



**North Tyneside Council**

# Planning Committee

29 May 2020

To be held on **Tuesday, 9 June 2020 commencing at 10.00 am.**

The meeting is to be conducted using video conferencing technology and will be streamed live on the Council's YouTube channel <https://youtu.be/CX-ghW9vnA8>

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for Absence</b> To receive apologies for absence from the meeting.	
<b>2. Appointment of Substitutes</b> To be informed of the appointment of any substitute members for the meeting.	
<b>3. Declarations of Interest</b> You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.  You are also requested to complete and return a Declarations of Interests form available from the Democratic Services Officer.  You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>4. Minutes</b> To confirm the minutes of the previous meeting held on 17 March 2020.	<b>5 - 8</b>

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<b>Agenda Item</b>	<b>Page</b>
<b>5. Temporary Speaking Rights Scheme</b>	<b>9 - 16</b>
To approve temporary variations to the Committee's Speaking Rights Scheme during the period when face to face meetings of the Committee are not possible because of the Coronavirus outbreak.	
<b>6. Planning Officer Reports</b>	<b>17 - 22</b>
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.	
<b>7. 19/01517/FUL, The Flying Scotsman, Briar Edge, Forest Hall</b>	<b>23 - 48</b>
To determine a full planning application from Punch Taverns for Formation of roof terrace / beer garden to section existing single storey flat roof to south east of property including timber frame covered seating area, external and covered external stair access and formation of new door opening to rear at ground floor level	
<b>8. 20/00241/FUL, 1A Preston Wood, North Shields</b>	<b>49 - 74</b>
To determine a full planning application from Mr & Mrs Sample for a one and a half storey, three bedroomed dwelling on land which is presently part of the applicants' garden	

**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, 17 March 2020**

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

### **PQ62/20 Appointment of substitutes**

There were no substitute members appointed.

### **PQ63/20 Declarations of Interest**

Councillor T Brady stated that as councillor for the Northumberland Ward she had received representations from residents in relation to Application 18/00833/FUL, Centurion Park Golf Club, but she had not predetermined the matter and had an open mind to the information to be presented at the meeting.

Councillor W Samuel stated that he had chaired a meeting of the Licensing Sub-Committee held on 16 December 2019 to consider an application for a Premises Licence in relation to 207 Park View, Whitley Bay but he confirmed that he had not predetermined planning application 20/00123/FUL which was a separate matter to be determined on planning issues.

### **PQ64/20 Minutes**

**Resolved** that the minutes of the meeting held on 18 February 2020 be confirmed and signed by the Chair.

### **PQ65/20 Planning Officer Reports**

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

### **PQ66/20 19/00833/FUL, Centurion Park Golf Club, Rheydt Avenue, Wallsend**

The Committee considered a report from the planning officers, together with an addendum circulated at the meeting, in relation to a full planning application from Harrison Golf and Leisure Newcastle Ltd for the construction of a driving range with associated parking, including ancillary bar/restaurant, golf shop, golf academy, golf club changing facilities and function rooms, creation of a new vehicular access and reconfiguration of Wallsend Golf Course.

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 David Booth of West Street, Wallsend had been granted permission to speak to the Committee. Mr Booth stated that whilst he supported the development of the golf club he was against its location. He believed the facilities should remain in its current location on Rheydt Avenue. Mr Booth challenged the accuracy of information submitted by the applicants in terms of the likely peak periods of operation, the risk of flooding on the course and the numbers of jobs to be created. He expressed his concerns regarding the height and appearance of the proposed fence around the driving range and the impact of lighting and noise on neighbouring residents. Mr Booth also referred to works to trees already undertaken on the site and the implications of shortening the golf course and reducing green space in terms of promoting healthy lifestyles and tackling the climate emergency.

John Wyatt of WYG addressed the Committee to respond to the speaker's comments. Mr Wyatt endorsed the recommendation to permit the development as the applicants had worked closely with planning officers to prepare the proposals. Mr Wyatt outlined the background and nature of the Big Shots Golf concept. The applicants had addressed a range of issues relating to the loss of trees, highway safety, drainage, lighting, design and the height and appearance of the fencing. The development represented a £12m investment in Wallsend and would secure the future of the golf course. Mr Wyatt concluded that the significant benefits of the proposal outweighed the disbenefits.

Members of the Committee asked questions of Mr Booth, Mr Wyatt, his colleagues and officers and made comments. In doing so the Committee gave particular consideration to:

- a) works to trees already undertaken by the applicant which had been routine works undertaken with the Council's permission;
- b) the number of jobs to be created;
- c) the market research undertaken by the applicant to determine demand for its food and drink operations;
- d) how the food and drink facilities would operate in conjunction with the use of driving range;
- e) the extent of the areas of woodland to be lost and details of how new woodland would be created, including the translocation of trees;
- f) the impact of the proposed development on the wildlife corridor and the ecological mitigation proposed by the applicants;
- g) the reasons for the north-south alignment of the driving range; and
- h) the likely impact of the development on the highways network and the proposed highways improvements at the junction of the Coast Road slip road and Devonshire Gardens.

**Resolved** that planning permission be refused on the following grounds:

- a) The proposed development would result in the loss of an area of designated open space, contrary to policies S5.1 and DM5.2 of the North Tyneside Local Plan 2017.
- b) The proposed development would result in the loss of landscaping and it would have a detrimental impact on biodiversity in a wildlife corridor, contrary to policies S5.4, DM5.5, DM 5.7 and DM5.9 of the North Tyneside Local Plan 2017.
- c) The proposed development would have a detrimental impact on the amenity of residents in terms of noise and disturbance, contrary to policy DM5.19 of the North Tyneside Local Plan 2017.

**PQ67/20      20/00123/FUL, 207 Park View, Whitley Bay**

The Committee considered a report from the planning officers in relation to a full planning application from Mr Chris Wilson for change of use from A1 (shops) to A4 (drinking establishment) to premises that have been granted a drinks licence.

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, Stephanie Lumsdon and David Lumsdon had been granted permission to speak to the Committee. Stephanie Lumsdon, accompanied by Mr Lumsdon, stated that she was concerned for her business, a holiday let aimed at families, located directly above the premises. She believed that if a bar was to open below the premises it would put people off, particularly in view of the experiences of residents living above the nearby Gilbert and Smith licensed premises. Mr Lumsdon commented on the cumulative impact of the increasing number of drinking establishments in Park View and surrounding area which threatened to change the character of the area.

Chris Wilson, the applicant, and Richard Wilson addressed the Committee to respond to the speakers' comments. Chris Wilson explained that as local people they wished to contribute to the regeneration of Whitley Bay, play host to local community groups and promote tourism. He challenged what he viewed as unfair presumptions about the proposed development with particular reference to waste management, deliveries, use of the rear yard, the nature of its operation as a micro bar and its relationship with the holiday let above.

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

- a) Mr Wilson's intention not to offer food when the premises opened but this was an option for the future;
- b) Mr Wilson's intention to play only background music in the premises; and
- c) the proposed conditions requiring noise attenuation measures and their application to any future operator of the premises.

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

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

**PQ68/20      Kirkdale Court, Burradon Road, Burradon, Cramlington Tree  
Preservation Order 2019**

The Committee was presented with details of a Tree Preservation Order made in November 2019 to protect trees located at Kirkdale Court, Burradon Road, Burradon. The Order had been made following notice from the owners of the property that they proposed to prune or remove 6 trees.

The Council had received an objection to confirmation of the Order from the landowner, Places for People, on the grounds that:

- a) the roots of the trees were lifting the grass and the pathway throughout the garden area and this made residents fearful of slipping and tripping in the garden areas;
- b) residents could not see out of the windows or open their windows throughout the summer due to the wasps nests;
- c) falling leaves came through residents' windows;
- d) residents have no light; and
- e) two of the three willows and the birch were causing more issues and so it would be more reasonable to consider each tree on an individual basis.

The Committee also considered the commentary and guidance from the Council's landscape architect who advised on the remedies available to address the concerns raised. It was reported that the confirmation of the Order would not prevent work from being done to the trees. Trees occasionally required maintenance and the landowners could apply to the Council for consent to carry out any necessary or appropriate work. This would enable the Council to be able to control the work in the interests of general amenity of the surrounding area based on appropriate information submitted.

**Resolved** that the Kirkdale Court, Burradon Road, Burradon, Cramlington Tree Preservation Order 2019 be confirmed without modification.

(Reasons for decision: The Committee concluded that:

- a) the trees are prominent features within the street scene, contributing to the character and amenity of the area;
- b) it is necessary to confirm the Order to maintain and safeguard the contribution made by these trees to the landscape and visual amenity of the area in accordance with the Councils adopted Local Plan Policy DM5.9 and the Town and Country Planning Act 1990;
- c) confirmation of the Order will not prevent any necessary tree work from being carried out but will ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the trees.)

#### **PQ69/20      Determination of Planning Applications during the Coronavirus Pandemic**

The Committee gave consideration to making arrangements for the determination of planning applications and other matters in the event that the Planning Committee was unable to meet in the light of the Coronavirus Pandemic.

**Resolved** that (1) the Head of Environment, Housing and Leisure, in consultation with the Chair and/or Deputy Chair of the Planning Committee, be authorised to determine any matters that would normally be determined by the Planning Committee in the event that public meetings of the Committee are cancelled because of the Coronavirus Pandemic; and  
b) in these circumstances, the Committee's Speaking Rights Scheme be suspended.



## North Tyneside Council Report to Planning Committee Date: 9 June 2020

### ITEM 5

Title: Temporary Speaking Rights Scheme 2020

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<b>Report from:</b>	Head of Law and Governance	
<b>Report Author:</b>	Michael Robson, Democratic Support Officer	(Tel: 643 5359)
<b>Wards affected:</b>	All	

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#### 1. Purpose of Report

This report presents for approval a Temporary Speaking Rights Scheme to be adopted during the period when face to face meetings of the Planning Committee are not possible because of the Coronavirus outbreak.

#### 2. Recommendation

The Planning Committee is recommended to approve and adopt, with immediate effect, the Temporary Speaking Rights Scheme 2020 as set out in Appendix 1.

#### 3. Background

- 3.1 The Planning Committee operates a Speaking Rights Scheme to allow objectors and supporters of major and controversial planning applications with a right to attend meetings and speak to the Committee before it makes its decision.
- 3.2 At present face to face meetings of the Planning Committees are not possible because of the Coronavirus outbreak. During this period remote meetings of the Committee are to be held using video conferencing software and streamed live on the Council's YouTube channel where they can be viewed by the press and public. In these circumstances it is proposed that the Speaking Rights Scheme be temporarily varied to provide those people who would normally be allowed to attend meetings and speak to the Committee with an alternative method of contributing to the decision making process.
- 3.3 Following consultation with the Chair and Deputy Chair of the Committee it is proposed that:
- where speaking rights are granted to a member of the public or a Councillor, the speaker will be invited to submit a written statement of no more than 850 words to highlight or expand on the important points made in their representation;
  - where a member of the public or a Councillor has submitted a statement to the Committee, the applicant will be provided with a copy and given a right to respond by submitting a written statement of no more than 850 words; and
  - the clerk to the Committee will read out any written statements submitted by speakers or applicants during the remote meeting.

- 3.4 Those granted speaking rights will not be invited to participate in a remote meeting. This is to ensure that everyone has the same opportunity to contribute to the process and anyone who is unable to access a remote meeting is not disadvantaged. The submission of written statements in these circumstances is considered to be the fairest system for all.
- 3.5 Once it is possible to resume face to face meetings the temporary scheme will expire and the Committee will revert to operating its original scheme.

#### **4. Options**

4.1 The Committee has the following options:

- a) approve and adopt, with immediate effect, the Temporary Speaking Rights Scheme 2020 as set out in Appendix 1; or
- b) suspend the Speaking Rights Scheme during the Coronavirus outbreak and operate without participation by members of the public and ward councillors.

