



North Tyneside Council

Planning Committee

6 December 2019

To be held on **Tuesday, 17 December 2019** in room Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

Agenda Item	Page
<p>1. Apologies for absence</p> <p>To receive apologies for absence from the meeting.</p>	
<p>2. Appointment of substitutes</p> <p>To be informed of the appointment of any substitute members for the meeting.</p>	
<p>3. Declarations of Interest</p> <p>You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.</p> <p>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.</p> <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 26 November 2019.</p>	5 - 8

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Agenda Item	Page
5. Planning Officer Reports	9 - 14
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.	
6. 18/01497/FUL, Borough Road Footbridge, North Shields	15 - 54
To determine a full planning application for the demolition of Borough Road Footbridge, including works to the abutments and masonry walls at both bridge approaches and stopping up the existing right of way including closing the footway off Tennyson Terrace.	
7. 19/01075/FUL, Woodlands, Killingworth Drive, West Moor	55 - 86
To determine a full planning application for the erection of a new two storey dwelling.	

Circulation overleaf ...

Members of the Planning Committee:

Councillor Ken Barrie
Councillor Brian Burdis
Councillor Sandra Graham
Councillor Frank Lott (Chair)
Councillor Willie Samuel
Councillor Frances Weetman

Councillor Trish Brady (Deputy Chair)
Councillor Linda Darke
Councillor Muriel Green
Councillor Paul Richardson
Councillor John Stirling

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Planning Committee

Tuesday, 26 November 2019

Present: Councillor F Lott (Chair)
Councillors K Barrie, T Brady, B Burdis, L Darke,
M Green, P Richardson, W Samuel, J Stirling and
F Weetman

Apologies: Councillors S Graham

PQ39/19 Appointment of substitutes

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

Councillor J O'Shea for Councillor S Graham

PQ40/19 Declarations of Interest

Councillor W Samuel stated that he had been granted speaking rights to outline his objections to application 19/01191/FUL, Land adjacent to 43 Stanton Road, Cullercoats. In accordance with the Committee's speaking rights scheme he intended to withdraw from the meeting after addressing the Committee and would take no part in the committee's decision making on the matter.

Councillor K Barrie stated that the land adjacent to 43 Stanton Road, Cullercoats lay within his ward and he had been approached by residents wishing to object to the application. He had advised residents on how to submit objections but he had not pre-determined the application and had an open mind to the information to be presented at the meeting.

PQ41/19 Minutes

Resolved that the minutes of the meeting held on 1 October 2019 be confirmed and signed by the Chair.

PQ42/19 19/01191/FUL, Land Adjacent to 43 Stanton Road, Cullercoats

The Committee considered a report from the planning officers in relation to a full planning application from Galliford Try Partnerships North East for construction of a three storey extra care apartment building (C2 use class) comprising 64 apartments (45 one bed and 19 two bed), communal facilities including lounge, dining area, activities room, salon, assisted bathroom, guest suite, electric buggy store and charging room and ancillary offices, gardens and parking on land adjacent to 43 Stanton Road, Cullercoats.

An addendum to the report had been circulated to the members of the Committee prior to the meeting.

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 Mrs Christine Gallon of 73 Alexandra Gardens, North Shields was permitted to speak to the Committee. Mrs Gallon stated that the proposed 3 storey development would be out of character with the neighbouring 2 storey houses and bungalows. Existing residents would suffer from a loss of privacy from the overlooking windows in the development and its CCTV system, there would be light pollution at night and a loss of light and heat in the daytime caused by the shadow cast by the building. Mrs Gallon was concerned for the safety of children using Stanton Road if large construction vehicles were required to use the narrow congested street to access the site. She also expressed her concerns regarding the location of the construction worker facilities in relation to neighbouring properties, the risk of subsidence in the area and the impact of the development on surface water drainage in the area.

Councillor Willie Samuel, a local ward councillor, was also permitted to speak to the Committee. Councillor Samuel believed that in order to generate capital receipts from the site, normal planning considerations had been overruled on this occasion. With reference to the planning officers report he highlighted several aspects of the application where he believed the proposed development did not conform with planning policies. The site was not allocated in the Local Plan for housing, the housing was not required to meet the 5 year supply, it was not acceptable for the amenity of existing residents, there would be insufficient car parking for residents and visitors, there were land stability hazards in the area and the site was higher than neighbouring properties therefore there was a flooding risk. Councillor Samuel also commented on the fire services decision to prevent access to the site from the fire station and the minimal value of the development to the Council in terms of Council Tax receipts.

(At this point Councillor Samuel withdrew from the meeting.)

Mr Nigel Peacock, of SPA Architects, addressed the Committee to respond to Mrs Gallon's and Councillor Samuel's comments. Mr Peacock described the nature of extra care housing scheme proposed for the site to operated by Housing 21 and the benefits it would bring to the local community. He explained how aspects of the application had been amended to respond to the concerns of residents including a reduction in the height of the development from 4 to 3 storeys and a redesign of the southern elevation. The landscaping had been designed to provide a screen from neighbouring properties and experience of similar developments indicated that there would be less traffic than residents feared. The applicants intended to work with residents to ensure that construction traffic would pass safely along Stanton Road.

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

- a) the requirement to comply with a presumption in favour of sustainable development set out in the National Planning Policy Framework;
- b) the criteria laid out in Policy DM4.5 of the Local Plan for considering application for housing development on land not allocated for this use;
- c) the use of Stanton Road by construction traffic, its likely impact on safety and options to mitigate the risks, including parking on grass verges;
- d) the condition requiring the applicant to submit a lighting scheme to the Council for approval;

- e) how the proposed development complied with relevant housing standards;
- f) the visual impact of a 3 storey development on the character and appearance of the area; and
- g) the impact of the development on the amenity of neighbouring residents.

Resolved that (1) planning permission be granted, subject to the conditions set out in the planning officer's report and the addendum to the report; and
(2) the Head of Law and Governance and the Head of Environment, Housing and Leisure be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following road improvements:

- Upgrade of footpath abutting the site
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders

(Reason for decision: The development was considered to be acceptable in terms of its impact upon the character and appearance of the surrounding area, the amenity of neighbouring properties and highway safety in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017. It would provide special care housing integrated into the local residential community and provide a well-designed residential living environment for future occupiers.)

PQ43/19 19/01088/FULH, 54 Grange Park, Whitley Bay

(At this point Councillor W Samuel returned to the meeting and Councillor K Barrie left the meeting.)

The Committee considered a report from the planning officers in relation to a full planning application from Mr D Bell for a ground floor rear extension with flat roof and parapet wall at 54 Grange Park, Whitley Bay.

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 Councillor Sean Brockbank, a local ward councillor, had been granted speaking rights. As Councillor Brockbank was unable to attend, Councillor Lewis Bartoli spoke on his behalf. He explained that the house would now be 200% larger than the original property. The proposed extension with a terrace, accessed from outward opening French doors installed on the first floor, would overlook all the neighbouring properties, be intrusive and potentially create a noise nuisance. He was concerned that the proposed condition prohibiting the use of the roof as a terrace would have to be policed by neighbours and would be unenforceable. It was suggested that consideration be given to agreeing a further condition requiring the removal of the French doors and prohibiting the installation of any handrails.

The applicant, Mr David Bell, addressed the Committee to respond to Councillor Bartoli's comments. Mr Bell explained that he had been incorrectly advised that he was able to

construct the extension without planning permission. The French doors had been installed with the intention of creating a terrace but when the need to obtain planning permission and the concerns of residents had come to light he had been happy to change his plans and it was not now his intention to use the space as a terrace and he accepted the proposed condition restricting its use. Mr Bell believed the extension was in keeping with the character and appearance of the area and he hoped to move into the house with his family when they would create no more noise than any family of four.

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

- a) the impact of the proposed development on the character and appearance of the area and on the residential amenity of neighbouring residents; and
- b) the action the Council could take should the condition restricting the use of the roof area be breached.

Resolved that planning permission be granted, subject to the conditions set out in the planning officer's report.

(Reasons for decision: The proposed development was considered to be acceptable in terms of its impact on neighbouring amenity and the character and appearance of the area in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.)

PLANNING COMMITTEE

Date: 17 December 2019

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

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

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

Interests of the whole community

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

All applications should be determined on their respective planning merits.

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

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

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

Planning Considerations

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

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

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

Briefly, material planning considerations include:-

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

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

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

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

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

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

Officers' Advice

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

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

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

When refusing permission:

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

When granting permission:

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

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

Lobbying of Planning Committee Members

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

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

Lobbying of Other Members

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

Lobbying

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

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

**PLANNING APPLICATION REPORTS
CONTENTS**

6 18/01497/FUL

Riverside Ward

Borough Road Footbridge Connecting Tennyson Terrace and Waldo Street Spanning Borough Road and The Embankment North Shields, Tyne and Wear

Speakers:

Ms Vicki Gilbert of St Georges Road
Dr Katherine Wright of The Plateau
Ms Caroline Hawkins of Vicarage Street
Dr Nicholas Martin of The Plateau
Mrs Caroline Cansdale of Bewicke Road
Mr Henry Stamp of Hylton Street
Mr John Hastie of Spring Terrace
Mrs Diane Attersall of Tennyson Terrace

7 19/01075/FUL

Longbenton Ward

Woodlands, Killingworth Drive, West Moor, NEWCASTLE UPON TYNE, NE12 7ES

Speaker:

Mr B Irving of Whitecroft Road

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Application No: 18/01497/FUL Author: Jackie Palmer

Date valid: 25 October 2018 ☎: 0191 643 6336

Target decision date: 20 December 2018 Ward: Riverside

Application type: full planning application

Location: Borough Road Footbridge Connecting Tennyson Terrace And Waldo Street Spanning, Borough Road And The Embankment, North Shields, Tyne And Wear,

Proposal: 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.

Applicant: North Tyneside Council, FAO: Mark Newlands North Tyneside Council
Quadrant The Silverlink North Cobalt Business Park NE27 0BY England

Agent: Mr Colin Clarke, Capita Quadrant The Silverlink North Cobalt Business
Park NE27 0BY England

RECOMMENDATION: The Committee is recommended to indicate that it is minded to grant this application and:

- notify the Secretary of State of their intention to grant permission and provide him with the opportunity to intervene in the decision making process and call in the application for his own determination; and
- Subject to confirmation that the Secretary of State does not wish to call in the application to grant delegated authority to the Head of Environment, Housing and Leisure to determine the application, subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

Members are also requested to note that, if permission is granted for the demolition of the bridge, that the Head of Environment, Housing and Leisure will issue instruction to the Head of Law and Governance and Monitoring Officer, to progress the stopping up of the bridge.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- the impact of the proposal on the character of the conservation area, having regard to the duty to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area which is established in legislation;
- the impact of the loss of use of the bridge and on the highway network;
- the impact upon neighbours living conditions; and
- the impact on ecology.

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

2.0 Description of the Site

2.1 The application relates to Borough Road footbridge, which is located within the New Quay Conservation Area.

2.2 The bridge provides high level pedestrian access over Borough Road, between the residential streets of Tennyson Terrace and Waldo Street. It comprises a three span steel lattice structure which dates from the 1930's, having replaced an earlier structure. The bridge deck is a reinforced concrete slab which sits on stone pillars which date back to the Victoria era.

2.3 The Bridge is not a Listed Structure and a recent request for its listing was rejected.

3.0 Description of the Proposed Development

3.1 The Council, in its capacity as the Highway Authority is seeking planning permission to demolish the footbridge. This is because an inspection survey undertaken in 2013, indicated that the bridge is in a poor condition and is suffering from paint loss, steel delamination and corrosion and would require significant investment if its use is to be sustained into the future. Pedestrian surveys of the use of the bridge have also been undertaken and indicate that usage is low. It is in this context, having examined a range of options, that for economic reasons, it is proposed to demolish the bridge. A replacement pedestrian crossing has already been provided on Borough Road to ensure safe provision for pedestrians crossing Borough Road.

3.2 The demolition works would comprise the removal of the main bridge span with the access points from Waldo Street and Tennyson Terrace blocked up using temporary security fencing. The stone retaining walls would be retained.

3.3 The footway from Tennyson Terrace would be landscaped and a gate or fence installed to prevent access.

3.4 The applicant has stated that the works to the masonry walls and permanent blocking up measures would be subject to a separate planning application.

3.5 If planning permission were to be granted for the demolition of the Bridge, a separate process would have to be followed to deal with the extinguishment of the right of way it provides between Tennyson Terrace and Waldo Street.

3.6 The applicant has provided a range of supporting documents some of which were submitted with the application and others which have been provided in response to issues raised through the planning consultation process. These include:

Consultation and feasibility study (Jan 2018)

Special Inspection report (2013)

Pedestrian Counts (2015 and 2018)

Options Study report (2016)

Ecological Assessment (Oct 2017)

Heritage Statement and Impact Assessment (Jan 2018)

Cost Information document

Additional Information to Historic England (March 2019)

Strategic Context and Mitigation Plan (Nov 2019)

Equality Impact Assessment (Dec 2019)

In support of the proposed demolition, the applicant has sought to identify the key drivers which have led to the submission of this application. Survey and inspection reports, dating back to 2011, noted that, although the bridge was in a fair condition, substantial repair work would be required to preserve and extend its life. This led to options appraisal work in 2016, which reviewed options from do nothing, do minimum and do something – replace or demolish. The appraisal concluded that demolition was the most cost-effective solution. Consultation with key stakeholders on this option then followed in 2017.

4.0 Relevant Planning History

There is no relevant planning history relating to the bridge.

An application to develop housing on undeveloped land either side of the bridge abutment on the south-west side of Borough Road has recently been submitted by Low Town Developments. This is entirely separate to this current application and it remains under consideration and will be presented to the Committee for determination at a future date. That application does not form part of the proposal by the Highway Authority to demolish the bridge. Further information has been

sought from the applicant in that case to demonstrate the impact of the proposed development on the bridge structure.

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider are:

- the impact of the proposal on the character of the conservation area, having regard to the duty to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area which is established in legislation;
- the impact of the loss of use of the bridge and on the highway network;
- the impact upon neighbours living conditions; and
- the impact on ecology.

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

8.0 Impact on the Conservation Area

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

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

8.3 The bridge is located within a designated Conservation Area. In the New Quay and Fish Quay Conservation Area and Character Statement the bridge is

identified as 'an important part of the conservation area' although it is not stated to make a 'significant contribution.' It is agreed the bridge makes a positive contribution to the conservation area. In terms of the NPPF the demolition of the bridge will cause harm to the conservation area. The harm is characterised as less than substantial and this characterisation is agreed by Historic England. In planning policy terms, the conservation area is a designated heritage asset. As such, advice on the preservation of heritage assets set out in the NPPF is relevant and is considered in more detail below. In addition, regard must be had to the duty set out in S72 of the Listed Buildings and Conservation Areas Act 1990 to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. S72 also requires considerable weight to be attached to the harm and there is a strong presumption against the grant of planning permission.

