed safely and not affect adjacent land such as Tennyson Terrace.

13.5 In their assessment of the impact on land stability the Inspector noted that the site is on an embankment and that the proposal would require excavation and the removal of some substantial retaining walls. They had regard to the fact that the applicant provided confirmation from a suitably qualified person that an effective scheme could be devised and implemented. The Inspector considered that the proposal could mitigate against adversely impacting on land stability and this could be dealt with via a suitably worded planning condition.

13.6 The Contaminated Land Officer has provided comments. She states that the site is located within 100m of known landfill and recommends conditions to address potential contamination and in respect of gas protection measures.

13.7 Taking into account the previous appeal decision it is officer advice that the impact on land stability and contamination can be adequately addressed via planning conditions.

13.8 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

13.9 Flooding

13.10 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

13.11 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 undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.12 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). 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 the development where appropriate and achievable. For greenfield sites, surface water run off

post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

13.13 The site is located within Flood Zone 1 and is not within a Critical Drainage Area. Hard surfacing is proposed within the car park, but the majority of the site taken up by the proposed dwellings.

13.14 Subject to a condition to control the surface water drainage, it is officer advice that the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14.

13.15 Local Financial Considerations

13.16 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy.

13.17 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

14.0 Conclusion

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

14.2 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.

14.3 The Council does not have a 5-year housing land supply. The proposed development of 5no. homes would make a small but valuable contribution to the current shortfall. This is a significant benefit that weighs in favour of the proposal.

14.4 It is officer advice that the proposal would ensure sufficient separation distances to neighbouring properties and would not have an adverse impact on the amenity of existing residents. The standard of accommodation provided for future occupiers is also considered to be acceptable.

14.5 It is officer opinion that the proposal would result in less than substantial harm to the character of the conservation area due to the loss of greenspace. When taking into account the revisions that have been made to the roof design

Associated road markings
Associated signage
Associated Traffic Regulation Orders

The approved scheme shall be implemented in accordance with the details agreed and retained thereafter.

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

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

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

5. Vehicular visibility splays of 2.4m by 43m by 0.6m shall be provided in accordance with the approved details prior to occupation of the development and retained thereafter.

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

6. The scheme for parking shall be laid out in accordance with the approved details prior to occupation of the development and retained thereafter.

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

7. The scheme for the provision of and storage of refuse shall be laid out in accordance with the approved details prior to occupation of the development and retained thereafter.

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

8. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. 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.

9. 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 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. Gas Investigate no Development	GAS00 6	*
11. Desk Study and Method Statement	CON00 3	*
12. Site Investigation	CON00 4	*
13. Remediation Method Statement	CON00 5	*
14. Validation Report	CON00 6	*
15. Unexpected Hotspots	CON00 7	*

16. 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 and specification for on-site landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the approved Biodiversity Net Gain Assessment Report and Biodiversity Metric V15 (All About Trees March 2023). The landscape scheme shall include the planting of 5no trees on the site. Any trees, shrubs, grasslands or other habitats 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. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

17. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the 1no. retained oak tree, in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a Tree Protection Plan showing the location and type of protective fencing. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and 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. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

18. Within 4 weeks of development commencing a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Biodiversity Net Gain Report/Biodiversity Metric V15 (E3 Ecology All About Trees February/March 2023) and approved Landscape Plan.

- Survey and monitoring details for all target habitats identified within the approved Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

Reason: To ensure a satisfactory standard of landscaping and in the interests of biodiversity; having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

19. Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical

and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. The 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: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

20. Prior to development commencing a 'Precautionary Mammal/Hedgehog Working Method Statement' shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall thereafter be implemented in accordance with the approved details.

Reason: This information is required prior to development commencing in order to ensure that local wildlife populations are protected; in the interests of biodiversity; having regard to the NPPF and Local Plan Policy DM5.5.

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

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

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

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

23. 3no. integrated bird boxes and 2no. integrated bat boxes shall be provided on buildings within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning

Authority within 4 weeks of development commencing. The approved boxes shall be installed in accordance with the approved plans and permanently retained

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

24. Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

25. Notwithstanding the submitted details, no development shall commence until full details of the engineering and ground stability works have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate how the proposed engineering works will ensure that stability of the hereby approved dwellings, the Borough Road Bridge and the dwellings at the top of the embankment along Tennyson Terrace.

Reason: This condition is required prior to development to ensure that the proposal would not result in unstable land or damage to the hereby approved dwellings, Borough Road Bridge piers or the dwellings of Tennyson Terrace having regard to policy DM5.18 of the North Tyneside Local Plan 2017.

26. Notwithstanding any indication of materials which may have been given in the application, no development shall take place above damp proof course level until a schedule and/or samples of the building and surfacing materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in

accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policies DM6.1 and DM6.6 of the North Tyneside Unitary Development Plan 2002.

27. Within 4 weeks of development commencing 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. All new fencing must include hedgehog gaps (13cmx13cm) and details of the number, location and specification of gaps shall be provided on a plan. The fencing shall be installed in accordance with the approved plans prior to occupation of the development and thereafter retained.

Reason: To ensure a satisfactory environment within the development and to ensure that local wildlife populations are protected having regard to policies DM6.1, DM6.6 and DM5.5 of the North Tyneside Unitary Development Plan 2002.

28. Notwithstanding any indication of materials which may have been given in the application, no development shall take place above damp proof course level

until details of the materials for the hard surface areas have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the conservation area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

29. Prior to construction above damp proof course level the detailed design, colour and material specification for the windows and doors must be submitted to and agreed in writing by the Local Planning Authority. Windows should be set back within the window reveal unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the conservation area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

30. No construction above ground level shall commence until details of ventilation extraction, flues, meter boxes, alarm boxes, satellite dishes and any other external features including location and type, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the external features shall be implemented in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the conservation area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

31. Notwithstanding Condition 1, the proposed dwellings must comply with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To ensure appropriate living conditions for future occupiers are provided in accordance with Policy DM4.9 of the North Tyneside Local Plan (2017).

32. Restrict Hours No Construction Sun BH HOU00 *
4

33. Prior to occupation of the development, a noise scheme to address road traffic noise and noise arising from the quayside area must be submitted to and approved in writing by the Local Planning Authority. The sound attenuation scheme must be in accordance with BS8233 and the World Health Organisation community noise guidelines and must ensure 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. External amenity areas must meet the world health organisation community noise level for outside spaces of below 50 dB LAeq. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

34. Prior to occupation of the development, a ventilation scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure an appropriate standard of comfort is achieved to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night, namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours) and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with windows 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 to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

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 (103)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

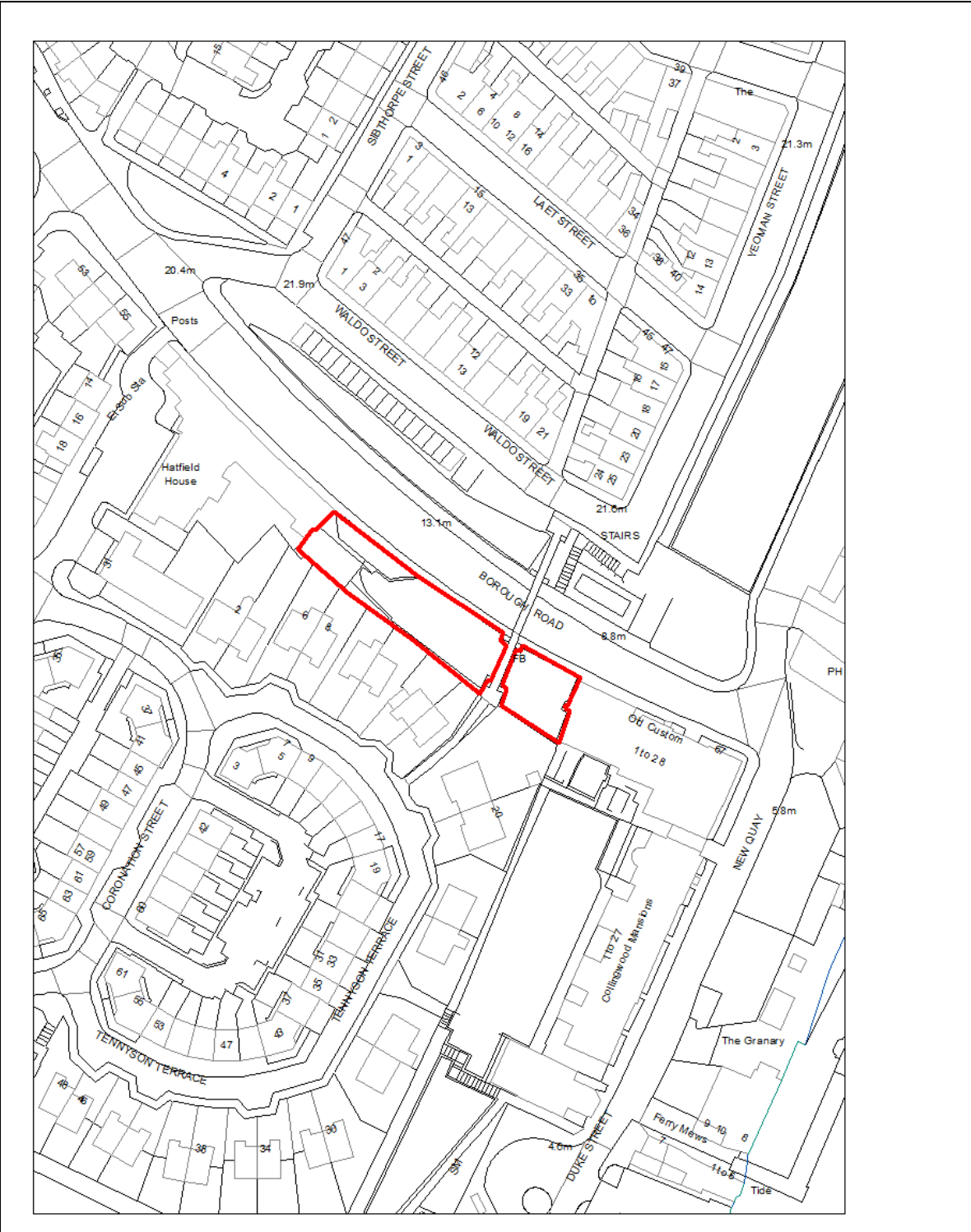
The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

Highway Inspection before dvlpt (I46)

Street Naming and numbering (I45)

No Doors Gates to Project Over Highways (I10)

The applicant is advised that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.



Application reference: 21/02496/FUL
Location: Land Adjacent To Hatfield House, Borough Road, North Shields
Proposal: Erection of 5no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space

Not to scale

Date: 31.05.2023

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the erection of 5 three-storey townhouse style terraced dwellings, with communal parking and rear amenity space.

1.3 The site will be accessed via Borough Road and whilst only one parking space has been provided for each dwelling, the site is located near to North Shields town centre with reasonable links to public transport and local services. Nonetheless, the developer should be aware that end users will not be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. For these reasons and on balance conditional approval is recommended.