#### **5. Recommendation**

The Committee is recommended to agree option a) because the temporary scheme will enable members of the public and ward councillors to continue to contribute to the decision making process in relation to major and controversial planning applications when face to face meetings are not possible.

#### **6. Appendices**

6.1 The Temporary Speaking Rights Scheme 2020 is attached as Appendix 1.

#### **7. Background Information**

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

- Planning Committee Speaking Rights Scheme October 2019

**North Tyneside Council****Planning Committee****Temporary Speaking Rights Scheme 2020****1. Introduction**

- 1.1 The Council's Planning Committee meets regularly to make decisions on major and contentious planning applications. The Council is committed to providing members of the public with opportunities to become involved in its decision making and so it allows objectors and supporters of major and controversial planning applications with a right to speak to the Committee before it makes its decision.
- 1.2 In making decisions on planning applications the Committee must apply the "rules of natural justice" which means it must avoid being biased and give everyone a fair hearing.
- 1.3 The purpose of this scheme is to provide a clear set of procedural rules so that everyone involved understands the process and to ensure that the process is fair. The Chair of the Committee has the authority to regulate and control the conduct of meetings and so in exceptional circumstances the Chair may decide to depart from these rules. In these circumstances all parties will be notified of the decision and the reasons for it.
- 1.4 **At present face to face meetings of the Planning Committees are not possible because of the Coronavirus outbreak. This scheme has therefore been temporarily varied to provide those people who would normally be allowed to attend meetings and speak to the Committee with an alternative method of contributing to the decision making process.**

**2. Notice of Applications**

- 2.1 Planning applications are publicised in several ways. This can be by notification letters sent to adjoining neighbouring properties or public notices displayed on site, published in local newspapers or posted on the Council's website.
- 2.2 Members of the public have a right to make representations in relation to an application by either:
- a) writing to the Planning Department, Quadrant 1FL,  
The Silverlink North, Cobalt Business Park, North  
Tyneside, NE27 0BY,
  - b) uploading comments through the Council's website;
  - c) sending an e-mail to  
development.control@northtyneside.gov.uk
- All representations must include a name and address, the application reference number and the reasons for either objecting or supporting the proposal.



(Note: In determining planning applications, the Council can only take into account relevant planning issues such as privacy, visual amenity, design, noise, car parking, highway safety and congestion, landscaping, drainage and character of the area.)

### **3. Request to Speak**

- 3.1 A member of the public who submits a written representation to the Council in relation to a planning application may also request to speak to the Planning Committee. The purpose of allowing members of the public to speak at the Committee is to enable those who have made representations to emphasise the important points made in the representation before the Committee reaches a decision. In determining planning applications, the Committee can only take into account relevant planning issues. If a speaker refers to irrelevant issues these cannot be taken into account. For example the Planning Committee cannot give consideration to issues such as the potential loss of a view, fears that neighbouring properties may be devalued, trade objections from competitors, the terms of covenants or moral objections.
- 3.2 Any request for speaking should be submitted in writing to the Council prior to the end of the consultation period preferably at the same time as the person submits their written representation. The request should set out reasons why the request should be granted, taking into account the criteria set out below. Where the consultation period is open in the days leading up to a committee meeting, any requests for speaking should be received at least 5 working days before the meeting.
- 3.3 Any request to speak to the Planning Committee will be considered by the Chair and/or Deputy Chair of the Planning Committee. The Chair/Deputy Chair will normally grant speaking rights if:
- a) the member of the public has submitted a written representation to the Council in relation to the application;
  - b) the member of the public has a material planning interest in the outcome of a planning application; and
  - c) the application is so significant or contentious that it warrants consideration by the Planning Committee and the granting of speaking rights. Speaking rights will not normally be granted in respect of applications for residential extensions or alterations.
- 3.4 If the Chair/Deputy Chair decide not to grant speaking rights, the Council will notify the member of public explaining why they will not be allowed to speak. The decision of the Chair/Deputy Chair is final and there is no right of appeal.
- 3.5 If the Chair/Deputy Chair grant speaking rights during the period when face to face meetings of the Planning Committee are not possible because of the Coronavirus outbreak the speaker will be invited to submit a written statement of no more than 850 words to highlight or expand on the important points made in their representation. The Council will seek to give the member of public 5 or more days notice of the deadline for the receipt of the statement. They will also be notified of the date and time of the Planning Committee and be directed to

copies of the agenda and this scheme, which are available on the Council's website: [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)

- 3.6 If, having read the report, the member of the public decides they do not wish to submit a statement to the Committee (the report may contain a recommendation or proposed conditions which address their concerns) they must notify the Council of their decision to withdraw from the process in writing to the clerk of the committee either by email to [democraticsupport@northtyneside.gov.uk](mailto:democraticsupport@northtyneside.gov.uk) or by using the contact details set out on the agenda. If a statement is not submitted prior to the deadline the Committee will continue to determine the application without a statement. The original representation will still be taken into account.
- 3.7 When more than one member of the public have been granted speaking rights, either for or against an application, they will be requested to submit a single statement. Normally only one statement will be allowed in opposition and one in support of an application. If speakers cannot agree on a single statement, the person allowed to submit a statement will be the author of the first written letter of support and/or objection received by the Council where speaking has been requested.
- 3.8 A member of the public who has been granted speaking rights must submit their written statement before 12noon on the third working day before the meeting so that it can be considered by the planning officers and shared with the other parties. So if the committee is to meet on a Tuesday any documentation must normally be submitted on the Thursday before. Any documentation presented after this deadline will not be admissible.
- 3.9 Speakers should aim to emphasise the important points made in the representation and ensure their comments are relevant to the planning issues set out in the report to the Committee. If a speaker refers to irrelevant issues these cannot be taken into account. For example, the Planning Committee cannot give consideration to issues such as the potential loss of a view, fears that neighbouring properties may be devalued, trade objections from competitors, the terms of covenants or moral objections.

#### **4. Councillors**

- 4.1 Councillors may also request to speak to the Planning Committee. This right is in addition to, and separate from, the right of Councillors to request that an application, which would otherwise be determined by officers, be determined by the Planning Committee.
- 4.2 Councillors must submit a request to speak on an application in writing via email to [development.control@northtyneside.gov.uk](mailto:development.control@northtyneside.gov.uk) and to the planning case officer or by 12noon, three working days before the meeting. So if the Committee is due to meet on a Tuesday any request must normally be received by 12noon on the Thursday of the week before. The request should set out reasons why it should be granted, taking into account the criteria set out below.

- 4.3 Any request from a Councillor to speak to the Committee will be considered by the Chair and/or Deputy Chair. The Chair/Deputy Chair will normally grant speaking rights if the application is so significant or contentious that it warrants the granting of speaking rights.
- 4.4 Councillors should not request speaking rights merely to seek clarification or to ask questions. Councillors are encouraged to raise questions with officers prior to the meeting.
- 4.5 If the Chair/Deputy Chair grant speaking rights to a councillor during the period when face to face meetings of the Planning Committee are not possible because of the Coronavirus outbreak, the councillor will be invited to submit a written statement of no more than 850 words to summarise their grounds for objection or support. A councillor who has been granted speaking rights must submit their written statement before 9.00am on the day before the meeting so that it can be considered by the planning officers and shared with the other parties.
- 4.6 If a Councillor is granted speaking rights and they are a member of the Planning Committee, they will be requested to ensure they do not take part in the decision making on the application.

## **5. Applicant's Right to Respond**

- 5.1 Where a member of the public or a Councillor has submitted a statement to the Committee, the applicant will be provided with a copy and given a right to respond by submitting a written statement of no more than 850 words. An agent may respond on behalf of the applicant.
- 5.2 If the applicant does not provide a response this will not prevent the statement from the member of the public or Councillor from being submitted to the committee and the application will be determined by the Committee.

## **6. The Committee Meeting**

- 6.1 At present face to face meetings of the Planning Committee are not possible because of the Coronavirus outbreak. During this period remote meetings are being held using Microsoft Teams video conferencing software. The meetings are streamed live on the Council's YouTube channel and can be viewed and recorded by the press and public.
- 6.2 Those granted speaking rights will not be invited to participate in a remote hearing. This is to ensure that everyone has the same opportunity to contribute to the process and anyone who is unable to access a remote meeting is not disadvantaged. The submission of written statements in these circumstances is considered to be the fairest system for all.
- 6.3 The process to be followed by the Committee in determining the application. will normally be as follows, but may be subject to change at the discretion of the chair, who is responsible for the conduct of the meeting:-

- a) the planning officer will present a report to the committee, outlining details of the application and highlighting the material planning considerations on which the committee must judge the application;
- b) the clerk to the committee will read out the written statement submitted by anyone granted speaking rights;
- c) the clerk will read out any written statement submitted by the applicant or agent;
- d) members of the committee will be invited to ask questions of the officers;
- e) the committee will make comments and debate the merits of the application;
- e) the chair will move that the Committee approves the recommendation contained in the planning officer's report;
- f) each Committee member will vote for or against the recommendation;
- g) the clerk will confirm the outcome of the vote; and
- h) if the committee vote against the officer recommendation they will be asked to agree the reasons for their decision.

## **7. After the Meeting**

- 7.1 Applicants will be formally notified of the decision of the Planning Committee. The decision will also be recorded and published in the minutes of the meeting, available on the Council's website ([www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)) normally within 5 working days of the meeting.

If you require any further information or guidance in relation to your right to speak at the Planning Committee, or if you require this document in an alternative format such as Braille, audiotape, large print or an alternative language please contact:

the Democratic Services Team  
[democratic.support@northtyneside.gov.uk](mailto:democratic.support@northtyneside.gov.uk)

Tel: 0191 643 5359

or

the Planning Officers  
[development.control@northtyneside.gov.uk](mailto:development.control@northtyneside.gov.uk)

Tel: 0191 643 2310

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## PLANNING COMMITTEE

Date: 9 June 2020

### 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**

**7. 19/01517/FUL**

**Benton**

**The Flying Scotsman Briar Edge Forest Hall NEWCASTLE UPON  
TYNE NE12 7JN**

Speaking rights granted to:

Mr Duane Wilson of Laurel Avenue Forest Hall

Mrs Jennifer Adamson of Benton View Forest Hall

**8. 20/00241/FUL**

**Cullercoats**

**1A Preston Wood North Shields Tyne And Wear NE30 3LT**

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**Application No:** 19/01517/FUL Author: Maxine Ingram  
Date valid: 7 November 2019 ☎: 0191 643 6322  
Target decision date: 2 January 2020 Ward: Benton

Application type: full planning application

**Location: The Flying Scotsman, Briar Edge, Forest Hall, NEWCASTLE UPON TYNE, NE12 7JN**

**Proposal: Formation of roof terrace / beer garden to section existing single storey flat roof to south east of property including timber frame covered seating area, external and covered external stair access and formation of new door opening to rear at ground floor level (Acoustic Design Statement 28.02.2020)**

Applicant: Punch Taverns, Mr Mark Johnsons Jubilee House Second Avenue  
Burton Upon Trent DE14 2WF

Agent: Wakefields Chartered Surveyors, Mr Andrew Lormier 32 Leazes Park  
Road Newcastle Upon Tyne NE1 4PG

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

1.0 The main issues for Members to consider in this case are:  
-The impact on amenity (residential and visual);  
-Other issues.

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

### 2.0 Description of the Site

2.1 The application site refers to an existing public house, The Flying Scotsman, located within Forest Hall. The building is a flat roof structure of varying heights. The car park is located to the north west of the building and is accessed via Briar Edge. The Forest Hall district centre is located to the east and south east of the site. The site backs onto railway tracks. A pedestrian bridge is located to the south of the building.