8.4 As noted earlier in the report the bridge is not listed. It is noted that in reviewing a recent request for its listing, Historic England recommended rejection of the request on the basis that, although being an important contributor to the character of the New Quay Conservation Area, it did not demonstrate any special architectural or historic interest to justify its listing nor did it provide any group value when viewed in the context of three nearby listed buildings.

8.5 Nevertheless, the bridge itself is a non-designated heritage asset in its own right because of its historic interest. It is considered to make a positive contribution to the conservation area because it occupies a visually prominent, elevated position and is prominent in views from within and into the conservation area and also affords view out across the conservation area. It is of some local interest in terms of its links within the historic development of this area and the route it provided, and it contributes to the setting of the conservation area. The Fish Quay and New Quay FISHcast Community Character Statement refers to the bridge as being "another important contributor to the character of the New Quay Conservation Area".

8.6 As noted, the proposal must be considered against the duty in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as referenced in para. 7.1 of this report. As is explained in more detail below, the loss of the bridge will cause harm to the conservation area and this is contrary to the s72 duty to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. Significant weight should be attached to this conflict with this requirement and the associated presumption against the granting of permission for proposals which do not accord with this requirement.

8.7 In respect of designated heritage assets advice in the National Planning Policy Framework (NPPF) is also relevant. Para. 193 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".

8.8 Para. 194 is clear 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.”

8.9 Para. 195 and 196 relate to the appropriate response to proposals which lead to harm to a designated heritage asset depending on whether the extent of harm to its significance is substantial or less than substantial. Para.196 sets out a key test that

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

8.10 As a non-designated heritage asset itself, para. 197 is also relevant. This states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

8.11 Para. 200 asks local authorities to “look for opportunities for new development within conservation areas to enhance or better reveal their significance”. Paragraph 201 states that “the loss of a building which makes a positive contribution to the significance of the conservation area should be treated either as substantial harm or less than substantial harm.” In this context, the demolition of the bridge must be regarded as harmful and it is appropriate to assess the degree of harm.

8.12 More information on assessing harm is set out in national Planning Practice Guidance. Para. 018 states that an unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area. However, the justification for its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole. Par.017 states that in general terms, substantial harm is a high test, so it may not arise in many cases.

8.13 Local planning policies relating to heritage assets and their protection and enhancement reflect the NPPF advice set out above. In terms of local planning policy, policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

8.14 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.

8.15 The Fish Quay Neighbourhood Plan SPD makes no specific reference to the bridge but seeks to encourage improved provision for pedestrians, cyclists, and disabled vehicle users with respect to movement up and down the bank side as well along the major routes between the town centre and the ferry landing, Fish Quay/Clifford's Fort, Royal Quays, Tynemouth and the coast, and Smith's Dock.

8.16 The applicant's submitted Heritage Statement and Impact Assessment notes that the bridge has a limited amount of historic interest. It is described as an imposing structure, but with its setting confined to its span, abutments, steps, terraces and visual appearance. Views of the footbridge are stated as being short and medium distance, gained from the upper part of Borough Road, and from Market Place/Clive Street. The structure is not considered to be architecturally significant, and is assessed as being of medium/low significance. The significance of the New Quay conservation area is assessed as high.

8.17 In terms of the impact of the proposal the assessment states that demolishing the bridge could result in slight adverse visual harm to the conservation area. The conclusion of the Assessment is that the proposed demolition of the bridge will result in less than substantial harm to the significance of the conservation area. Historic England and the Joint Conservation team agree with this assessment. Both conclude that the proposal must therefore be assessed in relation to NPPF para.196 and also, given the total loss of the significance of the bridge (a non-designated heritage asset) against paras 200, 201 and 194.

8.18 Policy DM6.6 reflects the key test in para. 196 which is that the harm must be weighed against the public benefits the proposal will deliver. These are set out later in the report and Members will need to decide if the public benefits of the proposal are sufficient to outweigh the harm caused.

8.19 As is noted earlier in the report a range of documents and supporting information have been submitted with the application. Key points from these

documents, including those which form the basis of the public benefits which the applicant's considers arise from this proposal, are summarised below:

a) In 2011 a "Principal Inspection Report" of the bridge was undertaken as part of the Local Authority's risk-based inspection regime. The inspection identified that the integrity of the footbridge should be further investigated.

b) As a result, in 2013 a "Special Inspection Report" was undertaken. This identified that the footbridge was in a fair condition but in need of substantial works to preserve and extend its life. The works identified included full blast cleaning, steelwork repairs, repainting, masonry repairs, parapet replacement, concrete deck repairs and resurfacing. The report provided an indicative cost for works of J113K (as determined by the Inspector and without any contractor involvement). It considers four options, namely do nothing, patch repair, full blast clean and repaint, and removal.

c) Between 2014 and 2015 the Local Authority conducted several studies into the feasibility of refurbishing the footbridge. The Local Authority consulted with contractors who provided preliminary costs to carry out the recommendations set out in the 2013 Special Inspection Report. The cost of refurbishing the footbridge was estimated in 2014 to be around J360,000. This figure excludes the need for continued maintenance.

d) A pedestrian survey was undertaken during the 2015 August Bank Holiday during a 4-day period. The survey recorded an average of 140 bridge crossings from 7am to 7pm.

e) The Local Authority investigated potential funding sources to supplement the allocated budget. However, Community Infrastructure Levy (CIL) and S106 funding was unable to be applied.

f) In the above context, the Local Authority decided to seek assessments of potential alternatives as the cost to refurbish the footbridge per capita was deemed disproportionately high.

g) In 2016 an "Options Appraisal Report" was undertaken by the Local Authority to establish the cost-benefit of alternative positions in comparison to fully refurbishing the Footbridge. These options included: Do Nothing, Do Minimum, Do Something (Replace), Do Something (Demolish). Capital and 40 year maintenance costs for each of the options were considered. These costs ranged from J62,802 for demolition to J653,332.23 to demolish and replace the bridge.

h) Demolition was confirmed as the most responsible course of action from an asset management perspective based on cost and quality scoring.

i) Consultation with key stakeholders and over 900 households was undertaken by the Local Authority in 2017 to determine how the asset is perceived to positively contribute to the local area. There were 39 objections, 13 approvals and 2 neutral responses to the public consultation.

j) Feedback from the Riverside Ward Councillors expressed that they are in favour of having the footbridge demolished, largely due to the on-going financial liability that maintenance poses. The North Shields Neighbourhood Policing Team commented that they agreed with the proposal to demolish Borough Road Footbridge, due to a sporadic but clear pattern of incidents involving items being thrown from the footbridge.

k) A case study of recorded incidents in the immediate area of Borough Road Footbridge was conducted through the Northumbria Police Crime Mapping website. The result showed a year on year increase in incident rates from 2014 to 2017. The number of incidents in the immediate area of Borough Road Footbridge was compared with other bridges in North Tyneside and Newcastle upon Tyne. In all categories of incidents recorded, except 'Violent and Sexual Offences', results showed that Borough Road Footbridge was significantly higher than the mean value across all bridges included in the case study.

l) A second pedestrian survey was undertaken in November 2018. This recorded 91 bridge crossings and 1,163 crossings of Borough Road at ground level over a 12 hour period.

m) The Local Authority briefed the Ward Councillors on the report and consultation findings, with Councillors agreeing to proceed with demolition and progress a planning application to demolish Borough Road Footbridge. The decision to install a crossing on Borough Road was also taken due to the number of crossing on Borough Road.

n) A parallel crossing, which gives equal priority for pedestrians and cyclists, has been installed on Borough Road, near the junction with Waldo Street. It provides a centralised crossing point and improves links into North Shields town centre for all users.

o) The Local Authority has over 100 bridges to maintain so there is a need to prioritise how maintenance resources are allocated. Spending what would be a substantial amount of the limited Local Transport Plan funding on refurbishing the footbridge would conflict with Local Authority priorities and it would take much needed investment away from wider footpaths and highways that are used by thousands of North Tyneside residents.

p) It is a priority of the Local Authority to maintain its roads, footpaths and bridges, and priorities are set through the Highway Asset Management Plan (HAMP). In the HAMP, the Local Authority identified Tanners Bank Bridge located on the opposing side of North Shields Fish Quay as the strategic priority in the North Shields Area. Development of this bridge is pending funding but will present an opportunity to enable public transport improvements serving both Fish Quay and New Quay Conservation Areas, supporting local shops, restaurants and businesses.

q) In November 2019, a "Strategic Context and Mitigation Plan" was also provided. This seeks to provide further detail around the rationale for the proposed demolition and the plans for mitigating the impact of the loss of the bridge and explaining more clearly the direct link between the financial savings and investment in the local area. It notes that an element of our Ambition for the

regeneration of the Borough over the next 15 years includes “Improving connections, especially to the river bank and from the Fish Quay to Tynemouth”. It has identified the need to undertake works to the Tanners Bank railway bridge which would entail renewal of the existing bridge to increase headroom and remove a current height restriction which prevents access to the Fish Quay by larger vehicles. It notes that these plans were a key driver in examining options for Borough Road Bridge and, rather than maintaining a deteriorating asset which has fallen out of use, the Council will invest in nearby schemes which will improve access to the conservation areas to attract more visitors and support the wider regeneration of the conservation areas. Accessibility improvements, to be delivered in stages, comprise the provision of the new crossing on Borough Road, which is now providing a safe crossing point where the majority of people cross Borough Road with resources saved from the demolition of the footbridge being reinvested in works at Tanners Bank. The applicant considers this to be a net improvement, resulting in much improved access arrangements which will encourage a greater number of residents, tourists and cyclists to visit and enjoy the Fish Quay and New Quay conservation areas and the wider North Shields area as its regeneration progresses.

r) An Equality Impact Assessment was submitted in December 2019. Although not a specific planning requirement, this has been provided to assist the LPA in exercise of its public sector equality duty under the Equality Act (2010). It provides an assessment of the impact of the loss of the route and in particular reviews whether any groups of bridge users with protected characteristics, as identified in the Act, would be affected by the loss of the route. Survey information indicated that there was not significant use of the bridge by people with protected characteristics such that there is no requirement to provide alternative routes or other facilities to mitigate any significant loss. It includes a survey of the route which assesses how accessible the route utilising the new crossing on Borough Road would be, looking at surfacing and any potential obstructions and looks at the impact of the loss of the bridge on pedestrian journey times.

8.20 Historic England have been consulted and provided comments. They have also had the opportunity to meet with the applicant after which further information was provided for review. Their position is that they do not support the proposal to demolish the bridge. They have however indicated that their comments are not an objection (in the context of a requirement to refer the application to the Secretary of State for determination).

8.21 They state that although unlisted, the bridge makes a positive contribution to the character of the conservation area and that its demolition and the closure of the pedestrian connection would result in the loss of an important asset to the conservation area, and the disappearance of a route which is relevant to the memory and history of the place. They consider that these losses would erode the character of the conservation area, being therefore harmful to its significance. As noted previously, they agree that this harm is described as less than substantial because the bridge makes a positive contribution to the conservation area but is not one of its key buildings. English Heritage consider that with good maintenance the lifespan of the bridge is likely to significantly exceed the 5-10 years described in the Borough Road Bridge Options Study 2016.

8.22 Following their initial comments Historic England were provided with some additional cost information by the applicant (also made available on line). Supplementary comments have been provided in respect of this information. The comments acknowledge that the J360k figure for repair is a fair one based on more detailed analysis, and state that the concerns previously raised over contradictions between the figures have been resolved. Historic England consider that the bridge is not beyond repair, but acknowledge that there are significant cost implications to doing so. They also acknowledge that operational costs are increased by the coastal location and some elements of the bridge's design which can trap moisture, both worsening decay.

8.23 Historic England state that the decision is a balance between the value of the bridge to the character and appearance of the conservation area against the cost / benefit equation that the bridge has as a pedestrian route. They remain of the view that the bridge should be retained.

8.24 The Joint Conservation Team has also commented. They state that the proposed demolition of the footbridge and associated closure of the historic pedestrian route which contains evidential, historic, aesthetic and communal value, will result in harm / total loss of the bridge itself (an undesignated heritage asset) and harm (less than substantial) to the conservation areas (designated heritage asset).

8.25 The Joint Conservation Team acknowledge that the application identifies the provision of a new pedestrian crossing as a public benefit of the proposal. They consider that this new pedestrian route would provide an element of public benefit, but this would be at the loss of an existing pedestrian access route. They consider that there is no additional value within the proposed public benefit, other than that which is currently present through the presence of the existing footbridge.

8.26 There have been 77 objections to the application. The concerns raised are set out in Appendix 1. They include harm to the conservation area and the visual amenity of the area, and the loss of an important pedestrian route.

8.27 The New Quay Conservation Area is small in area and the bridge occupies a highly prominent position which can be viewed from both several points within the conservation area and from further afield. The bridge contains evidential, historical, aesthetic and communal value, through its historical and current usage and function, its links to the historical development of the surrounding area, its visual prominence and contribution to the setting of the New Quay conservation area.

8.28 The bridge is described as an important part of the conservation area by the New Quay and Fish Quay Conservation Areas Character Statement, but it is not identified as a building that makes a 'significant contribution'. As noted by Historic England the bridge is not listed and nor is one of the conservation areas key buildings. It is noted that a request to have the bridge listed was rejected because it was not of sufficient architectural or historic interest, and there was no

group value with the three nearby listed buildings with which it had no clear relationship other than proximity.

8.29 Whilst it is recognised that the bridge makes an important contribution to the character of the conservation area it is not considered, having regard to advice in the NPPF, that the demolition results in substantial harm. Officers agree with the assessment of the applicant, which is supported by Historic England and the Joint Conservation team that the demolition of the bridge results in less than substantial harm to the conservation area.

8.30 As set out above, the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

8.31 Policy DM6.6 of the Local Plan 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.

8.32 Planning Practice Guidance advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

8.33 As the demolition of the bridge would result in harm to the character of the conservation area Members must consider whether this harm is outweighed by any public benefits of the proposal, whether demolition of the bridge is necessary to achieve these benefits and if the benefits could be met in another way.

8.34 It is noted that supporting documents indicate that there would be a visual benefit from the removal of the bridge in terms of allowing un-cluttered views into and out of the conservation area. This is not accepted as a consideration to which great weight can be attached since the presence of the bridge is noted as having a positive impact on the character of the conservation area. Although in a deteriorating state of repair, the bridge is not currently of such a poor visual appearance to have a detrimental impact on the conservation area.

