



North Tyneside Council

Planning Committee

21 August 2020

To be held on **Tuesday, 1 September 2020 commencing at 10.00 am**. The meeting will be held virtually and live streamed on the Council's [YouTube Channel](#)

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

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Agenda Item		Page
5.	Planning Officer Reports	9 - 14
	To receive the attached guidance to members in determining planning applications and to consider the planning applications listed in the following agenda items.	
6.	19/01216/FUL, Land Adjacent to Hatfield House, Borough Road, North Shields	15 - 40
	To determine a full planning application from Low Town Developments for the erection of 6no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space.	
7.	20/0004/FUL, Site of Former NHS Flats, Rake Lane, North Shields	41 - 78
	To determine a full planning application from Lidl GB Ltd for the erection of a new discount foodstore (Class A1) with new access, associated car park and landscaping.	
8.	20/00569/FUL, Backworth Park Primary School, Station Road, Backworth	79 - 112
	To determine a full planning application from North Tyneside Council for the development of the site for executive homes comprising 5no. four bedroom detached homes and 2no. five bedroom homes.	
9.	20/00871/FUL, Sterling Pharma Solutions Ltd, Dudley Lane, Dudley	113 - 148
	To determine a full planning application from Sterling Pharma Solutions Ltd for the construction of additional pre-treatment steps to be integrated with existing on-site biological effluent treatment plant, comprising additional enclosed storage tanks, biological treatment tanks, associated ancilliary pipework and a greenhouse.	
10.	11 East Farm Mews, Backworth, Tree Preservation Order 2020	149 - 186
	To consider the confirmation of the 11 East Farm Mews, Backworth Tree Preservation Order 2020.	

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, 4 August 2020

Present: Councillor F Lott (Chair)
Councillors K Barrie, T Brady, L Darke, S Graham,
M Green, C Johnson, W Samuel and F Weetman

Apologies: Councillor P Richardson

PQ84/20 Appointment of substitutes

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

Councillor C Johnson for Councillor P Richardson

PQ85/20 Declarations of Interest

In relation to planning application 20/00165/FUL Councillor S Graham reported that she had attended an exhibition featuring McCarthy and Stone extra care accommodation; however, she had not predetermined the matter and had an open mind to the arguments to be presented to the Committee.

PQ86/20 Minutes

Resolved that the minutes of the meeting held on 7 July 2020 be confirmed and signed by the Chair, subject to the inclusion of Councillor W Samuel's apologies being recorded.

PQ87/20 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.

PQ88/20 20/00165/FUL Site of Coquet Park And Marine Park First Schools, Coquet Avenue, Whitley Bay

The Committee considered a report from the planning officers in relation to a full planning application from McCarthy and Stone Retirement Lifestyles Ltd and Places for People for the erection of extra care accommodation (use class C2) with associated private amenity space, landscaping and car parking.

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

In accordance with the Committee's Temporary Speaking Rights Scheme, Mrs Joanna Unthank of Coquet Avenue, Whitley Bay had been granted permission to submit a written statement to the Committee, which was read out. In the statement Mrs Unthank expressed her concerns about traffic generation, access to the proposed development, congestion and adequacy of parking, turning and loading

Mrs Jean Laurie of Coquet Avenue, Whitley Bay had also been invited to submit a written statement, but no response had been received to the invitation.

Mr Andrew Mangham of the Planning Bureau Ltd had submitted a written statement in response to Mrs Unthank's statement on behalf of the applicants. Mr Mangham's statement was read to the Committee in which he addressed concerns relating to traffic generation and congestion; vehicular access to the site; adequacy of on-site car parking; and adequacy of on-site turning and loading. He added that the Highway Network Manager had not raised any objections to the site being accessed from Coquet Avenue, and that he had accepted this development incorporated an appropriate level of on-site parking. The statement had concluded by stating that it had been demonstrated that the residual cumulative impacts on the road network resulting from the approval of the proposed development would not be severe and therefore the development was acceptable in highway terms in accordance with the National Planning Policy Framework.

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

- a) the size, quality and design of the proposed accommodation units; and
- b) whether Adult Social Care had been consulted about the development and what facilities were available for overnight care staff.

Resolved that (1) the application be approved subject to the conditions set out in the planning officer's report; and
(2) the Head of Law and Governance and the Head of Environment, Housing and Leisure be authorised to undertake all necessary procedures (Section 278 Agreement) to secure:
Upgrade of existing footpaths abutting the site
Alterations to resident parking scheme on Coquet Avenue
Associated drainage
Associated street lighting
Associated road markings
Associated signage
Associated Traffic Regulation Orders

(Reason 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, its impact on the amenity of neighbouring residents, the character and appearance of the surrounding area and the likely impact of the development on car parking and access.)

**PQ89/20 20/00445/FUL Site of Coquet Park and Marine Park First Schools,
Coquet Avenue, Whitley Bay**

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Places for People for the construction of 9 no. dwellings arranged in two terraces facing onto Marine

Gardens and Coquet Avenue respectively, with parking court to the rear and associated landscaping .

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

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

- a) the likely impact of the development on car parking in the area;
- b) the design of the development; and
- c) the need to ensure work on site does not continue after permitted hours if the application is approved.

Resolved that (1) the application be permitted subject to the conditions set out in the planning officer's report and the addendum;

(2) the Head of Law and Governance and the Head of Environment, Housing and Leisure be authorised to undertake all necessary procedures (Section 278 Agreement) to secure:

- Upgrade of existing footpaths abutting the site
- Alterations to resident parking scheme on Coquet Avenue
- Associated drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders; and

(3) the Head of Law and Governance and the Head of Environment, Housing and Leisure be granted delegated authority to determine the application following the completion of the Section 106 Legal Agreement to secure a Coastal Mitigation contribution.

(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, its impact on the amenity of neighbouring residents, the character and appearance of the surrounding area and the likely impact of the development on car parking and access.)

PQ90/20 20/00517/FUL Burradon Abattoir, Burradon Road, Burradon

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Linden Foods for extensions to the existing facility, including covering the external yard, the demolition of an existing employee/amenity block and construction of welfare/amenity building and new offices, and increased hardstanding for vehicles connected with the use, including truck and car parking and additional safe manoeuvring space and a waste water treatment facility.

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

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to the development in terms of improvements to animal welfare prior to slaughter.

Resolved that (1) the Committee indicates that it is minded to grant the application subject to:

- i) no objections being raised by the Environment Agency,
 - ii) the conditions set out in the planning officer's report and the addendum, and
 - iii) the addition or omission of any other conditions considered necessary, following the receipt of any additional comments; and
- (2) the Head of Environment, Housing and Leisure be granted delegated authority to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

(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, including its impact on the openness of the green belt, its impact on amenity, on the character and appearance of the area and on highways, flood risk, biodiversity and ground conditions.)

PQ91/20 20/00632/OUT Management Suite, Royal Quays Outlet Centre, Coble Dene, North Shields

The Committee considered a report from the planning officers in relation to an outline planning application with all matters reserved from W D Chatham Ltd for a new hotel development comprising approximately 70 bed spaces and associated car parking.

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

Members of the Committee asked questions of officers and made comments.

Resolved that (1) the Committee indicates that it is minded to grant the application subject to the conditions set out in the planning officer's report and addendum and to the completion of 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 (2) the Head of Housing, Environment and Leisure be granted delegated authority to determine the application following the completion of the Section 106 Legal Agreement to secure the following:

Ecology and Biodiversity: £6,825

Employment and Training: 0.5% of the total capital costs and/or apprenticeship opportunities within the construction and end user phase.

Coastal Mitigation: £153 per unit towards the Coastal Mitigation Scheme

(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, including its impact on surrounding occupiers and on the character and appearance of the site and its surroundings, its impact on car parking and access and the impact on trees and ecology.)

PLANNING COMMITTEE

Date: 1 September 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
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Application No: 19/01216/FUL

Author: Will Laing

Date valid: 10 September 2019

☎: 0191 643 6320

Target decision date: 5 November 2019

Ward: Riverside

Application type: full planning application

Location: Land Adjacent to Hatfield House, Borough Road, North Shields, Tyne And Wear,

Proposal: Erection of 6no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space

Applicant: Low Town Developments, 1 Silksworth Hall Drive Sunderland SR3 2PG

Agent: Building Design (Northern) Ltd., Mr Joss Ryan Salvus House Aykley Heads Durham DH1 5TS

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

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

- Principle of development;
- Housing Land Supply;
- Design and the impact on the character and appearance of the site and the New Quay Conservation Area;
- Impact upon the amenity of existing and future occupiers;
- Impact on highway safety;
- Impact on biodiversity and open space;
- Contaminated Land; and
- Other Issues

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

2. Description of the Proposal

2.1 This application refers to the south bank of Borough Road which is to the south of North Shields Town Centre. The site is steep, grassed embankment between Borough Road and Tennyson Terrace at the top of the embankment, and in-filling the gap between Hatfield House to the northwest and the Old Customs House to the southeast.

2.2 The site is set to either site of the Borough Bank bridge support column with the western parcel of land having a hard-standing and wooden framed advertisement hoarding.

2.3 The application site falls within the New Quay Conservation Area, with residential uses in the immediate vicinity. The site is located with a vacant building to the northwest, a care home to the southeast and residential properties to the south and north. The surrounding area increases in retail and business uses towards the North Shields Town Centre to the northwest and the riverside area to the southeast.

3. Description of the Proposal

3.1 This application seeks full planning permission for the erection of 6No three-storey town houses in a stepped terrace row, with amenity space and communal car-parking space. The dwellings would be located to the north of the bridge column and the car park to the south of the column.

3.2 The proposed town houses would have a total of 4No bedrooms. The dwellings would have an open plan living and dining room area with a utility room and ground floor WC. The first floor would contain 2No bedrooms and a bathroom, with access to the garden and patio. The second floor would have 2No bedrooms, 1No office, 1No en-suite and a recessed balcony.

3.3 The dwellings would have a rear amenity space and a proposed green roof. The proposed dwellings would have a dark/grey brown brick at ground floor level, with a light grey brick at first floor level. The dwellings would have grey aluminium window frames and with second floor balconies enclosed with a grey/brown metal coated balustrade.

4. Relevant Planning History

18/01497/FUL - Demolition of Borough Road Footbridge including works to the abutments and masonry walls at both bridge approaches, and stopping-up the existing public right of way including closing the footway off Tennyson Terrace. Permitted 04.02.2020

5. Development Plan

5.1 North Tyneside Local Plan 2017

6. Government Policy

6.1 National Planning Policy Framework (February 2019)

Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7. Main Issues

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

- Principle of development;
- Housing Land Supply;
- Design and the impact on the character and appearance of the site and the New Quay Conservation Area;
- Impact upon the amenity of existing and future occupiers;
- Impact on highway safety;
- Impact on biodiversity and open space;
- Contaminated Land; and
- Other Issues

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

8.1 Principle of Development

8.1 Paragraph 7 of NPPF states that the purposed 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 takers should approve development proposals that accord with an up-to-date development plan without delay.

8.4 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.

8.5 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.

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

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

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

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

8.9 The application site falls just outside of the North Shields Town Centre boundary and within the New Quay Conservation Area. The site has access to good public transport including buses and metros, and the amenities of the North Shields town centre and North Shields quayside within walking distance. The immediate surrounding area is predominantly residential.