2.2 Residential properties are located to the north, north east, south east, south west and west of the site.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the formation of roof terrace/beer garden over part of the existing single storey flat roof (south east part of the property) and the construction of a timber frame covered seating area, external and covered external stair access and formation of new door opening to rear at ground floor level.

3.2 The submitted layout suggests the proposed development could accommodate a maximum of 84 people.

3.3 The proposed hours of operation are:

-Monday to Friday 12:00 to 23:00

-Saturday 12:00 to 00:00

-Sunday and Bank Holidays 10:00 to 22:30

### 4.0 Relevant Planning History

15/01084/ADV Erection of illuminated and non-illuminated signs to the exterior of the building (Adverts A1, A2, B, C, D, F and G only) – Permitted 27.08.2015

15/00139/FUL - Single storey side extension, new windows to front and side elevations, new double entrance doors, new canopy infill with double entrance doors to new external drinking and smoking area with timber fencing and 3m high wall to front elevation, new stained timber panelling to new and existing walls, existing door infilled to front and rear. (Resubmission of 14/01491/FUL) – Permitted 30.03.2015

14/01491/FUL - Single storey side extension, new windows to front and side, new canopy infill with double entrance doors, new double doors to side elevation, new external drinking area with metal railings and timber fencing, new smoking shelter and timber panelling to existing walls to front and side elevations – Refused 19.11.2014

08/00103/FUL - Provision of fenced beer garden in existing car park – Refused 12.03.2008

07/01288/FUL - Form exit from existing bar to enclosed external area with new paving flags surrounded by 1.1m high close boarded fence/extend existing flat roof to form canopy over and decking to car park elevation to form patio - Permitted - 28.06.2007

86/00648/FUL – Various advertisement signs – Permitted – 10.06.1986

76/00795/FUL - New roof to service yard – Permitted – 01.07.1976

### 5.0 Development Plan

5.1 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 accordingly.

## **PLANNING OFFICERS REPORT**

### 7.0 Detailed Planning Considerations

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

- The impact on amenity (residential and visual);
- 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 Impact on amenity – residential and visual

8.1 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.2 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.3 Paragraph 80 of NPPF states that significant weight should be placed on the need to support economic growth. The proposal would contribute towards economic growth by improving the existing public house. Members should give this significant weight in favour of the proposal when deciding whether or not to grant planning permission,

8.4 The NPPF paragraph 91 states “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction....b) are safe and accessible...and c) enable and support healthy lifestyles...”

8.5 The NPPF paragraph 92 states “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as....public houses) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs; d) ensure that shops facilities and services are able to develop modernise, and are retained for the benefit of the community;.....”

8.6 NPPF makes sets out clear guidance for Local Authorities through the decision-making and plan-making process to ensure adequate provision of community services and to guard against unnecessary loss.

8.7 LP Policy S7.10 ‘Community Infrastructure’ states “The Council and its partners will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhood they serve. In order to achieve this, amongst other matters: a) Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular, catering for the needs of the growing population around key housing sites; c) Existing provision will be enhanced, and multi-purpose use encouraged, providing a range of services and resources for the community, at one accessible location; d) Opportunities to widen the cultural, sport and recreation offer will be supported.

8.8 Planning permission for the re-use or redevelopment of any land or buildings used for community infrastructure will be permitted where the community’s ability to meet its day-to-day needs for services are not reduced.”

8.9 The supporting text to the above LP policy states “Community infrastructure provides for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community through a wide range of venues and includes pubs and cafes, ...and other public venues.” It then goes on to state “Community infrastructure is an essential element in the creation of sustainable communities. The LP seeks to provide a range of services at the heart of every community which can contribute to community cohesion and identity and give opportunities for residents to pursue healthy and fulfilling lifestyles, and can also reduce the need to travel by providing easy access to multiple facilities.”

8.10 It is noted that several letters of support have been received. These letters set out the community benefits of the proposed development (Appendix 1 paragraph 2.2).

8.11 Members are advised that they will need to balance the economic and community benefits of the proposed development against the impacts of the proposed development on residential and visual amenity.

8.12 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF makes it clear that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

8.13 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

8.14 LDD11 ‘Design Quality’ applies to all planning applications that involve building works.

8.15 The objections raised regarding the impact on residential amenity and visual impacts are noted. The objections are set out in Appendix 1 paragraph 2.1.

8.16 The proposed terrace/beer garden would include a decked surface, glazed edge balustrade and horizontal timber screening. The screening towards the front elevation of the property would be set back from the principal elevation. The applicant has advised that this is to minimise the impact on the streetscape and reduce the massing. External seating and tables will be low level. A timber framed, covered area, will be incorporated abutting the existing two storey section of the building. The applicant considers this would increase the usage capabilities of the areas and improve the poor appearance of the existing gable elevation at first floor level. A retractable “sail” sun shade cover would be added to the covered area to increase shade during summer months.

8.17 The external appearance of the building would, in the main, remain largely unchanged with all changes being confined to the roof, side (south east) and rear elevations. One new external door would be formed to the rear elevation to provide access to the covered stairs to the proposed terraced. Access to the second set of stairs would be via the existing doors to the external seating/smoking area.

8.18 Glazed balustrades would be utilised to provide a contemporary design approach to the side and rear. The timber screening to the north east would tie in with and complement the timber cladding that exists on parts of the main building. This would also assist in screening the proposed terrace/beer garden from residential properties located to the north east of the site. The applicant considers that the timber enclosure and profiled metal roof, reclaimed railway

lines recessed into the decking and external Victorian style lamp post and lanterns would create a unique theme and throw back to “Victorian train stations”.

8.19 The existing public house is located in a mixed-use area of Forest Hall (commercial and residential premises). To the north of the car park is an existing residential property, Elroy. Nos. 80, 82 and 84 Station Road are located to the south west of the site. The garden serving No. 84 Station Road is sited approximately 17.5m from the public house. Nos. 1-4 Benton View are sited approximately 40m to the west/south west of the public house. The garden area serving the nearest property sited on Benton View is sited closest to the public house. No. 109 Station Road is located approximately 30m to the west/north west of the public house. The railway track separates Nos. 80, 82, 84 and 109 Station and Nos. 1-4 Benton View from the application site.

8.20 To the north/north east/east of the site are the residential and commercial premises sited on West View and Station Road North. These premises are separated from the application site by a road.

8.21 The proposed development would be sited over part of the single storey flat roof; the section that lies closest to the railway track. It would be set back from the road to the north east of the public house. When travelling towards the district centre from Briar Edge the highest part of the public house would assist in screening the proposed development. More direct views of the proposed development would be afforded when travelling along Station Road North towards the public house; the main views would be of the timber structure, glazed panelling and stair well. It is the view of officers, that the visual impacts of this part of the proposed development, would not significantly impact on the character or appearance of this part of Forest Hall.

8.22 Horizontal timber fencing would be sited along the north eastern edge of the proposed development. Views of this part of the proposed development would be afforded from the north east and south west of the site. Consideration must be given to the fact that it would be set back from the north east and the south west elevation of the public house. This set back would assist in reducing its visual impact when viewed from street level. It is the view of officers, that the visual impact of this part of the proposed development, would not significantly impact on the character or appearance of this part of Forest Hall.

8.23 More direct views of the proposed development would be afforded from the footbridge and the railway track to the west and south west of the site. However, when viewed from these directions it would be seen against the highest part of the public house and residential/commercial premises beyond. It is the view of officers, that the visual impact of the proposed development, when viewed from these directions, would not significantly impact on the character or appearance of this part of Forest Hall.

8.24 The windows serving the habitable rooms of surrounding neighbouring properties (to the north east, south west, east and west of the site) do not afford direct views of the public house. It is acknowledged that obscure views of the proposed development from certain windows would be afforded. More direct views would be afforded from some of the residential gardens located to the west

and south west of the site. Due to the siting of the proposed development, including the set back of the timber fencing from the facades of the public house, it is not considered that the visual amenity of neighbouring properties would be significantly affected.

8.25 It is not considered that the privacy of the residential properties located to the north east of the site would be significantly affected.

8.26 Views from the proposed development over the garden areas serving some of the neighbouring properties to the west and south west of the site would be afforded. However, due to the separation distance that would exist, it is not considered that the privacy of these properties would be significantly affected.

8.27 The existing public house is timber clad, painted render and brickwork. The materials proposed to construct the development are considered to be in keeping with the existing materials.

8.28 The objections received regarding the impacts on the amenity of neighbouring properties in terms of noise, disturbance and anti-social behaviour are noted.

8.29 Paragraph 180 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

8.30 LP Policy S1.4 “General Development Principles” states “Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan.” Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

8.31 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.

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

8.33 The Manager of Environment Health has been consulted. She has considered the submitted acoustic report and advises that she does not agree that the use of the external terrace would not give rise to adverse noise impacts for neighbouring residents if permitted to operate until late evening.

8.34 She has advised that the submitted assessment considers potential noise from customers using the roof terrace during the day, late evening and night period. The assessment has been based on 50% of customers talking during a 1-hour period during the day and a 15-minute period after 23:00 hours. Typical noise levels from loud speech have been used to calculate the noise exposure at nearest residential properties based on a BS4124 assessment. She has advised that the noise report has not considered maximum noise levels at neighbouring residential properties from raised voices, as the assessment has averaged the noise levels generated, but loud voices arising from the use of the roof terrace is different to noise from plant and equipment and as such the maximum noise levels from customer voices may give rise to sleep disturbance, especially if residents have open windows during the late evening and early night period. It is clear from her comments that she would be concerned that any use of the roof terrace occurring late evening, with a capacity of 84 people, would give rise to significant associated noise from customer voice and result in disturbance for neighbouring residents. She has advised it is not anonymous noise like passing traffic which is considered less intrusive than unfamiliar distinct noise. The assessment has shown that noise levels will be in the region of +5 dB above background during the day and +10dB above background after 23:00 hours.

8.35 Members are advised that the NPPF paragraph 180, makes it clear that impacts from new development 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". The applicant has requested use of the roof terrace until 0100 hours on Friday and Saturdays. The Manager of Environmental Health has advised that permitting the use of the roof terrace until this time would give rise to significant adverse impacts for neighbouring residents from the associated customer noise such as loud voice and it has not been demonstrated that such noise would be negligible.

8.36 Paragraph 54 of NPPF 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". It is clear from the Environmental Health comments (Appendix 1 paragraph 1.12) that she would recommend a condition to restrict the operating hours for the roof terrace to no later than 21:00 as means of mitigating any late-night noise from the site. Subject to the imposition of this

condition, it is considered that the impacts arising from noise could be controlled. Officers consider that a further condition is required to control the height of the glass balustrade which must be increased to a height of 2m as per the requirements of the Acoustic Report. This increase in height would further assist in minimising the impact on residential amenity, particularly the residential gardens to the south.

8.37 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity and visual amenity, including its elevated position and proposed materials. It is officer advice that the proposed development is acceptable in terms of its impact on residential and visual amenity, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in NPPF and policies DM5.19 and DM6.1 of the Local Plan.

## 9.0 Other Issues

### 9.1 Biodiversity

9.2 The Biodiversity Officer has been consulted. She has considered the submitted Bat Risk Assessment and Lighting Assessment.

9.3 She has advised that the submitted Bat Risk Assessment of the building concluded that overall, the structure was considered to be of negligible to low suitability to roosting bats and the site provides opportunities for nesting birds. The assessment identifies the likely impacts of the scheme without appropriate mitigation (Appendix 1 paragraph 1.17) and appropriate mitigation (Appendix 1 1.18).