8.35 Reports indicate that to preserve the bridge and extend its life, substantial works are required to stem further deterioration. The preferred solution in terms of conserving the character of the conservation area would be to retain and repair the bridge. The applicant has advised that this option would result in a significant initial cost and on-going maintenance costs. The demolition of the bridge and provision of a new pedestrian crossing is considered to be the most cost effective solution.

8.36 A new pedestrian crossing has already been created on Borough Road. The crossing improves access into the town centre for pedestrians and cyclists,

and is located on the route of National Cycle Route 72. Pedestrian counts have shown that the number of people crossing Borough Road itself is significantly greater than those crossing the bridge (1,163 compared to 91). The provision of the crossing is therefore of benefit to local residents and visitors. However, these benefits have been achieved while retaining the bridge. As such this is not a benefit to which great weight should be attached.

8.37 The submitted documents also indicated that the bridge had, in the recent past, been linked to problems of anti-social behaviour and objects being thrown onto cars below. A stated benefit of the proposal was therefore to remove anti-social behaviour. However, in responding to a consultation on this planning application, Northumbria Police have more recently stated they have no evidence to support the proposal to remove the bridge from a crime prevent point of view. Officers note that this advice is contrary to the consultation response provided to the applicant following engagement with local stakeholders in 2017. Notwithstanding this it is officer opinion that any problems of crime and anti-social behaviour linked to the bridge could be addressed by other means which do not require the demolition of the bridge. It is not considered that weight can be given to this benefit.

8.38 The strategic context and mitigation plan explain that the proposed demolition of the bridge is part of a wider package of measures to improve accessibility to the Fish Quay. One element of this wider package of works has already been delivered, with the new Borough Road crossing having been operational for several months. Clearly the loss of the bridge itself does not improve accessibility, but it is explained that in terms of funding the wider improvements, the need to balance funding was a key driver and not investing in the bridge will enable investment in other improvement works, namely works at Tanners Bank bridge which will have a wide benefit in terms of improving access to the Fish Quay to commercial vehicles, accessing the businesses which sustain the area and improved public transport to serve residents and visitors to the area.

8.39 It is recognised that financial savings are a key justification for this wider benefit. Repair work is costed at J360,000, and this figure has been accepted as valid by Historic England, but demolishing it at a cost of J65,000, would mean there would be additional funding available to support the other improvement works referenced in the application submission.

8.40 Objectors comment that financial issues are not material and indeed, financial benefits to an individual are not grounds on which planning permission should be granted. In a financial context, the bridge, as with other highway assets, does not itself generate any income or value but is a public asset the maintenance costs of which, along with other highway assets, are borne by the local authority from its resources which, of course have to be carefully managed in the public interest and on occasion may not be available.

8.41 However financial matters can be a material consideration where these are related to the development and use of land. The making of a saving to the public purse is not in itself considered to be a material consideration. It is however considered that the cost of retaining a heritage asset where the cost of works required to retain the asset are not justified can be a material consideration. This

would be the case, for example, where a property, which made a positive contribution to a conservation area, required repair works which exceeded its value once repaired. In this circumstance it would be unlikely any repairs would be undertaken and the property would be left to deteriorate. In this case, it is more difficult to provide a similar justification against which to balance harm because the bridge as an asset has no value.

8.42 The test against which less than substantial harm is to be balanced (NPPF para. 196) relates to substantial public benefits. The test for the more harmful impact of substantial harm is fourfold (para. 195) and includes the nature of the asset in preventing reasonable uses, that no viable use can be found to enable its conservation, that there is no grant funding available or that the harm or loss is outweighed by the benefit of bringing the site back into use. Financial issues are clearly a material consideration in some aspects of this policy test and it is therefore considered appropriate to consider them in the determination of this application.

8.43 It is recognised that the authority ought to seek to avoid harm to the conservation area and direct appropriate funding to the bridge to retain it. But it is also noted that there is a limit to the available funding. Although these financial issues are not regarded as a public benefit in the terms of para. 196, in the context above, Officer advice is that members should appropriately consider whether the lack of funding to retain the bridge, balanced against the harm caused by its loss, in both heritage and use terms, is sufficient to justify that harm. Impacts on use of the bridge are discussed later in this report.

8.44 The bridge is currently in a usable condition. The applicant has advised that if it were not repaired it is likely that it would have to be closed within 5-10 years. In this time the structure would continue to deteriorate and could become a risk to public safety.

8.45 Objectors have stated that the Local Authority deliberately neglected the footbridge allowing its condition to deteriorate. They reference para. 191 of NPPF which relates to deliberate neglect of a heritage asset which should not be taken into account in any decision.

8.46 There is further guidance in Planning Practice Guidance (para.014) which states that disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset.

8.47 It is understood that there are no maintenance records of works on the bridge. It is known that the footway parapets were repaired in 1976. In more recent times, there was a Principal Bridge Inspection in 2011. The intention at that time was to repair the bridge, but there was no work to repair defects identified in 2011 at that time. In 2013, still clearly based on an intention to repair the bridge, a Special Inspection report was carried out to provide a more detailed scope of works to inform budget requirements. Four options were considered at that time which included removal, but the recommendation was to progress an option of

full blast clean, repaint, new deck and parapets. Further work to refine costs led to a conclusion that the extent of repair works required, even omitting the new parapets, were high enough to outweigh the benefits of retaining the bridge and so in 2016, work began to explore the demolition option in more detail. This has led to the submission of this application.

8.48 The applicant has explained that it was the Authority's original ambition to preserve the footbridge and undertake full refurbishment to make good, improve safety and future proof the structure against any future deterioration. The decision to demolish the footbridge was not a result of any lack of proper concern to the designated Conservation Area or the benefit the footbridge provides but was down to the costs of the works balanced against the low level of usage of the bridge.

8.49 There is evidence of a regular review of options for the future of the bridge having been considered since 2011. It is your officer's view that, whilst the demolition option may not have need to be considered had repairs been carried out in 2011/12, the delay to works was not a deliberate attempt to neglect the bridge but was an appropriate response to ensuring good use of public funding to ensure that the most cost effective solution was selected. Going forward, were the Authority now to make a decision to pursue a "do-nothing" option and leave the bridge in place in a deteriorating condition could constitute neglect. This would mean that in considering demolition in the future, the condition of the bridge as a result of neglect, although likely to have a detrimental impact on the bridge appearance and usage, could not be taken into account as a material planning consideration. Essentially, Members would have to consider the same issues as are set out in this report today.

8.50 In considering the impact of the loss of the bridge against national and local historic environment policies, Members must consider whether the public benefits outlined above outweigh the harm to the conservation area that would be caused by removing the bridge. Objectors, Historic England and other heritage consultees do consider that the bridge should be retained but Historic England do recognise that the justification for the removal of the bridge has been firmly set out and based on realistic figures. They note that ultimately that balancing the harm to the significance of the conservation area against the public benefits is local decision for the LPA.

8.51 It is agreed that the level of harm to the conservation area would be less than substantial. Information has been provided to demonstrate why the repair costs are not considered to be justified and to explain how the demolition of the bridge, in a financial context, would enable other works to be progressed which would improve the accessibility of the Fish Quay for the wider public benefit. This is considered important for its regeneration, supporting the range of commercial businesses which operate in the area and improving access for residents living in the area and visitors.

8.52 The heritage impact issues in this case are clearly very finely balanced. There is a strong policy presumption against the demolition of the bridge but in the absence of an appropriate level of funding to invest in sustaining the bridge, which is considered to be a material consideration, and the substantial public

benefits of enabling investment in other improvements which will sustain the regeneration of the Fish Quay, it is officer opinion that there are sufficient public benefits to outweigh the less that substantial harm to the conservation area caused by the demolition of the bridge. The lack of funding is not a public benefit but, in reaching a balanced decision, the absence of funding should be a consideration in assessing the extent to which the identified harm is outweighed.

9.0 Impact of the loss of use of the bridge and impact on the public highway

9.1 It is noted that the bridge is currently a public right of way and as such, notwithstanding any planning decision regarding its demolition, the stopping up of the right of way will have to be progressed separately under relevant rights of way legislation. It is not the role of the planning system to seek to duplicate or enforce other legislation. It is noted that objectors have raised concerns about the loss of the route but many of the issues raised about the loss of the route are most appropriately considered during that process. Nevertheless, in considering the planning application it is important to understand the value of the use of the bridge as this is a factor which members will need to weigh in balancing the extent of harm caused by the loss of the bridge as outlined in the preceding section of the report. The loss of the bridge in the context of the historic interest and memory associated with the route was discussed earlier in the report.

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

9.3 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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

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

9.6 Clearly the removal of the bridge will have an impact on those who currently use it. Local residents have raised concern regarding the loss of this access route. The bridge is for pedestrian use only. It is not intended to be used by cyclists. The span itself is narrow and as such there are constraints for uses with pushchairs and wheelchairs, and any cyclists who might use the route, who may find it difficult to pass one another. The applicant has provided the results of surveys undertaken to establish the level of use of the bridge. These are set out in the application submission documents.

9.7 In assessing the impact on users of the crossing, members need to be mindful of their public sector duty under the Equalities Act (2010). This is a duty on public bodies, including the LPA, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The Act defines protected characteristics which include disability, gender reassignment, religion and belief and sexual orientation. The Council in the discharge of its planning function must engage this duty, in so far as it is applicable to a particular case.

9.8 The user surveys undertaken provide evidence as to the characteristics of those using the bridge crossing. A pedestrian survey was initially carried out in 2015 to assess movements across the bridge. The survey was carried out over four days which included the August Bank Holiday weekend. The survey recorded an average of 140no crossings on each day.

9.9 A second survey of the bridge was carried out on Thursday 20th November 2018. This recorded a total of 91no crossings in both directions.

9.10 A survey of pedestrians crossing Borough Road itself was also carried out at four locations. Location A, between Trinity Street and Gardner Place recorded 590no crossings; there were 198no crossing at the junction with Waldo Street and Addison Street (site B); 44no crossings between Waldo Street and St Peters Steps, and 331no at St Peters Steps and the Collingwood Mansions (site D).

9.11 Since the bridge use survey periods are not similar it is difficult to use this information to evidence a clear decline in use of the bridge as reduced movements might be expected in November compared to a Bank Holiday in August, but it is clear levels of use are generally low compared to crossings of the road itself.

9.12 This is not surprising given the location of the bridge between the two largely residential areas of Tennyson Terrace and Waldo Street. It does not provide a route or link to other facilities, such as the town centre, metro or Fish Quay, which cannot be accessed from existing alternative routes. Its use is likely to be limited to social trips or recreational walks. The bridge is located at the southern end of both these residential areas and, as noted in the Equality Impact Assessment (EqIA), it only provides a more direct / faster link between these areas for those residents whose homes are closer to the bridge than to the pedestrian crossing on the main road. As such, the bridge may not be the most convenient route for many residents of these streets unless on a very localised journey between the southern part of these two areas. The EqIA indicates there are approximately 60 homes in the Tennyson Terrace side and 30 on the Waldo Street side of the bridge which are closer to the bridge. From Waldo Street, access down onto Borough Road via existing stairs will be retained.

9.13 For residents travelling north, the bridge does not provide a significantly more convenient route to main places of interest such as the town centre which are already conveniently accessed via Borough Road, the new crossing point having improved this route. Travelling south to the Fish Quay, the main road provides the most convenient route. Using the bridge would still require a

pedestrian to use stairs to travel down the embankment. There are existing stairs accessed via Tennyson Terrace which will be unaffected by the loss of the bridge.

9.14 The EqIA assesses the impact on pedestrian journeys which originate in the centre of the two housing areas. It calculates the current distance between the two areas using the bridge as approximately 195 m. The same journey completed without using the footbridge, via the pedestrian crossing on Borough Road, is a distance of 325 m, a 66% increase.

9.15 To assist pedestrians in crossing Borough Road safely a new crossing has been provided and has been operational for several months. This also benefits cyclists using the national cycle route 72 which crosses Borough Road.

9.16 The Highway Network Manager has commented and recommends conditional approval. He states that consultation was carried out prior to the application being submitted and that the Public Rights of Way Officer advised on the appropriate course of action when dealing with the loss of the route. He notes that a parallel crossing has been provided on Borough Road to offer an alternative route for pedestrians and cyclists.

9.17 In terms of the public sector equality duty, there are three protected characteristics more likely to suffer discrimination from the impacts on accessibility and severance of the route over Borough Road. These are age, disability and pregnancy/maternity. The EqIA notes that other characteristics are unlikely to be significantly more affected by the removal of the bridge than persons without those characteristics although could be affected by any change in security resulting from changes to accessibility and journeys.

9.18 The EqIA concludes that although there would be a longer journey for around 90 households, the alternative route has been surveyed and is not considered to be problematic for able bodied users. The route does however have potential to discourage users with more limited mobility as sections of the route were found to have inadequate footpath provision. Recommendations have been made as to improvements which could be undertaken to make the route more viable for people with mobility related protected characteristics. Where journey distance will increase it is not considered that there will be any disproportionate impact on those with protected characteristics. The alternative route has better quality lighting and visibility than the bridge route so concerns about changes to security are unlikely to materialise.

9.19 In terms of bridge usage, survey information has established that levels of use are low compared with crossings on Borough Road itself. The bridge route provides access to limited locations with trips most likely to be associated with social or recreational journeys. Accessibility improvements have already been made to the alternative route through the provision of the pedestrian crossing. Other potential improvements have also been identified and the applicant advises that once the bridge is removed, use of the alternative route will be monitored to determine if there is a need to implement further measures.

9.20 In this context, although the bridge route will be lost to users, the loss is not considered to be so harmful that it ought to outweigh the conclusions reached in terms of officer advice on the heritage impacts of the loss of the bridge balanced against the absence of sufficient funding and the benefits of the wider package of measures planned to improve accessibility to the Fish Quay. It is noted that a separate process would need to be followed if planning permission is granted to close the bridge route as a public right of way.

9.21 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and LDD12 and weight this in their decision.

10.0 Impact on Residential Amenity

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

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

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

10.4 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.

10.5 The removal of the bridge may have some impact on adjacent residents as a result of disturbance during the demolition period. However, these impacts are short term and can be addressed through the imposition of conditions to limit the hours of work and requiring dust suppression measures. The bridge is accessed via a walkway between 16 and 18 Tennyson Terrace. It is proposed to landscape the walkway and install a secure gate or fence. This will prevent public access into this area.

10.6 Other works already undertaken have improved pedestrian crossing facilities on Borough Road, which provide an alternative route for residents in the area between Tennyson Terrace and Waldo Street.

10.7 In officer opinion the development is acceptable in terms of the impact on the living conditions of existing occupiers.

11.0 Biodiversity

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 as part of this helping to improve biodiversity amongst other matters.