1.4 Recommendation - Conditional Approval

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

New access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

1.5 Conditions:

Notwithstanding the details submitted, no part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for vehicular visibility splays of 2.4m by 43m by 0.6m has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for parking has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for the provision of and storage of refuse has been laid out in accordance with the approved plans and retained thereafter.

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

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.

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 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.

1.6 Informatives:

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.

1.7 Manager of Environmental Health (Contaminated Land)

1.8 The lies within 100m of an area of unknown filled ground. due to this and the proposed sensitive end use the following must be attached:

Gas 006
Con 003

Con 004
Con 005
Con 006
Con 007

1.9 Biodiversity Officer and Landscape Architect

1.10 Following extensive discussions and assessment of the many variations of information submitted, a landscape scheme and an updated Biodiversity Metric (Small Sites Metric V15 March 2023) has been prepared for the above site. The updated BNG now includes all 9no. trees identified within the site as medium trees with 8no. being lost to facilitate the scheme and 1no. tree being retained (Oak tree). Other habitats shown to be lost to facilitate the scheme within the Metric include bramble scrub and modified grassland.

1.11 The Landscape Plan (DWG: S1524-BDN-XX-XX-DR-A-0009 Rev P1) and Metric show a small area of modified grassland, ground level planters, a green wall and vegetated gardens to be created within the site along with the enhancement of small areas of bramble scrub to mixed native scrub and modified grassland to other neutral grassland. Overall, the scheme results in a biodiversity net loss of -16.22%. In order to address this, the applicant has agreed to pay a financial contribution to the Council to deliver additional planting on Council land to deliver an overall biodiversity net gain of 5%. This is considered acceptable.

1.12 Impacts on Coastal Designated Sites

1.13 The scheme will result in an increase in residential accommodation which will contribute to adverse impacts on designated sites at the coast through recreational disturbance. The scheme will, therefore, need to comply with the Councils Coastal Mitigation SPD. The SPD provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

1.14 If the application is recommended for approval, the following conditions should be attached to the application:

- 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 and specification for on-site landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the approved Biodiversity Net Gain Assessment Report and Biodiversity Metric V15 (All About Trees March 2023). The landscape scheme shall include the planting of 5no trees on the site. Any trees, shrubs, grasslands or other habitats 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. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

- Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the 1no. Oak

tree, in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. Details to include a Tree Protection Plan showing the location and type of protective fencing. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and 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. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

- Within 4 weeks of development commencing on site, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Biodiversity Net Gain Report/Biodiversity Metric V15 (E3 Ecology All About Trees February/March 2023) and approved Landscape Plan.

- Survey and monitoring details for all target habitats identified within the approved Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

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

- A 'Precautionary Mammal/Hedgehog Working Method Statement' shall be submitted to the LPA for approval in writing prior to works commencing on site.

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

- 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°.

- Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details of the number, location and specification of gaps shall be provided on a Plan and submitted to the LPA for approval within 4 weeks of development commencing on site and will be installed in accordance with the approved plans and permanently retained.

- 3no. integrated bird boxes and 2no. integrated bat boxes will be provided on buildings within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

1.15 Manager of Environmental Health (Pollution)

1.16 The site is located within the town centre area of North Shields with the quayside close to the southeast of the site. I am concerned about road traffic noise affecting the proposed residential properties, and potential external noise from the quayside area.

1.17 A noise scheme is necessary to ensure appropriate sound mitigation measures are provided within the build design for the residential accommodation. The noise scheme will need to include a traffic noise assessment, which will need to be carried out based on the memorandum of road traffic noise and consideration should be given to ensure that gardens and internal rooms located to the north of the site are provided with appropriate noise mitigation to ensure good standards of internal noise levels in accordance with BS8233 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 All external amenity

areas will need to meet the world health organisation community noise level for outside spaces to achieve noise levels below 50 dB LAeq.

1.18 If planning approval is to be given I would recommend the following conditions.

Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme to address the road traffic noise arising from Borough Road and associated external noise from the quayside area. Details of the sound attenuating scheme 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. External amenity areas to meet the world health organisation community noise level for outside spaces to below 50 dB LAeq.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of comfort to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels 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 to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried out in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance.

HOU04
SIT03

2.0 External Consultees

2.1 Coal Authority

2.2 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.

3.0 Representations

3.1 8no. objections have been received. These are summarised below.

- Adverse effect on wildlife.

- Inadequate parking provision.
- Loss of/damage to trees.
- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.
- Inadequate drainage.
- Loss of privacy.
- Loss of visual amenity.
- Pollution of watercourse.
- Affect character of conservation area.
- Impact on landscape.
- Inappropriate design.
- Inappropriate in special landscape area.
- Loss of residential amenity.
- Not in accordance with development plan.
- Precedent will be set.
- Hatfield House already suffers overcrowding in the car park meaning residents have to park on Borough Road.
- Inadequate parking provision.
- Residents will park on the bank as they will not want to walk up the hill.
- Animals will not be able to cross the road if houses are built on the land they use to cross currently and the bridge is demolished.
- The road will be littered with bins and cause obstruction for disabled/pushchair users.
- Borough Road has a speeding problem.
- Drainage has always been a problem and new dwellings will block the pipes.
- Noise and vibration from construction work.
- Noise created within the dwellings.
- Loss of sunlight and river views.
- The plot is too small for the development.
- Other more suitable plots nearby.
- The application refers to the demolition of Borough Road Bridge but fails to mention that there is an appeal awaiting decision by the Secretary of State.
- Impact on the wildlife corridor.
- Overspill parking in the surrounding area.
- The area is becoming saturated with new dwellings.
- Lack of information regarding the ecological impacts.
- Loss of habitat and trees.
- Structural damage to the bank and retaining wall.
- No evidence of demand for new housing.
- Taller buildings will block views.
- The grey roofs will look awful.
- Impact of the excavation on ground stability.
- No provision for future bus stop.
- Loss of river views.
- Inadequate refuse bin storage.

Item No: 5
Application No: 23/00217/FUL
Date valid: 17 February 2023
Target decision date: 19 May 2023
Author: Maxine Ingram
☎: 0191 643 6322
Ward: Weetslade

Application type: full planning application

Location: Land East Of, Weetslade Depot, Great Lime Road, Dudley, Northumberland

Proposal: Erection of foodstore (Class E) with associated car parking; vehicular, pedestrian and cycle access; SuDs; and landscaping

Applicant: Aldi Stores Ltd

Agent: Klr Planning Ltd

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.1 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 biodiversity; and,
- Other issues.

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 site, measuring approximately 1.2ha, is located at the corner of Sandy Lane (A1056) and Great Lime Road (B1319), to the west of the Weetslade roundabout. The site is a parcel of agricultural land. Immediately to the west of the site is a petrol filling station and convenience store, a Greggs café and drive through. Beyond that is a car sales site and servicing facility. Trees are sited along this shared boundary which are protected by a Tree Preservation

Order (TPO). An established hedgerow with trees is sited along the eastern boundary. To the north, is a field and salvage yard beyond which lies Weetslade Country Park. The site is currently accessed off Great Lime Road.

2.2 The site is an allocated site (E003) for employment uses in the Local Plan (LP) (2017). The site is designated as a wildlife corridor.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the erection of foodstore (Class E) with associated car parking; vehicular, pedestrian and cycle access; SuDs; and landscaping.

3.2 The proposed food store is orientated with the shop frontage to Sandy Lane and Great Lime Road with the car parking area to the eastern side of the building. A wildlife corridor is proposed between the rear of the food store and the tree belt to the western boundary. The width of this corridor varies between 10.1m and 17.7m. A new vehicular access is proposed from Great Lime Road. Several pedestrian routes are proposed: one from Sandy Lane; one from the corner of Sandy Lane/Great Lime Road; and one alongside the new vehicular access road.

3.3 The food store would measure 1, 859 square metres (sqm) gross external (1, 783sqm gross internal) and 1,315sqm net sales area. A welfare block for staff for staff and plant room measures 121 sqm, with the remaining space made up of a bulk store and internal lobby. Car parking is provided for 121 customer vehicles, including accessible bays and parent and child bays and electric vehicles. Five parking bays are provided for staff parking in the service yard area. Eight Sheffield cycle stands are positioned next to the customer entrance.

3.4 A detention basin is proposed in the north-east corner of the site and filter trenches to the boundaries of the site.

3.5 The external plant equipment is positioned at ground level to the south of the loading pod on the western elevation. The equipment will be secured with a metal palisade fence.

4.0 Relevant Planning History

None

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (July 2021)

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

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (LPAs) to apply a presumption in favour of sustainable

development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

- The principle of the development,
- The impact on amenity,
- The impact on character and appearance,
- The impact on highway safety,
- The impact on biodiversity; and,
- Other issues.

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

8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF (July 2021) however, it is clear from paragraph 219 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that the Local Plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.4 LP Policy S2.2 'Provision of Land for Employment Development' seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council's strategy for economic prosperity, job growth and investment over the plan period.

8.5 LP Policy DM2.3 Development Affecting Employment Land and Buildings states "The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses."

8.6 Paragraph 87 of the NPPF states that 'LPA's should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

8.7 Paragraph 88 of the NPPF states 'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPA's should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

8.8 Paragraph 91 of the NPPF states 'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.'

8.9 Paragraph 122 of the NPPF advises that planning policies and decisions need to reflect the changes in the demand for land. Where the LPA considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

8.10 The National Planning Practice Guidance (NPPG) provides advice on how the sequential test should be applied to development proposals. The NPPG states that it is for the applicant to demonstrate compliance with the sequential test and sets out the key considerations that be taken into account in determining whether a proposal complies with the sequential test:

-With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the

proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

-Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of a development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

-If there are no sequentially preferable locations, the sequential test is passed.

8.11 LP DM3.4 'Assessment of town centre uses' sets out the criteria proposal for main town centre uses on sites not within the town centres and sets out the criteria for when a retail impact assessment would need to be submitted. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the factors set out in DM3.4, it should be refused.

8.12 Section 15 of the NPPF seeks to conserve and enhance the natural environment. Paragraph 174 of the NPPF encourages design to contribute to and enhance the local environment. Amongst other matters this includes recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.

8.13 LP Policy DM5.8 'Soil and Agricultural Land Quality' states: "Development of "best and most versatile" agricultural land will only be permitted where it can be demonstrated that: a) the need for the development clearly outweighs the need to protect such land in the long term; or, b) in the case of temporarily/potentially reversible development (for example, minerals) that the land would be reinstated to its pre-working quality; and, c) there are no suitable alternative sites on previously developed land or lower quality land. The council will require all applications for development to include realistic proposals to demonstrate that soil resources were protected and used sustainably, in line with accepted best practice.

8.14 The NPPF glossary identifies that the best and most versatile land, of which safeguarding should be prioritised, if possible, is considered to be Grades 1, 2, 3a when using the Agricultural Land Classification (ALC).

8.15 43 representations supporting this application have been submitted. The reasons supporting this application are set out in the Appendix to this report.