9.4 The submitted Lighting Assessment advises that the proposed lighting would include 6no. low level Victorian style train station lanterns with low wattage lamps. These lanterns would have glass sides and metal tops to facilitate side/down lighting only. This is designed accordingly to avoid adverse light spill in relation to any potential flight path. In addition, bulkhead light fittings would be installed within the staircase enclosed and covered area to provide suitable lighting to enable the stairs to be adequately lit to facilitate safe use. These shall be ceiling mounted and provide down lighting to avoid adverse light spill in relation to any potential bat flight path and adjacent railway line. The Biodiversity Officer has advised that the proposed lighting has taken into considered the recommendations set out within the Bat Risk Assessment.

9.5 Members need to consider whether the proposed development is acceptable in terms of its impact on biodiversity. It is officer advice, subject to the suggested conditions, that it is.

### 9.6 Car Parking and Access

9.7 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

9.8 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

9.9 Vehicular access to the site remains unchanged and there are no proposed changes to the existing car parking layout.

9.10 The Highways Network Manager has been consulted. He has raised no objection to the proposed development.

9.11 Members need to consider whether the proposed development is acceptable in terms of its impact on highways safety. It is officer advice that it is.

#### 9.12 Contaminated Land

9.13 NPPF paragraph 178 sets out guidance on ground conditions and pollution.

9.14 NPPF paragraph 179 states "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner".

9.15 LP Policy DM5.18 "Contaminated and Unstable Land" sets out guidance on dealing with and mitigating any impacts relating to ground conditions.

9.16 The Contaminated Land Officer has been consulted. She has raised no objections to the proposed development.

9.17 The Coal Authority has been consulted. They have raised no objections to the proposed development.

9.18 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.

#### 9.19 Aviation Safety

9.20 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objection to the proposed development.

#### 9.21 Network Rail

9.23 Network Rail has been consulted. They have raised no objections subject to the imposition of the suggested conditions and informatives.

#### 10.0 Local Financial Considerations

Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. Should planning permission be granted, the proposed works would assist the operation of an existing business and employment opportunities may be generated during the construction works.



## 11.0 Conclusion

11.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development in improving an existing public house, 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 that subject to 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: Application Permitted**

#### **Conditions/Reasons**

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

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

2. Standard Time Limit 3 Years FUL                      MAN02 \*

3. The proposed development hereby approved shall only be used between the hours of 10:00 and 21:00 on any day.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

4. Notwithstanding Condition 1, no development shall commence until details of the glass balustrade, including its height of 2m, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and it shall not be brought into use until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely effect the amenity of nearby residential properties having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

5. Noise No Tannoys Externally Audible                      NOI002 \*

6. 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).

7. All works will be undertaken in accordance with the measures set out in sections 6.3 and 6.4 of the Bat Risk Assessment.

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).

8. Notwithstanding Condition 1, prior to the proposed development being brought into use details of 1no. bird boxes to be installed on the exterior walls of the building, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the development being brought into use and permanently retained.

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

9. Notwithstanding Condition 1, prior to the proposed development being brought into use details of 2no. bat boxes to be installed on the exterior walls of the building, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the development being brought into use and permanently retained.

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

10. Notwithstanding Condition 1, prior to the commencement of any works hereby approved the applicant and/or developer, including any contractors or sub-contractors, must contact Network Rails Asset Protection Team (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT or Email: [assetprotectionlineem@networkrail.co.uk](mailto:assetprotectionlineem@networkrail.co.uk)) to discuss a method statement to ensure that the work can be delivered safely and without impact to operational railway safety. Following this discussion the Method Statement shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Network Rail. This Method Statement shall include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Thereafter, the proposed works shall only be carried out in accordance with these agreed details.

Reason: To ensure that the work can be delivered without impact to operational railway safety.

11. Notwithstanding Condition 1, prior to the installation of any lighting, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Network Rail. These details must ensure that the new lighting does not dazzle drivers and the location and colour of lights must not

give rise to the potential for confusion with the signalling arrangements of on the railway.

Reason: To ensure that the work can be delivered without impact to operational railway safety.

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

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

**Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Take Care Proximity to Party Boundary (I21)

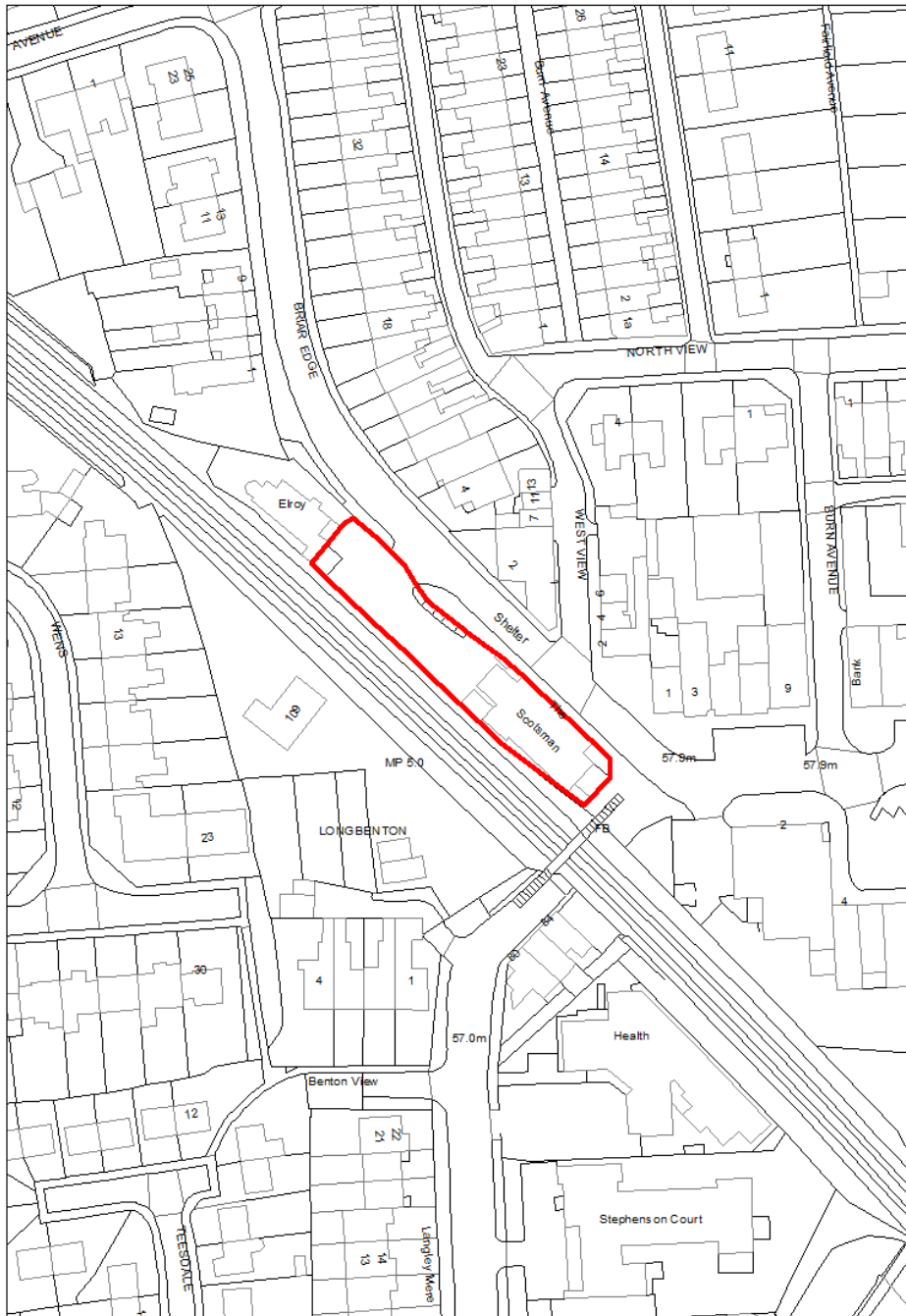
Advice All Works Within Applicants Land (I29)

Do Not Obstruct Highway Build Materials (I13)

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

Network Rail advisory information: -Condition 10 of the grant of planning permission Please note Network Rail will be unable to agree to discharge of a method statement condition without direct discussion and agreement with their Asset Protection Team and the developer entering into a Basic Asset Protection Agreement (where appropriate). They would advise that the developer discuss the proposals with Asset Protection prior to applying for the discharge of condition. -Fail Safe Use of Crane and Plant All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. -Security of Mutual Boundary Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager. -OPE Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. -

Scaffolding Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. -Access to Railway All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. Network Rail is required to recover all reasonable costs associated with facilitating these works.



**Application reference: 19/01517/FUL**

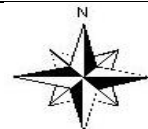
**Location: The Flying Scotsman, Briar Edge, Forest Hall**

**Proposal: Formation of roof terrace / beer garden to section existing single storey flat roof to south east of property including timber frame covered seating area, external and covered external stair access and formation of new door opening to rear at ground floor level (Acoustic Design Statement 28.02.2020)**

Not to scale

Date: 28.05.2020

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2011. Ordnance Survey Licence  
Number 0100016801



**Appendix 1 – 19/01517/FUL  
Item 1**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 Recommendation - Approval

1.3 No objections in principle to this proposal.

1.4 Informatives:

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

1.5 Contaminated Land Officer

1.6 No objection.

1.7 Manager for Environmental Health

1.8 I have viewed the acoustic report for the proposed roof terrace development. I disagree that the use of the external terrace will not give rise to adverse noise impacts for neighbouring residents if permitted to operate until late evening.

1.9 The noise assessment considers potential noise from customers using the roof terrace during the day, late evening and night period when customers will use the roof terrace. The assessment has been based on 50% of customers talking during a 1-hour period during the day and a 15-minute period after 23:00 hours. Typical noise levels from loud speech have been used to calculate the noise exposure at nearest residential properties based on a BS4124 assessment. The noise report has not considered maximum noise levels at neighbouring residential properties from raised voices, as the assessment has averaged the noise levels generated, but loud voices arising from the use of the roof terrace is different to noise from plant and equipment and as such the maximum noise levels from customer voices may give rise to sleep disturbance, especially if residents have open windows during the late evening and early night period. I would be concerned that any use of the roof terrace occurring late evening with a capacity of approximately 84 people will give rise to significant associated noise from customer voice and result in disturbance for neighbouring residents. It is not anonymous noise like passing traffic which is considered less intrusive than unfamiliar distinct noise. The assessment has shown that noise levels will be in the region of +5 dB above background during the day and +10dB above background after 23:00 hours.

1.10 The NPPF guidance on noise when considered in relation to Section 180 of the NPPF states that impacts from new developments should "mitigate and reduce to a minimum potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life". The applicant has requested use of the roof terrace until 0100 hours on Friday and Saturdays. I would suggest that

permitting until this time would give rise to significant adverse impacts for neighbouring residents from the associated customer noise such as loud voice and it has not been demonstrated that such noise would be negligible. I would therefore recommend a condition to restrict the operating hours for the roof terrace to no later than 21:00 hours as means of mitigating any late-night noise from the site.

1.11 If planning consent is to be given I would recommend the following conditions.

1.12 The external roof terrace to be restricted for use to between 08:00 to 21:00 hours.

#### 1.13 Biodiversity Officer

1.14 Additional information has been submitted to support the application. This includes:

- Bat Risk Assessment
- Lighting Assessment

#### 1.15 Bat Risk Assessment

1.16 The assessment of the building concluded that overall, the structure was considered to be of negligible to low suitability to roosting bats and the site provides opportunities for nesting birds.

1.17 The likely impacts of the proposed scheme without appropriate mitigation include:

- The low risk of causing harm or disturbance to roosting bats, should they be present at the time of works.
- Disturbance or potential modification to a small number of sub optimal features under metal edging at the wall tops that are likely to be of limited value to roosting bats.
- Potential destruction of suboptimal roosting locations during works to create the staircase to the south western elevation of the structure.
- Destruction or modification to a potential roosting location within the garage structure should plans change to include this structure.
- Potential harm or disturbance to bird species should they be present during the works.