11.2 Para.175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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

11.4 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

11.5 Policy DM5.9 (Trees, Woodland and Hedgerows) supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new

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

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

11.7 An Ecological Assessment has been submitted in support of the application. As part of the assessment, the bridge structure has been assessed for roosting bats. The report states that removal of the footbridge is unlikely to impact on bats but there is a low risk that the proposals could impact bats if the existing masonry walls are removed or improved. It also states that once stopping up measures for the walls are agreed, it will be necessary to review the impacts on bats and undertake further surveys where necessary.

11.8 The application does not include any work to the masonry walls. The applicant has advised that a separate application will be submitted for the remedial works to the masonry walls once further bat surveys have been conducted.

11.9 The Biodiversity Officer has provided comments. She raises no objections and recommends conditions in respect of vegetation removal, a bat method statement and a detailed landscape plan.

11.10 Members must consider whether the development is acceptable in terms of the impact on trees within the site, protected habitats and species. For the reasons set out above it is officer advice that the impact is acceptable subject to the above conditions.

12.0 Local Financial Considerations

Financial considerations have been considered in an earlier section of this report.

13.0 Conclusion

13.1 Heritage planning policy is such that there is a strong presumption against the granting of permission in this case. This is because the bridge, itself a non-designated heritage asset, is located within a conservation area in which it makes a positive contribution. The demolition will result in the total loss of the bridge as a non-designated heritage asset and harm to the character and appearance of the conservation area of a nature accepted as less than substantial. The demolition of the bridge will not preserve or enhance the character and appearance of the conservation area. Officers have noted that the issues in this case are very finely balanced. The policy test required Members to decide if there are substantial public benefits which outweigh the less than substantial harm to the conservation area caused by the demolition of the bridge and the total loss of the bridge itself. It is considered appropriate to consider the lack of funding in the balance of issues although this cannot be regarded as a public benefit. It is

however considered material in assessing the extent to which the identified harm is outweighed.

13.2 It is considered that the development is acceptable in terms of its impact on the highway network, including in relation to the loss of an existing pedestrian route, or the amenity of surrounding occupants and ecology.

13.3 If Members are minded to approve the application, as is recommended by officers, it is noted that, although there is no requirement to refer the application to the Secretary of State in the absence of an objection to the proposal by Historic England, local residents have requested the Secretary of State call-in the application and the Secretary of State requires to be notified and given the opportunity to decide if he wishes to intervene in the decision making process.

RECOMMENDATION:

It is recommended that the Committee indicate that it is minded to grant this application and:

- **notify the Secretary of State of their intention to grant permission and provide him with the opportunity to intervene in the decision making process and call in the application for his own determination; and**
- **Subject to confirmation that the Secretary of State does not wish to call in the application to grant delegated authority to the Head of Environment, Housing and Leisure to determine the application, subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

Members are also requested to note that, if permission is granted for the demolition of the bridge, that the Head of Environment, Housing and Leisure will issue instruction to the Head of Law and Governance and Monitoring Officer, to progress the stopping up of the bridge.

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 BRB-CAP-LLP-BF-DR-Z-0001 Rev.02

Proposed site plan BRB-CAP-LLP-BF-DR-Z-0011 Rev.02

Existing and proposed elevations and plan BRB-CAP-LLP-BF-DR-S-0020 Rev.02

Existing and proposed north abutment works BRB-CAP-LLP-BF-DR-Z-0021 Rev.02

Existing and proposed south abutment works BRB-CAP-LLP-BF-DR-Z-0022 Rev.02

Proposed landscaping BRB-CAP-LLP-BF-DR-Z-0040 Rev.02

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Construction Method Statement - Minor SIT006 *

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

Reason: 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.

5. Prior to commencement of development a Bat Working Method Statement for the removal of the bridge must be submitted to and approved in writing by the Local Authority. Thereafter the development must be carried out in accordance with the approved statement.

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.

6. Within one month from the start on site of any operations including site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan must be submitted to and approved in writing by the Local Authority. The plan should include native planting of benefit to biodiversity including native shrubs and wildflower grassland. The plan should also include details of replacement planting and maintenance and management details. The landscape scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

7. No demolition shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

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

8. The detailed design and materials of the fencing or gate to be installed across the walkway between 16 and 18 Tennyson Terrace, and a timeframe for its installation must be submitted to and agreed in writing by the Local Planning Authority within 1 month of commencement of development. Thereafter the

development shall be carried out in accordance with the agreed details.

Reason: To safeguard the amenity of nearby residents and in the interests of visual amenity; having regard to policy DM5.19 and Policy DM6.1 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 proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

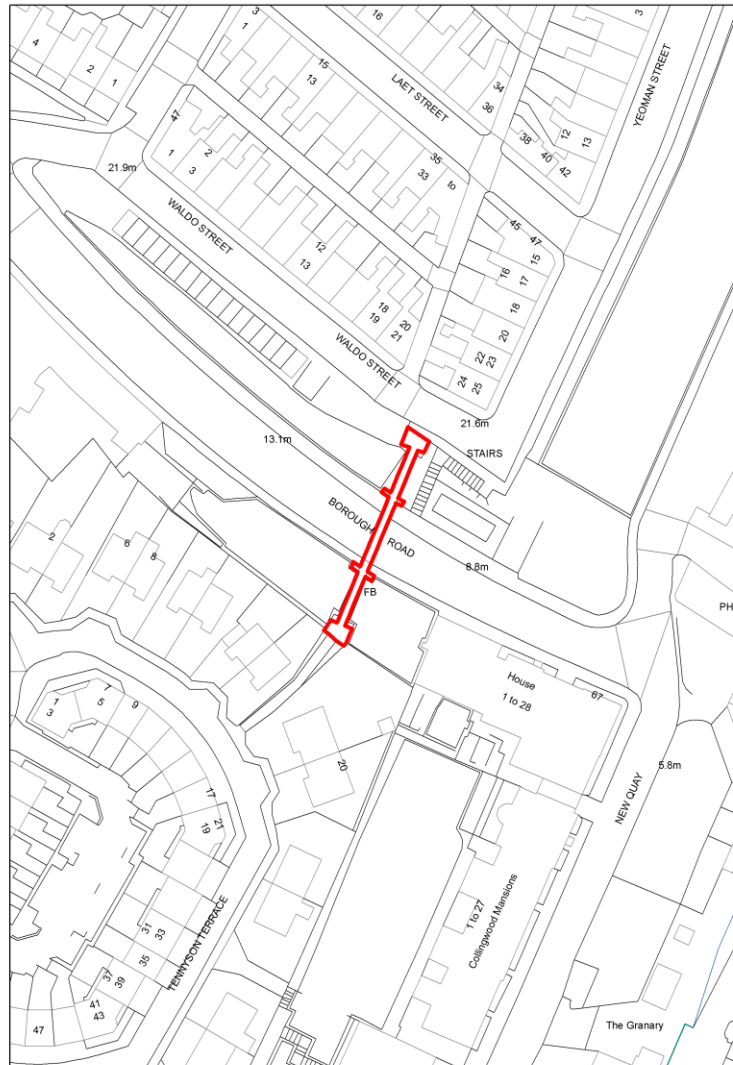
Highway Inspection before dvlpt (I46)

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

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

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

The applicant will be required to formally close all footpaths and routes associated with the bridge that are no longer required under the appropriate procedure as discussed with the Public Rights of Way Officer



Application reference: 18/01497/FUL

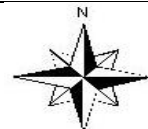
Location: Borough Road Footbridge Connecting Tennyson Terrace And Waldo Street Spanning, Borough Road And The Embankment, North Shields, Tyne And Wear

Proposal: 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.

Not to scale

Date: 05.12.2019

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the demolition of 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. Prior to the application being submitted a public consultation took place where objections were considered. The Public Right of Way Officer (PROW) was also consulted who advised on the appropriate course of action when dealing with the loss of the route and the applicant has been in discussions with the Local Highway Authority regarding temporary road closures, alternative routes etc. for the demolition period.

1.3 Conditional approval is recommended subject to an appropriate closure of the route being carried out with the consent of the PROW Officer who is a separate consultee on this application. Closure of the route is a separate procedure and not a planning consideration.

1.4 Recommendation - Conditional approval

1.5 Condition:

SIT06 - Construction Method Statement (Minor)

1.6 Informatives:

I07 - Contact ERH: Footpath/Bridleway X's Site

I08 - Contact ERH: Works to footway.

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

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

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

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

The applicant will be required to formally close all footpaths and routes associated with the bridge that are no longer required under the appropriate procedure as discussed with the Public Rights of Way Officer.

2.0 Public Rights of Way Officer

2.1 I have advised on this with engineers and set out the legal process should permission be granted. The process will involve liaison with statutory bodies. To allay objections, it is my view there needs to be a formal zebra crossing over the main road as I'm sure this will be highlighted as part of their responses. I would also advise that there are improvements to the footway access on the east side and car parking spaces removed to accommodate crossing and visual splay.

3.0 Manager of Environmental Health (Contaminated Land)

3.1 No objection.

4.0 Biodiversity Officer

4.1 The Ecological Assessment submitted for the above scheme concludes that removal of the footbridge is unlikely to impact on bats due to a lack of features with bat roost potential; however, there is a low risk that the proposals could impact on bats if the existing masonry walls are to be removed or improved.

4.2 It has been confirmed that the scale of the works has been reduced to remove all existing works to the masonry wall elements with the focus on the removal of the bridge. Any remedial works to the masonry wall elements will be submitted as part of a separate planning application and will be accompanied by an appropriate bat activity survey.

4.3 A small amount of native scrub is required to be removed to accommodate the removal of the footbridge. This should be replaced as part of a landscape scheme associated with the project.

4.4 I have no objection to the above application subject to the following conditions being attached to the application:-

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

2) A Bat Working Method Statement for the removal of the bridge must be submitted to the Local Authority for approval prior to works commencing on site.

3) A detailed landscape plan must be submitted to the Local Authority for approval within one month from the start on site of any operations. Planting should include native planting of benefit to biodiversity including native shrubs and wildflower grassland. The plan should also include details of replacement planting and maintenance and management details.

5.0 Representations

5.1 77 objections have been received from 59 addresses, including 2 anonymous objections and objections from North Tyneside Borough Green Party, North

Tyneside Public Transport Users Group and Save Britain's Heritage. The concerns raised are summarised below:

- Loss of visual amenity.
- Poor traffic/pedestrian safety.
- Adverse effect on wildlife.
- Affect character of conservation area.
- Affect setting of listed building.
- Affect Site of Spec. Scientific Interest.
- Impact on landscape.
- Inappropriate design.
- Inappropriate in special landscape area.
- Letter or petition of support.
- Loss of residential amenity.
- Loss of visual amenity.
- Loss of/damage to trees.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Out of keeping with surroundings.
- Precedent will be set.
- None compliance with approved policy.
- Not in accordance with development plan.
- Poor traffic/pedestrian safety.
- Adverse effect on wildlife.
- Affect Site of Special Scientific Interest.
- Bridge should be retained.
- If demolition is required a replacement should be provided.
- Loss of a local landmark and visitor attraction.
- Is an important part of North Shield's history.
- Has been a bridge on the site since 1839.
- Long established right of way.
- Important means of access.
- Regularly used by residents, visitors, pedestrians and cyclists.
- Loss of a public right of way.
- Little evidence of threats to traffic.
- Should be repaired.
- Impact on disabled people being able to safely cross Borough Road.
- Requires a lengthy detour to cross Borough Road.
- Inadequate public consultation.
- Inadequate surveys of bridge use.
- Demolition is required to allow development of adjacent land.
- Inadequate investigation of a means to finance the repair of the bridge.
- Part of the local industrial heritage.
- Should not have been allowed to deteriorate.
- The stairs leading from Waldo Street to Borough Road are hazardous.
- Safe routes for pedestrians and cyclists are required.
- New housing developments in the area require safe public rights of way and improved pedestrian and cycle routes.
- Savings made from demolishing the bridge should be spent on improvements in the area.
- Walking and cycling should be encouraged.
- The cost of refurbishing the bridge is low when the costs of demolition and providing an alternative crossing of Borough Road are taken into account.

- Steps should be taken to reduce dependence on cars.
- Bridge should be retained in the interests of creating a healthy/active borough.
- The alternative crossing points would be inconvenient to local residents and further from the existing bridge than suggested by the application.
- Could reduce tourism.
- Walking and cycling routes should be increased.
- Loss of views from the bridge and towards the bridge.
- Temporary security fence on Waldo Street would harm the conservation area.
- Heritage Statement is not accurate and does not properly assess the bridge's value.
- The decision to demolish was not made in an open and transparent manner.
- Financial considerations do not justify demolition.
- The values given do not accurately reflect the costs of refurbishment and demolition.
- Gradients on the alternative routes need improving. These costs have not been considered and no details have been provided.
- Borough Road is very steep and hazardous in winter.
- Use of the bridge is likely to increase with new homes being built.
- Anti-social behaviour could be addressed by other means.
- The path between the houses on Tennyson Terrace could attract anti-social behaviour.
- The costs for a zebra crossing have not been included.
- A crossing will slow down traffic.
- Health impact of emissions on pedestrians.
- The bridge is a legal public right of way used by members of the local community for over 20 years.
- The Council should seek a PROW order.
- An order to divert the public right of way is unlikely to succeed.
- Difficulties viewing online documents.
- Pedestrian counts show a high percentage of parents with their children, and pensioners choose to use the bridge.
- Greatest impact on disabled people and families with children.
- People with reduced mobility and disabilities form a higher proportion of total footbridge users.
- Loss of pedestrian/cycle route/right of way contrary to NPPF.
- Not in the best interests of children – contrary to NPPG.
- No Environmental Assessment has been carried out.
- Will isolate two communities from each other, and residential areas from central North Shields.
- The bridge is used to access ferries and buses, and by walking groups, school parties and cyclists.
- There has been no effort to develop the Heritage Trail. The area could be developed into an historic area for tourists.
- The route avoids traffic and air pollution.
- An equality impact assessment has not been conducted.
- The new Borough Road crossing is not a suitable replacement – increasing traffic volumes, safety concerns, air pollution.
- Two steep slopes must be used to access the crossing and there is no pavement on parts of the route.
- There have been no traffic surveys of Borough Road.
- Lack of consultation.