8.16 The objection from The Northumberland and Newcastle Society (N&N) regarding the loss of green belt is noted. Members are advised that this site is not designated as green belt land. It is a designated as employment site and wildlife corridor in the Council's LP. The loss of agricultural land is noted.

8.17 The site is agricultural land that borders A1056 to the south, mix of employment uses to the west and Great Lime Road and the A189 to the east. The northern section of the site is not part of this application and therefore would

still remain as agricultural land. The site is clearly visible from A1056 and Great Lime Road.

8.18 The site is an allocated employment site (E003 – Weetslade (31.86ha)) in the LP, which supports development in Use Classes former B1 (now Use Class E), B2 and B8 (Policy S2.2).

8.19 The use proposed is a town centre use in an out of centre location. In accordance with the NPPF (paragraphs. 87 and 90) and LP Policy DM3.4 this application requires a sequential and impact assessment to be submitted for consideration. The assessment must provide sufficient evidence that the development would not have an adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable. The Planning Policy comments received are clear that each assessment provides sufficient evidence that the development would not have a significant adverse impact on the centres within the catchment of the development and that no suitable, available or viable sites were sequentially preferable.

8.20 The other main consideration for Members to consider is the loss of allocated employment land for former B1 (now Use Class E), B2 and B8 uses to a supermarket. LP Policy DM2.3 does accept development for uses outside of former B1 (now Use Class E), B2 and B8 so long as the development meets certain criteria. These include ensuring the development would not result in an unacceptable loss of operating businesses and jobs, an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses.

8.21 The site is not previously developed therefore the proposal would not result in the loss of operating businesses and jobs as a result of new development. The applicant has confirmed that the proposed food store is an addition to the company's portfolio, rather than a replacement or relocation so no existing food stores would be closed. The proposed new food store would create between 30 and 50 new jobs. The proposal would satisfy the requirements of DM2.3 (a).

8.22 The site area measures 1.2ha which equates to 3.7% of the Weetslade employment site. The Planning Policy comments are clear that this proposal would not result in an excessive reduction in the supply of land for development in employment uses. The proposal would satisfy the requirements of DM2.3 (b).

8.23 The impacts upon the amenity and operation of neighbouring uses will be considered in a latter part of this report.

8.24 The applicant has advised that land has an ALC of grade 3 but the land has not had a post-1988, ALC, which would then break it down into a 3a and 3b classification.

As already, discussed the site is designated as employment therefore the loss of this agricultural land, approximately 1.2ha, has already been accepted as part of the allocation within the LP.

8.25 Members need to consider whether the development meets the requirements of national and local policy for retail, employment and agricultural land. The supporting information confirms no sequentially preferable sites within the catchment area and the impact assessment has proven the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. It is not considered that the development would result in an excessive reduction in the supply of land for development in employment uses. It is not considered that the proposed development would result in a significant loss of agricultural land. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with LP Policies S2.1, DM2.3 and DM3.4. The loss of agricultural land has been accepted through its allocation as employment land. 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 185 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 Paragraph 186 of the NPPF advises that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified. Such opportunities should be considered at the plan-making stage to limit the need for issues to be reconsidered when determining individual applications.

9.3 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”.

9.4 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.....”

9.5 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 and secure a positive relationship to neighbouring buildings and spaces and retain a good standard of amenity for existing and future residents.

9.6 The proposed opening hours of the store are 0800 to 2200 hours Monday to Saturday and for six consecutive hours between 1000 and 1800 hours on Sundays.

9.7 The Manager for Environmental Health has been consulted. She has raised concerns regarding potential noise arising from this proposal affecting neighbouring residential properties located on Sandy Lane located some 193m west of the site and Holly Court and Meadow Gardens located some 85m east of the site.

9.8 The submitted Noise Assessment has been considered by the Manager for Environmental Health. The noise assessment has considered noise from new plant and equipment to be installed at the site and from delivery noise. Associated noise arising from the loading of goods would occur in the car park but its use can be controlled by a condition restricting its operating hours. The noise assessment for the external plant has determined that the predicted noise level will be below the existing background noise levels for both day and night period. The consultee has advised this would not give rise to significant adverse impacts. A condition is recommended to secure a validation assessment following the installation of any external plant. The delivery bay is located to the west side of the building away from the nearest sensitive residential properties on Holly Court and Meadow Gardens. The delivery bay is separated from the properties to the west by existing commercial uses. The noise assessment demonstrates the delivery area will not result in significant adverse impacts. A condition to restrict deliveries to daytime hours will not be required.

9.9 The submitted Air Quality Assessment has been considered by the Manager for Environmental Health. This assessment has determined the impact will be low adverse during construction if dust mitigation measures are employed to mitigate dust impacts. A condition is recommended to secure dust suppression measures during construction.

9.10 The Manager for Environmental Health has advised that the lighting levels would comply with the Institute of Lighting Professionals guidance for the reduction of obtrusive light.

9.11 The NPPF, paragraph 55 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 56 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.” Although concerns have been raised by the Manager of Environmental Health, it is clear from her comments that conditions can be imposed to mitigate the impacts arising from this proposal. Conditions to control the hours of construction, hours of operation, odour abatement (if necessary), and noise from plant and equipment, and lighting are recommended.

9.12 The positioning of the proposed building would not significantly affect the residential amenity of residential properties located to the east and west of the site in terms of loss of light, outlook or privacy.

9.13 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties. It is officer advice that the proposed development is acceptable, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in paragraph 185 of the NPPF and LP policies DM5.19, DM2.3 (c) and DM6.1.

10.0 Impact on character and appearance

10.1 Paragraph 134 of the NPPF states that development that is not well designed should be refused.

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 The ‘Design Quality’ SPD applies to all planning applications that involve building works.

10.4 The application site adjoins a linear area of existing commercial development along Sandy Lane to the west.

10.5 The submitted Design and Access Statement advises that the key drivers for the proposed site layout were: retention of existing hedgerow and trees to the eastern boundary; inclusion of a wildlife corridor to provide connectivity between Gosforth Park to the south and Weetslade Country Park to the north; and vehicular access from Great Lime Road.

10.6 A wildlife corridor has been created between the rear elevation of the building and the existing tree belt to the western boundary. The width of the corridor varies between 10.1m and 17.7m. With the rear elevation of the building to the west, the food store is positioned in a north-south orientation with the shop front and store entrance to Sandy Lane and the customer parking between the store and Great Lime Road.

10.7 Customer car parking spaces are provided including accessible bays, parent and child bays, and bays for electric cars. Staff parking bays are also provided to the north of the store. Cycle stands are proposed to the south elevation where there will be natural surveillance.

10.8 Vehicular access is proposed from Great Lime Road. Pedestrian and cycle access is provided alongside the vehicular access road, and connections are provided from the southeast corner of the site. A pedestrian footway from the east through the car parking area to the store entrance is proposed.

10.9 The service area is located to the west side of the building with a dedicated goods vehicles route to the loading pod provided along the northern boundary.

10.10 To the eastern boundary, the existing hedgerow and trees have been incorporated into the layout with the detention basing alongside. Within this area of the site, additional native tree planting will be provided to enhance the biodiversity of the site.

10.11 The maximum height of the proposed building is to the front elevation approximately 6.25m. The height of the rear elevation is 5m from the ground. It is the view of officers that the scale of the proposed building is in keeping with the adjacent commercial buildings.

10.12 The overall design of the building is a modern, contemporary style with a simple palette of materials combining silver and grey cladding, powder coated aluminium windows, steel doors and glazing. There is a canopy to the east elevation over the customer entrance area which wraps around the corner of the building.

10.13 A timber knee rail is proposed to the northern, eastern, and southern boundaries. This low-level boundary treatment is considered to be acceptable as the site is prominently located and it would allow for increased natural surveillance.

10.14 Northumbria Police have not raised any objection to the proposed development. They have put forward a recommendation to enclose the side staff entrance or use a specific staff entrance door that is an enhanced standard. These options would need to be considered by the applicant.

10.14 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, particularly having regard to the linear commercial development immediately to the west of

the site along Sandy Lane. As such, the proposed development accords with national and LP Policy DM6.1.

11.0 Impact on highway safety

11.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

11.3 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

11.4 The Council's maximum parking standards are set out in the Transport and Highways SPD.

11.5 The objection from the N&N regarding the inaccuracy of the image of the Sandy Lane roundabout and increase in traffic are noted.

11.6 As already discussed, customer car parking provision is located to the east side of the building and additional staff parking is located to the north of the building. Pedestrian and cycle access is provided along the vehicular access from Great Lime Road. Further pedestrian and cycle access is accommodated from the south side of the site. Cycle storage is proposed to the south side of the building.

11.7 The service area is located to the west side of the building with a dedicated goods vehicle route to the loading pod provided along the northern boundary. Access to the service area has been designed to accommodate the turning manoeuvres of 16.5m articulated goods vehicles, these being the largest delivery vehicles which will serve the food store.

11.8 The submitted Transport Assessment (TA) has been considered by the Highways Network Manager. This assessment has analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe. In addition, the impact of traffic was also tested on the council's transport modelling for the scheme to signalise Sandy Lane roundabout. The Sandy Lane scheme also provides improved pedestrian and cycle access to the site and the wider network.

11.9 The Highways Network Manager considers the proposal to be acceptable subject to imposing the suggested conditions.

11.10 The submitted Travel Plan (TP) has been considered by the Sustainable Transport Team Leader. This TP provides ambitious targets for the reduction of vehicular use, whilst targeting an increase of walking and cycling trips. The TP commits to monitor the site for a 5 year period and produce an annual review report to help determine if any additional measures or interventions are required. A TP Bond is required to ensure if the TP Targets are not met alternative provision can be secured.

11.11 The applicant provided a response to Nexus' initial comments. The applicant advised that bus accessibility had been discussed with the focus being on the existing services utilising the stops on Killingworth Way. The current Weetslade roundabout improvement scheme includes controlled pedestrian crossing from Sandy Lane to Killingworth Way. Signal controlled access to the Avant Homes development provides additional controlled crossing facilities to access the eastbound bus stop. Members are advised that this highway improvement scheme is now complete and these improvements have been welcomed by Nexus.

11.12 Regarding Nexus' request for the provision of bus shelters on Sandy Lane the applicant did not consider this request to be reasonable or necessary to make their development acceptable in planning terms. The request for bus shelters on Sandy Lane should be considered if further development is brought forward on the wider employment site. Nexus confirmed that they had no further comments to make regarding bus shelters on Sandy Lane.

11.13 As already discussed, the TP has been considered by the Sustainable Transport Team Leader and they consider the measures put forward to be acceptable.

11.14 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 Impacts on Biodiversity

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

12.2 Paragraph 174 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.

12.3 Paragraph 179 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 180 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.

12.4 LP Policy S5.4 'Biodiversity and Geodiversity' seeks to protect, create, enhance and manage sites within the borough relative to their significance.

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 Newcastle International Airport (NIA) has been consulted. They have advised that the amount of landscaping proposed and distance to the flight path it would not result in any detriment to the safe operation of the airport.