1.18 The following measures are recommended to be incorporated into the design of the scheme to avoid impacts on wildlife:

- Existing security lights surround the existing structure. Any additional lighting to be installed as part of the roof terrace works should be directional in order to limit light spill on to the adjacent railway line.
- Works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- The gap created due to a small section of damage on the south western elevation will be inspected with an endoscope by a suitably qualified ecologist prior to the commencement of works to create the staircase on this elevation.
- Should plans change to include works which may impact the single gap between the brick work and timber panel on the single garage, this feature will also be

inspected with an endoscope by a suitability qualified ecologist, prior to works commencing.

1.19 In addition, the following elements of compensation are proposed to address the limited impacts on bats and to increase the potential of the structure for biodiversity:

- Two bat boxes will be installed on exterior walls of the structure in order to provide roosting opportunities.
- A single bird box suitable for small garden passerines will be installed on an exterior wall in order to provide a nesting opportunity.

#### 1.21 Lighting Assessment

1.22 The Lighting Assessment report confirms that roof terrace lighting will include 6no low level Victorian style train station lanterns with low wattage lamps. These lanterns will have glass sides and metal tops to facilitate side/down lighting only. This is designed accordingly to avoid adverse light spill in relation to any potential flight path. In addition, bulkhead light fittings will be installed within the staircase enclosure and covered area to provide suitable lighting to enable the stairs to be adequately lit to facilitate safe use. These shall be ceiling mounted and provide down lighting to avoid adverse light spill in relation to any potential bat flight path and adjacent railway line. Lighting has taken into consideration the recommendations set out within the Bat Risk Assessment Report.

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

#### 1.24 Conditions

- All works will be undertaken in accordance with the measures set out in sections 6.3 and 6.4 of the Bat Risk Assessment.
- 2no. bat boxes will be installed on the exterior walls of the building. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.
- 1no. bird box will be installed on an exterior wall of the building. Details of bird box specification and location must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.
- 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.

#### 2.0 Representations

2.1 11 objections. The objections are set out below.

- Loss of privacy.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.



-Nuisance: disturbance, noise, dust, dirt.  
-Will result in visual intrusion.  
-I am concerned about the intrusion of being overlooked by this proposed roof terrace. We currently get significant noise from the live music until quite late in the evening and are worried that this will spill over onto the roof terrace causing even louder noise intrusion. Need assurances that this noise intrusion and being overlooked would be considered during this application process.  
-When the existing refurbishment took place, we were advised by local councillors that this would be a family friendly pub serving food etc. Unfortunately, that did not happen and once again we have a noisy pub full of kids with loud music from groups on various nights of the week.  
-The existing smoking area outside is an eyesore with people throwing cigarette butts onto the path, the whole place is filthy. Not to mention other rubbish they leave on path and over fence onto the railway. Anytime from about 11:30am you see people hanging about in there. Often when you pass the bad language coming from there is a disgrace, I have in the past had to walk the long way around rather than go over the steps as I have had my grandchildren with me and would not wish them to see this corner. Making a beer terrace in this particular pub is definitely not conducive to the area, disruption, noise and not to mention cigarette butts being thrown off the top.  
-We would like to express our deepest objection to this application going ahead for the sake of the village, as all the locals call it, of Forest Hall.  
-While we experience some noise from the current smoking area I believe this would increase if moved to a higher level. I am particularly concerned about more elderly neighbours who live adjacent to the Flying Scotsman.  
-There is already a level of antisocial behaviour from the pub and bottles and glasses are thrown from the smoking area on to the railway sidings. I can only see this getting worse if the customers are on the roof.  
-Unfortunately, due to some of the clientele that the Flying Scotsman attracts I think a roof terrace/beer garden would be a very bad idea.  
-There is a problem with litter in the area and the additional drunkenness will only add to this.  
-Parking irresponsibly is a big issue with greater numbers of drunk people, I feel it is only a matter of time before there is an accident.  
-Forest Hall village is supposed to be a community shopping area not home to a large venue with outside areas for people to drink even at night and disturb residents.  
-Increase in capacity will mean larger crowds leaving at night time meaning more litter and more anti-social behaviour from people walking home through residential areas.  
-I am relatively new to this location and during the course of the year have had disturbance on a regular basis from the public house – noise from the public house especially at key holidays and disturbance from the patrons exiting the public house late at night – shouting/arguing, generally disturbing the quiet residential area on the other side of the footbridge.  
-The impact of this development will be negative on what is currently a quiet, safe well used local shopping parade; it will also negatively impact the residential area to the south of the footbridge. The Forest Hall area already has its fair share of disturbance from youths etc. and I think this development will only exacerbate this problem.

-The alterations will not enhance the appearance of the building as stated by the applicant in their submitted design and access statement. The two metal staircases on the rear and side of the building, together with timber pergola, glazed panelling and Victorian lamp posts will increase the unattractiveness of the building. The use of these and other materials such as metal corrugated roof sheeting will add to the existing variety of materials on the external elevations of the building and give it a haphazard appearance. There have been recent environmental improvement works to the shopping area in Forest Hall and the conversion of the former Council offices to residential has improved the appearance of Irving House. However, the works proposed to the Flying Scotsman would have the opposite effect and possibly make it the most unattractive building in Forest Hall.

-I am also concerned about the level noise that could be generated from this open seating area. I note that the applicant has failed to mention the previous planning application 15/00139/FUL and condition 4 of the planning approval notice that restricts the use of the existing external drinking area to smoking only after 9pm. I have previously expressed concern to your department about the breach of this planning condition and environmental protection has looked into a noise complaint that I made. Noise coming from this area is still an issue and can be heard in the back bedrooms of my house especially on a Friday and Saturday night often up to about midnight. I do not imagine that the applicant would want to restrict the use of the proposed roof terrace in line with the condition 4 mentioned above and, indeed compliance and enforcement of any such requirement would be a concern.

-The applicant's design and access states that the public house is in a predominantly commercial area and submitted photos show the shops. There is, however, housing close by on 3 sides of the pub. I consider that the elevated position of the proposed outside area together with its proposed capacity could lead to a lot of noise being generated that would be heard in the area surrounding the public house and impact on the residents of many of the nearby houses. As your environmental health officer has stated no information about noise or mitigation of it has been submitted by the applicant and I think this shows a blatant disregard for the amenities of the occupiers of adjacent houses.

-The submission of a noise report does not alter the fundamental problems of the beer garden; noise, litter and increased anti-social behaviour. You get abuse from some of the customers as you cross over the stairs. The whole area is covered in cigarette butts and there is a lot of litter from the pub dumped over the fence on the railway lines. Having these customers above ground level would only exacerbate the problem. Those neighbours living closer to the pub, many of them elderly, would have privacy invaded and the noise levels would be unacceptable.

-I note that the document contains information about existing noise levels and, based on various assumptions, about noise that will be generated as a result of the proposed development. It seems to conclude that during the day/evening time the noise levels generated should be within acceptable levels and at night, with the height of the balustrade increased to 2m, similarly, noise levels should be within acceptable levels.

-Having lived across the railway line from the public house for about 40 years I find these results hard to accept. There is an existing 'smoking' area to the south of the pub and previously some picnic benches were located to the north of the building. Whilst we do/did not get disturbance early on in the day with

conversation at normal levels, during the day the volume of conversation increases, sometimes also with shouting, shrieking and raucous laughter, and we have had disturbance in the garden and in north facing bedrooms at first and second floor levels. This has led to sleep being disturbed and the need to close windows. The capacity of the open areas is/was far less than the 84 proposed for the roof terrace, and I consider that this development will lead to completely unacceptable levels of noise disturbance for nearby residents. Therefore, despite the conclusions of the Acoustic Design Statement, I retain my objection on noise grounds, and also on visual amenity, as in my previous objection letter.

-I note that one of the letters submitted in support of the proposed development, suggests that potential noise levels and impacts on residential amenity could be overcome by the imposition of planning conditions. I do not consider that any valid conditions could overcome my objections.

2.2 33 support. These comments are set out below.

-As a resident of the local area and a regular user of Forest Hall amenities, I believe this would be a great addition to the local area, if this is allowed to go ahead it has the potential to increase employment within the pub and this place is a great community pub. The hub of the community.

-My comment relates to support for the proposed development. I would firstly like to comment on the above suggested reasons for comments to be made, as these all relate to objections and are not in the spirit of promoting sustainable development in accordance with the NPPF. Further, these suggested objection comments appear to influence the commentary of local residents. There is not an equal list of reasons for support and this appears to be bias towards objection comments and is not in the spirit of promoting economic growth as required by national planning policy and guidance.

-The proposed development would increase the evening economy in the local area and increase economic spending. As you will be aware planning decisions should help create conditions which businesses can invest, expand and adapt. Significant weight should be applied in the determination of this application, as this proposal will create wider opportunities for a local business need.

-The public house attracts people to the shopping area and increases economic expenditure and footfall in other local businesses as a result of its offering. The public house has regular trade and in determining this application the decision should recognise the specific locational requirements of people who would welcome and use the proposed development.

-I am aware of the concerns raised over the East Coast Main Line, however the location of the public house is adjacent to a railway bridge which could arguable have the same concerns. Further, in regard to potential noise this can be controlled by the Local Planning Authority (LPA) by way of a planning condition. Any impacts on safety and residential amenity of nearby residents can be controlled by planning conditions and design considerations.

-The proposed development would increase economic trade and aid in the retention of a local service, which is much valued by the local community.

-This will be a huge asset to Forest Hall and its surrounding areas, The Flying Scotsman is a hub for the community, it has helped raise thousands for charity, our community needs a space like this to attract young professionals to the area, it will also help increase employment in the local area, it gives our community a place to go to and share ideas and talk to each other.

- I whole heartedly support the formation of a roof terrace/beer garden at The Flying Scotsman. I believe it will be great for the community, bringing the community together. A good meeting point for friends and a place to relax in the fast pace environment we live in. It will generate more work and help employment in the area. The Flying Scotsman is a friendly top-notch venue. I believe if it had a roof top terrace it would promote Forest Hall as an area by having a first-class establishment with a little more to offer than other pubs. It will also help other businesses in Forest Hall by bringing more people in.

-Excellent idea. Will create more jobs and will become a place where people can meet and relax. Make good use of space and create a lovely environment.

-This pub is the pride of Forest Hall where our community of all ages are welcome. One this missing is a big sun trapped beer garden. And where better to put it than the roof which catches every bit of sunlight all day every day. Creating this sunroof/beer garden. Would mean the local economy would grow because people will be spending money in the bar then after would most likely visit one of the takeaways nearby so they would also benefit. It would also create jobs for local contractors to help build it and it would also create jobs in the bar because it would attract more custom so would need more workers behind the bar. The bar itself goes out its way to benefit the customer by putting on events every night, for example Monday free pool nights, Thursday discounted drinks, karaoke Fridays and live bands over the weekend.

-Firstly the management and staff of the Flying Scotsman must be commended for their support and help to the local community.

-The addition of a roof terrace to the establishment is huge positive for the area and will only increase the public houses input into the local economy that through my years I have seen struggle, with the pub giving much needed foot traffic to other businesses.

-As someone who has grown up in the area and spent their childhood and adulthood here I have witnessed first-hand the positive impact the public house has had with its current management first hand, from sponsoring local sports teams, to raising thousands for charity providing employment to local people and being a hub for all members of the community.

-The objections voiced by others in regards to noise pollution and antisocial behaviour is something I feel the pub has only a tiny fraction of involvement with. The management adhere to the guidelines to the very best of their ability. I have first-hand experience where it is not the patrons of the pub who cause all the antisocial behaviour but the children of what can only be assumed as local residents where they have on more than one occasion been loud, rowdy and violent towards innocent bystanders.