8.10 While the application site is not an allocated housing site, it is within a sustainable location on the periphery of a town centre, with complementary surround uses. It is the view of officers that the principle of the development is acceptable, subject to the proposal being acceptable with the issues present below.

8.11 Members are to determine whether the principle of the development is acceptable. It is officer opinion that the proposal complies policies S1.2, S1.3, DM1.4 and DM4.5 of the North Tyneside Local Plan 2017.

9. North Tyneside Council Housing Land Supply

9.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of

deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

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

9.3 Although the Council can demonstrate a five-year supply of deliverable housing sites, this figure is a minimum rather than a maximum.

9.4 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.

Having regard to the above, it is the view of officers that the proposal would make a small, but welcome contribution to the North Tyneside housing land supply.

10. Design and the impact on the character and appearance of the New Quay Conservation Area.

10.1 S1.4 'General Development Principles 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. Policy S1.4 states that development should have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment.

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

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

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

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.

10.4 Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

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

10.5 Objections have been received on the grounds of visual amenity, impact on the Conservation Area and the setting of a listed building.

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

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

10.8 Policy DM6.6 states that any heritage reports prepared as part of a development scheme will be submitted for inclusion on the Tyne and Wear Historic Environment Record (HER) and published where considered appropriate.

10.9 The Council has produced an SPD on Design Quality (2018), it states that the Council will encourage innovation in the 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.

10.10 The proposed terrace row would be situated between 2No large buildings, the four-storey Hatfield House to the northwest and the four storey Old Custom House to the southeast. The proposed terraced row would run from plot 1 at the north-western end of the site to plot six, with each plot being staggered to the accommodate the natural fall in ground level, providing a stepped terraced gradually decreasing in height. The height of the proposed terrace would not exceed the eaves level of the Old Customs House (Grade II Listed). The proposed dwelling would be set back off the public highway with a small enclosed amenity space. As such, it is the view of officers that the proposed terrace would be of an appropriate mass and scale for the application site.

10.11 The applicant has provided indicative materials on the proposed plans, indicating the ground floor would have a dark grey or brown brick, with a light grey first and second floor with white mortar, with grey/brown powder coated aluminium windows and balustrade. Each floor would be served by tall and wide windows in the front elevation. The rear amenity spaces would be enclosed by a 1.8m timber fence and the front amenity space would be enclosed by a low-brick wall and grey/brown powder coated railings. The materials are acceptable in principle, however, the detailing will need to be controlled by means of a pre-commencement condition to ensure that all the materials of the proposed dwellings, the surfacing materials of car park, bin stores and the proposed means of enclosure are acceptable for development in a conservation area.

10.12 It is the view of officers that the contemporary design and the massing of the proposed development is acceptable in terms of siting, and the proposal would not detract from the character and appearance of the Conservation Area, or the neighbouring Grade II Listed Building, the Old Customs House. As such, the proposal is deemed to comply with policies S1.4, DM6.1 and DM6.6 of the Local Plan 2017.

10.13 Members need to determine if the proposal is acceptable in terms of design and the impact on the character and appearance of the New Quay Conservation Area and upon the setting of nearby listed building.

11. Impact upon the amenity of existing and future occupiers

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

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

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

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

11.5 The proposed dwellings meet the Nationally Described Space Standards ensuring the floor area of each dwelling is sufficient for the amenities of the future occupiers. It is noted that there are no windows in the flank elevations and that the ground floor is only served by windows in the front elevation, however the windows in the front elevation are tall and wide and it is the view of the case officer that they would provide adequate light for the habitable area of the ground floor. Each of the habitable rooms at first and second floor level, including the office room, have a window.

11.6 The plot 6 has the tallest building in relation to Tennyson Terrace at the top of the embankment to the southwest. The roof of plot 6 would come level to the rear boundary fence of no.6 Tennyson Terrace to the rear, as such the proposed dwellings would not have a detrimental impact on the light, outlook or privacy of Tennyson Terrace.

11.7 It is noted that the rear elevations of Tennyson Terrace overlook the rear of the proposed dwellings. However, each of the dwellings of Tennyson Terrace and the proposed dwellings have a high rear fence of at least 1.8m and the steep angle of the embankment would limit the overlooking of the proposed dwellings.

11.8 There no window in the flank elevation of Hatfield House overlooking the proposed dwellings and the bridge piers of the Borough Road bridge would effectively screen the proposed dwellings from The Old Customs House to the southeast.

11.9 Objections have been on the grounds of noise and dust disturbance during the construction phase of the development and the cumulative impact with the construction the Smiths Dock development. A Construction Method Statement is recommended to be conditioned to ensure that the dust and noise disturbance during the construction phase is minimised.

11.10 Having regard to the above, it is the view of officers that the proposal is considered to be acceptable in term the residential amenities of the neighbouring dwellings and the future occupiers and as such the proposal is considered to

comply with policies S1.4 and DM6.1 of the Local Plan 2017 and the Design Quality SPD.

11.11 Members are to determine if the application is acceptable in terms of the residential amenity of the future occupiers and neighbouring properties.

12. Impact on Highway Safety

12.1 National Planning Policy Framework paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

12.2 Policy S1.4 'General Design Principles' stipulate that proposed development 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.

12.3 Policy S7.3 'Transport' states future transport provision should reflect existing demand and also take account of planned economic and housing growth to ensure an integrated approach to sustainable development and travel patterns. Through the objective to deliver a modal shift to more sustainable modes of transport, there is an emphasis on increasing the modal share of public transport, walking, cycling and other non-motorised modes for journeys both within the Borough and beyond. This recognises the requirement to reduce impacts that contribute to climate change and encourage active and healthier lifestyles.

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

12.5 The North Tyneside Transport and Highways SPD stipulates that the off-street parking criteria for housing is 1 space per dwelling for properties up to 2 bedrooms, 1 additional space per additional bedroom thereafter and; 1 space per 3 dwellings for visitors. However, exemptions can be made in areas with good access to public transport.

12.6 Several objections have been received on the grounds of highway safety, parking, traffic congestion and pedestrian/traffic safety.

12.7 The site would be accessed via Borough Road and whilst only one parking space has been provided for each dwelling and 1 No visitor bay, the site is located near to North Shields town centre with reasonable links to public transport & local services. On this basis, the Highways Network Manager has no objection.

12.8 The applicant has provided a swept path analysis and the proposal shows a turning head within the proposed car park. As such, the proposal shows that the proposed car parking can be used safely.

12.9 The Highways Network Manager has requested a series of conditions relating to the submission of a car park management strategy has been submitted, and additional condition for installation of the access, parking and refuse details prior to the occupation of the dwellings.

12.10 It is the view of officers that the proposal is acceptable in terms of highway safety and parking subject to the imposition of the conditions requested by the Highways Network Manager. With these conditions imposed, the proposal is deemed to comply with policies S1.4, S7.3 and DM7.4 of the Local Plan 2017.

12.11 Members are to determine if the application is acceptable in terms of parking, transport and highway safety.

13. Trees, Ecology 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 as part of this helping to improve biodiversity amongst other matters.

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

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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

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

a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,

- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

13.5 Policy DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and 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. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

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

13.8 The North Tyneside Coastal Mitigation Strategy SPD 2019 sets out the requirements for Coastal Mitigation Contributions for residential and tourism related development.

13.9 The site falls within a wildlife corridor and has several trees on site near the existing billboard to the south of Hatfield House. In light of this the applicant has supplied an Ecological Impact Assessment and an Arboricultural Impact Assessment.

13.10 Several objections have been received on grounds of impact on landscaping, loss of/damage to trees, insufficient landscaping, impact on biodiversity and no mitigation measures for biodiversity.

13.11 The trees on site appear to be mostly self-seeded and are relatively healthy trees, however the trees are not protected by a tree preservation order. The development of the site does not leave room for replacement planting and only a small amount of soft landscaping would be retained on site between the proposed dwellings and the proposed car park. The embankment to the rear of the dwellings would be included within amenity space. The Landscape Architect and Biodiversity Officer have objected to the proposal on the grounds of the loss of the trees. Given the physical constraints of the application site constraints

there are no areas that would accommodate suitable replanting with access for maintenance. Given the site constraints and the self-seeded nature of the trees planning officers do not consider the loss of the trees is sufficient to refuse the application.

13.12 The application site forms part of a wildlife corridor linked to the riverside. The wildlife corridor runs along the riverside, with an extension up the width of Borough Road to incorporate the application into the riverside wildlife corridor, but does not project beyond the application site. The embankment is an unmaintained vegetated area with limited access. The area can be accessed at ground level from the northwest end of the site where the existing billboard is located, however the ground level steeply falls away and the embankment is then set at the top of large retaining wall.

13.13 The submitted Ecological Impact Assessment has noted a series of mitigation measures that would be necessary for the for the development.

13.14 The Biodiversity Officer has objection on the grounds that insufficient mitigation for the loss of the soft landscaping and on insufficient information on bats. The applicant has submitted a Bat Risk Assessment, and the Biodiversity Officer has been consulted. Her additional comments will be reported to Planning Committee.

13.15 Officers advise that subject to the Biodiversity Officer not objecting to the application on the grounds of the bat risk assessment, the proposal is considered to comply with policies DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

13.16 Members are to determine whether the proposal is acceptable in terms of its impact on trees, ecology and biodiversity.

14. Open space

14.1 Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

14.2 Policy DM5.2 sets out that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the Site no longer has any value to the community in terms of access and function;
- b. If it is not a designated wildlife Site or providing important biodiversity value;
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type;

d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

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

14.4 The Landscape Architect has objected on the loss of open space. The site is not designated open space in the Local Plan or the Greenspace Audit. The majority of the application site is inaccessible, offers no useable provision outside of visual amenity and ecological benefit.

14.5 On the balance of issues, it is the view of case officer that the social and economic benefits of the proposal outweigh the loss of a relatively small and predominantly inaccessible area of open space.

14.6 Members are to determine if the loss of undesignated open space is acceptable in this instance. It is the view of officers that while the proposal does not wholly comply with policy DM5.2 and DM5.3, the loss of the open space is considered to be acceptable in this instance.

15. Contaminated Land

15.1 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition, NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

15.2 LP Policy DM5.18 Contaminated and Unstable Land states “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

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

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

15.3 The Contaminated Land Officer has reviewed the submitted plans and documents and has recommended conditional approval, with conditions for further investigations and mitigation measures.

15.4 Members are to determine whether the proposal is acceptable in terms of Contaminated Land. It is the advice of officers that with the conditions requested by the Contaminated Land Officer, the proposal is deemed to comply with policy DM5.18 of the North Tyneside Local Plan 2017.

16. Other Issues

16.1 Within the submitted objections several other issues were raised by local residents:

16.2 Several objections raised concerns regard Borough Road Bridge. At the time of the application, an application was submitted for the demolition of the Borough Road Bridge, as such several objections were against the loss of the bridge. This application and the previous application to demolish the bridge are separate and unlinked applications.

16.3 A number of objections raised concerns over the future of the bridge and requested the applicant enter a s.106 to provide funds for the repair and the restoration of the bridge. The bridge is not linked to this application and due to the siting and the number of units, the application would not result in any significant level of foot traffic across the bridge. As such it is not proportionate or reasonable to request a financial contribution for the restoration of the Borough Road Bridge.