- Would cause substantial harm to the conservation area.
- Impact on the wildlife corridor and bats.
- Contrary to the local conservation policies/guidance.
- A PROW order should be made.
- Alternative options for retention should be considered.
- Funding options, such as CIL and Public Works Loan Board, have not been fully investigated.
- Anti-social behaviour does not justify demolition -Northumbria Police's comments support this.
- Significant objection from local people and national groups.
- Retention of the footbridge was stated as the preferred option by the Conservation Officer and Planning Department.
- Over 2,500 names have been collected by supporters of retaining the bridge.
- Financial grounds are not material planning considerations.
- There has been deliberate neglect of the footbridge. No maintenance has been undertaken since the 2011 Inspection Report.
- There are no outweighing public benefits that cannot be achieved by other means, and no public benefits which would flow from the development (as per NPPG Par.020).
- Loss of the bridge would lead to substantial harm to the conservation area.
- Bias in the 2016 Options Study and the 2018 Public Consultation and Feasibility Study.
- The cost figures provided have not been substantiated and there is a lack of consistency.
- The public are sceptical that Planning Committee will refuse the application.
- The bridge is 80 years old with a design life of 120 years. It is the same age as the Tyne Bridge.
- Following the 'Do minimum' option would have a lesser capital cost and this would be spread over 40 years.
- The bridge has a design working life expectancy of 40 years.
- NPPF states that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

6.0 External Consultees

6.1 Coal Authority

6.2 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.

7.0 FISH

7.1 We would like to comment / question:

7.2 Heritage Statement and Impact Statement:

- Historic England also object as can be seen in the letter included in the Heritage Statement. (p24) They write referencing Para 132 of NPPF "that harm to the significance of heritage assets requires a clear and convincing justification....such a justification would have to come from the public benefits of removing the bridge..." NPPF defines Public Benefits as "that delivers economic, social or environmental progress." "As there is no development involved it is not possible to demonstrate public benefit in this respect. Indeed, the loss of the

bridge is a loss of 'public benefit' in that is a loss to the significance of the conservation area and a loss of a traffic route."

- At the time of the 2013 report the Conservation Officer made it clear the bridge was an "important part of the character of the New Quay Conservation Area." And 'NTC have a duty to preserve or enhance the character of the Conservation Area'. The discussion focuses on which colour paint to use.

- The options reviewed in the Heritage Statement did not include CAPITA's previous option No. 3 – Comprehensive Repair. The Statement goes on to suggest financial assessment without this option. (p17 2.1)

- The Heritage Statement had not found information about the original bridge (p5, 2.6). For Heritage Open Days 2018 we found some further information. Please see below and attached further information regarding the innovative timber laminate bridge and remaining parts in Shildon.

7.3 CAPITA's 2018 Feasibility Report including Review:

1. Does not include CAPITA's own original Option 3 in their 2013 report. The new 2018 report changes Option 3 from Comprehensive Repair to Full Demolition and Replacement. 2013 – P26-28. 2018 p8-9.

- Why has the previous Option 3 been changed without reference to change? This is grossly misleading and potentially very significant.

- Especially as Option 3 Comprehensive Repair was CAPITA's preferred option in their 2013 report. (2013 p32)

2. Options 2 and 3 of CAPITA's Report 2013

- The budget costs of 2 painters, for 2 weeks @ J60/hr are both J10K and J15K in Option 2 and 3 respectively.

- As access scaffolding etc is elsewhere, they are very well paid painters, and the mathematical addition is faulty.

- Cost totals are therefore not useful.

3. The Cost-Benefit assessment in 2018 CAPITA Report uses Option 3 2018 of full Demolish and Replace – This is not the Option 3 preferred in CAPITA Report 2013. That option is not included in any Cost-Benefit Assessment that we can find.

7.4 Process:

We note that in p8 of the 2018 item 4.2.1 – "In 2016, NTC commissioned Capita to undertake an Options Study to investigate and confirm that demolition of Borough Road Footbridge as the preferred option for the footbridge's future."

1. On what basis did NTC have this as the 'preferred option'? We are unable to find a document that explains this.

2. What had changed from 2013 when NTC's preferred option was retention? Ditto above.

7.5 In summary there appears a Capita Option that has not been included in the 2018 Study and was the preferred Capita Option in 2013, and would be in line with Historic England's, and NTC's original Conservation Officer's comments.

7.6 It is for these reasons we would like the proposal to be refused.

8.0 County Archaeologist

8.1 Borough Road footbridge is situated within New Quay Conservation Area adjacent to several listed buildings. The footbridge has origins as a timber bridge

c.1839 which was replaced by a steel arch with stone abutments c.1850. This was eventually replaced by the current iron structure on the 1850 abutments in 1936. It is a non-designated heritage asset with associated historic and social value.

8.2 Contributions to the conservation area include the fact that the bridge was created to link the quay and railway station reflecting the areas importance in the 19th century and its views. Views of the bridge are available from Borough Road and Market Place while views from the bridge provide an opportunity to view the conservation area in a wider sense.

8.3 A heritage statement has been submitted along with this application. It considers the footbridge to be of medium/low significance and summarises that the removal of the bridge would not impact upon the setting of the adjacent listed buildings. It also acknowledges the contribution made by the bridge to the character of the conservation area.

8.4 Depending on the final decision on the replacement pedestrian crossing the heritage statement has identified the potential for slight harm to be caused to the appearance of the conservation area and setting of listed buildings due to visual clutter to views up and down Borough Road. Further specialist advice should be sought on this when the proposed crossing is finalised.

8.5 I feel that the bridge makes a positive contribution to the character area and Borough Road itself; it also provides a convenient crossing place at a higher level than Borough Road/Clive St. It would be preferable to retain the bridge and enhance its contribution to the area through maintenance and interpretation/information on the buildings visible from Waldo St.

8.6 Should the demolition of the footbridge be accepted a photographic recording will be required prior to demolition. The retention of the masonry is welcomed but opportunities for heritage interpretation and enhancement of the appearance of the area should also be sought.

8.7 Please place the following condition on any consent granted:
No demolition shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

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

9.0 Historic England

Initial comments

9.1 Borough Road Footbridge is an unlisted bridge within New Quay Conservation Area, North Shields. It was originally built in the 1840s with the purpose of restoring the Rights of Way along the bank top that the opening of Borough Road interrupted. The current bridge is a replacement from 1936. The bridge seems to follow the line of Ropery Banks, an important area linked to the

rope industry servicing the quays. The importance of the connection of the bank top with the quayside is shown through the presence of ramps either side of the bank and the introduction of stairs next to the bridge - St Peter's stairs - some of which still survive and make an important contribution to the character of the conservation area.

9.2 New Quay is a small conservation area - adjacent to the Fish Quay CA – focused around the quay and its ferry landing. Its importance as a centre of trade is reflected not only on the grand buildings which fronted this space -Old Customs House and Sailor's Homes - but on the opening of the Borough Road itself, which dramatically cuts through the landscape to connect the quay with the train station. This cut is emphasized by the retaining walls of the bank, from which the original bridge piers cleanly emerge. The current bridge is a light steel lattice structure reflecting the technology of shipbuilding, the industrial heritage of the time. Its lightness and elegance nicely counterbalances the solidness of the retaining walls, and its presence serves as a 'threshold' to the quayside. It also offers a good vantage point from which to view the conservation area in its wider setting. Although unlisted, the maintenance of this route and retention of the bridge make a positive contribution to the character of the conservation area.

9.3 The proposal is to demolish the bridge and to replace it with an improved pedestrian crossing about a hundred metres up, close to Trinity Street, outside the boundary of the conservation area. This is argued on the basis of 'providing cost savings to the council and reducing anti-social behaviour in the area' (Borough Road Bridge Options Study, p.1). The demolition of the bridge and the closure of this pedestrian connection will result not only in the loss of an important asset to the conservation area, but in the disappearance of a route which is relevant to the memory and history of the place.

9.4 These losses will erode the character of the conservation area being therefore harmful to its significance.

9.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 asks that local planning authorities to pay special regard to the desirability of preserving or enhancing the character and appearance of a conservation area. Paragraph 200 of the National Planning Policy Framework asks local authorities to look for opportunities for new development within conservation areas to enhance or better reveal their significance. Paragraph 201 states that the loss of a building which makes a positive contribution to the significance of the conservation area should be treated either as substantial harm (paragraph 195) or less than substantial harm (paragraph 196). In this instance the loss of the bridge would equate to less than substantial harm to the significance of the conservation area because it makes a positive contribution but is not one of its key buildings. Such harm still requires clear and convincing justification (paragraph 194), which in this case, would have to come from the public benefits it will deliver.

9.6 We acknowledge that the creation of a new pedestrian crossing which also considers the cycle route 72 would be beneficial from the circulation point of view, but this does not require the elimination of the former route. We are also convinced that alternative ways to reduce the anti-social behaviour in the area

can be found which are less final to the bridge. The argument is then reduced to a merely economic one.

9.7 The submitted Borough Road Bridge Options Study 2016 considers the economic costs for the options 1: do nothing, 2: do minimum (repair), 3: replace and 4: demolish the bridge, with the preference being for the latter. It also argues that '120 years is the maximum design life for such a structure' (6.1. assessment methodology, p.13) and in Table 2. Options Assessment it is considered that 'even if option 2 (repairs) was pursued, the bridge would have to be demolished within 5-10 years'. However, neither the figures nor the proposed works contained in the Options Study seem to correspond with those presented on the Borough Road Footbridge Special Inspection Report 2013. This report considers the footbridge was at the time 'generally in a fair condition and considered stable although there are several defects which need addressing'. Although some of these defects were already identified in 2011, no actions were carried out, and 'as a consequence, some of these defects have now deteriorated in both extent and severity' (p.32, summary).

9.8 Despite acknowledging the bridge's deterioration trend, the report does not consider it would have to be demolished or replaced. Instead, the recommendation is for full repair together with inclusion of new pedestrian parapets, to bring the structure to a good standard of repair.

9.9 Our thoughts are in line with the recommendations made in the Inspection Report 2013 and feel that the assumptions of 120 years as the maximum design life for the bridge or its subsequent demolition after 5-10 years need careful revision. We understand that some elements may reach the end of their functional life and may need to be replaced. However, good maintenance should guarantee that its lifespan is much longer than that, as it can be demonstrated by the survival of other lattice structures dating back to the nineteenth century still in functional use.

9.10 To conclude, the options appraisal sees the bridge in terms of a financial liability rather than as an asset that contributes positively to the conservation area. Furthermore we consider that the financial liability is exaggerated. This does not make for a strong justification for the loss of the bridge as 'public benefits' can not be directly demonstrated to occur from the proposal. Consequently Historic England does not support this application noting that it is contrary to both the requirements of the 1990 Act and the direction given in the NPPF.

9.11 Recommendation

Historic England has concerns regarding the proposal on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the 1990 Act and paragraphs 200, 201, 194 and 196 of the NPPF.

9.12 Additional Historic England Comments 30.04.2019

9.13 HE was provided with a 'Cost Information' document which follows on from a discussion at the end of March on the repair and maintenance costs associated with the Borough Road foot bridge. We can see that the J360k figure for repair is

a fair one and the discrepancy between that and the lesser 2013 figure is a result of more detailed analysis, essentially the difference between initial inspection and a costed repair schedule. In respect to the planning application for demolition, this agreement between us gives a firm financial base on which North Tyneside can make a decision.

9.14 Considering the 2016 Options Appraisal Report and our discussions our conclusion is that the bridge is not beyond repair, but rather there are significant cost implications to doing so. We acknowledge also that operational costs are increased by the coastal location and some elements of the bridge's design which can trap moisture, both worsening decay.

9.15 This remains a decision that involves balancing the value of the bridge to the character and appearance of the conservation area against the cost / benefit equation that the bridge has as a pedestrian route. Our position remains retention and not to support the proposal. However we recognise that the justification for removal is firmly set out and based on realistic figures and that our concerns over contradictions between those figures, as set out in our planning consultation letter of 18 December 2018, have been answered and resolved.

9.16 Ultimately this remains a decision for the local planning authority, one that should follow paragraph 196 of the National Planning Policy Framework which asks that harm to the significance of the conservation area is weighed against the public benefits of the proposal.

9.17 In noting that planning legislation makes provision for the LA's own applications for demolition to be referred to the Secretary of State for a decision where Historic England object to a proposal which the LPA is minded to approve, Historic England was asked to confirm if their comments constituted an objection. In July, HE confirmed that "whilst we do not support the proposal we do not object to it and request that a decision to approve is referred to the Secretary of State. Instead we ask that paragraph 196 of the National Planning Policy Framework is considered when determining the application, specifically 'where a development would 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'."

10.0 Northumbria Police

10.1 I have checked through the police records for both the bridge and the surrounding streets to try and get a picture of any problems that might have a bearing on this application. I have also had an e-mail from a local resident pointing out several things from his point of view and have looked at the figures to see if there is any evidence to substantiate his concerns.

10.2 With regards to the bridge itself I can find no firm evidence to suggest that it is used on a regular basis by offenders to drop items onto vehicles or pedestrians. I have found several incidents when youths on motor cycles and quads bikes have been riding around the general area causing anti-social behaviour and have then made off from the area across the bridge. There have

also been incidents where they have just ridden around the area in general and then made off through the streets so again no specific evidence that this is a regular escape route. The proposed alternative route through streets would take pedestrians into the area where these m/c's have been seen riding around, but I will stress that this is not a regular thing at this time.

10.3 One thing that does concern me is the proposal that if the bridge is removed then the approach path will be kept as it is and a fence will be erected at the end to prevent access to the slope down to Borough Road. This will leave a footpath between properties which will lead to nowhere and could either become an area where ASB and or fly tipping then become problems. The simple solution would be to either block it off altogether with a substantial fence to prevent entry or simply gift the land to the two houses either side. This would then take away the onus of the local authority to maintain it.

10.4 In conclusion, I can't find any evidence to support removal of the bridge from a crime prevention point of view, but if it is removed then the footpath leading up to it should not be kept on the basis that it could become an ASB or rubbish dumping area.

11.0 Historic Environment Office (Joint Conservation Team)

11.1 Introduction

11.2 The application relates to Borough Road Footbridge, which is a non-designated heritage asset located within a designated heritage asset, the New Quay Conservation Area. A bridge was originally constructed on this site circa 1840's to restore the right of way between the locations at the top of the bank, that had been severed by Borough Road. The bridge also appears to reflect the line of Ropery Banks, associated with the rope industry servicing the quay area. The current bridge within the same location was constructed circa 1936 and provides a pedestrian link between two existing residential areas. The bridge is supported upon the historic stone bridge abutments. A set of access steps adjacent to the bridge provide a further level of connectivity between the bank top and Borough Road below. Further emphasising the historical importance of interconnectivity between the various locations in the historical development and use of this area.

11.3 The New Quay Conservation Area Character Statement refers to the foot bridge as 'The iron bridge, connecting the ropery banks and part of the cycle route, is another important contributor to the character of the New Quay conservation area'. Historically this bridge position was associated with the development of the quay and the arrival of the railway station, reflecting the importance of the area in the 19th century.