-As per the concerns about noise pollution on my many returns home from work I walk through Forest Hall shops on a night time and have found it is not the people leaving the Flying Scotsman causing the noise but people returning to their homes from other establishments and locations which the pub unfairly gets the blame for.

-To combat any potential noise pollution from the roof terrace, would a curfew not be the best way forward to stop any potential noise from the pub spilling over?

-Overall I feel the addition of a roof terrace to the establishment can only be taken as a positive for the local area increasing the footfall in other local businesses and providing a safe secure place within the community for people to enjoy themselves during the warmer months.

-Really good for the community. Especially with what's going on will be a great place to continue with supporting each other locally.

- I think this is a great idea. What is already a bustling, lively pub will benefit greatly from the addition to outdoor seating area. This pub is the heart and soul of Forest Hall which sees a lot of people travelling to it for the great experiences. In addition, the more people that visit, the more business it will bring to the area. The surrounding shops will also benefit from the increased clientele at the pub. It will be good for the community as it will bring people together more and in turn create more jobs within the pub.

-Viewing platform for train spotters and general public.

-I also notice a lot of properties now being built are flats and bedsits with no outside space. This could be a great communal outside space. This bar traditionally has a decent level of clientele and a low level anti-social behaviour in comparison to other local bars. I believe this space would be positive for local area. It could also attract visitors from outside area thus improving local economy and creating jobs.

### 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 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 of 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 Due to the modest nature of this application, NIAL would have no objection on aircraft safety grounds.

#### 3.5 Network Rail

3.6 With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

#### 3.7 Asset Protection

3.8 Given the proximity of the proposed scheme to the railway boundary and high voltage overhead line equipment, it is imperative that the developer liaise with our Asset Protection Team (details below) prior to work commencing on site to ensure that the work can be delivered safely and without impact to operational railway safety. Issues to be discussed and agreed will include the safety of the construction and subsequent operation of the site in proximity to high voltage overhead line equipment, use of plant, cranes or machinery and construction methodology.

### 3.9 Fail Safe Use of Crane and Plant

3.10 All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

### 3.11 Security of Mutual Boundary

3.12 Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

### 3.13 Method Statements/Fail Safe/Possessions

3.14 Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

3.15 Please note we will be unable to agree to discharge of a method statement condition without direct discussion and agreement with our Asset Protection Team and the developer entering into a Basic Asset Protection Agreement (where appropriate). We would advise that the developer discuss the proposals with Asset Protection prior to applying for the discharge of condition. Contact details for Asset Protection are below.

### 3.16 OPE

3.17 Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) must be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

### 3.18 Scaffolding

3.19 Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

### 3.20 Lighting

3.21 Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

### 3.22 Access to Railway

3.23 All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

3.24 Network Rail is required to recover all reasonable costs associated with facilitating these works.

3.25 I would advise that in particular the method statements and lighting should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

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# Agenda Item 8

**Application No:** 20/00241/FUL Author: Rebecca Andison  
Date valid: 27 March 2020 ☎: 0191 643 6321  
Target: 22 May 2020 Ward: Cullercoats  
decision date:

Application type: full planning application

**Location: 1A Preston Wood, North Shields, Tyne And Wear, NE30 3LT,**

**Proposal: One and a half storey, three bedroomed dwelling on land which is presently part of the applicants' garden**

Applicant: Mr And Mrs Sample, 1A Preston Wood North Shields Tyne And Wear NE30 3LT

Agent: Alec Limited, FAO Mr Andy Laurie Unit 12 Rake House Farm Rake Lane North Shields Tyne And Wear NE29 8EQ

## **RECOMMENDATION:**

**Members are recommended to**

- a) **indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary, and subject to the expiry of the consultation period on 10<sup>th</sup> June 2020; and**
- b) **grant delegated powers to the Head of Housing, Environment and Leisure to determine application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee, following the completion of the Section 106 Legal Agreement to secure a contribution of £337 towards a coastal mitigation strategy.**

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues for Members to consider are;

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings;
- Whether there is sufficient car parking and access provided; and
- Impact on trees and biodiversity.

## 2.0 Description of the Site

2.1 The application relates to an existing residential dwelling on Preston Wood, North Shields. The property (No.1A) is located on land which was formerly the garden of 1 Preston Wood. Planning permission was granted to construct the new dwelling in 2014.

2.2 The site is located at the entrance to Preston Wood where it joins Cambo Place.

2.3 On the east side of 1A is a detached garage, garden and driveway, which is accessed from Cambo Place.

2.4 There are several mature trees within the site which are protected by the Hartburn Road TPO, 1979.

## 3.0 Description of the Proposed Development

3.1 Planning permission is sought to construct a 3-bedroom residential dwelling.

3.2 The dwelling would be located to the east of the existing property with vehicle access from Cambo Place. It is proposed to create a new access to the existing property from Preston Wood.

## 4.0 Relevant Planning History

1 Preston Wood:

15/01823/FUL: Variation of condition 1 of application 14/01241/FUL to increase height of approved dwelling by 35cm and change roof design from a hip to gable. Refused 27.01.2016

Appeal allowed

14/01241/FUL: Erection of 1no detached dwelling and detached garage (Re-submission of 14/00456/FUL)  
Permitted 07.10.2014

14/00456/FUL: Erection of 1no dwellinghouse and drive with off street parking and garage  
Withdrawn 08.05.2014

14/00455/FUL: Erection of 2no dormer bungalows including private drive (Re-submission 13/01250/FUL)  
Withdrawn 08.05.2014

13/01250: Erection of 3no dwellinghouses with associated garages and parking. Alterations to existing access and provision of new associated access  
Withdrawn 04.09.2013

## 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 in this case are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings;
- Whether there is sufficient car parking and access provided; and
- Impact on trees and biodiversity.

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

### 8.0 Principle of the Proposed Development

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

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

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.4 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

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

8.6 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.7 The Local Plan specifically allocates sites to meet the overall housing needs. The application site is not allocated for housing in the Local Plan.

8.8 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

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

8.9 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and point (a) of Policy DM4.5. Issues relating to the impact of this scheme upon local amenities and existing land uses are discussed later in this report.

8.10 Having regard to the above; the principle of the proposed development is considered acceptable subject to consideration of the following matters:

#### 9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 59 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

9.2 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.

9.3 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

9.4 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).

9.5 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.

9.6 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 6.1 year supply of housing land. Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing.

#### 10.0 Impact upon existing residents and future occupiers of the development

10.1 Paragraph 180 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

10.2 Policy S1.4 of the Local Plan states that development 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 Policy DM5.19 states that amongst other matters development that may cause pollution will be required to incorporate measures to prevent or reduce the pollution so as not to cause nuisance or unacceptable impacts to people. 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 Policy DM4.9 states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1 October 2018 the following standards will apply, subject to site viability:

Accessibility of homes:  
Market Housing

a. For new housing developments, excluding low-rise non-lift serviced flats, 50% of homes are to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

#### Affordable Housing

b. For all new housing developments, excluding low-rise non-lift serviced flats, 90% of homes should meet building regulation M4(2) – ‘accessible and adaptable dwellings’.

c. 10% of new homes where the local authority is responsible for allocating or nominating a person to live in that dwelling should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area. Where there is no specific need identified, then M4 (3) (2) (a) will apply, to allow simple adaptation of the dwelling to meet the future needs of wheelchair users.

#### Internal Space in a Home:

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

#### *10.6 Impact on surrounding occupiers –*

10.7 The site is located within a residential area and is surrounded by existing housing on all sides.

10.8 The proposed dwelling would be located adjacent to the garage of the neighbour to the north (2 Cambo Place). The rear building line of the proposed dwelling is stepped and the section closest to the shared boundary respects the rear building line of the adjacent dwelling. At a distance of 4.2m from the shared boundary the rear building line steps out to project 4m beyond the rear elevation of No.2. No windows are proposed in the north elevation. The impact on the residential amenity of 2 Cambo Place is therefore considered to be acceptable.

10.9 The impact on properties on Hartburn Road is also considered to be acceptable given the position of the proposed dwelling in relation to these properties and the absence of windows in the northern elevation.

10.10 The proposed dwelling would be located to the east of 1A Preston Wood. Ground and first floor windows are proposed in the west elevation of the development. The impact on the windows in 1A Preston Wood is considered to be acceptable given that there would be a distance of approximately 22m between the two properties. The proposed rear dormer windows would overlook No.1A’s driveway but would not impact on the main amenity space as this is located on the west side of the property.

10.11 Existing residential properties to the south would be located approximately 20m from the proposed dwelling. This distance is considered to be sufficient to prevent any significant loss of outlook, light or privacy.

10.12 In terms of the Council’s Housing Standards the dwelling should be 93 sqm. It would measure 178 sq m. The bedrooms sizes are also acceptable and leave adequate room for storage.

10.13 The rear garden has an area of 30 sq m, and there is a garden on the south side of the property measuring approximately 50 sq m. This is considered to be sufficient for normal amenity and domestic needs.

10.14 Members need to consider whether the impact on existing residential properties and the standard of living provided for future occupants would be acceptable. It is officer advice that the impact is acceptable.

### 11.0 Character and Appearance

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

11.2 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, NPPF).

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

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

11.4 The Council has produced an SPD on Design Quality, which seeks to encourage innovative design and layout and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

11.5 The proposed dwelling is located in a relatively small plot when compared to the existing property (1A) and others on Preston Wood. It would occupy approximately 30% of the plot and would be positioned within 2m of the site's western boundary. However, it is not considered that this would result in any significant harm. The building would be set back from the boundaries with Preston Wood and Cambo Place by 5.5m and 7.6m respectively, and from the

public domain it is not considered that the development would appear overly cramped.

11.6 The proposed dwelling is located adjacent to a single storey property at 2 Cambo Place. While the development is 2-storey, the first-floor rooms are located partially within the roof space and the building has a shallow pitched roof to lessen its height. The eaves are higher than the adjacent property, but the ridgeline would sit only 0.2m above No.2 at its highest point. While the immediate neighbour to the north is single storey, there are numerous 2-storey properties on Hartburn Road and Preston Wood. The height of the dwelling is therefore considered to be acceptable and appropriate for its location.

11.7 The applicant has stated the property would be finished in grey render with grey roof tiles, white upvc framed windows and black framed patio doors. The use of some render is considered to be acceptable in principle but given that the area is characterised by brick properties, it is officer opinion that brick should also be included into the construction materials.

11.8 Overall it is considered that the development is well designed to sit comfortably within the site and to relates well to the surrounding buildings. Conditions are recommended to control all construction and surfacing materials.

11.9 In conclusion, it is considered that the proposal would accord with the advice in NPPF and policy DM6.1 and the Design Quality SPD. Members need to consider whether they agree.

## 12.0 Car Parking and Access

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

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

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

12.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are take into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

12.5 The Transport and Highways SPD sets out the Council's adopted parking standards.



12.6 The proposed dwelling would be provided with a car port and driveway, accessed from Cambo Place. A new access and driveway are proposed from Preston Wood to serve 1A's existing garage.

12.7 The Highway Network Manager has been consulted. He states that an appropriate level of parking has been provided for the existing and proposed dwellings and recommends conditional approval.

12.8 Members need to consider whether the proposal would provide sufficient parking and access and weight this in their decision. It is officer advice that subject to conditions it would, in accordance with the advice in NPPF, Policy DM7.4 and LDD12.

### 13.0 Trees and Biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

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

13.3 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

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

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

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

13.7 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can

adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

13.8 A line of mature trees is located along the southern boundary of the site. The trees are protected by the Hartburn Road TPO, 1979. They are highly prominent at the entrance to Preston Wood and make an important contribution to the streetscene.

13.9 The proposed dwelling and driveway alterations would be located in close proximity to 4no mature sycamore trees. It is not intended to remove any of these trees to construct the development. Two smaller trees located more centrally within the site would need to be removed.