16.4 Concerns have been raised over the potential impact of the excavation works to the embankment and the potential damage to the pier of bridge and to the foundations of the properties at Tennyson Terrace at the top of the embankment. The proposed excavation works will be significant, however, as discussed within the principle of the development, such works are possible and will be controlled be means of conditions prior to commencement.

16.5 A further objection has been received with concerns that the proposal would lead to the closure of the footpath behind Tennyson Terrace. There are no public footpath closures as part of this application and any temporary closures would require the relevant highway consents.

17. Conclusion

17.1 Members need to consider whether the proposal will impact on the adjoining properties, 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 and appearance of the New Quay Conservation Area, the setting of listed buildings, trees, biodiversity and the highway network.

17.2 The proposed development would be in keeping with the surrounding area. It proposal would provide additional housing and make a welcome contribution to the housing land supply. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, character of the New Quay Conservation Area and the highway network.

17.3 While the loss of the existing trees and open space does not wholly comply with policy, officers consider the proposal to be acceptable in this instance.

17.4 On the balance of issues, it is the view of planning officers that the proposal is acceptable in this instance and that officers are minded to recommend approval subject the expiry of the outstanding Biodiversity Officer consultation and subject to securing a S106 legal agreement for coastal mitigation.

RECOMMENDATION: Minded to grant on expiry consultation

Members are recommended to authorise 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 subject to the expiry of consultation period.

Members are requested to authorise the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 106 Agreement to secure;
- Coastal mitigation: £2,022

Members are also requested to authorise the Head of Law and Governance and the Head of Housing, and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:

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

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.
 - Application Form (dated 23/08/2019)
 - Arboricultural Impact Assessment Report Rev V1 (dated 11.11.2019)
 - S1524_1-04: Proposed Block Plan (dated 10.09.2019)
 - S1524_1-05: Proposed Ground Floor Plan (dated 10.09.2019)

- S1524_1-06 Rev A: Proposed First Floor Plan (dated 10.09.2019)
 - S1524_1-07 Rev A: Proposed Second Floor Plan (dated 10.09.2019)
 - S1524_1-08: Proposed Elevations and Section (dated 10.09.2019)
 - Ecological Desktop Study Report Version 1 (dated 02.11.2018)
 - Phase 1: Desk Top Study and Coal Mining Risk Assessment Report (29/04/2020)
 - Bat Survey Report Version 1 (dated 19.08.2020)
- 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. Contaminated Land Investigation Housing CON00 *
1

4. Gas Investigate no Development GAS00 *
6

5. Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

6. No other part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawing.

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

7. Turning Areas Before Occ ACC02 *
5

8. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Planning Authority 2017.

9. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development

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

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

10. Refuse Storage Detail Provide Before Occ REF00 *
1

11. Construction Method Statement - Minor SIT006 *

12. No part of the development shall be occupied until a scheme to manage refuse collection has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

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

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

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

14. 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 and retained thereafter.

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

15. No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

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

Thereafter, this scheme shall be implemented in accordance with the approved details prior to the first occupation of the hereby approved development and retained thereafter.

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

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

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

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

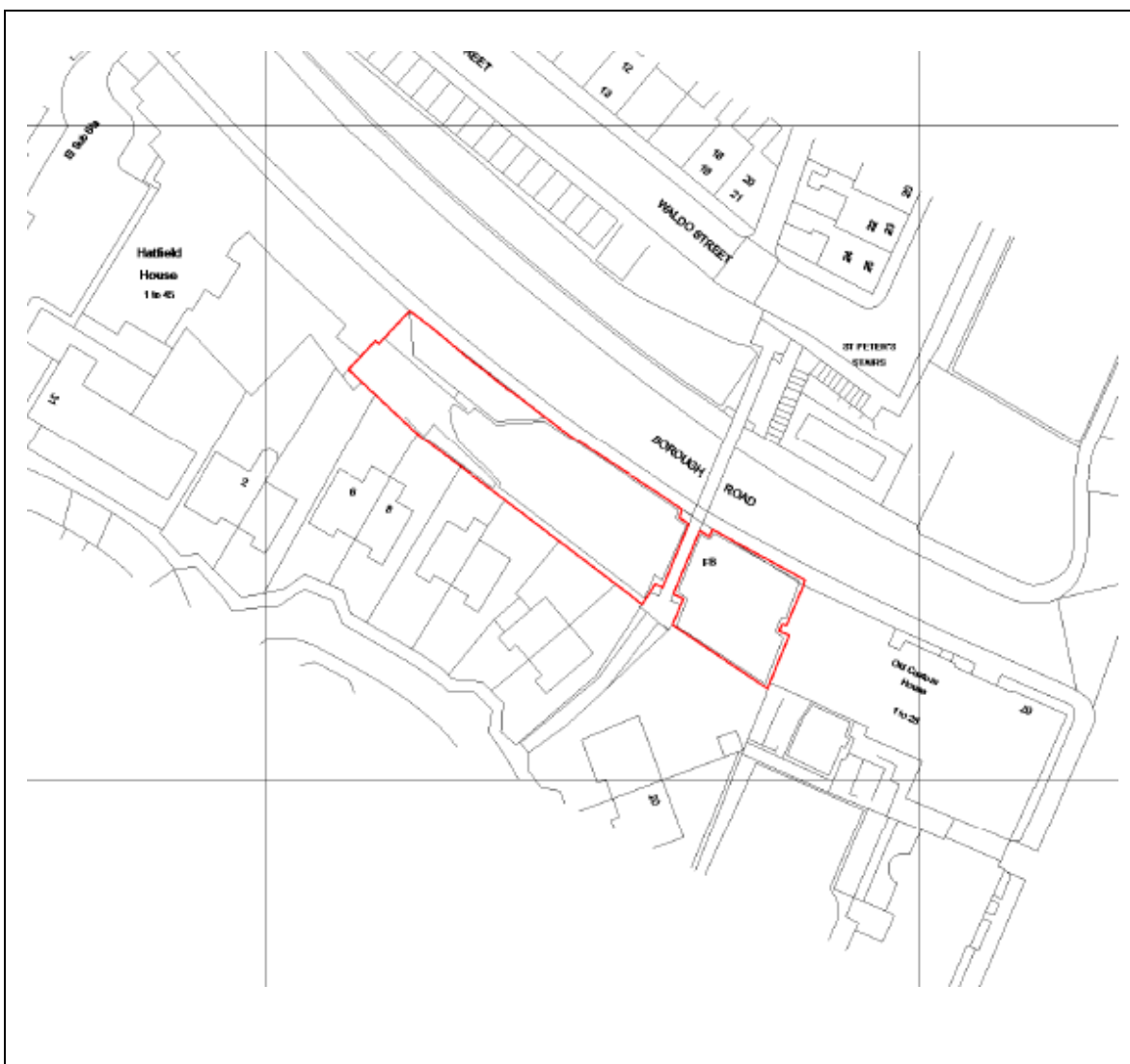
Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The applicant is advised that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.



Application reference: 19/01216/FUL

Location: Land Adjacent To Hatfield House, Borough Road, North Shields, Tyne And Wear

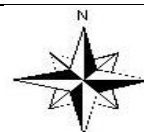
Proposal: Erection of 6no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space

Not to scale

Date: 20.08.2020

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Ordnance Survey Licence Number
0100016801



Consultations/representations

1. Highways Network Manager

1.1 This application is for the Erection of 6 three storey townhouse style terraced dwellings, with communal parking & rear amenity space.

1.2 The site will be accessed via Borough Road and whilst only one parking space has been provided for each dwelling, the site is located near to North Shields town centre with reasonable links to public transport & local services. Nonetheless, the developer should be aware that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. For these reasons and on balance conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 The applicant will be required to enter into an appropriate legal agreement with the Local Authority for the following works:

1.5 New access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

1.6 Conditions:

ACC11 - New Access: Access prior to Occ

ACC25 - Turning Areas: Before Occ

ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 43m by 0.6m)

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

1.7 No part of the development shall be occupied until a scheme to manage refuse collection has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

1.9 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 and retained thereafter.
Reason: In the interests of highway safety.

1.10 No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

1.11 New access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

1.12 Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

1.13 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

1.14 The applicant is advised that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.

2. Biodiversity Officer

2.1 The above scheme will result in the loss of existing stone walls (retaining walls), works adjacent to a footbridge and stone abutment (which has been identified through previous survey as providing potential roosting features for bats) and the loss of vegetation, trees and shrubs.

2.2 The following information was previously requested to support the application:-

- Preliminary Ecological Appraisal (PEA)

- Bat Risk Assessment of the stone/brick retaining walls and bridge to assess their potential to support bats. Further surveys may be recommended as a result of these preliminary risk assessments.

- Arboricultural Impact Assessment(AIA)

2.3 Whilst a Preliminary Ecological Appraisal (draft) and AIA have been submitted, a bat risk assessment of the bridge abutments/stone retaining walls has not been provided.

2.4 Preliminary Ecological Appraisal (PEA)

2.5 The ecological appraisal submitted for the above scheme shows that the habitats within the red line boundary, will be lost to accommodate the scheme. This includes a large area of dense scrub, some grassland and native trees. The area that will be lost is approximately 800m². The report states that the trees, scrub and overall site provides ecological benefit to breeding birds and small mammals.

2.6 With regard to bats, whilst the trees on site have been assessed and no potential roost features were found, the report does state that if the development is likely to disturb the walls and bridge abutments on site, then a bat risk assessment is recommended.

2.7 Arboricultural Impact Assessment (AIA)

2.8 The AIA confirms that 8 individual trees are present in this area, all of these trees are fairly young species or in their early stage of maturity. These consist of native species including lime, crab apple, sycamore, ash and whitebeam with 3 category A trees and 4 category B trees. All of these trees will be lost to accommodate the scheme.

2.9 With regard to the above application, insufficient information has been submitted to adequately assess the impacts of the scheme on biodiversity. The engineering statement confirms that works to the bridge structure and bridge abutments will be required. A bat risk assessment of the bridge and any stone/brick retaining walls will therefore be required to support the application. In addition, there will be approximately 800sqm of dense scrub habitat that will be lost that provides habitat for nesting birds and small mammals. Eight good quality native trees (Category A & B) will also be lost. No mitigation has been provided to address this habitat loss. The scheme is therefore not in accordance with Local Plan policies relating to biodiversity and trees and I am currently unable to support the scheme.

3. Landscape Architect

3.1 Existing Site Description

3.2 Legislative framework: *New Quay Conservation Area*

The proposed development site occupies a prominent embankment position, overlooking the adjacent Borough Road to the north and the riverside residential and commercial high-rise development along the quayside harbour frontage with the River Tyne to the east. The proposed site area is bordered along its southern and eastern perimeters by the rear garden areas of residential development along Tennyson Terrace and Collingwood Mansions and Hatfield House to the west, which consists of sheltered and retirement housing for elderly people. The

site area also lies close to the junction of A187 Prudhoe Street to the west and Clive Street to the east, connecting the higher elevation of the North Shields town centre and the lower quayside riverside frontage areas. The elevated landform of the site area is also underpinned along the northern frontage with Borough Road by a number of mixed construction (brick and stone) retaining walls that rise from the rear of the adjacent footway. A pedestrian bridge crossing (Borough Road Bridge) also passes over the proposed development area, connecting residential communities to the north and south, which is currently under review for demolition. The existing site contains a range of mixed-species, semi-mature trees, which along with other associated landscape features, link together to collectively form the immediate and wider landscape tree structure of the area. The site and wider area are also covered by the New Quay Conservation Area status, which seeks to preserve and protect the 'amenity value' of the local tree cover and landscape features. The site is also located within a wildlife corridor as defined within the North Tyneside Local Plan.