12.7 Northumberland Wildlife Trust has been consulted. They object to the proposed development as no appropriate on-site habitat would be retained for farmland and ground nesting birds and no appropriate off-site mitigation has been offered. The wildlife corridor to be retained is not sufficient and would be subjected to higher levels of human disturbance. Locally native species should be used, and no biodiversity net gain has been provided. This objection is noted.

12.8 The N&N Society have objected to the loss of a green corridor. This objection is noted.

12.9 The Landscape Architect and Biodiversity Officer have been consulted. They have considered the supporting information including Preliminary Ecological Assessment (PEA), Breeding Bird Survey, Wintering Bird Survey, Bat Survey, Biodiversity Net Gain (BNG) Assessment and Metric and landscaping proposal. The results/conclusions of these surveys are set out in greater detail in the Appendix to this report.

12.10 The PEA recommends that habitats are left in place/enhanced around the boundaries of the site to ensure that the wildlife corridor is not severed by the proposed development. It also recommends that trees and hedgerows are retained to maintain connectivity within the site and additional planting incorporated along the length of the site to increase the amount of habitat within the corridor.

12.11 As part of the mitigation/enhancement section the Breeding Bird Survey it recommends the retention of existing hedgerows so some natural foraging and nesting habitat can remain as well as off-site compensation for skylark, lapwing and grey partridge.

12.12 The Wintering Bird Survey advises that whilst the site is not considered of particular importance to maintain local populations of any of the wintering species identified, it does provide good connectivity to higher quality habitat to the north and the south, as well as, providing some foraging opportunities. It goes on to say that whilst it is expected that the site plans will likely reduce the species richness of the site overall, the retention and/or enhancement of existing hedgerows on site and the planting of additional hedgerows should be

considered to provide foraging habitat and maintain connectivity. The report also concludes that it is likely, given the nature of the development, that ground foraging species such as grey partridge and lapwing will not be retained as a wintering species given the reduction in foraging opportunity and disturbance from the change in site use. However, similar habitat is present within the wider landscape which can provide foraging opportunities to these species, particularly to the north of the site.

12.13 The Bat Survey advises bat activity was low. Commuting was most commonly recorded north to south and vice versa across site with some foraging towards the north-west of the site. No roosts were observed during the surveys. The submitted Landscape Plan shows that the hedgerow along the eastern boundary of the site will be retained and enhanced with species rich grassland to maintain habitat connectivity and new planting (hedgerows, trees, grassland) will also be provided, along the southern boundary which will also connect to the eastern boundary habitat. In addition, a corridor of landscaping (11m-17m wide) will be provided along the western boundary to provide a landscape buffer and enhance the existing woodland habitat along this boundary with additional woodland, scrub and species rich grassland. The provision of lighting will need to be minimised along this boundary with conditions attached to ensure any lighting within the site minimises light spill to valuable habitat along the boundaries of the site, particularly the western boundary 'wildlife corridor' buffer.

12.14 The BNG Assessment and Metric, indicates that post development and the implementation of the proposed landscaping scheme, there will be net loss. A BNG is required to meet local and national planning policies. To address this net loss the applicant has agreed to pay a financial contribution to address the shortfall in habitat units on site to achieve an overall 10% net gain in habitat on an appropriate area of land within Council ownership.

12.15 A landscape buffer to the western boundary is proposed. This area will accommodate a belt of mixed native scrub with standard trees adjacent to the existing established tree planting along the western boundary, with species rich grassland between the native scrub and the rear of the proposed foodstore. The native scrub extends along the northern boundary (adjacent to car parking) and contains several standard trees within the mix. The western buffer planting also connects with a new native species rich hedgerow with standard trees along the southern boundary. This landscape buffer is approximately 11m at its narrowest section increasing to approximately 17m. The north-west section of native scrub planting also widens out before narrowing along the northern boundary adjacent to car parking.

12.16 The existing hedge and trees along the eastern boundary are being largely retained except for a small section of hedge to facilitate the new access road into the site. This boundary is being enhanced with a belt of mixed native scrub and standard trees adjacent to the hedgerow along with species rich grassland either side of the hedge. A SUDs area is also provided to the northwest of the hedgerow, adjacent to the internal access road to address drainage requirements and this will be sown with an appropriate wetland species rich grassland.

12.17 The trees to the west of the site on neighbouring land are protected by a Tree Preservation Order (TPO). These trees are being retained. It is also proposed to retain all trees within the site except for the small section of hedge to facilitate the new pedestrian and vehicular access into the site. It is proposed to plant 66no. native standard trees of varying species that will improve the setting of the proposed building and contribute to the wildlife corridor and biodiversity.

12.18 A condition is recommended to ensure that appropriate boundary treatments are secured to ensure wildlife movement within the landscape buffer/corridor is maintained.

12.19 Concerns have been raised regarding light spill levels to sensitive areas within the site, mainly the landscape buffer/corridor. These habitats are being created to 'protect and enhance' the wildlife corridor, providing valuable habitat for commuting and foraging bats and nesting and roosting habitat for birds. The provision of lighting columns will need to be minimised or re-located/re-designed along these boundary features (particularly the western and north-west boundary) to ensure light spill is reduced in these areas and to meet the requirements of LP policies DM5.5 and DM5.7.

12.20 The consultees have advised that subject to some alterations to the scheme (lighting) which can be addressed via condition, the landscape scheme provides a high level of visual amenity and also provides biodiversity enhancements, including a habitat buffer along the western boundary, to maintain wildlife connectivity with the wider area. Whilst there is a very minor net loss of habitat units on site (0.03 habitat units) resulting in an overall -0.83% net loss, this will be addressed via a financial contribution to ensure that an overall 10% net gain will be delivered off-site on Council owned land. Impacts on farmland birds will also be addressed through a financial contribution to ensure enhancement of land within the Rising Sun Country Park/Farm or an alternative appropriate area. On this basis, they have recommended conditional approval.

12.21 Members need to consider whether the proposed development is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that it is, subject to imposing the suggested conditions and securing financial contributions to achieve BNG and mitigate impacts for farmland birds.

13.0 Other Issues

13.1 Contaminated Land

13.2 NPPF paragraph 183 seeks to ensure that planning decisions have regard to ground conditions and any risks arising from land instability and contamination.

13.3 NPPF paragraph 184 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".

13.4 LP Policy DM5.18 "Contaminated and Unstable Land" seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

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

13.6 The Coal Authority has been consulted. They have confirmed that the site is not located within a coal referral area.

13.7 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

13.8 Drainage – foul and surface water

13.9 The NPPF paragraph 159 makes it clear that development should not increase flood risk elsewhere and only consider development in appropriate areas.

13.10 LP Policy “DM5.12 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.11 The Lead Local Flood Authority (LLFA) has been consulted. The LLFA has raised no objections to the proposal as the applicant will be providing surface water attenuation within the site for up to a 1in100yr rainfall event + a 40% allocation for climate change and will be restricting the rate of surface water leaving the site to the equivalent greenfield run-off rates. The attenuation will be achieved via the use of underground cellular storage crates with a flow control device fitted on the outlet prior to the attenuation basin to restrict the surface water discharge rate to 3.6l/s before it discharges via a dedicated surface water sewer into the watercourse located to the north of the proposed development. The improvement in the surface water quality discharging from the development will be achieved via the form of filter trenches and swales and an attenuation basin. A petrol separator will be provided within the loading bay area to collect silts and hydrocarbons from this area of the site. The applicant has indicated the maintenance of the suds features and associated drainage infrastructure will be the responsibility of the applicant and an appointed building management company. A condition is required to secure the details of the appointed management company of the proposed drainage features.

13.12 The LLFA has noted that the applicant intends to discharge the site’s foul drainage system into the surface water drainage system via an onsite treatment plant. They do not consider this to be an ideal solution but accept that this is proposed as result of the lack of any foul drainage sewers in the vicinity of the proposed development. However, approval will be required from the Environment Agency as the surface water from the development will be discharging to a watercourse so an environmental permit will be required to allow this connection.

13.13 Northumbrian Water have been consulted. They have raised no objection to the proposed development as foul and surface water will not connect to existing mains drainage.

13.14 The Environment Agency has been consulted. They have considered the Foul Drainage Assessment Form and Foul Flow Calculations and consider that they satisfactorily address their earlier concerns.

13.15 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.

13.16 Strategic Policy Area – North West Villages Sub Area

13.17 The application site is in an area identified as being in the northwest village sub area. The proposed development would not prevent the aims of Policy AS8.24 being met.

14.0 Local Financial Considerations

14.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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 assist that has been, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy (CIL).

14.2 Whether or not a 'local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

15.0 Conclusion

15.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, including its impact on existing town centres, the loss of employment land, the loss of agricultural land, its impact on amenity (noise and odour), its impact on the character and appearance of the area and all other issues including its impact on highways, biodiversity, 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.

15.2 It is therefore recommended that planning permission should be granted subject to a S106 Agreement and conditions.

RECOMMENDATION: Minded to grant legal agreement req.

***It is recommended that:
the Committee indicates that it is minded to grant the application; and***

***the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:
the conditions set out in the planning officers report and any subsequent addendum(s);
the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;
and,
completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions for the following:
-Farmland bird mitigation 45, 000.00 pounds
-Biodiversity Net Gain 5, 850.00 pounds
-Travel Plan Bond 10, 000.00 pounds
-Travel Plan Monitoring Fee 1, 250.00 pounds (250.00 pounds per annum)
-Employment and Training 10, 912.00 pounds***

***It is recommended that:
the Committee authorises the Director of Law and Governance and the Director of Regeneration and Economic Development to undertake all necessary procedures (Section 278 Agreement) to secure:
-New access
-New pedestrian & cycle links to the site
-Localised widening
-Associated street lighting
-Associated road markings
-Associated signage
-Associated Traffic Regulation Orders
-Reduction in speed limit on Great
-Detailed highway design
-Road safety audit***

Conditions/Reasons

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

- Location plan Dwg No. 0001 P01
- Existing site plan Dwg No. 0008 P03
- Proposed site plan Dwg No. 0002 P05
- Floor plans as proposed Dwg No. 0003 P03
- Roof plan as proposed Dwg No. 0004 P02
- Elevations as proposed Dwg No. 0005 P04
- Proposed drainage layout Dwg No. 1000 P03
- Proposed drainage layout offsite surface water outfall Dwg No. 1001 P03
- Framework Travel Plan (January 2023)

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Notwithstanding Condition 1, the scheme for off-site highway works as set out in drawing number PM_00_10_00-0002 - Revision P03 shall be carried out prior to the occupation of the development hereby approved and subject to Technical Approvals and Road Safety Audits being submitted to and agreed by the Local Highway Authority in consultation with the Local Planning Authority and include the following measures:

- New access
- New pedestrian & cycle links to the site
- Localised widening
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Reduction in speed limit on Great
- Detailed highway design
- Road safety audit

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

4. Notwithstanding Condition 1, the scheme for access shall be laid out in accordance with the approved plans prior to the occupation of any part of the development hereby approved. This access shall not be used for any other purpose and retained thereafter.