13.10 The applicant has submitted an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan in support of the application.

13.11 The proposed dwelling would be located within 1m of a protected sycamore tree (identified as T1 on the Tree Protection Plan). To allow the construction to take place without harming the adjacent tree it is proposed to build the foundations on the same line as the original garden wall, which was positioned further into the site, using mini-piles and ring beam foundation design. Special working methods would be adopted within the root protection areas of the trees to minimise the potential for damage. To reduce future pressure to prune the trees as a result of overshadowing the south elevation of the proposed dwelling does not contain any habitable windows.

13.12 The Landscape Architect has viewed the submitted information and provided comments. She states that the impact on retained trees would be minimal subject to the work being carried out in accordance with the supporting information. She sets out a series of conditions that would be required to ensure the trees are adequately protected. The conditions include the provision of 2no. new trees to replace those removed from within the site and the need for trial holes to determine the presence of the former wall foundations.

13.13 The Biodiversity Officer has commented and raises no objections. She recommends a condition requiring that a bat method statement is submitted prior to any tree pruning work.

13.14 The development lies within 6km of the coast and therefore has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance.

13.15 To mitigate this impact, in accordance with the Coastal Mitigation SPD, the developer has agreed to make a contribution of £337 towards coastal mitigation.

13.16 It is officer advice that subject to conditions to control the tree protection measures, construction methods, and requiring a bat method statement, the

proposal would avoid having an adverse impact in terms of landscaping and ecology, and therefore would accord with the advice in NPPF, Policy DM5.5 and policy DM5.9 of the Local Plan.

#### 14.0 Local Financial Considerations

14.1 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).

14.2 The proposal would create 1 no. new dwelling. Granting planning permission for new dwellings increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

14.3 The proposal would also result in additional Council Tax being received by the council, and this is a benefit of the proposal. In addition, jobs would be created during the construction period.

14.4 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.

#### 15.0 Conclusions

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

15.2 At the heart of the NPPF is a presumption in favour of sustainable development, which for decision making means approving development proposals that are in accordance with an up-to-date development plan without delay.

15.3 The application site lies within an existing built up area, in close proximity to existing local services. The proposal would provide an additional residential unit in a sustainable location in accordance with the NPPF and Local Plan, and in officer opinion is acceptable in principle.

15.4 Members also need to consider whether the proposal will impact on residential amenity, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, trees, ecology and the highway network. It is officer advice that the proposed development is acceptable in these terms.

15.5 The application is therefore recommended for approval subject to a legal agreement to secure a contribution towards the Coastal Mitigation Scheme and subject to the expiry of the consultation period on 10<sup>th</sup> June 2020.

## **RECOMMENDATION:**

### **Members are recommended to**

- c) indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary, and subject to the expiry of the consultation period on 10<sup>th</sup> June 2020; and**
- d) grant delegated powers to the Head of Housing, Environment and Leisure to determine application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee, following the completion of the Section 106 Legal Agreement to secure a contribution of £337 towards a coastal mitigation strategy.**

### **Conditions/Reasons**

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

- Application form
- Location plan
- East facing street scene
- Proposed plans and elevations
- Proposed site plan
- Pre-development BS5387 Arboricultural Implications Assessment
- Tree Protection Plan ACP.1APreston.No1
- Pre-development BS5387 Arboricultural Method Statement Addendum 1.

1A Preston Wood

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. Altered Access Access Alt Prior to Occ            ACC01    \*  
5

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

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

5. Refuse Storage Detail Provide Before Occ REF00 \*  
1

6. No part of the development shall be occupied until a scheme for the provision of 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 before the development is occupied.

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

7. Restrict Hours No Construction Sun BH HOU00 \*  
4

8. Contaminated Land Investigation Housing CON00 \*  
1

9. Gas Investigate no Development GAS00 \*  
6

10. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

11. Where the findings of the intrusive site investigations (required by condition 10 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

12. Notwithstanding condition 1, prior to the construction of the development above damp proof course level, a schedule and/or samples of the materials and finishes for the development and surfaces must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.2 of the North Tyneside Council Local Plan 2017.

13. No trees, shrubs or hedges within the site which are shown as being retained on the submitted Tree Protection Plan shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development

phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

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

14. Prior to the commencement of development or any site clearance/preparation work the retained trees within, adjacent to and overhang the site shall be protected by fencing as detailed in the Arboricultural Implications Assessment and as shown on the Tree Protection Plan, unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing or ground protection has been installed. The protective fence and ground protection shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence or any ground protection is NOT to be repositioned without the approval of the Local Authority. Appropriate signage shall be fixed to protective fencing and maintained in place for the duration of the works.

Reason: This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure trees to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

15. All works shall be carried out in accordance with the submitted Pre-Development Arboricultural Implications Assessment, Pre-Development Arboricultural Implications Assessment (review of landscaping comments April 2020), Pre-Development Arboricultural Method Statement (Addendum 1), Tree Protection Plan (ACP.1APreston.No1), email dated 5th May from ALCC Ltd. and the guidelines contained within BS5837:2012 and NJUG Volume 4. The following must be complied with:

- The removal of any existing surface material within the root protection areas must be carried out by hand.
- Pile foundations shall be installed using low height piling rigs to avoid damaging branches or a suitable alternative with a banksman.
- Foundations to the walls shall comprise shallow concrete ground beams, spanning over the root protection zone, and shallow concrete pads to support the brick pillars with steel or concrete lintels over tree roots.

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

16. Prior to the commencement of any other part of the development trial holes shall be dug to determine the presence of any existing wall foundations, and the results submitted to and approved in writing by the Local Planning Authority. If

foundations are not present or unsuitable for use, an amended arboricultural method statement must be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

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

17. Prior to commencement of development details of the construction of the car port base must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

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

18. No development or other operations shall commence until detailed plan showing services, drainage (on site and off site) and lighting that requires excavation has been submitted to and approved in writing by the Local Planning Authority. The plans shall provide for the long-term protection of the existing trees on and adjacent to the site and demonstrate that any trenches will not cause damage to the root systems of the trees. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority. Any excavations within the RPA (for example kerb edging, excavations) are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

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

19. 2no replacement trees (minimum 12-14cm girth) shall be planted within the first available planting season following completion of the development. Details of the tree species and location must be submitted to and agreed in writing by the Local Planning Authority. If within a period of five years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, unless otherwise agreed in writing with the Local Planning Authority.

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

20. All tree pruning works shall be carried out as detailed in the Pre-Development Arboricultural Implications Assessment (review of landscaping comments April 2020) and in accordance with the requirements of British Standard 3998: 2010 - Recommendations for Tree Works. No major limbs shall be removed. Details of any additional pruning work must be submitted to and agreed in writing by the Local Planning Authority prior to the work being carried

out. Thereafter the pruning must be carried out in accordance with the agreed details.

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

21. An arboricultural consultant must be appointed to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. Written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction must be submitted and approved in writing by the Local Planning Authority prior to occupation of the development.

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

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

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

23. No development shall take place until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To secure a satisfactory external appearance having regard to policy DM6.2 of the North Tyneside Council Local Plan 2017.

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

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

**Informatives**

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)



Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

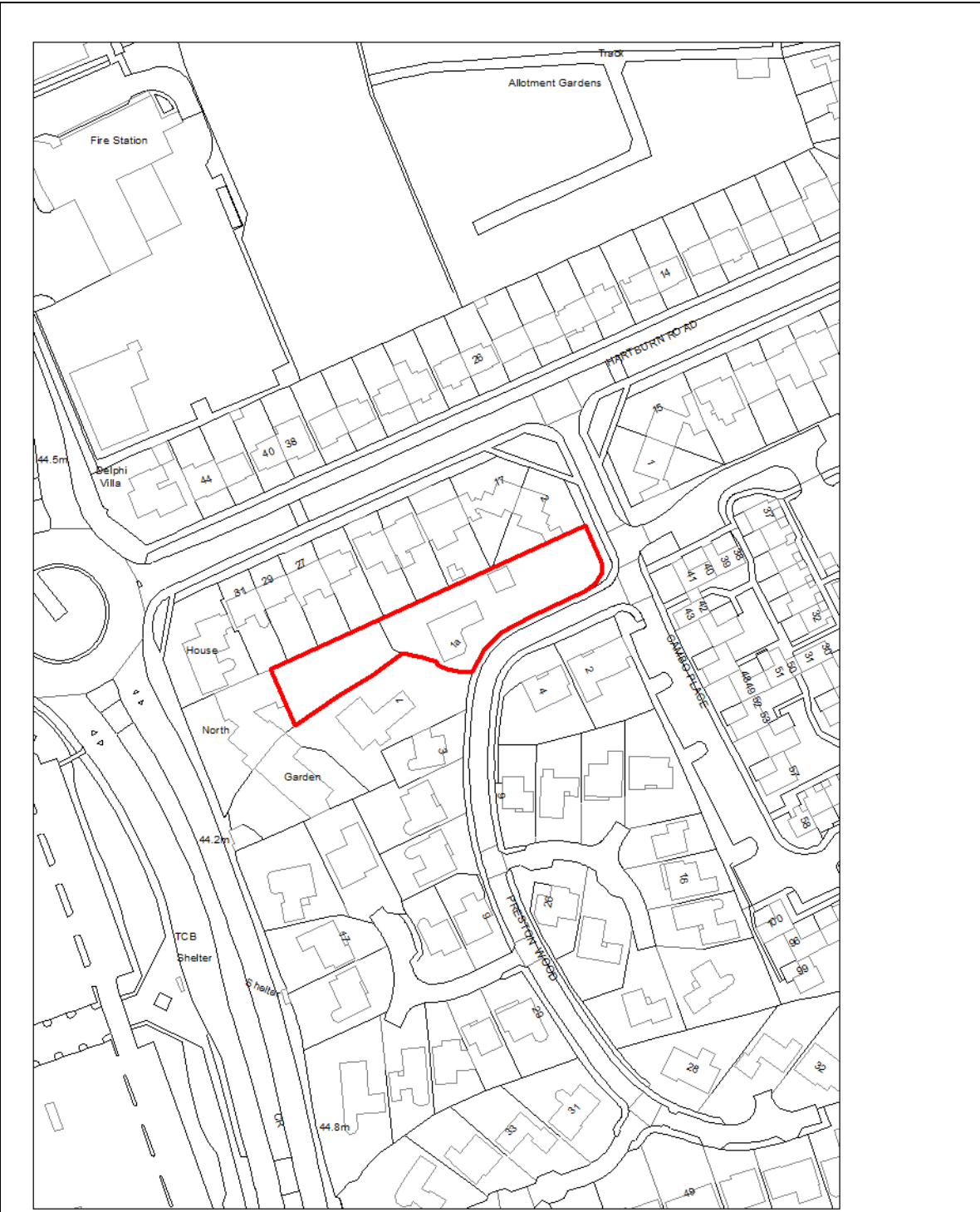
Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

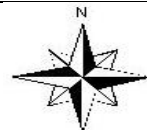
Contact NWL Public Sewer Crossing Site (I11)



**Application reference: 20/00241/FUL**  
**Location: 1A Preston Wood, North Shields, Tyne And Wear, NE30 3LT**  
**Proposal: One and a half storey, three bedroomed dwelling on land which is presently part of the applicants garden**

Not to scale  
 Date: 28.05.2020

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 0100016801



**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a one and a half storey, three bedroomed dwelling on land which is presently part of the applicant's garden. A suitable level of parking is being retained for the existing dwelling and will be provided for the proposed dwelling. Access for the existing dwelling will be from Preston Wood, whilst access for the new dwelling will be via Camo Place. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

No part of the development shall be occupied until a scheme for the provision of 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 before the development is occupied.