3.3 The application is to develop 6no. 3-storey town house style residential dwellings, staggered down the site to the existing foot bridge. An off-road parking area has also been proposed to accommodate the parking requirements of the dwellings. Pre-application advice was given, advising that, in terms of the Conservation Area and the wildlife corridor, *'it would be preferable to retain as much significant tree cover and landscape features in the area as possible. Trees and shrubs contribute to the diverse character and appearance of the local area, offering a 'sense of place' and collective 'amenity value' with regard to the general public's interaction and enjoyment of the immediate and wider area. Some significant, solitary and groupings of trees, are therefore occasionally afforded a level of legal protection under Conservation Area legislation'*.

3.4 The following Local Plan policies apply to the application site:

Policy DM5.2 Protection of Green Infrastructure

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM5.7 Wildlife Corridors

Policy DM 5.9 Trees, woodland and hedgerow

3.5 The site is designated as 'open space' under the Councils Local Plan (Policy DM5.2) with land identified under the councils Green Infrastructure Strategy 2015 and Green Space Strategy 2015. Policy DM5.2 looks to protect enhance, extend and create green infrastructure in appropriate locations within, and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy.

3.6 In terms of the Green Infrastructure Strategy 2015 the open space enhances landscape character and local distinctiveness. Furthermore, the site has value by contributing to a network of biodiversity and is part of a borough wide green infrastructure which is afforded further protection by its designation within as a wildlife corridor (Policy DM5.7)

3.7 In terms of the Green Space Strategy 2015, any loss of green space is to be determined in accordance with paragraph 74 of the NPPF, now revised to para 97, which aims to protect green spaces by not permitting their loss where they

are needed. Paragraph 97 of the NPPF sets out the framework for the exceptional circumstances when such provisions may be lost.

3.8 “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

3.9 Based on the layout and information provided, the application does not meet the Local Plan policies with the loss of trees and potentially, habitat. An Arboricultural Impact Assessment (AIA) has been submitted that identifies 8no. individual trees of significance set in an area of grassland and scrub.

3.10 Three trees have been categorised under BS5837:2012 as Category A (trees of high quality), 4no as Category B (trees of moderate quality) and 1no as Category C (trees of low quality). The proposal looks to removal all trees and vegetation from within the site. The report has highlighted that 4 of the eight trees need to be removed due to potential risk and damage to the retaining walls on the site although no detail has been provided.

3.11 The scheme does not retain of any existing landscape features, offers no new planting as mitigation other than green roofs, and provides limited front garden space that offers no landscape amenity at ground level.

3.12 The development does not meet the above Local Plan policies whereby there is a loss of open space that has amenity and wildlife benefits, trees of merit have not been retained, impacts on the wildlife corridor and no suitable mitigation offered. On this basis, I object to the application.

4. Manager of Environmental Health (Contaminated Land)

4.1 The site lies within 250m of an area of unknown filled ground and has a proposed sensitive end use. The following must be attached to any future application

Con 001

Gas 006

5. The Coal Authority

5.1 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.

6. Northumberland Water Ltd

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

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

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

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

6.5 CONDITION: Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

6.6 How to Satisfy the Condition

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

- Soakaway
- Watercourse, and finally
- Sewer

6.7 The developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

6.8 Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can

an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

7. Neighbour Comments

16No objections from 15No addresses have been received on the following grounds:

- A s.106 agreement should be entered to secure funds for the restoration of the Borough Bridge.
- Requests that monies from 19/00436/FUL are used to repair the bridge.
- The proposed works would put the historic footbridge at risk.
- No remedial works are proposed to the bridge.
- Impact on bridge foundations.
- The excavations required may impact on the foundations of the neighbouring dwellings.
- Loss of/damage to trees.
- Impact on landscape.
- Impact on biodiversity
- No mitigation measures for biodiversity.
- Insufficient landscaping.
- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Increase in pollution resulting from the proposal and the cumulative impact from Smiths Dock.
- Security concerns relating to access to the rear of the neighbouring to the rear of the site.
- Adequate noise proofing for residents.
- Impact on the character of the Conservation Area.
- Impact on setting of a Listed Building.
- Loss of visual amenity.
- Objection the demolition of the bridge.
- No heritage assessment.
- Refuse to accept that there is no link between the application to demolish the bridge and the proposed housing application.
- Inadequate parking provision.
- Poor traffic/pedestrian safety.
- Increase in traffic pollution.
- Traffic congestion/flow.
- Road below Tennyson Terrace made be made inaccessible.
- No demand for dwellings given the nearby housing developments.
- Proposed green roofs may have maintenance issues.
- Objection to the application being determined under delegated powers.
- Lack of public consultation.
- An objector wants access to the pre-application discussions without going through the Freedom of Information procedure.
- Query the what would happen should the building/engineering works go wrong? What financial back-up/insurance is available.

1No letter stating no objection, by raising concerns that the development may impact on the foundations of their dwelling.

Application No: 20/00004/FUL

Author: Will Laing

Date valid: 19 February 2020

☎: 0191 643 6320

Target decision date: 20 May 2020

Ward: Collingwood

Application type: full planning application

Location: Site Of Former NHS Flats, Rake Lane, North Shields, Tyne And Wear,

Proposal: Erection of a new discount foodstore (Class A1) with new access, associated car park and landscaping

Applicant: Lidl GB Ltd, c/o Agent

Agent: Rapleys LLP, Mr Marcin Koszyczarek 55 Spring Gardens Manchester M2 2BY

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

1.1 Members are advised that the main issues with this application are as follows:

- Principle of Development;
- Sequential Assessment;
- Impact on Housing Provision;
- Parking and Highway Safety;
- Residential Amenity;
- Character and Appearance;
- Loss of Open Space;
- Impact on Ecology and Biodiversity;
- Contaminated land;
- Flooding and Drainage; and
- Employment and Training.

1.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this

application accords with the development plan and also take into account any other material considerations in reaching their decision.

2. Description of the Site

2.1 This application refers to a site to the east of the North Tyneside General Hospital entrance roundabout, and to the south of Rake Lane. The site has a section of designated open space to the northwest corner of the site, with the southern half of the site comprising of previously developed land.

2.2 The application site is located with the North Tyneside General Hospital to the west, housing to the south, a school to the southeast and a care home and a children's nursery to the east. Rake Lane is along the northern boundary and there is a shared road along the western boundary that provides access to the hospital and the housing estate to the south.

2.3 The site is predominantly a previously developed site, with the southern parcel of land hard-surfaced in an area that formerly contained nurses housing, with a car park to the northeast. The northwest corner has a section of grassed landscaping that is allocated as open space in the Council's Local Plan and the section of land to the south of the open space and abutting the west boundary is an allocated housing site.

2.4 The site falls within an area of contaminated land and a High Risk Coal Referral Area with a potential surface coal resource. In addition to this, the site falls within a wildlife corridor.

3. Description of the Proposal

3.1 This application seeks full planning permission for the erection of a supermarket, service area, car park and landscaping scheme.

3.2 The proposed supermarket would have a gross floor area of 2,149sqm and a net sales area (A1) of 1,380sqm. The building would have the main entrance to the northwest corner of the southwest elevation and a service area to the southeast elevation of the building.

3.3 The proposed building would be approximately 69m long by 41.5m wide, including the canopies and the loading bay. The proposal would have a 7.3m high mono-pitched roof, with a 5m high canopy along the northwest and southwest elevations.

3.4 The proposed car park would be located along the west and north boundaries, providing a total 116No parking spaces, including 6No disabled spaces, 6No staff spaces, 9No parent and child spaces and 2No electric charging bays.

3.5 There is an existing road along southern boundary of the site. The proposal seeks alterations to the entrance to facilitate to a new wider access to the site that can accommodate delivery traffic.

3.6 The proposal would remove an area of embanked grass space to the west corner of the site which would be replaced by a grass verge and parking, and a soft landscaped grassed area shall be installed to the east of the proposed building.

3.7 The site would have an open boundary along Rake Lane and the west boundary, with a 3m high acoustic fence along the service yard, a 2m high paladin (wire mesh fence) along the north boundary and a 0.45m high timber knee rail between the rear elevation and the entrance to the carehome.

4. Relevant Planning History

20/00780/ADV

The proposal comprises 7 signs: 2no. Canopy Signs, 2no. Small Billboard Signs, 1 no. Poster Display Unit, 1no. Directional Sign and 1no. Flagpole Sign
Permitted 14.08.20

5. Development Plan

5.1 North Tyneside Local Plan 2017

6. 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. Main Issues

7.1 Members are advised that the main issues with this application are as follows:

- Principle of Development;
- Sequential Assessment;
- Impact on Housing Provision;
- Parking and Highway Safety;
- Residential Amenity;
- Character and Appearance;
- Loss of Open Space;
- Impact on Ecology and Biodiversity;
- Contaminated land;
- Flooding and Drainage; and
- Employment and Training.

7.2 Principle of Development

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

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

7.5 NPPF paragraph 88 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

7.6 Policy S1.1 'Spatial Strategy for Sustainable Development' seeks to ensure North Tyneside's requirements for homes and jobs can be met with adequate provision of infrastructure, and in a manner that enables improvements to quality of life, reduces the need to travel and responds to the challenges of climate change, the Spatial Strategy for the location and scale of development is that:

c. Most retail, and leisure activities will be focused:

i. within the main town centres of Wallsend, North Shields and Whitley Bay, as well as Killingworth town centre, taking advantage of the excellent accessibility, services and infrastructure invested in those locations.

7.7 Policy DM1.3 'Presumption in Favour of Sustainable Development' states the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the development management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

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

7.8 Local Plan Policy DM3.4 states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;
- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres.

7.9 Policy S2.1 'Economic Growth Strategy' states proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

7.10 Policy DM3.4 further states proposals for retail development outside a town centre will require an impact assessment where they would provide 500m² gross of comparison retail floorspace. The proposal would be supported when the Impact Assessment has shown:

- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

7.11 The applicant has submitted a town centre impact assessment of the proposal, which includes the same centres as the sequential assessment (assessed later in this report), with the addition of the undeveloped local centre at Murton, which would form part of the strategic development site at Murton Gap. A health check of each town centres found that all the centres were in good health and the trade diversion caused as a result of the proposed development was not considered to have a significant impact to the vitality or viability of the centres, including local consumer choice.

7.12 The Planning Policy team has reviewed the submitted Town Centre Impact Assessment and has advised that the North Shields town centre would experience an 2.86% trade diversion as a result of the proposed development, which would be primarily from the Asda store in the town centre. This is not a significant impact. The trade diversion of small-scale local shops is calculated to be 0.19%, which is also not significant. The calculations for trade diversion at Whitley Bay, Monkseaton and Preston Grange revealed similar results (1.53%, 2.29% and 3.6% respectively). As such the impact assessment demonstrates that the proposed development would not have a significant adverse impact on the vitality or viability of the Town Centres or District Centres within the catchment area of the proposed store.