11.4 In line with the heritage values established within 'Conservation Principles, Policies and Guidance for the sustainable management of the historic environment' as published by English Heritage (Historic England), it is considered that the bridge itself contains evidential, historical, aesthetic and communal value, through its historical and current usage and function, its links to the historical development of the surrounding area, its visual prominence and contribution to the setting of the New Quay conservation area.

11.5 The bridge occupies a prominent visual location extending across Borough Road, adjacent to a number of listed buildings (designated heritage assets) and contributes towards the historical character and evolution of this area. Given the elevated position, the bridge is visually prominent within views into and out of the New Quay conservation area, particularly along Borough Road and Market Place. The bridge itself provides a vantage point to appreciate wider views into and out of the New Quay conservation area, given its elevated position.

11.6 The 1936 bridge construction comprises a Steel lattice structure, and although of a lighter form than the earlier 'Iron Bridge', reflects the industrial nature and historical form of development.

This application proposes demolition of the existing 1936 footbridge, together with the introduction of a new pedestrian crossing at Borough Road level.

11.7 Stopping up works are proposed to the existing bridge entrance points to the north and south, although these are to be subject of a separate planning application. Temporary fencing is proposed to be introduced to the northern and southern abutments. No works are proposed to the existing sandstone piers upon which the existing and historic bridge structures are supported.

11.8 Submission Information

11.9 As identified, the Borough Road foot bridge is a non-designated heritage asset situated within a designated heritage asset (New Quay conservation area). The application contains a variety of supporting documents including, a condition report dated December 2013, an options appraisal report dated October 2016, a Heritage Statement dated 2018 and a Cost Information document dated 2019. The Heritage Statement has been prepared on behalf of the applicant, and provides the applicants view on the significance of the existing bridge and the impact upon existing heritage assets, together with suggesting a number of public benefits.

11.10 The application refers to condition reports having been undertaken on the footbridge in both 2011 and 2013, with the condition of the bridge at the time of the 2013 survey being identified as 'fair'. Areas of repair and maintenance were identified at that time.

11.11 The options appraisal for the footbridge appears to have been developed utilising the condition survey of December 2013 as a base.

11.12 The options appraisal study undertaken in 2016, considers 4 options, which are 'Do nothing, Do minimum, Do something – Replace the bridge and Do something – Demolish the bridge'. The submitted options appraisal does not appear to include a further option of 'full repair'. Given the condition of the bridge as 'fair' within the last condition survey in 2013, the existing footbridge does not appear to be identified as being beyond repair. The application appears to put forward a financial viability argument in favour of demolition of the existing footbridge due to the costs associated with the retention and repair of the existing structure.

11.13 Analysis

In assessing this proposal, the relevant primary legislation has been considered, in particular Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. In addition, the application should also be assessed against, paragraphs 200, 201, 194, 195 and 196 of the National Planning Policy Framework (NPPF), together with relevant local plan policies.

11.14 As identified within the NPPF, in particular paragraphs 194, 195, 196, 200 and 201 any proposal which would result in a loss of significance / harm to the designated heritage asset would require clear and convincing justification, being considered in relation to the public benefits proposed.

11.15 Historically the footbridge formed an important link in the industrial development and use of the surrounding area, being installed to retain an access route at higher level along the bank top, following the arrival of the railway and the provision of 'the cut' below. The proposed demolition of the footbridge and associated closure of the historic pedestrian route, it is considered, will result in a loss of evidential, historic, aesthetic and communal value, both to the bridge itself (an undesignated heritage asset) together with the special character, appearance and significance of the New Quay conservation area (designated heritage asset).

11.16 The proposed demolition of the existing footbridge, which is identified as 'another important contributor to the character of the New Quay conservation area' within the New Quay Conservation Area Character Statement, would result in a total loss of significance to the non-designated heritage asset, in accordance with paragraph 197 of the NPPF. In considering the proposed demolition of the existing footbridge, particularly given its identification as an 'important contributor to the character of the New Quay conservation area', paragraph 201 of the NPPF should also be considered. Paragraph 201 states that:

'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole'. Given the proposal to demolish an existing structure that is identified as an important contributor to the character of the conservation area, this proposal should be considered in relation to paragraphs 195 (substantial harm) and 196 (less than substantial harm) of the NPPF.

11.17 Following assessment of the information submitted with the application, it is considered that the options appraisal report in relation to the future of the bridge structure has not fully assessed all of the potential approaches, in particular, full repair of the existing bridge structure. In addition, the assessment of the condition of the structure appears to be based upon a condition report dated 2013. It is suggested that a new condition survey is undertaken to identify the current condition of the structure.

11.18 The proposed introduction of temporary fencing to the existing northern and southern bridge abutments would be considered acceptable. It is acknowledged that this approach is proposed as a temporary solution to prevent access to the abutments, and that any future proposals will be subject to a planning application.

11.19 The retention of the existing sandstone piers is welcomed; however, clarification is requested as to whether any proposed repair works are proposed to these structures following the proposed removal of the footbridge above.

11.20 Conclusion

11.21 Following assessment of the information provided, it is considered that the proposed demolition of the existing footbridge will result in a detrimental impact upon the character, appearance and significance of the New Quay conservation area (designated heritage asset), and as such would result in less than substantial harm to the significance of the conservation area (designated heritage asset) and should be assessed in relation to paragraph 196 of the NPPF. The proposed demolition would also lead to a total loss of significance of the Borough Road footbridge (non-designated heritage asset) and should be assessed in relation to paragraphs 201, 196 and 197 in particular.

11.22 It is considered that the loss of the existing footbridge, which as identified is considered to contain evidential, historic, aesthetic and communal value, would result in harm / total loss of significance to the footbridge (non-designated heritage asset) and harm (less than substantial) to the New Quay conservation area (designated heritage asset).

11.23 It is acknowledged that the application identifies the provision of a new pedestrian crossing / route as a public benefit of the proposal. Whilst the introduction of a new pedestrian route would provide an element of public benefit, this route would be at the loss of an existing pedestrian access route Borough Road footbridge. It is considered that there is no additional value within the proposed public benefit, other than that which is currently present through the presence of the existing footbridge.

11.24 Given the above, any proposal should be considered in relation to Primary Legislation (Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990), together with paragraphs 194, 195, 196, 200 and 201 of the NPPF and relevant local planning policies.

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Application No:	19/01075/FUL	Author:	Maxine Ingram
Date valid:	7 August 2019	☎:	0191 643 6322
Target decision date:	2 October 2019	Ward:	Longbenton

Application type: full planning application

Location: Woodlands, Killingworth Drive, West Moor, NEWCASTLE UPON TYNE, NE12 7ES

Proposal: Erection of a new dwelling (two storeys) - Amended description and plans 11.11.2019

Applicant: Mr & Mrs William Humphrey, Woodlands Killingworth Drive West Moor
NEWCASTLE UPON TYNE NE12 7ES

Agent: BW Architecture, Mr Brian Wood 104 Great Lime Road Westmoor
Newcastle Upon Tyne NE12 7DQ

RECOMMENDATION: The Committee is recommended to indicate that it is minded to grant this application subject to an Unilateral Undertaking being agreed under Section 106 of the Town and Country Planning Act 1990. Members are also recommended to grant delegated authority to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;
-Coastal Mitigation contribution.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development;
- Impact on amenity (visual and residential);
- 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 site to which this application relates is part of the rear garden serving Woodlands. This property has large garden areas to its front and rear with a number of mature trees bordering the perimeter areas of the front garden and driveway. A number of trees are protected by a Tree Preservation Order (TPO). The rear garden comprises of mainly open lawn areas with a row of mature conifers sited along its south western boundary, including a semi-mature Horse Chestnut to the southern end of the conifers and a Sycamore to the north. The rear garden lies adjacent to Reynolds Avenue; separated by a brick wall.

2.2 The rear gardens of Nos. 36 and 38 Whitecroft Road and part of the rear garden of No. 40 Whitecroft Road border the north west boundary of the application site.

2.3 No. 40 Reynolds Avenue is located to the south west of the application site. Its front garden borders the application site.

2.4 The rear garden serving Hawthorn Lodge borders the north east boundary of the application site.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the erection of a four bed, two storey dwelling. The proposed dwelling will be sited in part of the rear garden serving Woodlands. Access to the proposed dwelling will be from Reynolds Avenue.

4.0 Relevant Planning History

4.1 90/00798/OUT – Erection of two bungalows – Refused 27.04.1990

4.2 Reason for refusal:

The construction of two dwellings on this constructed site would be detrimental to the amenity of the area due to the adverse effect on protected trees and would be detrimental to the amenity of adjoining residents by adversely affecting privacy. Vehicular access to Reynolds Avenue would be prejudicial to road traffic safety due to the proximity of road junction and sharp bend with consequently limited visibility.

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires 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:

- Principle of the development;
- Impact on amenity (visual and residential);
- 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 development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

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

8.3 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. In order to achieve this objective Government requires local planning authorities to identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

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

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

8.6 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.

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

8.8 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted."

8.9 The LP specifically allocates sites to meet the overall housing needs and identifies those with an existing planning permission. This site is not identified for any purpose in the LP. Therefore, Policy DM4.5 is relevant to assess this application.

8.10 LP Policy DM4.5 Criteria for New Housing Development states: "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 and attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this LP.”

8.11 The objections received regarding the principle of a residential development on this site and the previously refused planning are noted. However, each application must be assessed on its own merits and considered against the most relevant planning policies which in this case is the NPPF (February 2019) and the council’s Local Plan (LP).

8.12 As already discussed, this site has no specific designation in the LP. This site sits within a wider residential area and local amenities are accessible, within one mile of Great Lime Road and one and half miles of The Killingworth Centre. Members need to determine whether the principle of this proposed development is acceptable. It is officer advice that the principle of the development is acceptable, subject to all other material planning considerations set out below being addressed.

9.0 North Tyneside Council Housing Land Supply

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

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

9.3 Although the Council can demonstrate a five-year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing.

9.4 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.

10.0 Impact on amenity (visual and residential)

10.1 Paragraph 124 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 127 of the NPFF states that 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 130 of the NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

10.4 LP Policy DM6.1 Design of Development states: “Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. 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.”

10.5 LP DM5.9 Trees, Woodland and Hedgerows seeks to protect existing landscape features. Amongst other matters this includes: protecting and managing existing woodland, trees, hedgerows and landscape features and securing new tree planting and landscaping schemes. This policy makes it clear that the council’s preference is towards native species of local provenance and securing appropriate management.

10.6 The Council's Design Quality SPD encourages 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.

10.7 Local Planning Authorities have the option to set additional technical requirements exceeding the minimum standards set by Building Regulations in respect of access and water efficiency, and a Nationally Described Space Standard (NDSS). In this context, access relates to how people access and use a dwelling and its facilities and for space, this relates to the internal space of a dwelling. During the preparation of the LP work was undertaken to establish whether there was a need to implement these higher standards in North Tyneside. The evidence concluded that there was a need, in terms of the optional standards relating to access and internal space, to introduce these higher standards. These standards are set out in Policy DM4.9 'Housing Standards' of the LP.

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

Internal Space in a Home

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

10.9 The objections received regarding the design, layout (including loss of trees), overdevelopment and impact on residential amenity (including noise during construction) are noted.

10.10 Plot subdivision is the development of one or more separate dwellings within the curtilage of an existing property. It can provide a useful source of additional housing land but only where there is not a significant adverse impact on the character of the area or the amenity of existing houses. Not all large gardens are suitable for development.

10.11 The proposed dwelling will be sited in part of the rear garden serving Woodlands. It will front onto Reynolds Avenue and garden areas will be located to the rear and south east of the proposed dwelling. Parking provision is proposed in the north west corner of the site. A 1.8m high timber fence will separate the proposed dwelling from Woodlands. It is clear from the submitted site plan that the site can accommodate the proposed dwelling without resulting in an unacceptable reduction of outdoor amenity to Woodlands.

10.12 The proposed dwelling be sited approximately 4m from the proposed shared boundary with Woodlands. The proposed ground floor windows to rear will serve a lounge and dining room. The proposed first floor windows to rear will serve bedrooms and a landing. The proposed boundary treatment will restrict the views from the proposed ground floor windows into the rear garden of Woodlands. The proposed first floor bedroom windows will overlook the rear

garden of Woodlands. However, these windows will not overlook the rear garden immediately to the rear of this property nor will they impact on the front garden serving this property which will remain private. On balance, it is not considered that this development will result in an unacceptable loss of privacy, outlook, space or overshadowing to Woodlands.

10.13 The proposed dwelling will be sited approximately 18m from the shared boundary with Hawthorn Lodge. Taking this separation distance into consideration, it is not considered that the proposed first floor rear windows will significantly impact on the residential amenity of this neighbouring property's privacy to such an extent that will sustain a recommendation of refusal.

10.14 The proposed dwelling will be located to the south east of No. 36 Whitecroft Road. This property has previously been extended, including a single storey rear extension (15/01015/FULH). Based on the information provided, the proposed dwelling will be sited approximately 8m from this shared boundary. There are no first-floor windows proposed to the gable of the dwelling. The patio doors proposed to the ground floor gable (north west) will accommodate a lounge. Views from these doors into this neighbouring property will be obscured by the existing boundary treatment. Taking into consideration the separation distance that will exist between the proposed dwelling and this neighbouring property, it is not considered that it will significantly impact on its residential amenity, including loss of light, loss of privacy and outlook, to such an extent that will sustain a recommendation of refusal.

10.15 The proposed dwelling will be located to the north east of No. 40 Reynolds Avenue. The rear garden, currently serving Woodlands, lies adjacent to the front garden serving this neighbouring property. Based on the submitted site plan, the garden area to the south east of the proposed dwelling will lie adjacent to most of this shared boundary. Therefore, this impact is not considered to be significantly greater than that experienced at present. The proposed dwelling will overlook part of this neighbour's front garden. However, it is not considered that the part of the front garden that will be overlooked, will significantly impact on the residential amenity of this neighbouring property to such an extent that will sustain a recommendation of refusal.

10.16 The proposed dwelling will be separated from No. 33 Reynolds Avenue by the existing estate road. On balance, it is not considered that the proposed dwelling, in particular the first-floor front bedroom windows, will significantly impact on the residential amenity of this neighbouring property to such an extent that will sustain a recommendation of refusal.

10.17 Obscure views from the proposed first floor rear bedroom windows over the rear gardens serving the residential properties to the north east of the site will be afforded. However, it is not considered that this impact will be significant to such an extent that will sustain a recommendation of refusal.

10.18 The proposed layout and outdoor amenity space to be provided will be sufficient for future occupants. A condition is recommended for the proposed development to comply with the housing standards set out in Policy DM4.9.