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

5. Notwithstanding Condition 1, the scheme for parking shall be laid out in accordance with the approved plans prior to the occupation of any part of the development hereby approved. These parking areas shall not be used for any other purpose and retained thereafter.

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

6. Notwithstanding Condition 1, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the occupation of the development hereby approved. These EV charging areas shall not be used for any other purpose and retained thereafter.

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

7. Notwithstanding Condition 1, the scheme for secure cycle parking shall be laid out in accordance with the approved plans prior to the occupation of the development hereby approved. This cycle parking shall not be used for any other purpose and retained thereafter.

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

8. Notwithstanding the Condition 1, the scheme for servicing shall be laid out in accordance with the approved plans prior to the occupation of the development hereby approved. These turning areas shall not be used for any other purpose and retained thereafter.

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

9. Notwithstanding Condition 1, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation of the development hereby approved. These storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development 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: 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. There shall be no cabins, storage of plant and materials, parking are not to be located within the Root Protection Area (RPA) of the retained trees as defined by the Tree Protection Plan. 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 Condition 1, prior to the installation of any air ventilation systems details 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 which shall be permanently maintained and retained.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

12. Notwithstanding Condition 1, all refrigeration plant shall be installed in accordance with the submitted Proposed Plant Layout 79-EXXXX-WAVE-XX-00-DR-R-En_60_60_00-0001_A5-P05 unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the refrigeration plant shall be permanently maintained and retained.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

13. Notwithstanding Condition 1, the noise rating level from the combined plant and equipment installed at the site shall not exceed the background noise level of 35dB LAeq for the night period and 59 dB LAeq for daytime at the nearest sensitive receptor located on Holly Court and Meadow Gardens. 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 shall submit this information to the Local Planning Authority for written approval prior to the operation of the plant and equipment. Thereafter the development shall be carried out in full accordance with these agreed details and shall be permanently retained and maintained in working order.

Reason: In order to safeguard the amenities of neighbouring properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

14. 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 amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

15. The premises/building hereby approved shall only be open for business in accordance with the following:

08:00 to 22:00 hours Monday to Saturday

10:00 to 18:00 hours Sundays

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

16. 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.

17. 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 DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

18. 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).

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

Reason: To enable the Local Planning Authority to retain control over the use to ensure an appropriate standard of amenity and parking provision is retained having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

20. Notwithstanding Condition 1, prior to the development hereby approved being brought into use/occupied details of the appointed SUDS management company/companies responsible for managing all onsite drainage shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter, the surface water drainage shall be managed and maintained in accordance with these agreed details and the Local Planning Authority shall be notified in writing of any change to the management company/companies.

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

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

Reason: To ensure that protected/priority species are adequately protected having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

22. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level details of 1no. integrated feature (e.g. bat brick, tile, bat box) and 2no. integrated bird features shall be provided on the new building hereby approved and 2no. bat boxes and 3no. bird boxes to be provided in suitable locations within the site including specifications, locations and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird and bat boxes/features shall be installed in accordance with these agreed details and shall be permanently maintained and retained.

Reason: To ensure that protected/priority species are appropriately mitigated for having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

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

Reason: To ensure that protected/priority species are adequately protected during construction having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

24. Notwithstanding Condition 1, prior to the installation of any boundary treatments or enclosures details, including measurements and materials and a timetable for its installation, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the locations and specification of hedgehog gaps (13cmx13cm). Thereafter, any boundary treatment/enclosures shall be installed in accordance with these agreed details and shall be permanently maintained and retained.

Reason: To ensure that protected/priority species are appropriately mitigated for having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

25. All works within the root protection area (RPA's) of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement submitted by All About Trees, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: To ensure existing landscape features are adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

26. 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 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 and photographs of the installed fencing have been submitted. 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: The tree protection measures are required from the outset to ensure existing landscape features are adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

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

replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure existing landscape features are retained having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

28. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level details of an arboricultural consultant shall 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. These details shall be submitted to and approved in writing by the Local Planning Authority and shall include written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To ensure existing landscape features are adequately protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

29. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the details provided within the Biodiversity Metric 3.0 and BNG Assessment Report (Total Ecology Feb 2022). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are 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. 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 8545:2014. 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. Any revisions to the landscape plan are to be submitted and approved by the local authority.

Reason: To ensure the development provides an appropriate level of mitigation having regard to Policies DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

30. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, as set out in the Biodiversity Metric and BNG Report (Total Ecology Feb 2022) and an approved Landscape Plan, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in

writing by the Local Planning Authority. The plan will include details of the following:

- Details on the creation, enhancement and management of all habitats identified within the Biodiversity Metric and BNG Assessment Report (Total Ecology Feb 2022) and approved Landscape Plan and how the condition criteria will be met through management;

- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report/Biodiversity Metric (Total Ecology 2022). Monitoring Reports will be submitted to the Local Planning Authority for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the Local Planning Authority. The Plan will be reviewed every 5 years in partnership with the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

Reason: To ensure the development provides an appropriate level of mitigation and to support and enhance existing biodiversity and landscape features having regard to Policies DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

31. Notwithstanding Condition 1, prior to any works commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The CEMP shall include method statements for protected/priority species (breeding birds, bats, hedgehog etc), removal of invasive species (Japanese Rose) and appropriate working methods including pollution control. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that protected/priority species are adequately protected during construction having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

32. Notwithstanding Condition 1, prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. The 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

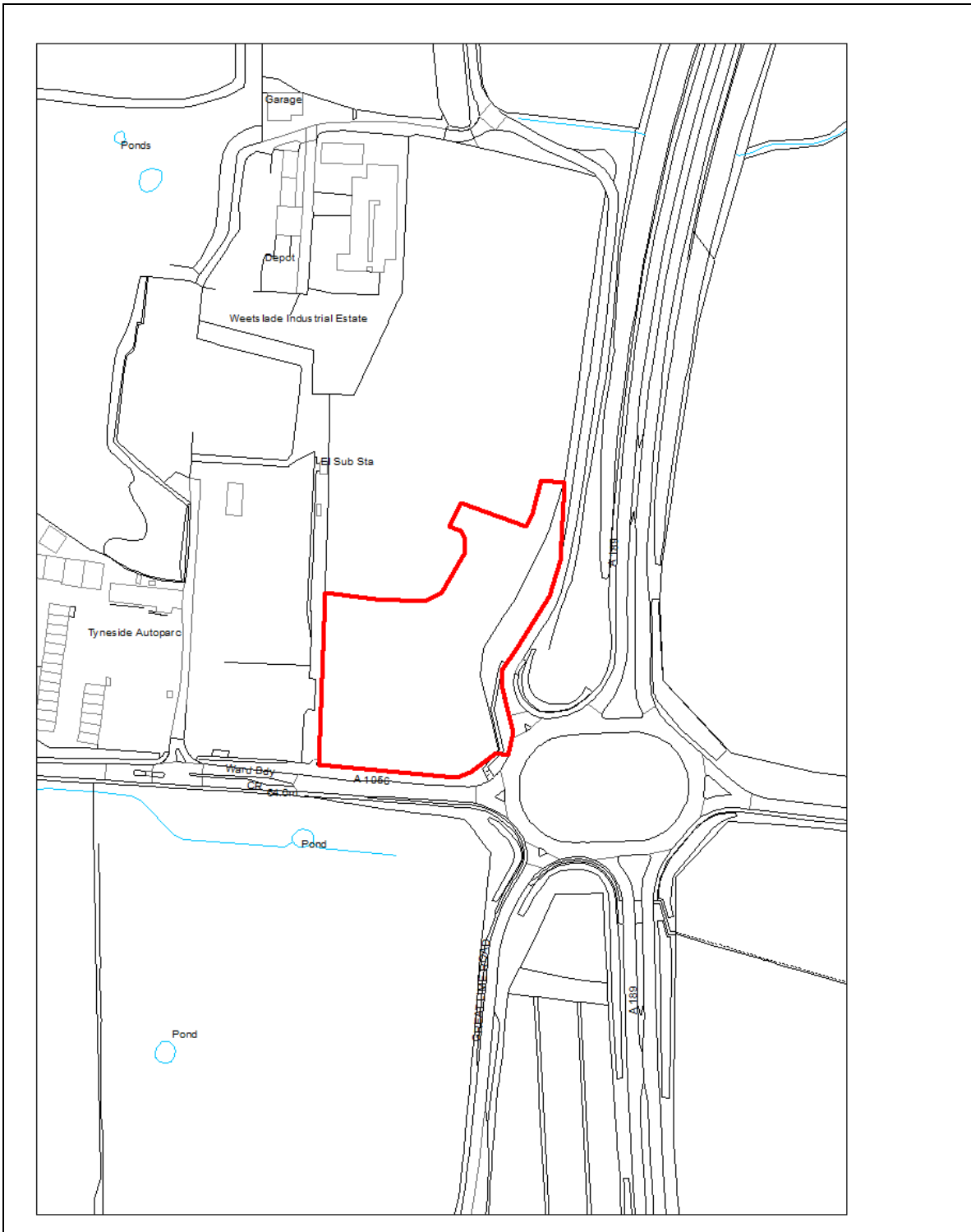
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

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

Reason: In order to safeguard the amenities of neighbouring 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):

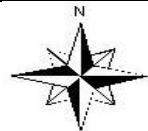
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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



Application reference: 23/00217/FUL
Location: Land East Of, Weetslade Depot, Great Lime Road, Dudley
Proposal: Erection of foodstore (Class E) with associated car parking; vehicular, pedestrian and cycle access; SuDs; and landscaping

Not to scale
 Date: 31.05.2023

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Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 A Transport Assessment (TA) was submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe.

1.3 In addition, the impact of traffic was also tested on the council's transport modelling for the scheme to signalise Sandy Lane roundabout. The Sandy Lane scheme also provides improved pedestrian and cycle access to the site and the wider network.

1.4 The site will be accessed from the Great Lime Road and parking will be provided to meet the needs of the site. Cycle parking will also be provided, along with a Travel Plan and servicing will take place via a service yard to the north of the site.

1.5 Conditional approval is recommended.

1.6 Recommendation - Conditional Approval

1.7 The applicant will be required to enter into a Section 278 agreement for the off-site highway works set out in drawing number PM_00_10_00-0002 - Revision P03, which is subject to Technical Approvals and Road Safety Audits and includes the following measures:

- New access
- New pedestrian & cycle links to the site
- Localised widening
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Reduction in speed limit on Great
- Detailed highway design
- Road safety audit

1.8 Conditions:

Notwithstanding the details submitted, the scheme for off-site highway works as set out in drawing number PM_00_10_00-0002 - Revision P03 shall be carried out prior to the occupation of the development hereby approved and subject to Technical Approvals and Road Safety Audits being submitted to and agreed by the Local Highway Authority in consultation with the Local Planning Authority and include the following measures:

- New access

New pedestrian & cycle links to the site
Localised widening
Associated street lighting
Associated road markings
Associated signage
Associated Traffic Regulation Orders
Reduction in speed limit on Great
Detailed highway design
Road safety audit

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

Notwithstanding the details submitted, the scheme for access shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. This access shall not be used for any other purpose and shall be retained thereafter.