7.13 It is noted that the impact assessment shows the greatest impact on trade diversion would be on existing out of centre supermarkets such as Morrisons at Hillheads (23%) and Aldi at Foxhunters (23%) however, these are not protected by planning policy.

7.14 Having regard to the above, in terms of its impact on town centres, the proposal is deemed to comply with policy DM3.4 of the Local Plan.

7.15 The proposed store would be located a previously developed site in close proximity to an established residential area, with good access to bus routes. As such, the proposal is considered to be sited within a sustainable location and a sustainable reuse of a previously developed site that would provide retail services and 40 full-time equivalent employment opportunities.

7.16 It is acknowledged that the part of the application site is a small allocated housing in the Local Plan. The impact on housing provision shall be assessed later within this report.

7.17 It is the view of officers that the principle of the development is acceptable, subject to the proposal being acceptable in terms of the other key sections of this report. As such, the proposal is deemed to comply with policies S1.1, DM1.3 and DM3.4 of the North Tyneside Local Plan 2017.

7.18 Members are to determine whether the principle of the development is acceptable.

8. Sequential Test

8.1 NPPF paragraph 89 states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.

8.2 NPPF Paragraph 90 states where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

8.3 National Planning Practice Guidance (NPPG) advises that the application of the test will need to be proportionate and appropriate to any given proposal. NPPG also states that there is a requirement to demonstrate flexibility. If there are no suitably sequentially preferable locations, the sequential test is passed.

8.4 Local Plan Policy DM2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.5 Policy DM3.4 'Assessment of Town Centre Uses' states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously

occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;

b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;

c. There is flexibility in the business model and operational requirements in terms of format; and

d. The potential sites are easily accessible and well connected to town centres.

Proposals for retail development outside a town centre will require an impact assessment where they would provide either:

e. 500m² gross of comparison retail floorspace, or more; or

f. 1,000m² gross of retail floorspace for supermarkets/superstores, or more. The proposal would be supported when the necessary Impact Assessment has shown that:

g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.6 The applicant has submitted a revised Sequential Assessment looking at sites within the North Shields and Whitley Bay town centres, and the Preston Grange and Monkseaton District Centres. The scope of the of the sequential assessment was set at a 5-minute drive time. Wallsend Town Centre and Killingworth Centre were discounted from the Sequential Assessment due to the close proximity of the existing Lidl stores at the Coastway Shopping Centre (Battle Hill) and at George Court (west of Southgate).

8.7 The applicant has identified the following requirements of the proposed store:

- A minimum total site area of 0.94ha (excluding the future expansion land area), reflecting the need to provide the store, warehousing area and associated servicing,

parking and landscaping requirements, as well as the additional road network;

- A site that can accommodate a minimum store size of 2,149 sq. m (GIA);

- A site that can allow for the safe manoeuvring of customer vehicles;

- A prominent site with the ability to attract passing trade;

- A site that is easily accessible by a choice of means of transport;

- A site that is able to offer adjacent surface level car parking, so that customers can easily transfer goods to their vehicles;

- A site that can accommodate a dedicated service area to the rear of the store and associated HGV's deliveries and manoeuvres; and

- A single storey, open and unrestricted sales floor area which benefits from a generally level/flat topography, or which has the ability to be developed as such.

8.8 The initial sequential assessment considered 13 sites within the identified scope, which were all discounted as unsuitable.

8.9 An objection was received by New River, nominating The Beacon Centre for consideration. This site has been considered and the applicant has submitted a rebuttal for the New River objection. The applicant states that discussions between Lidl and the Beacon Centre have taken place in 2017. However, it should be noted that these discussions were purely theoretical and were based on comprehensive redevelopment of the shopping centre.

8.10 It has been established by various planning Case Law (most notably Tesco Stores Ltd v Dundee City Council and Aldergate Properties Limited v Mansfield DC), local planning authorities are required to consider the development proposed, and not some form of alternative development that can be accommodated at another location. Whilst case law does call for a degree of flexibility in terms requirements such as site size and store size, flexibility should not form a completely different format to what is being proposed.

8.11 The applicant has confirmed that the Beacon Centre in its current form cannot accommodate the required size of the proposed Lidl Store and cannot provide the required parking at grade level. The existing parking is over more than one floor level and is not serviced by lifts designed to be large enough for multiple shopping trolleys.

8.12 It should be noted that for a site to be considered as viable for a sequential assessment, the proposal needs to be able to come forward in a reasonable time. There is currently no application for the redevelopment of the Beacon Centre and as such, it cannot be considered a sequentially preferable site.

8.13 Having regard to the above, it is the view of officers that the submitted Sequential Assessment has sufficiently demonstrated that there are no sequentially preferable sites within the catchment area of the proposed development. The sequential test is passed.

8.14 Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM3.4 of the Local Plan (2017). Members need to consider whether they agree.

9. Impact on Housing Provision

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 application site is identified for housing under Policy S4.3 of the North Tyneside Local Plan (2017). The application site includes allocated housing site 124 along the western boundary. The Local Plan suggests that the allocated site could accommodate around 10no. dwellings in total. It should be noted that site 124 forms an area along the western boundary but does not occupy the entirety of the application site (Site 124 covers less than 25% of the total application site).

9.5 The proposed retail store does not comply with the allocation of the site for housing within the Local Plan and reduces the number of houses that can be delivered. However, the Council is dependent upon the delivery of housing on allocated sites in order to meet its future housing needs. 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). The application site (10no. units) form part of the 5-year housing land supply.

9.6 The proposal results in a reduction of 10no. units from the potential housing numbers indicated in the Local Plan and the 5-year housing land supply. It should also be noted that housing allocations within the Local Plan are a guide to development rather than a safeguarding policy and Local Plan Policies do not preclude other forms of development on housing sites.

9.7 It is noted that objections have been received on the grounds that site is allocated for housing.

9.8 It is the view of officers that the proposal would not have a significant detrimental impact on overall housing land supply given the current surplus. As such, the loss of housing land would not be as significant to warrant refusal of the application in this instance.

9.9 Members must determine whether the proposal to develop an allocated housing site for other purposes in acceptable.

10. Parking and Highway Safety

10.1 National Planning Policy Framework paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

10.1 Policy S1.4 'General Design Principles' stipulate that proposed development 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.

10.2 Policy S7.3 'Transport' states future transport provision should reflect existing demand and also take account of planned economic and housing growth to ensure an integrated approach to sustainable development and travel patterns. Through the objective to deliver a modal shift to more sustainable modes of transport, there is an emphasis on increasing the modal share of public transport, walking, cycling and other non-motorised modes for journeys both within the Borough and beyond. This recognises the requirement to reduce impacts that contribute to climate change and encourage active and healthier lifestyles.

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

10.4 The North Tyneside Transport and Highways SPD stipulates that A1 Foodstores will require 1 space per 14m², in addition 1 disabled space per 20 spaces. Parent and child spaces and Electric Vehicle (EV) charging points to be provided by negotiation. Furthermore, electric charging spaces will be at a minimum rate of 1% of the overall total number of spaces on developments with more than 100 spaces.

10.5 The proposed development would provide a total of 118No parking spaces in proposed car park, of those spaces there would be 6No disabled bays, 2No electric charging bays, 9No parent and child bays and 6No staff parking bays.

10.6 A Transport Assessment and Framework Travel Plan has been submitted to support the application. The Transport Statement analysed the highway network in the vicinity of the site as well as the proposed site access. The Highways Network Manager supports the conclusion of the Transport Statement that effects of development traffic on the network are not considered to be severe and the site has reasonable links with public transport. Furthermore, a Travel Plan has been submitted as part of the application whereby alternative modes of transport will be promoted.

10.7 The vehicular access would be southern corner of the site utilising and improving the existing access that would be shared with existing care home and nursery to the east of the site.

10.8 It is noted that multiple objections have been received on the grounds of increased traffic congestion, insufficient parking and highway safety having regard to the existing uses of the car home and nursery to the east and the existing parking issues and overspill from the hospital to the west. Objections

have also raised concerns regarding the existing congestion on Rake Lane. It is also noted that letters of support of have been received, stating that those who support the application do not consider that the proposed development would lead to a significant increase in traffic or congestion.

10.9 The Highways Network Manager states that sufficient parking has been provided for the development and that the Travel Plan and Transport Assessment are acceptable. As such the Highway Network Manger has recommended approval subject to conditions for a full travel plan, site service plan, construction method statement, car park management scheme and detail of a taxi and private hire scheme.

10.10 While it is acknowledged that the Rake Lane is a heavily trafficked road during rush hour, the scale and nature of the proposal would not have an adverse impact on highway safety or result in a residual cumulative impact that would be severe.

10.11 Having regard to the above, officers consider the proposed development to be acceptable in terms of its impact on parking and highway safety and as such officer consider the proposal to comply with policies S1.4, S7.3 and DM7.4 of the North Tyneside Local Plan and Transport and Highways SPD.

10.12 Members are to determine whether the proposal would be acceptable in terms of parking and highway safety.

11. Residential Amenity

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

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

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

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

11.5 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents.

11.6 The applications site has a row of dwellings along the southeast boundary of the vehicular access, which would have the service area and loading bay to the north of the access road. The service area would be set approximately 20m to the rear boundary of the dwellings to the south and 30m to the rear elevation of those dwellings.

11.7 It is acknowledged that concerns regarding noise and disturbance from the proposed use were raised in the submitted objections.

11.8 The Environmental Health (Pollution) Team has raised some concerns with the potential noise impact of the proposed development, given the proximity of the dwellings at Rosewood Close, but they do not object. Particular concerns have been raised regarding the proposed 24/7 delivery times and non-anonymous noise from customers, staff and vehicles/vehicle radios.

11.9 In order to mitigate the potential impact of the proposed it is officer advice that proposed acoustic fencing will need to be installed prior to the first use of the retail unit and that delivery hours area restricted to ensure no night-time deliveries are undertaken in the interest of protecting the residential amenity of the nearby occupiers. The Environmental Health team have requested further conditions additional mitigation, including 2m high double boarded fence installed to protect the rear amenity spaces of the dwellings to the south.

11.10 The application has been submitted with a noise assessment in accordance with BS4124, which gives a predicted rating level at the residential properties has determined that the noise will be greater than -10dB below the existing background. The Environmental Health team has stated that a validation noise assessment will be required to ensure the new external plant does not exceed the existing background noise levels and to ensure that there will be no deterioration in the existing background noise levels. This condition needs to be applicable to all external plant including air conditioning units, extraction units and refrigeration plant.

11.11 It is noted that Lidl stores often contain bakeries and as such the proposal will need to condition for full details of the odour abatement equipment proposed, prior to any cooking/baking operations on site.

11.12 The proposed development has the potential to cause dust and noise disturbance during the construction phase of the development. While the construction phase of the development would inevitably lead to some

disturbance, a Construction Method Plan shall be conditions to ensure that the disturbance on the surrounding units is minimised.

11.13 With above conditions imposed, it is the view of case officers that the development would not have a significant detrimental impact on the residential amenities of the nearby occupiers and as such, the proposal is deemed to comply with the policies S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

11.14 Members are to determine whether the application is acceptable in terms of residential amenity.

12. Character and Appearance

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

12.2 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). In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

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

12.4 The Council has produced an SPD on Design Quality (2018), it states that the Council will encourage innovation in the 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.