10.19 The objections received regarding precedent are noted. Any future applications for similar proposals within the vicinity of this will need to be considered on their own merits. It is considered that the application site, Woodlands, differs to the properties located immediately to the north as their rear gardens are bound by other rear gardens. In this case, it is the view of officers, that the proposed dwelling should be designed to be more in keeping with the properties of Reynolds Avenue, as its frontage will form part of this street scene. The location of the proposed dwelling does not relate to the street scene to the north of Woodlands along Killingworth Drive.

10.20 Reynolds Avenue and the surrounding streets (Harriot Drive and Whitecroft Road) are characterised by two storey, hipped roofed, semi-detached properties. These properties are render finished and accommodate projecting bay windows. The properties to the north of Woodlands fronting onto Killingworth Drive vary in terms of their design, bulk and mass. The applicant has amended the design of the proposed development so that it is more akin to the visual appearance of the properties sited on Reynolds Avenue. Albeit, the proposed dwelling is detached, it accommodates a hipped roof and a projecting ground floor bay window to front. This design approach is considered to be more in-keeping with the street scene of Reynolds Avenue. The property will also be render finished. A condition is recommended to secure the final details of the proposed materials.

10.21 The scale, height and massing of the proposed dwelling is considered to be sympathetic to the properties of Reynolds Avenue. The objections raised that the loft space could be used to provide further accommodation is noted. A condition is recommended to remove permitted development rights for extensions and roof alterations.

10.22 On balance, it is the view of officers that the chosen design approach is not considered to detract from the character or appearance of the immediate street scene.

10.23 The objections received regarding the impact on trees, the impacts on wildlife and the lack of surveys are noted.

10.24 The proposed development will require the removal of several mature conifer species. It is important to note that these trees are not protected, and they are not located within a conservation area; therefore, they could be removed at any time without any consent required from the Local Planning Authority (LPA). Furthermore, the rear garden comprises mainly of a lawn and the application site is not located within a wildlife corridor.

10.25 The Council's Landscape Architect has been consulted. She has advised that the conifer species (Lawsonia) is a fairly common species planted principally for the qualities they offer as screening and amenity, but in time can become problematic in the size and scale they can eventually grow in a relatively short time period. She has advised that, in this case, there is no objection to the removal of the conifer trees, and it appears that the footprint of the proposed dwelling will not impact on the protected trees located to the south east of the site. Albeit, this information has not been submitted, she has recommended conditional approval.

10.26 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."

10.27 The proposed layout demonstrates that bin storage can be accommodated within the site.

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

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

10.30 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....."

10.31 The NPPF, paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 55 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". The council's Environmental Health Officer has been consulted. It is clear from the environmental health comments that appropriate mitigation to reduce the impacts arising from noise during construction can be secured by conditions.

10.32 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity and visual amenity. It is officer advice that the proposed development is acceptable in terms of its impact on the amenity of existing and future occupants of neighbouring and nearby properties and the character and appearance of the immediate street scene, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

11.0 Highways

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

11.2 Paragraph 108 of NPPF states that when assessing sites for specific development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

11.3 Paragraph 109 of NPPF states 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.

11.4 Paragraph 110 of NPPF: Applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

11.6 The Council's maximum parking standards are set out in LDD12.

11.7 Objections have been received regarding the impact of the proposed development on highway and pedestrian safety and the loss of the K2 bus service are noted. The Local Planning Authority (LPA) does not have any evidence that the K2 bus service will not operate if this development were to be approved.

11.8 The Highways Network Manager has been consulted. He has advised that parking provision has been provided in accordance with the council's maximum

standards set out in LDD12. He has not raised any concerns regarding the impact of this development affecting highway or pedestrian safety pre or post construction.

11.9 The site is not accessed via a trunk road nor classified road but via an established residential street. Whilst it is acknowledged that the access is located near to a sharp bend, the site is a single dwelling on the outside of the bend where speeds of vehicles will be low due to the nature of the highway layout and there has to be an assumption that motorists will be taking reasonable care for the road layout and conditions. There are no reported injury accidents in this area on the Tyne and Wear accident data base, so any road safety issue is perceptive rather than actual. If an access via Killingworth Drive had been put forward by the applicant, this would have been considered on its own merits, but the final recommendation set out by the Local Highway Authority is based on the current application as submitted. The previous application for two bungalows was determined in the early 1990's prior to more recent legislation such as Manual For Streets I & II and would have been considered by the highways officer at the time on the plans submitted.

11.10 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

12.0 Other Issues

12.1 Coastal Mitigation

12.2 The Coastal Mitigation SPD enables the council to adequately protect European sites and be compliant with its duties under the Conservation of Habitat and Species Regulations 2017, and the requirements of the NPPF. The application site is located outside of the 6km buffer therefore it is subject to the lower coastal mitigation tariff.

12.3 Natural England have been consulted. No objections have been raised, as the applicant will enter into a Unilateral Undertaking to secure the coastal mitigation contribution.

12.4 Drainage

12.5 The applicant has advised that surface water and foul from the proposed development will connect to the existing mains.

12.6 Northumbrian Water has been consulted. They have recommended conditional approval.

12.7 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with both national and local planning policies.

12.8 Ground conditions

12.9 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground

conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

12.10 Paragraph 179 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

12.11 Local Plan Policy DM5.18 Contaminated and Unstable Land sets out guidance on these constraints.

12.12 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.

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

12.14 The Coal Authority has been consulted. They have confirmed that the application site is not located within a coal referral area.

12.15 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

13.0 Local financial considerations

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

13.2 The proposal involves the creation of 1no. new dwelling. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax.

13.3 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

13.4 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

14.0 Conclusions

14.1 NPPF specifically 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 meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.2 The application site lies within an existing built up area with access to existing local services. Members need to determine whether the proposed development is acceptable in terms of the principle of the development, its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways and ground conditions. It is the view of officers, subject to the imposition of the suggested conditions, 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:

The Committee is recommended to indicate that it is minded to grant this application subject to an Unilateral Undertaking being agreed under Section 106 of the Town and Country Planning Act 1990. Members are also recommended to grant delegated authority to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;
-Coastal Mitigation contribution.

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Proposed site plan Dwg No. 1602_03
 - Proposed roof plan Dwg No. 1602_07
 - Proposed NW and SE elevations Dwg No. 1602_08
 - Proposed NE elevation Dwg No. 1602_10
 - Proposed ground floor Dwg No. 1602_04
 - Proposed first floor Dwg No. 1602_05
 - Existing site plan Dwg No. 1602_02
 - Existing and proposed SW elevations Dwg No. 1602_09
 - Location plan Dwg No. 1602_01Reason: 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. 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).

4. 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 details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

5. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the boundary treatments, including position, design and location, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these approved details shall be installed prior to the occupation of any dwelling hereby approved and shall be permanently retained. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012.

Reason: To ensure that the proposed development does not adversely affect the amenity of future occupants and to ensure a satisfactory environment within the development having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

6. 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.

7. New Access Access Before Devel ACC01 *
0

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

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

9. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the provision of wheeled refuse facilities for all waste types and refuse collection management shall be submitted to and approved in writing by the Local Planning Authority. These details shall include areas of storage of refuse, recycling and garden waste at the dwelling and a suitable area for collection day only. Thereafter, these agreed details shall be provided prior to the occupation of the dwelling and permanently retained.

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

10. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement (the contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires) for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: include tree protection measures for the trees to be retained, 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. 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.

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 commencement of any part of the development hereby approved above damp proof course level a scheme for secure under cover cycle storage has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling and retained thereafter.

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

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

- a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

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

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

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

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

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

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

Reason: To ensure that the potential contamination of the site is properly

investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

13. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved a scheme for the protection of trees in accordance with BS 5837:2012, including Arboricultural Impact Assessment (AIA) and a tree protection plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority. Thereafter, the development shall only be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interests of amenity and to ensure existing landscape features are adequately protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved, including where works are proposed within the 'Root Protection Area' (RPA) and/or crown spread of a tree, an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The method Statement is to include the following:

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

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

- Details shall demonstrate that any trenches or excavation works will not cause damage to the retained trees and /or root systems of the trees No services shall be dug or laid into the ground other than in accordance with the approved details;

- Details of any changes in ground level, including existing and proposed levels and any retaining structures required within the root protection area as defined by BS5837:2012; and,

- No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority and the effect they will have on finished levels and finished heights. Thereafter all construction and excavation works shall be implemented in accordance with these approved details. Any variation to the approved AMS

and TTP shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required from the outset in the interests of amenity and to ensure existing landscape features are adequately protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

15. Works which are proposed within the root protection area (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 the Arboricultural Method Statement, 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: In the interests of amenity and to ensure existing landscape features are adequately protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

16. 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 Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

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

Reason: This information is required from the outset to prevent the increased risk of flooding from any sources in accordance with the NPPF.

18. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp-proof course a schedule and/or samples of all surfacing materials and finishes 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).

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 are provided in accordance with Policy DM4.9 of the North Tyneside Local Plan (2017).

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

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

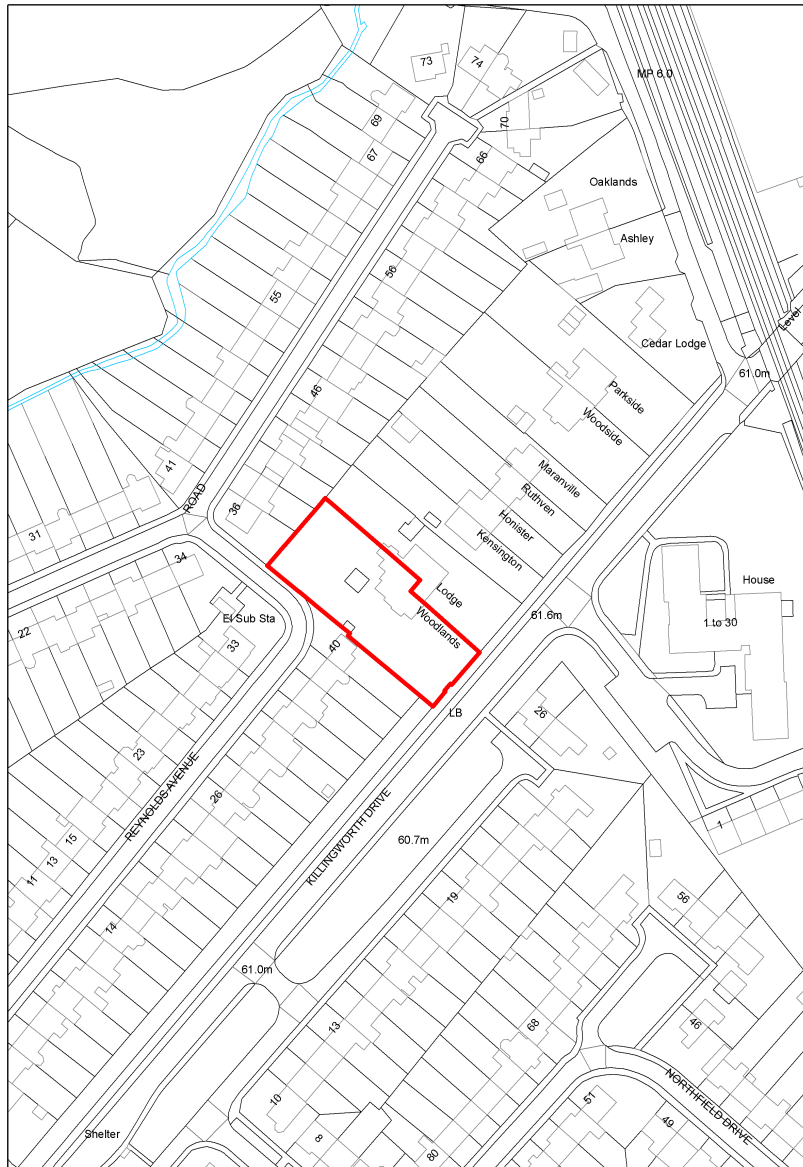
Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

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

Informatives

Building Regulations Required (I03)
Contact ERH Construct Highway Access (I05)
Contact ERH Works to Footway (I08)
No Doors Gates to Project Over Highways (I10)
Contact ERH Erect Scaffolding on Rd (I12)
Do Not Obstruct Highway Build Materials (I13)
Take Care Proximity to Party Boundary (I21)
Advice All Works Within Applicants Land (I29)
Coal Mining Standing Advice (FUL,OUT) (I44)
Highway Inspection before dvlpt (I46)

It should 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/>. Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority: -Discharge into ground (infiltration); -Discharge to a surface water body; -Discharge to a surface water sewer, highway drain, or another drainage system; -As a last resort, discharge to a combined sewer.



Application reference: 19/01075/FUL

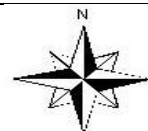
Location: Woodlands, Killingworth Drive, West Moor, NEWCASTLE UPON TYNE

Proposal: Erection of a new dwelling (two storeys) - Amended description and plans 11.11.2019

Not to scale

Date: 05.12.2019

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Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 The site is accessed from Reynolds Avenue and parking has been provided in accordance with current standards. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

ACC10 - New Access: Access before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement - Minor

No part of the development shall be occupied until a scheme for secure undercover cycle parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

1.5 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.6 Landscape Architect

1.7 Existing Site Context

1.8 Relative Legislation: *Woodlands Killingworth Drive Killingworth TPO 1990*

1.9 The property has large garden areas to its front and rear with many mature mixed species trees (see above) bordering the perimeter areas of the front garden and driveway. A number of trees are protected by a Tree Preservation Order. The rear garden consists of open-aspect lawn areas with a continuous avenue of mature conifers (Lawsonia) bordering its southwestern perimeter, including a semi-mature Horse Chestnut (Aesculus) to the southern end of the avenue and a Sycamore (Acer) to the north. The general tree collective within the vicinity of the applicant's property and some adjacent local properties are covered by Tree Preservation Orders (TPO), which affords legal protection based on the 'amenity value' of the trees. Other mature trees within the vicinity, link together with neighbouring tree groupings and solitary trees to collectively form the essential mature tree structure of the area.

1.10 The amended application documents (Received: 11th Nov 2019) does not materially change the position with regard to the adjacent TPO and associated landscape matters, and the proposed conditions are still to be applied:

Protection of trees

No trees shall be felled, uprooted, willfully 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.