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

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These parking areas shall not be used for any other purpose and shall be retained thereafter.

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

Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These EV charging areas shall not be used for any other purpose and shall be retained thereafter.

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

Notwithstanding the details submitted, the scheme for taxi and private hire provision shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. This taxi and private hire provision areas shall not be used for any other purpose and shall be retained thereafter.

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

Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. This cycle storage shall not be used for any other purpose and shall be retained thereafter.

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

Notwithstanding the details submitted, the scheme for servicing shall be laid out in accordance with the approved plans prior to the development hereby approved

being brought into use. These turning areas shall not be used for any other purpose and shall be retained thereafter.

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

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the development hereby approved being brought into use. These storage areas shall not be used for any other purpose and shall be retained thereafter.

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

Prior to the commencement of any part of the development hereby approved above damp proof course level details of a car park management plan shall be submitted to and approved in writing by the local planning authority. This plan shall be implemented in accordance with the approved details and shall be retained thereafter.

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

Prior to the commencement of any part of the development hereby approved above damp proof course level details of a service management plan shall be submitted to and approved in writing by the local planning authority. This plan shall be implemented in accordance with the approved details and shall be retained thereafter.

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

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, shall be 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.

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 site set up does not impact on highway safety, pedestrian safety, shall be retained trees (where necessary) and residential amenity having regard to policies DM5

1.9 Informatives:

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will

be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. 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. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact Highways@northtyneside.gov.uk for further information.

1.10 Sustainable Transport Team Leader

1.11 A comprehensive Travel Plan (TP) for this site was submitted as part of the application which provides ambitious targets for the reduction of vehicular use, whilst targeting an increase of walking and cycling trips. The TP commits to monitor the site for a 5 year period and produce an annual review report to help determine if any additional measures or interventions are required.

1.12 Recommendation - Approval

Although the Travel Plan is approved, the developer will still be required to enter into a S106 agreement for the Travel Plan bond and monitoring requirements.

1.13 Travel Plan:

A £10,000 Travel Plan Bond is required, to be included as a Section 106 Agreement. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.

A £1,250 Travel Plan Monitoring Fee (£500 per annum) is required, to be included as a Section 106 Agreement. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).

1.14 Lead Local Flood Authority (LLFA)

1.15 I have evaluated the flood risk and carried out a review of the surface water drainage proposals put forward as part of planning application 23/00217/FUL, I can confirm in principle I have no objections to the proposals as the applicant will be providing surface water attenuation within the site for up to a 1in100yr rainfall event + a 40% allocation for climate change and will be restricting the rate of surface water leaving the site to the equivalent greenfield run-off rates. The attenuation will be achieved via the use of underground cellular storage crates with a flow control device fitted on the outlet prior to the attenuation basin to restrict the surface water discharge rate to 3.6l/s before it discharges via a

dedicated surface water sewer into the watercourse located to the North of the proposed development. The improvement in the surface water quality discharging from the development will be achieved via the form of filter trenches and swales and an attenuation basin. A petrol separator will be provided within the loading bay area to collect silts and hydrocarbons from this area of the site. The applicant has indicated the maintenance of the suds features and associated drainage infrastructure will be the responsibility of Aldi and an appointed building management company.

1.16 I have noted that the applicant intends to discharge the site's foul drainage system into the surface water drainage system via an onsite treatment plant, this though not ideal is acceptable as a result of the lack of any foul drainage sewers in the vicinity of the proposed development. However, approval will be required from the Environment Agency as the surface water from the development will be discharging to a watercourse so an environmental permit will be required to allow this connection.

1.17 I will require a condition to be placed on the application requiring details of the appointed Management Companies responsible for the management of the SuDS features to be provided to the LLFA prior to the store opening for business.

1.18 Manager for Environmental Health (Pollution)

1.19 I have concerns with regard to potential noise arising from the foodstore development affecting neighbouring residential properties located on Sandy Lane located some 193 m west of the site and Holly Court and Meadow Gardens located some 85m east of the site.

1.20 I have reviewed the air quality assessment which has considered the air quality impacts arising from the construction phase for the development. The air quality assessment has determined the impacts will be low adverse during construction if dust mitigation measures are employed to mitigate dust impacts. A condition is recommended to ensure dust mitigation measures are implemented during the construction phase.

1.21 I have reviewed the noise assessment which has considered noise from new plant and equipment to be installed at the site and from delivery noise. Associated noise arising from the loading of goods by customers will occur in the car park e.g., clashing of trolleys, slamming of car boots and doors etc, but it is noted that the main part of the car park will be located to the northern elevation and its use can be controlled via a condition to restrict operating hours to no later than 22:00 hours. The noise assessment for the external plant has determined that the predicted noise level will be 20 dB LAeq,T and is below the existing background noise levels for both the day and night period and will not give rise to significant adverse impacts. A validation assessment will need to be carried out following installation. It is noted that the delivery bay is located to the western area of the site away from the nearest sensitive residential properties on Holly Court and Meadow Gardens. The noise rating level was calculated as 33 dB during the day and would be below the existing daytime noise level of 35 dB LA90 and will not result in significant adverse impacts. A condition to restrict deliveries to daytime hours will not be required.

1.22 The lighting report has been reviewed which has demonstrated that the lighting levels will comply with the Institute of Lighting Professionals guidance for the reduction of obtrusive light.

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

Odour Abatement Controls: (If the provision of any bakery or cooking facilities is to be provided).

EPL01
EPL02
EPL03
EPL04

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

Deliveries and collection must not be permitted between 23:00 and 07:00 hours.

HOU03 08:00 to 22:00 hours Monday to Saturday and 10:00 - 18:00 Sundays and Bank Holidays.

Noise from External Plant and Equipment

The noise rating level from the combined plant and equipment installed at the site shall not exceed the background noise level of 35 dB LAeq for the night period and 59 dB LAeq for daytime at the nearest sensitive receptor located on Holly Court and Meadow Gardens. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NOI02
HOU04
SIT03
REF01
REF02

LIG01 In accordance to lighting report reference 68342R1

1.24 Manager for Environmental Health (Contaminated Land)

1.25 I have read the Phase 2 report and am satisfied that there is no contamination on site, therefore no conditions relating to ground contamination are required.

1.26 However, there are still 4 round of gas monitoring to be carried out. Therefore, the following must be attached:

Gas 006

1.27 Planning Policy

1.28 The site is agricultural land that borders A1056 to the south, mix of employment uses to the west and Great Lime Road and the A189 to the east. The northern section of the site is not part of this application and therefore would still remain as agricultural land. The site is clearly visible from A1056 and Great Lime Road.

1.29 The site is an allocated employment site (E003) in the North Tyneside Local Plan (2017), which supports development in B2, B8 and the former B1 use class (Policy S2.2).

1.30 The application is for E use class for an Aldi supermarket (1,859m² gross) in an out of centre location and therefore paragraph 87 and 90 of National Planning Policy Framework (NPPF) and Policy DM3.4 of the Local Plan (2017) require a sequential and impact assessment to be submitted with the application. The applicant has submitted both. It is the officer's opinion that each assessment provides sufficient evidence that the development would not have a significant adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

1.31 Accepting the development meets the requirements of national and local retail policy the other main policy consideration is the loss of allocated employment land for B1, B2 and B8 uses to a supermarket. Policy DM2.3 of the Local Plan does accept development for uses outside of B1, B2 and B8 so long as the development meets certain criteria. These include ensuring the development would not result in an unacceptable loss of operating businesses and jobs, an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses.

1.32 The supporting evidence confirms that the site would support a growth in jobs and would not result in an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses. The proposed development would be in accordance with Policy DM2.3.

1.33 Conclusion:

1.34 The proposal has not been able to identify any sequentially preferable sites within the catchment area and the impact assessment has proven the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM2.3 and DM3.4 of the Local Plan (2017).

1.35 There are no objections raised.

1.36 Landscape Architect and Biodiversity Officer

1.37 The site is located on a major junction with the A189 and the A1056 Sandy Lane. The site is part of the Indigo Park and allocated for employment use. To the west of the site is commercial use (car retail) and to the north are agricultural fields leading with Weetslade Country Park to the northwest. Gosforth Park lies to

the south, separated by Sandy Lane (A1056) with allotments and new residential housing to the southeast. The site covers approximately 1.3ha of agricultural land. The proposed development will include the construction of a retail store (Aldi) with associated car parking and landscaping. A detention basin is to be incorporated as part of a SUD's scheme. A new vehicular access to the store car park will be via a new access on the eastern boundary of the application site along with new pedestrian access to the site.

1.38 The site is allocated employment land and is also within a designated wildlife corridor as indicated on the North Tyneside Local Plan Policies Map (2017). The following policies apply to the scheme:

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM5.7 Wildlife Corridors

Policy DM 5.9 Trees, woodland and hedgerows

1.39 Ecology

1.40 A number of ecology surveys have been submitted as set out below. The results/conclusions of each survey are summarised below:-

1.41 Preliminary Ecological Appraisal (PEA)

1.42 Habitats identified within the site included arable, hedgerow with trees, species poor hedge, tall ruderal, and poor semi-improved grassland. Hedgerows on site are most likely to be utilised by protected species, providing breeding, nesting, roosting, and foraging habitat for birds, as well as shelter and foraging opportunities for mammals. Trees are also likely to be utilised by birds and tall ruderal and poor semi-improved grassland may also provide some foraging opportunities to birds and mammals. The arable habitat provides low ecological value but can provide habitat for ground nesting and wintering birds. The hedgerows and trees are likely to be used by bats as commuting habitat and the site forms part of a wildlife corridor as shown in the North Tyneside Local Plan. It is also part of an area of green space situated between Gosforth Park (and the numerous designated sites within it) and Weetslade Country Park, with the Newcastle Green Infrastructure Delivery Framework (2018) identifying Gosforth Park to the south, as part of a Wildlife Enhancement Corridor (WEC) with high biodiversity value. The Report, therefore, recommends that habitats are left in place/ enhanced around the boundaries of the site to ensure that the wildlife corridor is not severed by the proposed works which will cause a loss of arable land and will be replaced with hardstanding and buildings. It also recommends that trees and hedgerows are retained to maintain connectivity within the site and additional planting incorporated along the length of the site to increase the amount of habitat and enhance the wildlife corridor.