12.5 The proposed store would be typical of Lidl stores throughout the surrounding area. The proposal would be set back from the Rake Lane highway and would be constructed from cladding panels coloured an off-white around the lower two thirds of the elevations and grey above the eaves and around the canopies and roofing. The northwest elevation, facing onto Rake Lane would be predominantly glazed.

12.6 It is acknowledged that objections have been received on the inappropriate design and materials, and that the proposed building would be out of character with the surrounding red brick buildings.

12.7 The proposed building would be a single storey building with a mono-pitch roof and neutral colours in the context of the North Tyneside General Hospital to the west and nursery and care home to west. While the hospital buildings are red brick, the care home and nursery are red brick with large amount of cream render.

12.8 While the objections are noted it should be noted that letters of support for the design were submitted. It is the view of officers that the design of the proposed store is considered acceptable. As such, the proposal is deemed to comply with policies DM4.9 and DM6.1 of the Local Plan 2017.

12.9 Members are to determine whether the proposal is acceptable in terms of character and appearance.

13. Loss of Open Space

13.1 Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

13.2 Policy DM5.2 sets out that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

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

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

13.4 The application site has an existing large grass verge to the western boundary of the site that faces onto the Rake Lane roundabout. The grass verge is allocated as open space and the Green Space Audit allocates the site as of an

area of amenity space medium value and unlimited access. It should be noted that this refers to the grass verge at the western corner of the site and not the entire site.

13.5 The Landscape Architect and Biodiversity Officer initially objected to the loss of open space. However, the applicant has included a replacement area of grassed open space to the east of the proposed building and is willing to agree to restrictions on the future development of this land without written consent from the local planning authority. This shall be controlled by the restriction of permitted development rights to ensure that future building work requires planning permission.

13.6 The replacement grassed area is accompanied by an indicative landscaping scheme. The Landscape Officer and Biodiversity Officer have requested a condition for a fully detailed landscaping plan.

13.7 It should be noted that the existing grass embankment is a mound and has limited use outside of visual amenity.

13.8 It is the view of officers that the replacement grassed area, in addition to a condition for an integrated landscaping plan would ensure the proposed development would not result in the unacceptable loss of open space, and as such, the proposal is deemed to comply with DM5.2 and DM5.3 of the Local Plan 2017.

14. Impact on Ecology and Biodiversity

14.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

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

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

encouraged, especially where this can secure measurable net gains for biodiversity.

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

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

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

14.6 Policy DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and 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. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

14.7 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.

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

14.9 The application site falls within a wildlife corridor and paragraph 170 of NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. The applicant has submitted an Ecological Report and an Arboricultural Survey, Impact Assessment and Method Statement with the proposal.

14.10 Initially the Landscape Architect and the Biodiversity Officer objected to proposal, since the initial objection revised plans have been submitted to ensure the proposed grass space is not earmarked for future expansion and

retained as open space, which shall be secured by the removal of permitted development rights. The applicant has agreed to condition for a revised landscaping plan to include replacement tree planting for the 5No trees that would be lost on site and the use of native species to enhance biodiversity.

14.11 It should be noted that the majority of the site is previously developed land and as such a suitable landscaping plan, controlled by means of condition.

14.12 It is the view of officers, that subject to conditions for a revised landscaping plan and a for the development to be carried out in accordance with the mitigation measures identified within Ecological Assessment, the proposal is considered to be acceptable in terms ecology and biodiversity. As such, the proposal is deemed to comply with policies DM5.5, DM5.6, DM5.7 and DM5.9 of the North Tyneside Local Plan 2017.

15. Contaminated Land

15.1 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition, NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

15.2 LP Policy DM5.18 Contaminated and Unstable Land states “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

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

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

The application site falls within an area of Contaminated Land and the applicant has submitted a Phase 1 Contamination Assessment. The Contaminated Land Officer has reviewed the submitted details and finds the principle of the development to be acceptable subject to conditions for further investigation and mitigation measures.

15.3 Members need to determine if the proposal would be acceptable in terms of potential ground contamination and ground gas. It is officer opinion that subject to the imposition of the conditions recommended by the Contaminated Land Officer, the proposal is deemed to comply with policy DM5.18 of the Local Plan 2017.

16. Flooding

16.1 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

16.2 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

16.3 LP Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

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

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

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

16.4 LP Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

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

16.6 The Local Lead Flood Authority (LLFA) officer has reviewed the submitted Flood Risk Assessment and Drainage Impact Assessment. The LLFA officer

does not object to the principles of the development and the site is not vulnerable to flood risk. However, the LLFA have requested the imposition of a condition for a drainage scheme for the development.

16.7 It is the view of officers that the proposal would comply with policies DM5.12, DM5.14 and DM5.15 of the Local Plan subject to the imposition of the requested drainage conditions.

16.8 Members are to determine whether the development is acceptable in terms of flood risk and drainage.

17. Employment and Training

17.1 Policy DM7.5 'Employment and Skills' states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

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

17.2 The Business Development team have request a scheme of apprenticeships to be conditions for the proposed development. As the construction phase of the development would be limited, it would not meet the required two years for a full apprenticeship ship. As such, the applicant is willing to provide 3No apprenticeship opportunities in agreement with the Business Development Team to be controlled through means of condition in lieu of a s.106.

17.3 It is the view of officers that the proposed condition for a scheme of apprenticeships would be acceptable, and with this condition imposed, the proposal would comply with Policy DM7.5 of the Local Plan 2017. Member are to determine whether this is acceptable.

18. Conclusion

18.1 Members need to consider whether the proposal will impact on the adjoining properties, whether the development would have an acceptable impact on the character of the area, existing town centres, ecology, biodiversity, flood risk, drainage and the highway network.

18.2 The proposed development would not have a significant impact on the character of the area and would provide 40 full time employment opportunities on a previously developed site. It is officer advice that the proposed development is acceptable in terms of its impact on the existing town and district centres, residential amenity, character of the area, ecology, biodiversity, flood risk, drainage and the highway network.

18.3 It is acknowledged that the proposal would result in the loss of a small allocated housing site, however, this would not have an unacceptable impact on the North Tyneside housing land supply.

18.4 The development is considered to comply with relevant national and local plan policy and is therefore recommended for conditional approval.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications. For the avoidance of doubt the approved plans are as follows:
 - Application Form (dated 23.12.2019)
 - ZZ-XX-DR-A-91-0009 Rev P15: Proposed Site Layout (dated 14.07.2020)
 - ZZ-XX-DR-A-02-0001 Rev P1: General Arrangement Elevations (dated 12.12.19)
 - ZZ-XX-DR-A-01-0002 Rev P1: Proposed Roof Plan (dated 12.12.19)
 - ZZ-XX-DR-A-91-0010 Rev P5: Boundary Treatment Plan (dated 14.02.20)
 - ZZ-XX-DR-A-91-0009 P14: Wheel Washing facilities (submitted 13.07.2020)
 - DWG 01 Rev 0: Proposed Lighting Layout (dated 11/01/2020)
 - R/2307/1C Rev C: Landscape Master Plan (dated Apr 20)
 - R/2307/1D Rev D: Landscape Details (dated July 20)
 - MAN.1230.014.Ar.R001.A BS 5837:2012 Arboricultural Survey. Impact Assessment and Method Statement by Enzygo Environmental Consultants (dated Jan 2020)
 - MAN.1230.014.EC.R.001 Rev A - Ecological Impact Assessment by Enzygo Environmental Consultants (dated 7th Jan 2020)
 - 19-02881: Design and Access Statement for Lidl Great Britain Limited (Lidl) (dated January 2020).
 - 2019108 Revision A: Flood Risk and Drainage Assessment by Portland Consulting Engineers (dated May 2020)
 - Noise Impact Assessment by SLR (dated February 2020)
 - D-337900: Outdoor Lighting Report prepared by Philips Lighting UKI (dated 11.01.2020)
 - D9862/00: Preliminary Investigation of Land at Rake Lane, North Shields (dated 21.11.19)
 - 19-02881: Planning and Retail Statement (dated February 2020)
 - Sustainability Statement Rev B (dated Jan 2020)
 - T001 Issue 3: Transport Assessment by CoraiHt (dated 06.02.2020)
 - T002 Issue 3: Travel Plan by CoraiHt (dated 06.02.2020)
 - T003 Issue 1: Delivery and Service Management Plan by CoraiHt (dated 02.02.2020)
 - T004 Issue 1: Car park Management Plan by CoraiHt (dated 02.06.2020)
 - M0154/19/A.0: Phase II GeoEnvironmental Investigation by Earth

Environmental & Geotechnical Ltd (dated March 2020).

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. Turning Areas Before Occ ACC02 *
5

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

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

7. Construction Method Statement - Major SIT007 *

8. The hereby approved food store shall be implemented and operate in full accordance, the service management plan (T003 Issue 1: Delivery and Service Management Plan by CoraiHt (dated 02.02.2020)). The operation of the hereby approved development shall not deviate from the approved management plan.

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

9. The hereby approved development shall be operated in strict accordance with the approved car park management plan. For the avoidance of doubt the approved car park management plan is:

- T004 Issue 1: Car park Management Plan by CoraiHt (dated 02.06.2020)

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

10. Notwithstanding the Framework Travel Plan submitted, a full Travel Plan shall be submitted within 6 months of first opening to customers. The full Travel Plan shall take into account staff surveys and travel patterns. Thereafter the hereby approved store shall be operated in accordance with the approved Travel Plan.

Reason: In the interest of promoting sustainable transport and reducing traffic congestion having regard to policies S7.3 and DM7.4 of the Local Plan 2017.

11. The development shall be carried out in full accordance with the submitted wheel wash facility details and retained for the full duration of construction. For the avoidance of doubt the approved wheel washing facilities are as follows:

- ZZ-XX-DR-A-91-0009 P14: Wheel Washing facilities (submitted 13.07.2020)

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

12. No development above ground floor level shall take place until full details of a taxi & private hire servicing plan have been submitted to and approved in writing by the local planning authority. The submitted plan shall include details of drop off & pick up points and allocated parking bays as necessary. Thereafter the taxi & private hire servicing plan shall be implemented in accordance with the approved details and retained thereafter.

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

13. Prior to any works above ground level, a fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall comprise of native species. The approved scheme shall be implemented in the first planting season following the completion of the development.

Reason: In the interest of biodiversity and visual amenity having regard to policies DM5.5, DM5.7 and DM6.1 of the North Tyneside Local Plan 2017.

14. Landscape Scheme Implementation	LAN00	*
Period	5	

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C and D of Part 7 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the impact of the wildlife corridor and any future loss of open space of the locality having regard to policy DM5.2, DM5.3 and DM5.7 of the North Tyneside Unitary Development Plan 2002.

16. Gas Investigate no Development	GAS00	*
	6	

17. Notwithstanding the submitted D9862/00: Preliminary Investigation of Land at Rake Lane, North Shields (dated 21.11.19) and M0154/19/A.0: Phase II GeoEnvironmental Investigation by Earth Environmental & Geotechnical Ltd (dated March 2020), no other part of the development shall be commenced until

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

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

include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

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

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to Policy DM5.18 of the North Tyneside Local Plan (2017).