Arboricultural Impact Assessment (AIA) and a tree protection plan (TPP)

A scheme for the protection of trees, in accordance with BS 5837:2012, including Arboricultural Impact Assessment (AIA) and a tree protection plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

Arboricultural Method Statement (AMS)

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

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

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

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

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

Implementation of works on site

Works which are proposed 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 the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

A further two conditions are to be applied:

Contractor Method Statement

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

Landscape Scheme

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

1.11 Contaminated Land Officer

1.12 Due to the proposed sensitive end use the following must be attached:
Con 001

1.13 Environmental Health

1.14 I have no objection in principle to this application, I would recommend conditions for construction hours.

HOU04

2.0 Representations

2.1 44 objections have been received. These objections are set out below:

- Adverse effect on wildlife.
- Inadequate drainage.
- Impact on landscape.
- Inadequate parking provision.
- Loss of privacy.
- Loss of visual amenity.
- Nuisance: disturbance, dust/dirt, fumes noise.
- Out of keeping with surroundings.

- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Will result in visual intrusion.
- Inappropriate design.
- Inappropriate materials.
- Loss of residential amenity.
- Precedent will be set.
- Development will be at the bottom of our garden.
- Loss of/damage to trees.
- The noise and disruption will be detrimental to our health and well-being and we are virtually housebound.
- Since the news of this application my health has deteriorated.
- I cannot believe the entrance to this property will be on a bend of Whitecroft/Reynolds Avenue which is a notorious black spot for accidents.
- We fear we may lose our small bus K2 which is used by most of the elderly on this estate. We have been informed this service may have to cease if these plans go ahead.
- I live on the corner opposite and already there is a safety issue with vans and cars parking on that corner. The last thing we want is more cars parking there. Also, the bus comes round our estate and already sometimes has difficulty getting round with cars parked. Obviously, they will have two parking spaces but where will visitors park.
- Also, the nuisance of building work going on with lorries and diggers coming along Reynolds Avenue which is already congested because of the narrowness of the road. So, my main concern is the safety aspect.
- Significant loss of sunlight and daylight into both our garden and rooms to the rear of our property. The position of the house would also mean a greater sense of enclosure in our home and garden due to proximity and height of the proposed house. The outlook from every room at the back of our house will feel extremely closed in. This will impact on time spent in our garden as we feel it will certainly have an effect due to noise levels and disturbance.
- There is no back garden on the planning proposal and therefore any large family moving in will only have available outside space each side of the house.
- The design of the house looks too dominant and overbearing in relation to the space/land that it would potentially be sited within. The house is not in character with any other house located within the street.
- There are windows in the loft extension and the second floor which would result in us feeling much more overlooked.
- The proposed location of this house is an issue due to the road from Reynolds Avenue to Whitecroft Road. There are two sharp bends in this road either side of the proposed property which is already a busy road most times of the day due to current residents. A bus service also comes around this street which is used frequently by the local residents.
- The plans show two parking spaces however these are inappropriate as they are parallel to the road. Two spaces for a 4/6-bedroom house is already inadequate, but more importantly a major safety issue for road users with these potential cars parking and exiting the spaces. Parking will also be adjacent to our garden and home causing noise and pollution.
- If building were to be allowed, this should be no more than two storeys with access via Killingworth Drive.

-This would cause significant issue during the building stage and eventually lead to a significant increase in the risk in a part of the road that already has its issues with poor visibility and poor manoeuvrability. During the building stage additional traffic and works vehicles are likely to cause issues and post-development the additional vehicles of the resident and guests could complicate further.

-Detrimental effect on the value of our property.

-Even with the driveway visitors will park on the road and impede the bus which already has difficulties with parked cars and double dangerous being nearly in the corner. Many old people, me included, rely on that bus to get out and about.

-Insufficient drainage. Not one drain on that corner and I know my garden already floods.

-I am forwarding to you some pictures I have taken in the hope of demonstrating the reality of the parking and driving situation through Whitecroft Road and Reynolds Ave, exactly where the proposed development would be. These pictures were taken at 1.45pm Thursday, 4.15pm Friday and 12pm Saturday. We hope that by viewing them it will help to corroborate the many concerns that residents have about this corner and the impact of allowing a house to be built here. We have spoken to neighbours and they have stated they would be happy to speak to any planning official should you want to come out and look yourself.

-I am a little confused as the Highways Engineers comment has stated the 'site is accessed from Woodlands and parking has been provided in accordance to the current standards'. I have checked the plans again including the SW elevation (which looks like the old submission as the cars are parked parallel to the house and no driveway evident?) and it looks like the property is not accessed via Woodlands (therefore through Killingworth Drive). Could you please clarify this as it is confusing to us and may deter others from objecting if they think the access and parking is not via Reynolds Ave and Whitecroft Road.

-Query the highways comments 'The site is accessed from Woodlands and parking has been provided in accordance with current standards. Conditional approval is recommended.' (Can be found in Consultee comments, no date). Looking at the new proposed site plan, to us it does not show that vehicular access is through Woodlands (therefore via Killingworth Drive and not through Reynolds Avenue and Whitecroft Road), only that the driveway has been amended to accommodate three cars now (the previous planning application had two). The new south west elevation drawing looks like it still has two cars parked parallel to the property which is still a major safety concern to the many existing residents. The proposed driveway does not take into account where visitors to the property would park, and if access to the driveway is via Whitecroft/Reynolds then this a major issue for reversing or parking in that driveway. Photographs submitted to demonstrate how dangerous this corner is. The reality of living on this estate is that many residents have more than one car (myself included) and also work vehicles/vans. To then allow another house to be built in such a small space (not correctly shown on the plans) would be both damaging and dangerous for the current residents.

-A good number of young children now play out in the street which is enjoyable to see but again safety is an issue as they are young and may not always be vigilant with road safety whilst playing.

-This development is unnecessary for this area, a current property search states there are 43 properties available to buy, (4 of which are in Whitecroft/Dene Avenue and Harriet Drive) and they vary from a one bedroom flat to four bed detached homes so there is more than enough availability for people who want to

move into the area. There are also many new build properties being built near Miller and Carter and on the other side of the main road if a new build is the desire.

-Reducing the property to two storeys as opposed to three does not appear to change the height or scale of this double front house, the only difference appears to be there are no longer windows in the loft. To gain a full appreciation of this build, the plans omit any measurements of the house itself. The design of the house looks too dominant and overbearing in relation to the space/land that it would potentially be sited within. The house is not in character with any house located within the streets where we live. Furthermore, there is no indication where the wall begins and ends at the front of property with measurements and the plans are very hard to interpret. According to the limited measurements on the plans the house is only 2.9m from the pathway and again this is not in keeping with the current houses with an average of a 4m driveway and front garden before you reach the path. It is set this far forward to minimise the impact to the owners of Woodlands.

-The plans still demonstrate that the house would overlook the resident's gardens in Whitecroft Road/Reynolds Avenue. It will cause us to lose a significant level of sunlight and daylight in both our garden and the rooms at the back of our house. The position of the proposed house would also mean we would feel a greater sense of enclosure in our home and garden due to proximity and height of the proposed house. The outlook from every room at the back of our house will feel extremely close in. The proposed back garden is too small, and we are concerned about noise and disturbance and will impact on the time we spend in our garden.

-It could set a precedent for overdevelopment of the area. Essentially this proposal is to build a home in a back garden, therefore in the future other proposals may be made which will again infringe on the privacy of existing residents as well as future building works and disturbance. It will not only ruin the character of Woodlands itself as an example of Victorian architecture. We have spent a great deal of time looking at the revised plans, even going out to do some measurements ourselves and take photographs as we feel so strongly this application should be denied.

-Roads throughout Reynolds Avenue and Whitecroft Road were built in the 1950s. They were designed for a smaller car and less cars per household. One car can fit down Reynolds Avenue due to people parking on the sides of the roads. This part of the road is currently populated with a number of large vans as the drives are not large enough to accommodate them. Construction traffic would add additional chaos to the street and cause large disruption to the residents and also businesses that serve the street such as the K2 bus service and couriers. Add construction traffic, dust and noise the area where the dwelling will be built will be unusable for 6 months to a year depending on how long it takes to build the property.

-Removing the conifers will cause privacy issues for residents around the new house. With views directly into bedrooms. A considerable amount of wildlife will be misplaced due to the large coverage the trees currently offer to birds.

-No drains are located on that part of the road. The nearest surface drain is around 36/38 Reynolds Avenue. With the proposed block paving on the property surface water would run onto the corner of Reynolds Avenue and pool up as it currently does in bad weather. To fix this issue additional highway work would be required, causing more disruption.

- The removal of the wall currently surrounding the plot will also require the destruction of No. 40's raised flower bed on the corner of Reynolds Avenue, which on the diagram stretches right onto the parked area of the new dwelling. Nowhere in the plans has this been documented or any boundaries issues discussed.
- The owner is simply wanting to sell some unused land, which is currently occupied by unkempt conifers and grassed area, hidden behind an old crumbling wall.
- Legal guidance obtained is as follows: If access is required onto a trunk or classified road, then consent will be required, and this will normally be sought as part of planning approval. However, a new access will not generally be allowed if it involves vehicles entering or leaving the carriageway close to a junction, on a sharp corner or at a blind spot, for obvious safety reasons. The road onto which the cars accessing this property will be on a sharp corner and a blind spot. Simply looking at the road as a third party you do not appreciate how close cars are to hitting each other as you cannot see who is coming the other way until you almost hit.
- If this new build property is approved, it should be on the condition access is via Killingworth Drive which is the established access point for this plot of land.
- Applications have been made previously by the landowner for bungalows and this had an access point off Reynolds Avenue. The application was declined for access reasons. The same should apply for this application also.
- Not in-keeping with the surroundings in any way shape or form – surrounding properties are semi-detached and two storeys. There are no new build property's anywhere on this estate. Any residents that have undertaken extension work on their homes have always done this in accordance with the visual aspect of their homes and this maintains a uniform appearance.
- Disruption to the landscape and removal of trees which in turn will impact on wildlife in the area. There are many birds, bats, hedgehogs and other wildlife which will be disrupted with their removal of their habitats.
- Huge disruption caused by construction vehicles.
- Height of property will impact on the gardens of Whitecroft Road.
- Parking provision is not sufficient for a property with 6 bedrooms.
- Cause significant issues during the building stages; increased traffic from construction companies, builders, the delivery of materials which again creates a safety risk to pedestrians and residential traffic. Carrying out this work on such a blind corner is already an accident waiting to happen.
- The current land where the proposed dwelling is to be erected contains a number of protected trees which are home to a large amount of wildlife. Removal of these trees will impact on their habitat and it is not clear that the appropriate surveys have been conducted to ensure that there is no adverse effect on the wildlife.
- Rear windows would overlook our property and garden.
- Previous planning application was refused due to highway and pedestrian safety in the 1990 (90/00798/OUT).
- The size and scale of the development will impose a significant physical presence upon all neighbouring properties and general streetscape.
- Overdevelopment and detrimental to the quality of housing in the immediately adjacent area and is not appropriate and in keeping with the two-storey traditional 3 bed semi-detached house styles in the area.

- Inappropriately close to neighbouring properties and infringes upon the rights of neighbours to enjoy their properties. This will impact greatly upon the privacy of the neighbouring properties as this building looks out onto the surrounding properties and directly into private homes.
- The Victorian semi-detached property on which the proposed development sits, is one of the few traditional and key design buildings in the area. One of the overall design and quality aspects of these properties is the benefit of the large gardens. Over development of the gardens would damage the setting and set a precedent for further over development in the area.
- The current garden of the proposed development provides a screen for the property's existing traditional brick wall and hedge/treeline providing a visual barrier and breaking up the space.
- Precedent will be set to develop buildings that are inappropriate in the style and layout of the immediately surrounding properties together with the precedent for those properties with large gardens to apply for planning permission to develop.
- The reasons set out to refuse the planning application 90/00798/OUT and dated 2.10.1990 remain the same and should be upheld.
- The development will create a dangerous and permanent road safety issue to the residents of Reynolds Avenue at the location of a tight, narrow blind bend. The inevitable additional parking and vehicles, particularly the local bus service and emergency vehicles that require access to the estate. Have the council monitored the current situation?
- The existing dwelling is large enough to accommodate a modest extension for their family needs with access from their existing entrance.
- This development will create a permanent dangerous condition and disruption to our community with little disruption and no danger to the developer.
- Why should we suffer for their financial gain?
- I use this road when returning to my home and have witnessed four collisions because of the way cars and vans have been parked. There are also numerous occasions I have had to take avoidance action or reverse back around the corner to allow oncoming vehicles to pass.
- Nobody has mentioned red squirrels. This is the only location I have ever seen red squirrels. I have seen single squirrels on at least ten occasions over the last 15 years. I do not think I will see anymore if this house gets built.
- I appreciate some amendments have been made to the original application, which I must say seems slightly underhand; submitting a new application before the original was approved or declined; a fault on the part of the council also; surely this isn't the normal process.
- It is still not the typical 3 bed semi with garage therefore we believe this property will still look out of place.
- This application proposes parking to the left of the house; we fail to believe that the cars on this driveway will be able to 'safely' reverse out onto Reynolds Avenue with an 8 foot wall (currently surrounding the property of No. 38 Whitecroft Road) blocking any view of traffic coming from Whitecroft Road. This creates a further danger to an already dangerous part of the estate.
- This driveway amendment is another opportunity for a future plan to be submitted to turn this driveway into a garage.
- This proposed access is intentional to avoid any disruption to the current landowners and their property. We cannot see how a whole estate should be disrupted with increased traffic, construction work, dirt/dust and increased noise levels all for the sake of one property not being affected. Why has the renewed

application not taken into account the numerous comments regarding changing the access point to the property?

-Pedestrian safety will be compromised during construction works.

-Safety concern regarding the K2 bus service most certainly during the winter months when the paths/roads are in an icy condition. This is essential to the elderly residents to still be able to enjoy some independence however, we believe there is an increased risk that this service will be removed should further traffic including construction traffic be added to the estate.

-The Victorian semi-detached property on which the proposed development site, is one of the few traditional and key design buildings in the area. One of the overall design and quality aspects of these properties is the benefit of the large gardens. Over development of the gardens would damage the setting and set a precedent for further over development in the area.

-The current garden of the proposed development provides a screen for the property's existing traditional brick wall and hedge/treeline providing a visual barrier and breaking up the space.

3.0 External Consultees

3.1 The Coal Authority

3.2 The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Local Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

3.3 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

3.4 Newcastle International Airport Limited (NIAL)

3.5 The airport has withdrawn their objection.

3.6 Given the location and the modest size of the site, and taking on board that SUDs are now no longer proposed, we would have no objection to the proposal as it is considered that it would not result in any detriment to the safe operation of the airport.

3.7 Northumbrian Water

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

3.9 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/>.

3.10 Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration);
- Discharge to a surface water body;
- Discharge to a surface water sewer, highway drain, or another drainage system;
- As a last resort, discharge to a combined sewer.

3.11 Natural England

3.12 Natural England has no comments to make on this application.

3.13 Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

3.14 Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

3.15 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

3.16 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

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