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

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

1.6 Manager of Environmental Health (Pollution)

1.7 We have concerns regarding noise and dust generated during the construction process so would recommend the following standard conditions.

HOU04

SIT03

1.8 Manager of Environmental Health (Contaminated Land)

1.9 Due to the proposed sensitive end use and as the site lies in a coal referral area the following must be applied:

CON001

GAS006

#### 1.10 Biodiversity Officer

1.11 The application will potentially require significant pruning works to mature trees within the site (T1 & T2) and insufficient information has been submitted to demonstrate these trees have been adequately assessed for bats and potential roost features. As the trees are not identified for removal, a condition should be attached to the application to ensure any pruning works are undertaken to an approved method statement. If the trees require removal to facilitate the scheme, a bat risk assessment of the trees will be required to ensure there are no impacts on protected species.

1.12 The following conditions should therefore be attached to the application: -

- Any pruning works to the mature trees within or adjacent to the site, in particular T1 and T2 identified on the plans, must be undertaken in accordance with an approved bat method statement. Details of the method statement will be submitted to the LPA for approval prior to works commencing on any trees.
- If any mature trees within or adjacent to the site are identified for removal as a result of the scheme, a bat risk assessment of the trees will be undertaken by a suitably qualified ecologist and submitted to the LPA for approval prior to works commencing. Tree works will then be undertaken in accordance with the recommendations of the report.

#### 1.13 Landscape Architect

#### 1.14 Existing Site Context

1.15 Legislative Framework: *Hartburn Road, North Shields TPO 1979*

The proposed application area occupies adjacent land immediately to the east and west of 1A Preston Wood and borders other residential properties surrounding the site, adjacent to Hartburn Road, Preston Wood and Cambo Place. The application area has an avenue of significant mature trees, which traverse through (in part) the site and closely bordering the existent residential property to the east and west. The tree group forms an important component of the immediate and wider area, extending its bio-diversity range and providing significant amenity value to the local environment.

1.16 A Tree Preservation Order (TPO) is attached to this tree group and in terms of its position, is fully visible in relation to adjacent properties and most of the surrounding streetscape areas.

1.17 For the reasons given above in terms of the TPO status it would be preferable to retain and protect as much significant tree cover in the area as possible.

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

1.19 The application area contains visually significant mature trees, which largely border the perimeter of the proposed application area and would require adequate space and also protection to facilitate any adjacent development. There are four significant individual trees within the influence of the site. It is not intended to remove any of the trees but to build around them utilising historical features including the foundations of an old boundary wall and any remnants of a concrete hardstanding which have formed a root barrier for a number of years. The property will, therefore, be located approximately 1.0m from a mature protected sycamore tree.

1.20 Comments at pre application stage related to the proximity of the development in relation to the trees and although historical site features were to be utilised, there were concerns that satisfactory levels of amenity (natural light and space) on the external rear space and habitable rooms would be difficult to achieve. However, a revised pre application layout made changes in the design so that a car port and entrance lobby are positioned closest to the tree rather than habitable living spaces. Any issues relating to a restriction in daylight would not now have a discernible effect on the living conditions of the future occupiers although separate concerns have been raised both at pre application stage and with this application. As a result of ongoing discussions, additional information has been provided by the applicant that looks to minimize impacts on the trees on the site.

1.21 A new driveway and gate pillars are to be constructed within the RPA of two retained and protected sycamore trees (T1 and T2) which will require breaking through the existing and recently constructed wall located to the back of the footpath. This configuration is a requirement from NTC Highways to provide a safe area set off from the highway and the applicant has indicated that works will be carried out in strict accordance with the details set out in the method statement and supplementary information.

1.22 The potential for root damage to the trees is acknowledged with details provided of special working methods and practices to preserve the root protection areas in the AIA. The report also details the protective barriers required to protect the tree structure(s). A previous application (14/01241/FUL) granted permission for the construction of a new property in close proximity to protected trees. This could only be achieved by constructing the foundation of the building on the same line as the original garden wall which was positioned further into the site. It is intended that the location of the new property would be similar, and confirmation has been provided that foundations of the original wall, if present, will be utilized along with a mini piles and ring beam foundation design. Trial holes, however, will need to be undertaken to determine the presence of any existing wall foundations.

1.23 If all works are carried out in accordance with the method statement, supplementary information and the following conditions, the impact on retained trees should be minimal.

1. Protection of retained trees/shrubs/hedges

No trees, shrubs or hedges within the site which are shown as being retained on the submitted Tree Protection Plan shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation

2. Tree Protection Fence and ground protection

Prior to any ground being broken on site and in connection with the development hereby approved (including demolition/excavation works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing as detailed in the Arboricultural Method Statement and as shown on the Tree Protection Plan by Woodsman Arboricultural Consultancy unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing or ground protection has been installed. The protective fence and ground protection shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence or any ground protection is NOT to be repositioned without the approval of the Local Authority.

Appropriate signage is to be fixed to protective fencing and maintained in place for the duration of the works.

### 3. Arboricultural Impact Assessment and Method Statement

All works to be carried out in accordance with the submitted Pre-Development Arboricultural Implications Assessment and Pre-Development Arboricultural Implications Assessment (review of landscaping comments April 2020), Pre-Development Arboricultural Method Statement (Addendum 1) Tree Protection Plan (No 1), email dated 5th May from ALCC Ltd. and within the guidelines contained within BS5837:2012 and NJUG Volume 4.

The removal of any ex surface material within the Root Protection Areas are to be carried out by hand.

### 4. Foundation Design

Foundations to the building to be in accordance with the AMS and email dated 5th May from ALCC Ltd. Pile foundation is to be installed using low height piling rigs to avoid damaging branches or suitable alternative with a banksman. Foundations to the car port to be in accordance with Section 6.11. Foundations to the walls are to be in accordance with Pre-Development Arboricultural Method Statement (Addendum 1) and email dated 5th May from ALCC Ltd comprising of shallow concrete ground beams, spanning over the root protection zone, and shallow concrete pads to support the brick pillars with steel or concrete lintels over tree roots.

Trial holes are to be dug as a first site operation to determine the presence of any existing wall foundations and results forwarded to the Local Authority. If foundations are not present or unsuitable for use, the arboricultural method statement is to be amended accordingly. Gate pillars to be installed in accordance with section 6.8 - Foundation Construction For Gate Pillars and Walls Within RPAs of the AMS.

Details of the car port base to be submitted for approval and as per Section 6.11 of the Pre-Development Arboricultural Implications Assessment

### 5. Protection of trees in relation to drainage and services

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

#### 6. Construction Method Statement

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

#### 7. Replacement Trees

2no replacement trees (minimum 12-14cm girth) shall be planted. Species and location to be agreed. If within a period of five years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, unless otherwise agreed in writing with the Local Planning Authority.

#### 8. Tree Pruning works

All pruning works shall be carried out as detailed in the Pre-Development Arboricultural Implications Assessment (review of landscaping comments April 2020) and in accordance with the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval. No major limbs are to be removed.

#### 9. Arboricultural supervision

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and in accordance with all stages of work. The work plan is to be submitted for approval prior to any works starting on site. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

### 2.0 Representations

2.1 10no. objections have been received. The concerns raised are summarised as follows:

- Impact on landscape.

- Inadequate parking provision.
  - Inappropriate design.
  - Loss of/damage to trees.
  - Adverse effect on wildlife.
  - Nuisance – disturbance, dust/dirt, noise.
  - Out of keeping with surroundings.
  - Poor traffic/pedestrian safety.
  - Poor/unsuitable vehicular access.
  - Traffic congestion.
  - Will result in visual intrusion.
  - Not in accordance with development plan.
  - Precedent will be set.
  - Loss of privacy.
  - Inadequate drainage.
  - None compliance with approved policy.
- Impact on traffic in the area and the detrimental impact on the environment due to building works.
- There is only one way in and out of Preston Wood and cars are often parked in Cambo Place encroaching on the road into Preston Wood. The proposal would add to that problem.
  - The new driveway into 1A Preston Wood will likely result in cars being parked on that side of the road, creating problems for people driving in and out of the estate.
  - Detrimental impact on the environment when 1A was under construction. We fear that a similar situation will occur should this new proposal be given approval.
  - We are disappointed that this matter is being dealt with at a time when normal services for the public to view and discuss planning applications are disrupted due to the Covid-19 pandemic.
  - Consideration should be delayed until the lockdown is over.
  - A previous application 13/01250/FUL was refused for the plot of land in question.
  - A modified application 14/01241/FUL was passed with conditions requiring two new trees. These two new trees are within the proposed house outline and would need to be sacrificed for the plan to go ahead.
  - The plan also requires more pruning of a TPO tree. The last work carried out left the trees in a poor shape from which they will not recover.
  - The road and path way are blocked with cars belonging to the existing residents.
  - Loss of light to adjacent properties.
  - This proposal will remove the last vestiges of the trees that gave this estate its name.
  - It appears the property elevation may be higher than surrounding houses and impede on neighbourhood privacy.
  - The grey tones are out of keeping with the surroundings.
  - Impact on the birdlife.
  - I believe that further objection to this application would be pointless as it would appear to be a forgone conclusion based on the history behind the earlier build.
  - It is hoped that the builders adhere to building regulations and safety guidelines, something they failed to do previously. Inspections by council planners were extremely limited.



- Impact on 17 Hartburn Road - will restrict the light and views from the living room, kitchen and bedroom windows. The property currently overlooks the line of sycamore trees and beyond to the detached properties in Preston Wood.
- Impact on garden of 17 Hartburn Road.
- Planning permission has previously been refused for additional properties.
- It is clear that the applicant's agenda has been to take the initial plot and build two houses on the land.
- The driveway on Preston Wood would cause major safety issues for traffic and people.
- There have already been a series of near misses and with the proposed development, cars restricting traffic will make the situation dangerous.
- More vehicles/parking in the road/tight bend would make it more dangerous.
- It is disgraceful that the Council have not informed the residence of Preston Wood. We have found out by chance when passing a lamp post.
- The fact that number 4 Preston Wood have a fence very near the pavement does not help with visibility when taking the bend in and out of Preston Wood.
- We still have people from Cambo Place parking across the entrance to Preston Wood. We also have someone on Hartburn Rd who continually parks on the entrance to Cambo Place.

### 3.1 Cllr. Willie Samuel

3.2 If officers are minded to grant this application I would ask it is referred to committee for decision.

### 4.0 External Consultees

#### 4.1 Coal Authority

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

4.3 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment Report (25 March 2020, prepared by Solmek Ltd), which accompanies this planning application.

4.4 The Coal Mining Risk Assessment Report correctly identifies that the application site is likely to have been subject to past coal mining activity. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth.

4.5 The Coal Mining Risk Assessment Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, BGS geological mapping and borehole data. Based on this review of existing sources of geological and mining information the Report confirms the risks to the proposed development posed by shallow coal mine workings and confirms that a ground investigation is required to identify any necessary remedial measures.

4.6 The applicant should ensure that the exact form of any intrusive site investigations are agreed with The Coal Authority's Licensing and Permitting Department as part of their permit application. The findings of these intrusive site

investigations should inform any mitigation measures which may be required in order to ensure the safety and stability of the proposed development.

#### 4.7 The Coal Authority concurs with the recommendations of the Coal Mining Risk

Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Accordingly, the Coal Authority recommends the imposition of the following conditions:

*1. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.*

*2. Where the findings of the intrusive site investigations (required by condition 1 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.*

4.8 The Coal Authority therefore has no objection to the proposed development subject to the imposition of the conditions to secure the above.

#### 4.9 Northumbrian Water

4.10 For information only:

4.11 We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development are undertaken. We include this informative so that awareness is given regarding the presence of assets on site at the planning stage. We will pass the application details to our Asset Protection colleagues who will progress the matter. Further information is available at <https://www.nwl.co.uk/developers.aspx>.