18. Prior to the commencement of development, fully detailed drainage design and details of proposed petrol interceptor shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved drainage and petrol interceptor details and retained thereafter.

Reason: In the interest of drainage and pollution control having regard to policies DM5.14, DM5.15 and DM5.18 of the North Tyneside Local Plan 2017.

19. Prior to the first operation of the hereby approved store, a scheme for three (3) apprenticeships for North Tyneside residents shall be submitted to and approved in writing by the Local Planning Authority. The apprenticeship schemes shall be run in full accordance with the agreed details.

Reasons: To contribute towards the creation of local employment opportunities and support growth in skills inline with policy DM7.5 of the North Tyneside Local Plan 2017.

20. Notwithstanding the submitted details, deliveries to and from the loading bay shall be restricted to 07:00 hours and 23:00 hours Monday to Saturdays and between 09:00 hours and 22:00 hours on Sundays and Bank Holidays.

Reason: In the interest of residential amenity with regards to policies DM6.1 and DM5.19 of the North Tyneside Local Plan 2017.

21. Prior to the first operation of the hereby approved development, full details shall be given of all extraction equipment, chimneys, air ventilation systems and refrigeration plant associated with development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the height, position, design and specifications of the proposed systems. Thereafter the proposed systems shall be installed in accordance with the approved plans and retained thereafter.

Reason: In this interest of residential and visual amenity having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan 2017.

22. Prior to the cooking, baking or heating of any foods on site, full details of an odour suppression system for the arrestment of cooking and baking odours shall

be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a maintenance scheme for proposed odour abatement system and thereafter be implemented approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM6.1 and DM5.19 of the North Tyneside Local Plan 2017.

23. The premises shall only be open for business between the hours of 1000hrs and 1800hrs on any Sunday and only between the hours of 0700hrs and 2300hrs on any other day including bank holidays. Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

- | | | |
|---|--------|---|
| 24. Restrict Hours No Construction Sun BH | HOU00 | * |
| | 4 | |
| 25. Flood Lighting Scheme Details | LIG001 | * |
| 26. Noise No Tannoys Externally Audible | NOI002 | * |

27. Prior to the first operation of the hereby approved unit, an acoustic investigation shall be carried out with respect to the residential properties of Rosewood Court. The investigation shall be submitted to and approved in writing by the Local Planning Authority. The approved investigation shall confirm what existing acoustic fencing, if any, is in place to protect the rear amenity spaces of the dwellings of Rosewood Court to the immediate south of the site. Should no suitable acoustic fencing be in place then a fully detailed scheme of 1.8m high acoustic fencing shall be included within the report and installed prior to the first use of the hereby approved store.

fence shall be installed in accordance with the approved details prior to the first use of the store and retained thereafter.

Reason: In the interest of residential amenity having regard to policies DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

28. Following the installation of any external plant, a noise scheme shall be carried out in accordance with Noise Impact Assessment by SLR (dated February 2020) to ensure that the rating level at the boundary of the nearest residential premises does not exceed the background noise level for the representative operating times of the plant and equipment. Within one month of the installation of the plant and/or equipment an acoustic test shall be undertaken to verify compliance with this condition and submitted for written approval. The thereby approved plant shall be retained and maintained in accordance with approved details.

Reason: In the interest of residential having regard to policy DM5.19 of the North Tyneside Local Plan 2017.

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

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

Informatives

Contact ERH Construct Highway Access (I05)

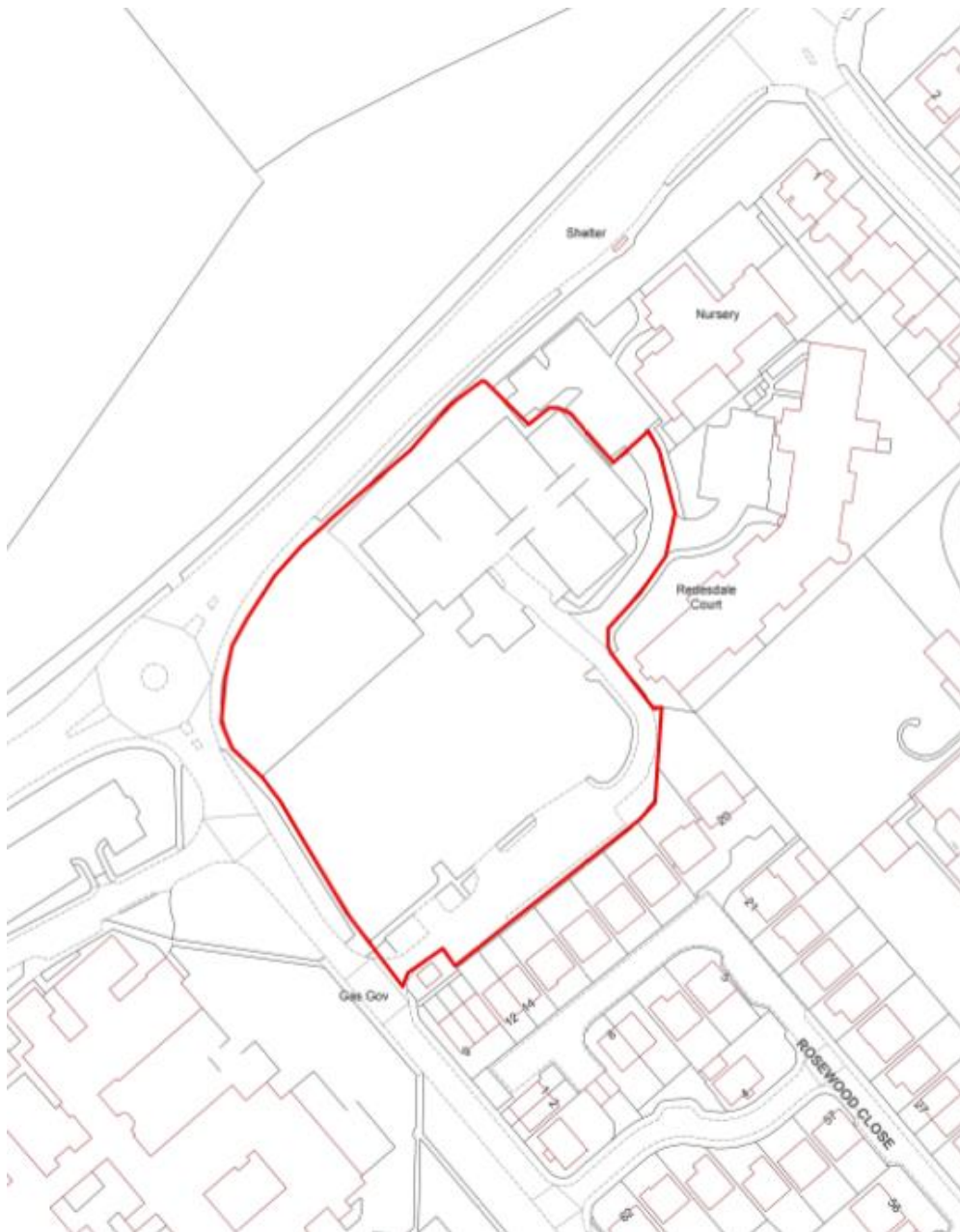
Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)



Application reference: 20/00004/FUL

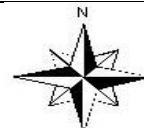
Location: Site Of Former NHS Flats, Rake Lane, North Shields, Tyne And Wear

Proposal: Erection of a new discount foodstore (Class A1) with new access, associated car park and landscaping

Not to scale

Date: 20.08.2020

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0100016801



Consultations/representations

Internal Consultees

1. Highways Network Manager

1.1 This application is for the erection of a new discount food store (Class A1) with new access, associated car park & landscaping. The site is accessed from the existing eastern hospital access road from Rake Lane.

1.2 A Transport Assessment (TA) and Framework Travel Plan (TP) were submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses. The store was also assessed in the A191 corridor model which formed part of the Local Plan transport study and the impact of the development on the adjacent highway network is not considered to be severe.

1.3 Parking has been provided to meet the needs of the development and is at comparable levels to the existing Lidl store at Killingworth as well as stores in the wider area.

1.4 Servicing is carried out via the main access and the service area is located to the south east of the site in a layout that is very similar to the existing Killingworth store.

1.5 For these reasons and on balance, conditional approval is recommended.

1.6 Recommendation - Conditional Approval

1.7 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

ACC25 - Turning Areas: Before Occ [refuse vehicle & HGV]

PAR04 - Veh: Parking, Garaging before Occ

SIT07 - Construction Method Statement (Major)

1.8 Notwithstanding the details submitted, the proposed service management plan shall be implemented in accordance with the agreed document and retained thereafter

Reason: In the interests of highway safety

1.9 Notwithstanding the details submitted, the proposed car park management plan shall be implemented in accordance with the agreed document and retained thereafter

Reason: In the interests of highway safety

1.10 Notwithstanding the Framework Travel Plan submitted, a full Travel Plan shall be submitted within 6 months of opening to customers, that takes into account staff surveys and travel patterns. Thereafter the retail development will be operated in accordance with the approved Travel Plan.

1.11 Notwithstanding the details submitted, the proposed wheel wash facility shall be implemented in accordance with the agreed document and retained for the full duration of construction.

Reason: In the interests of highway safety

1.12 No development above ground floor level shall take place until details of a taxi & private hire servicing plan have been submitted to and approved in writing by the local planning authority. This plan shall include details of drop off & pick up points and allocated parking bays as necessary. Thereafter the taxi & private hire servicing plan shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety

1.13 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlp

2. Planning Policy

2.1 The site is in a prominent location on the corner of Rake Lane (A191) and the access road to North Tyneside General Hospital and Rosewood Close. The site was previously used as residential accommodation for hospital staff and is adjacent to Rosewood Close, to the south, which is a modern residential development. Redesdale Court care home and Kids First Nursery are to the east, with the hospital to the west. The site overlooks open fields to the north, which is a strategic allocation for residential development in the North Tyneside Local Plan (2017). Part of the proposed site is allocated for residential development (Site 124) in the North Tyneside Local Plan (2017), with an indicative number of ten dwellings estimated to be developed on the site.

2.2 The proposed development is for an out of centre convenience retail store covering an area of 10,815m² with a net internal floor area of 1,380m².

2.3 Paragraph 86 of NPPF and Policy DM3.4 of the Local Plan (2017) requires a sequential test to be submitted with an application of a town centre use in an out of town location. Paragraph 89 of NPPF and Policy DM3.4 of the Local Plan (2017) also requires an impact assessment to be submitted when a development is above a locally set threshold. Policy DM3.4 of the Local Plan (2017) sets this local threshold at 1,000m² for proposed supermarkets within North Tyneside. The impact assessment should consider the potential impact on existing, committed and planned public and private investment in a centre or centres; and the impact on town centre vitality and viability and consumer choice.

2.4 The sequential assessment considered a catchment area of a 5-minute drive time from the site. This covers a large area of the Borough, but due to the existing Lidl stores at Battle Hill and Killingworth the focus of search was on potential sites to the east of the Borough. This was considered acceptable. The

assessment concluded that there were no alternative sites that were either suitable, available or viable.