1.43 Breeding Bird Survey

1.44 Breeding bird surveys were undertaken across the entire arable field (approx. 5ha) on 4 occasions between April-June 2021 including one nocturnal survey. A total of 34 bird species were recorded over the course of the breeding bird surveys with the site assessed of at least Local level of importance. Of the confirmed/potential/possible breeding species observed within the survey area, 7 are considered to be of high conservation concern (red list) and 7 are considered

to be of medium conservation concern (amber list). At a low-density threshold (e.g., 0.1-0.2/ha), the site has potential to support at least 1 pair of skylark, it is unlikely that this species would adapt to breeding on site post development and it should be assumed that this species will be displaced and lost as a breeding species. The report states that Lapwing may still utilise the wider site upon completion of works (the area that will not be subject to the new store) however, this would depend on how the remainder of site is to be managed. It concludes that it may be necessary to provide suitable mitigation off site for skylark and potentially lapwing, with other possible breeding species such as grey partridge benefiting from such measures.

1.45 The species identified are a typical assemblage for the habitats present across the site, with the vast majority associated with the boundary/field boundary habitats (e.g., hedgerows and woodland). Whilst the site valuation, based on the number of confirmed/probable/possible breeding species recorded, is of at least Local level importance, weight is added due to the fact red and amber species make up 38.24% of the confirmed/probable/possible breeding species observed. A small number of nationally declining farm bird species were recorded using the site.

1.46 As part of the mitigation/enhancement section, the Report recommends the retention and enhancement of existing hedgerows so some natural foraging and nesting habitat can remain as well as offsite compensation for skylark, lapwing and grey partridge.

1.47 Wintering Bird Survey

1.48 Surveys were undertaken across the entire arable field (approx. 5ha) each month between December 2020 – March 2021 (inclusive). In summary, a total of 29 species were recorded with 20 species recorded on site and 17 recorded within the site buffer. Some species were recorded in more than one of these areas across the surveys. A total of 7 BoCC Red listed species (24.14%) were recorded and 3 BoCC Amber listed species (10.34%), giving a combined total of 10 notably listed species (34.48%). Based on the survey findings the site is considered to provide a Local level of importance for its winter avian assemblage.

1.49 The Report states that whilst it is not considered that the site is of particular importance to maintain local populations of any of the wintering species identified, however, it does provide good connectivity to higher quality habitat to the north and the south, as well as, providing some foraging opportunities. It goes on to say that whilst it is expected that the site plans will likely reduce the species richness of the site overall, the retention and/or enhancement of existing hedgerows on site and the planting of additional hedgerows should be considered to provide foraging habitat and maintain connectivity. The Report also concludes that it is likely, given the nature of the development, that ground foraging species such as grey partridge and lapwing will not be retained as a wintering species given the reduction in foraging opportunity and disturbance from the change in site use. However, similar habitat is present within the wider landscape which can provide foraging opportunities to these species, particularly to the north of the site.

1.50 Bat Survey

1.51 Based on an initial preliminary ecological appraisal, trees were deemed to have moderate potential to contain roosting bats, therefore, in accordance with BCT guidance, 2 nocturnal surveys were undertaken on the trees on 20th August and 9th September 2020. In summary, activity was low during both surveys, with a total of 16 bats recorded in total. Most bats were common pipistrelle, with some soprano pipistrelle, and a single noctule. Commuting was most commonly recorded, north to south and vice versa across site with some foraging towards the north-west of the site. No roosts were observed during the surveys. The Landscape Plan (DWG No:0201-P03) shows that the hedgerow along the eastern boundary of the site will be retained and enhanced with species rich grassland to maintain habitat connectivity and new planting (hedgerows, trees, grassland) will also be provided along the southern boundary which will also connect to the eastern boundary habitat. In addition, a corridor of landscaping (11m-17m wide) will be provided along the western boundary to provide a landscape buffer and enhance the existing woodland habitat along this boundary with additional woodland, scrub and species rich grassland. The provision of lighting will need to be minimised along this boundary with conditions attached to ensure any lighting within the site minimises light spill to valuable habitat along the boundaries of the site, particularly the western boundary 'wildlife corridor' buffer, to less than 2 lux.

1.52 Biodiversity Net Gain

1.53 The BNG Assessment and Biodiversity Metric indicate that post development and the implementation of the proposed landscaping scheme, there will be a minor shortfall of 0.03 habitat units which equates to a net loss of - 0.83%. A Biodiversity Net Gain is required to meet Planning Policy and the NPPF, with a target of 10%. As a result, the applicant has agreed to pay a financial contribution to the LPA to address the shortfall in habitat units on site to achieve an overall 10% net gain in habitat on an appropriate area of land within Council ownership.

1.54 Planting Plan

1.55 A preliminary 'Planting Plan' (DWG No: N1119-ONE-ZZ-XX-DR-L-0201 Rev P05) and 'Proposed Site Plan' (DWG: PM_00_10_00-0002 Rev P04) have been submitted to support the application. The 'Planting Plan' indicates a landscape buffer to the western boundary which includes a belt of mixed native scrub with standard trees adjacent to the existing established tree planting along the western boundary, with species rich grassland between the native scrub and the rear of the Aldi store. The native scrub extends along the northern boundary (adjacent to car parking) and also contains a number of standard trees within the mix. The western buffer planting also connects with a new native species rich hedgerow with standard trees along the southern boundary. The 'Proposed Site Plan' indicates the width of the western buffer planting corridor to be around 11m at its narrowest section up to around 17m along the south-west section. The north-west section of native scrub planting also widens out before narrowing along the northern boundary adjacent to car parking.

1.56 The existing hedge and trees along the eastern boundary are being largely retained with the exception of a small section of hedge to facilitate the new access road into the site. This boundary is being enhanced with a belt of mixed native scrub and standard trees adjacent to the hedgerow along with species rich grassland either side of the hedge. A SUDs area is also provided to the north

west of the hedgerow, adjacent to the internal access road to address drainage requirements and this will be sown with an appropriate wetland species rich grassland.

1.57 The 'Proposed Site Plan' (DWG: PM_00_10_00-0002 Rev P04) previously indicated 2m high weldmesh fences along the northern boundary of the development and within 2 sections of the western buffer planting areas, which were considered to be detrimental to wildlife movement within this corridor and the overall aim to 'protect and enhance' the wildlife corridor in accordance with Planning Policy. Consequently, this plan has been updated (DWG No:PM_00_10_00 0002 S4 REV P05) which now shows an absence of any fencing within the western buffer planting area and the 2m high weldmesh fence along the northern boundary replaced with a timber knee rail fence. These amendments are welcomed and considered acceptable.

1.58 Lighting

1.59 The submitted Lighting Report (Tamlite Lighting) indicates light spill levels which are excessive into sensitive areas, in particular the western boundary wildlife corridor area and habitats along the eastern, northern and southern boundaries. The applicant has revised the lighting information ('External Services Layout' DWG No: Ss_37_16_90 0001 D2 P03 which has reduced light spill levels but still indicates excessive light spill to some boundary planting areas, in particular, the western boundary (wildlife corridor buffer planting) and the north-west boundary, which is unacceptable. These habitats are being created to 'protect and enhance' the wildlife corridor, providing valuable habitat for commuting and foraging bats and nesting and roosting habitat for birds. The provision of lighting columns will need to be minimised or re-located/re-designed along these boundary features (particularly the western and north-west boundary) to ensure light spill is less than 2 lux in these areas and the scheme is in accordance with Planning Policies DM5.5 (Managing Effects on Biodiversity) and DM5.7 Wildlife Corridors.

1.60 Wildlife Corridor

1.61 The PEA makes reference to the importance of the wildlife corridor, maintaining connectivity and enhancing planting within the corridor. The site forms part of the wildlife corridor as shown in the North Tyneside Local Plan connecting green space sites between Gosforth Park and Weetslade Country Park. The Newcastle Green Infrastructure Delivery Framework (2018) shows Gosforth Park as part of a wildlife enhancement corridor with high biodiversity value connecting to sites such as Weetslade Country Park. The PEA recommends that habitats are retained and enhanced around the boundaries of site to ensure that the wildlife corridor is not severed. The PEA and several of the other ecological reports (Wintering and Breeding Bird Surveys) also recommend the retention and enhancement of existing hedgerows to provide foraging and nesting habitat and maintain connectivity and to increase habitat to form a wildlife corridor.

1.62 The submitted Planting Plan' (DWG No: N1119-ONE-ZZ-XX-DR-L-0201 Rev P05) indicates a landscape buffer to the western boundary which includes a belt of mixed native scrub with standard trees adjacent to the existing established tree planting along the western boundary, with species rich grassland between

the native scrub and the rear of the Aldi store. The native scrub extends along the northern boundary (adjacent to car parking) and also contains a number of standard trees within the mix. The western buffer planting also connects with a new native species rich hedgerow with standard trees along the southern boundary. The 'Proposed Site Plan' indicates the width of the western buffer planting corridor to be around 11m at its narrowest section up to around 17m along the south-west section. The north-west section of native scrub planting also widens out before narrowing along the northern boundary adjacent to car parking.

1.63 The existing hedge and trees along the eastern boundary are being largely retained with the exception of a small section of hedge to facilitate the new access road into the site. This boundary is being enhanced with a belt of mixed native scrub and standard trees adjacent to the hedgerow along with species rich grassland either side of the hedge. A SUDs area is also provided to the north west of the hedgerow, adjacent to the internal access road to address drainage requirements and this will be sown with an appropriate wetland species rich grassland.

1.64 There are currently concerns regarding the light spill levels to boundary habitats indicated on the submitted lighting plans (see comments above). This will need to be addressed by re-designing the lighting scheme (locations of lighting columns, their design and lighting levels) to minimise light spill into boundary habitat areas, particularly the western buffer area, to less than 2 lux to ensure any lighting disturbance impacts are minimised within the wildlife corridor and the scheme meets Planning Policies DM5.5 (Managing Effects on Biodiversity) and DM5.7 Wildlife Corridors. A condition will therefore need to be attached to the application for a lighting strategy to be submitted that addresses this issue.

1.65 Trees

1.66 The landscape proposals are provided on the Planting Plan N1119-ONE-ZZ-XX-DR-L-0201-P05. There is a 153m established hedgerow forming the eastern site boundary to Great Lime Road is being retained together with a number of trees. The trees to the west is on neighbouring land is also to be retained and are protected by a Tree Preservation Order (TPO).

1.67 A series of plans has been submitted that confirm the trees to be retained/removed, location of the tree protective fencing and any areas of special construction required. Although no supporting documentation or report has been submitted, it is proposed to retain all trees on the site with the exception of a small section of hedge to facilitate the new pedestrian and vehicular access into the site and T8 (C). The type, height and location of the tree protective fencing is shown on plan AMS/TPP rev A.

1.68 It is proposed to plant 66no native standard trees of varying species that will improve the setting of the building and contribute to the wildlife corridor and biodiversity.

1.69 Conclusion

1.70 Subject to some alterations to the scheme (lighting) which can be addressed via a condition, the landscape scheme provides a high level of visual amenity and also provides biodiversity enhancements, including a habitat buffer along the western boundary, to maintain wildlife connectivity with the wider area. Whilst there is a very minor net loss of habitat units on site (0.03 habitat units) resulting in an overall -0.83% net loss, this will be addressed via a financial contribution to the LPA to ensure that an overall 10% net gain will be delivered off-site on Council owned land. Impacts on farmland birds will also be addressed through a financial contribution to ensure enhancement of land within the Rising Sun Country Park/Farm or an alternative appropriate area. On this basis the proposal meets the local plan policies in relation to landscape and biodiversity and should the application be approved, the following conditions should be applied:

1.71 Conditions:

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

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 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 and photographs of the installed fencing have been submitted. 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.

All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with Plan AMS/TPP Rev A submitted by All About Trees, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

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

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. 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.

Within one month from the commencement of development on site, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the details provided within the Biodiversity Metric 3.0 and BNG Assessment Report (Total Ecology Feb 2022). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are 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. 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 8545:2014. 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. Any revisions to the landscape plan are to be submitted and approved by the local authority.

Within one month from the commencement of any development on site, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, as set out in the Biodiversity Metric and BNG Report (Total Ecology Feb 2022) and an approved Landscape Plan, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

Details on the creation, enhancement and management of all habitats identified within the Biodiversity Metric and BNG Assessment Report (Total Ecology Feb 2022) and approved Landscape Plan and how the condition criteria will be met through management;

Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report/Biodiversity Metric (Total Ecology 2022). Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

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

All works will be undertaken in accordance with an approved Construction Environmental Management Plan (CEMP) that includes method statements for protected/priority species (breeding birds, bats, small mammals/hedgehog etc), removal of invasive species (Japanese Rose) and appropriate working methods including pollution control details. Details shall be submitted for approval by the LPA prior to works commencing on site.

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

3no. bird boxes and 2no. bat boxes will be provided in suitable locations within the development site. Details of bird and bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

1no. integrated bat feature (e.g.bat brick, tile, bat box) and 2no. integrated bird features will be provided on new buildings within the development. Details of the specification and locations of the bird and bat features shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of

development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

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°.

Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme to allow movement and dispersal of wildlife. Details of the locations and specification of the hedgehog gaps shall be submitted to the LPA for approval within 4 weeks of development commencing on site.

2.0 Representations

2.1 Support

2.2 43 representations of support have been received: 41 generic responses and two individual representations.

2.3 41 representations of generic support have been received. This response is set out below:

- A new Aldi store at this location will increase choice for local residents, create much needed employment for local people and reduce travel times /
- If permission is granted, the Aldi store will offer high quality, discount goods to customers at a time when it is needed most.
- If the plans go ahead, the new store would be within five minutes walking distance of my house, as I live on Moorfields Bellway development.
- Also, because the council has made such a mess of the roads with all the traffic signals I can pop into Aldi and do my shopping whilst waiting for the lights to change.
- With the significant number of new properties being built in North Tyneside, this new Aldi store will help reduce traffic around the area as it is in close proximity to a number of housing developments.

2.4 Two individual representations supporting this application have been received. These are set out below:

- Fully support application for this Aldi store.
- I'm supportive of this proposal as it will enhance local choice for where to shop and provide employment. Regarding cycling infrastructure, the access road to the development is from the Great Lime Road which is a key local cycling route connecting National Cycleway number 10, The Reivers, to High Gosforth Park. As such can the development ensure that cyclists passing the entrance and exit from the car park are taken into consideration, perhaps by including a priority cycle lane that makes it obvious to cars entering and exiting the car park that cyclists have right of way on the Great Lime Road.

3.0 External Consultees

3.1 Northumberland Wildlife Trust

3.2 We have a number of significant concerns regarding the plans.

3.3 Breeding Birds

3.4 As identified in the Breeding Bird Survey Report provided by Total Ecology, a number of farmland and ground-nesting bird species were identified as utilising

the site. These include red-listed skylark and lapwing, both of which are confirmed to have been breeding on site. The proposed development and planting plans will leave no appropriate on-site habitat remaining for these species, meaning that they will be lost from site, and no appropriate off-site mitigation has been suggested. This is unacceptable.

3.5 Wildlife Corridor

3.6 The land for development is identified as a wildlife corridor in the North Tyneside Local Plan (2017) and provides a corridor of movement for wildlife between Gosforth Park Nature Reserve SSSI and Weetslade Country Park LWS. The ecological report recommends that habitats are left in place and/or enhanced around the boundaries of the development to prevent the corridor being severed. However, looking at the current site plan, the proposed areas of habitat are likely insufficient. A 10m corridor sandwiched between a supermarket, a petrol station and a food outlet is likely to be subjected to high levels of human disturbance and will not offer much biodiversity potential. The other remaining areas of habitat are mostly adjacent to well-used roads, with plans to sever them further with vehicle and pedestrian access.

3.7 Planting Schedule

3.8 As a site within a wildlife corridor, the planting on site should put an emphasis on *locally* native species. Species like *Carpinus betulus* and *Fagus sylvatica* are not native and should be replaced with something more appropriate. In addition, the hedgerow and scrub mixes would benefit from additional species to increase the species-richness.

3.9 Biodiversity Net Gain

3.10 The National Planning Policy Framework (NPPF)(paragraphs 174d, 179b, 180d) and the North Tyneside Local Plan (policy DM5.5c.) both state requirement for development to deliver net gain for biodiversity. The Biodiversity Metric report provided by Total Ecology indicates a -0.82% net loss of biodiversity, which is clearly contrary to both national and local planning policy, and therefore unacceptable.

3.11 Given the above concerns, Northumberland Wildlife Trust objects to this planning application.

3.12 The Coal Authority

3.13 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.

3.14 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.

3.15 Newcastle International Airport (NIA)

3.16 The proposal has been assessed by the Aerodrome Safeguarding Team.

3.17 Landscaping

3.18 When considering the proposed landscaping of the scheme, a large percentage of the species listed on both the native scrub mix and native hedge mix are listed on the hazard species list. This means that they have the potential to attract additional bird activity to the site due to their berry bearing features. While this would normally result in an objection to the scheme, when considering the amount of landscaping and distance to the flight path, it is not considered that this proposal would result in an unacceptable rise in potential birdstrike. As a result of this, given its location it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

3.19 Northumbria Police

3.20 Northumbria Police have no objection regarding this application, but we would make the following observation.

3.21 The Applicant's approach relies upon a modular and repeatable design, which serves them well in terms of development, but the modular design also repeats the same vulnerabilities across the applicant's estate. To address this, we would recommend that either the southwest line of 2m weldmesh fence is brought forward to enclose the side staff entrance, or the staff entrance door is specified to an enhanced standard. Given the location, likely response times and the nature of attacks we would recommend a door specified to LPS 1175 Issue 8.1 C10 as a minimum.

3.22 Northumbrian Water

3.23 In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our 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.

3.24 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

3.25 I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we request re-consultation.

3.26 The Northumberland and Newcastle Society (N&N)

3.27 The Northumberland and Newcastle Society (N&N) objects to grant of planning approval for this scheme.

3.28 The Society notes that in the final consultation of the draft North Tyneside Local Plan in November 2015, the site of this application was designated as Green Belt. It currently forms a green corridor from Gosforth Park to Weetslade Country Park. The proposed development would remove productive agricultural land at a time when it is needed for food production.

3.29 The design and access statement has a very old image of the Sandy Lane roundabout which is slightly misleading as it is now completely different and is currently being changed to light controlled intersection because of pressure due to increased traffic using this route. This is a major approach corridor to the A1 western Bypass and Newcastle to the south and to the coast and into Northumberland to the north. It is often very congested especially by traffic from all the new housing nearby.

3.30 A food-store in this location will simply create even more traffic on the junction as we would suggest that few people will travel to this outlet by foot or cycle, inevitably, most will use cars. Food outlets would be better sited within on the edge of local communities to reduce traffic movement and would ask the council to consider this site as inappropriate for further retail development and allow it to remain as designated green belt.

3.31 Nexus

3.32 Case officer notes: The applicant provided a response to Nexus' initial comments.

3.33 On the two points raised below, Nexus has no further comments to make and welcomes the improvements made to pedestrian routes on the Weetslade Roundabout to facilitate pedestrian access between the development site and the bus stop.

3.34 Additional to the below comments, Nexus would still recommend the provision of a Pop card with £50 of pre-loaded credit for each employee as per the Nexus Planning Liaison Policy, to be included in the Travel Plan.

3.35 Nexus initial comments

3.36 Despite there currently being no bus services on the A1056 Sandy Lane or Great Lime Road, the nearest accessible bus stops are located at the Western end of Killingworth Way, within the 400m walking distance as recommended within the Nexus Planning Liaison Policy. These stops are currently served by Arriva services X7 and X8, which operate a combined 15-minute frequency Monday – Saturday daytime, every 30 minutes Sunday daytime and hourly Sunday evening. These buses link with the surrounding local area (Burradon, Annitsford, Quorum Park, South Gosforth, and Newcastle City Centre) and Nexus therefore considers these services to be adequate for the development.

3.37 However, the access between the proposed new store and the bus stops located on Killingworth Way should be improved by the provision of a path, street lighting and controlled crossing points. Nexus accepts that some of these features may already be present due to the current upgrade of the roundabout and associated infrastructure alongside the new housing developments in the area, however the developer should ensure these provisions are in place to

encourage employees and customers to travel sustainably using the nearby bus links.

3.38 Moreover, as further developments at the adjacent Indigo Park continue, Nexus requests the provision of both westbound and eastbound bus shelters along Sandy Lane to support current and future developments in the area. This would increase the accessibility to the development alongside future additions at the site, making travelling via bus more attractive to those using the development and wider area. The bus shelter in question would need to meet Nexus standards with installation carried out by a specific contractor. Approximate costings for a bus shelter and installation can be provided to the developer/applicant.

3.39 Nexus welcomes the supporting Travel Plan for employees and supports the desire to promote bus services to staff and reduce the proportion of car journeys in the area. Within, Nexus additionally welcomes the promotion of active travel and the space to leave bicycles available in the store's storage area. However, the applicant must be mindful that including cycle-specific storage locations for staff with provision like Sheffield Stands may encourage an increased uptake of active travel within employees.

3.40 Furthermore, Nexus Planning Liaison recommends that if the development is the place of work for 50 or more employees, the applicant should meet the cost of one Pop Pay as You Go card per employee with £50 of credit preloaded onto it. This would encourage employees to build up sustainable travel habits and encourage the increased uptake of public transport. Nexus therefore requests that this be included within the employee travel plan, should the development be the place of work for 50 or more employees.

3.41 Environment Agency

3.42 We have reviewed the provided Foul Drainage Assessment Form and Foul Flow Calculations and consider that they satisfactorily address our earlier concerns with this proposal. We therefore withdraw our previous objection, dated 14 April 2023.

3.43 As this development will be discharging less than 5 cubic metres to surface water in any 24 hour period, it must comply with General Binding Rules. Further information on treatment plants and General Binding Rules is detailed below.

3.44 Environmental Permit – Advice to Applicant

3.45 Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

3.46 Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of

sewage or trade effluent made to either surface water or groundwater will need to be registered

as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

3.47 Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

3.48 Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

3.49 A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

3.50 Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

3.51 Further advice is available at:

Septic tanks and treatment plants: permits and general binding rules