2.5 The impact assessment of the proposal included the same centres as the sequential assessment, with the addition of the undeveloped local centre at Murton, which will form part of the strategic development site at Murton Gap. A health check of each town centres found that all the centres were in good health and the trade diversion caused as a result of the proposed development was not considered to have a significant impact to the vitality or viability of the centres, including local consumer choice. The impact of the proposed development on existing committed and planned public and private investment in a centre would need to be clarified by the Council Regeneration team, who have a greater understanding of the planned investment coming forward in the Borough, especially the North Shields Masterplan.

2.6 North Shields would experience an 2.86% trade diversion as a result of the proposed development, which would be primarily from the Asda store in the town centre. The trade diversion of small scale local shops is calculated to be 0.19%. Calculations for trade diversion at Whitley Bay, Monkseaton and Preston Grange revealed similar results (1.53%, 2.29% and 3.6% respectively). The impact assessment does not consider the proposed development to have a significant adverse impact on the vitality or viability of the centres studied. The greatest impact on trade diversion would be on existing out of centre supermarkets such as Morrisons at Hillheads (23%) and Aldi at Foxhunters (23%), but the impact of trade diversion to these stores are not subject to local or national policy.

2.7 Conclusion:

2.8 The proposal has not been able to identify any sequentially preferable sites within the catchment area and the impact assessment has proven the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM3.4 of the Local Plan (2017).

2.9 There are no objections raised.

3. Manager of Environmental Health (Pollution)

3.1 Thank you for consulting Pollution with regard to this application for the development of an Aldi store, associated car parking and landscaping; outline application (with means of access) for residential use. I have concerns with regard to potential noise arising from the foodstore development affecting neighbouring residential properties in close proximity to this site consisting of a carehome to the eastern boundary and residential hours of Rosewood Close to the south of the site.

3.2 I have viewed the noise assessment report. I would have concerns with regard to noise from deliveries affecting the residential properties of Rosewood Close to the south of the site that would be adjacent to the delivery bay as 24/7 deliveries is proposed. The BS4142 assessment of the delivery noise has shown that there will be an adverse impact of +6 dB above background affecting the

houses resulting in a level of +6 dB above the background at night. Background noise levels during the night will be in the region of 39 dBLA90.

3.3 I therefore disagree that night-time deliveries would give rise to negligible noise for neighbouring existing residential properties adjacent to the delivery bay. It is not considered acceptable to permit 24/7 deliveries to the store. The delivery vehicles would need to reverse back into the loading bay, even with reversing alarms switched off there will be associated noise from the delivery vehicle, such as engine noise. This is based on 3m high acoustic fencing around the site but this will not mitigate noise from the deliveries for first floor bedrooms. I would therefore recommend a condition to restrict the times deliveries are permitted at the site.

3.5 There will also be associated noise arising from the loading of goods by customers which will occur in the car park e.g. clashing of trolleys, slamming of car boots and doors etc. that has been considered within the noise report with maximum noise levels during the day considered. The provision of a supermarket in this area will result in an intensification of use of the area from customers using the car park and as such there will be associated impact noise from slamming doors and trolleys. The noise assessment has considered the maximum noise levels from this activity and determined that the noise levels will be below the existing ambient L_{Amax} levels and therefore not give rise to significant adverse impacts. However, impact noise will occur from slamming doors, rattling of trolleys over the ground, car radios and shouting by customers and staff it is not anonymous noise like passing traffic which is considered less intrusive than unfamiliar distinct noise such as bangs and clatters. I would therefore recommend consideration should be given to additional mitigation for residents of Rosewood Close by the provision of a double boarded close fitting fence of at least 2 metres high to protect the amenity of rear gardens as well as providing privacy.

3.6 Noise from external refrigeration plant has been considered within the assessment, and have been assessed in accordance to BS4124. A predicted rating level at the residential properties has determined that the noise will be greater than -10dB below the existing background. A validation noise assessment will be required if planning consent is to be given to ensure the new external plant does not exceed the existing background noise levels to ensure no deterioration in the existing background noise levels. This condition needs to be applicable to all external plant including air conditioning units, extraction units and refrigeration plant.

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

3.8 Odour Abatement Controls: (If the provision of any bakery or cooking facilities is to be provided).

EPL01
EPL02
EPL03
EPL04

The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

3.9 Deliveries to and from the loading bay shall be restricted to 07:00 hours and 23:00 hours Monday to Saturdays and between 09:00 hours and 22:00 hours on Sundays and Bank Holidays.

3.10 HOU03 07:00 to 23:00 hours Monday to Saturday and 10:00 - 18:00 Sundays and Bank Holidays.

3.11 Prior to operation, provide details to the Local Planning Authority for written approval of the acoustic fence to be provided to the delivery bay to protect the residential properties to the south of the site and the care home and thereafter install and retain.

3.12 Provide details of an acoustic fence to the access road and car park to protect residential houses of Rosewood Close.

3.13 Noise from External Plant and Equipment

For external plant and equipment a noise scheme must be submitted in accordance with noise report reference 405.06660.00004 to ensure that the rating level at the boundary of the nearest residential premises does not exceed the background noise level for the representative operating times of the plant and equipment. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NOI02
HOU04
SIT03
LIG01

4. Landscape and Biodiversity Officers

4.1 The main issues associated with this application:

The loss of open space and any financial contribution

The details of the landscape scheme that meets that requirements of the wildlife corridor

4.2 Loss of Open Space

On the 2nd July 2020, the Biodiversity Officer and myself responded with the following:

4.3 'I have noted from the pre application advice provided to the applicant that they were informed that there could be 'scope to accommodate any lost open space to the rear of the site'.

Can it be agreed with the applicant to protect this land to the east of the site as open space, in perpetuity (marked as 'future expansion land' on the plans), via a legal agreement?

Final comments can be provided based on this feedback'.

4.4 Paragraph 97 of the NPPF sets out the framework for the exceptional circumstances when such provisions may be lost: "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss".. NPPF clearly states that any loss should be replaced by equivalent or better provision in terms of quantity and quality. Local Plan Policy DM5.2 also states that " where development proposals are considered to meet the exceptional circumstances above (DM5.2 A-D), permission will only be granted where alternative provision, equivalent to or better in terms of quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections". In this case there is clearly a net loss of open space that cannot be adequately addressed. We would therefore expect the developer to provide this replacement open space to mitigate the loss of open space and comply with NPPF and Local Plan policy.

4.5 Under the 'North Tyneside Council Green Space Strategy February 2015', the open space is categorised as 'A' High Value/High Quality to Medium Value/Medium Quality. This means that these areas would not necessarily require any large-scale investment unless it would be to provide a high-quality space for an area which at present is lacking provision. Whilst the land has little biodiversity value, it is designated as open space and its loss would mean the council would lose any opportunity to upgrade the quality of the open space if required.

4.6 Only sites that fall into category B and C are low quality/low value. Category D sites are those whose future role needs to be carefully considered, whether through investment to provide a type of open space that would be valued in that area, or by making it available for other uses. In this case, the open space associated with this site has value and not surplus to requirement.

4.7 There are concerns about a financial contribution to mitigate the loss of open space and would require the council to find suitable land and deliver a scheme, rather than requiring the developer to do so. This 'solution' also does not address the issue of the net loss of land/open space. This has been documented in previous emails and often proves difficult to find suitable land which is why retaining existing open space in the first place is an important requirement.

4.8 However, it is noted that the current landscape plan has now removed the note 'future expansion land' to the east of the building from the plans and this area would now be potentially acceptable as mitigation for the loss of open space to the north west of the site, subject to its re-designation as open space. The designation of this area of land as open space would address Local Plan policies

in relation to the loss of open space and would offer some protection to this area, particularly for any future expansion or development into this area. It would ensure that any loss of this open space land in the future would require adequate mitigation in line with open space policies or would not be supported.

4.9 Landscape scheme

4.10 The submitted revised landscape plan (DWG: R/2307/1D): July 2020 includes:

Native hedge planting along the frontage, to the south and to the rear of the proposed store;

Wildflower planting to the rear of the store; and

New trees to the rear and in the north east corner of the site which includes *Acer campestre*

4.11 Notwithstanding the comments relating to open space, and as per previous comments, the landscape scheme is heavily biased towards low growing ornamental planting which would not be acceptable in a wildlife corridor. It is noted that the applicant is unable to increase the landscaping area in the north west corner of the site as this is to maintain sufficient aisle widths for car manoeuvring. The landscape scheme should therefore acknowledge its location within the wildlife corridor and incorporate more native species in the planting mix, including the use of native mixed species hedgerows, native trees and native shrub groups as recommended by the Ecological Impact Assessment. The hedgerow shown around parts of the east, west and southern boundary, should be extended around the entire site boundary to provide connectivity. The hedge mix should be amended to the following mix:-

Hawthorn 30%; Blackthorn 25%; Hazel 15%; Dog Rose 20%; Guelder Rose 10%

In addition to the hedge planting, some native scrub and standard native trees should be planted along the length of the north and north west boundary where space allows to enhance the wildlife corridor, benefit biodiversity and enhance visual amenity within the site. There is also the opportunity to plant native trees and scrub along the southern boundary adjacent to the internal access road.

In conclusion, the following is required for the application:-

Amendments to the landscaping scheme as set out above

Confirmation that land to the east of the Lidl building (previously shown as 'future expansion land') can be protected or designated as open space as part of this application to ensure there is no net loss of open space and the application meets Local Plan Policy DM5.2

5. Contaminated Land Officer

5.1 I have read the Phase 2 report and I note it states the following:

Based on the results of the chemical testing, 1 No. of the samples analysed contained concentrations of contaminants in exceedance of their screening criteria relevant to a commercial end use. This is sample S01 which is of the car park gravel road planings which contain elevated concentrations of Benzo(b)fluoranthene.

Five (5 No.) additional samples of car park gravel road planings and asphalt were tested for Speciated PAH(17) principally for waste classification purposes to see if they contained coal tar.

Two (2 No.) of these samples both of car park gravel were found to have concentrations of benzo(a)pyrene and/or Benzo(b)fluoranthene, above their respective human health screening criteria.

The car park gravel made ground is therefore considered a risk to human health in the context of the commercial end use.

No other concentrations of contaminants have been found to be elevated above their respective screening value for a commercial end use.

Asbestos has not been identified in the samples tested.

In the absence of any significant sources or evidence of gross soil contamination and the low sensitivity of the underlying Secondary A Aquifer within the coal measures, chemical analysis of groundwater samples was not considered appropriate.

Monitoring is still ongoing and the final assessment will be made upon its completion. However, it is recommended that CS2 gas protective measure are assumed at this time.

5.2 With regards to the report this would fulfil parts a and b of Con 001.

However, it is unclear from the report what measure are to take place.

Therefore, the following must be placed on the application:

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

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

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

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017).

5.3 As there are outstanding gas readings to be carried out and a report to be submitted gas 006 will need to be applied in its entirety. There was no indication on the existing readings whether the atmospheric pressure was rising or falling. This is required information.

6. Local Lead Flood Authority

6.1 I have carried out a review of the submitted FRA and surface water drainage proposals for planning application 20/00004, I can confirm in principle I have no objections to the proposals. The development will be providing surface water attenuation for up to a 1in100yr rainfall event inc 40% climate change via the developments surface water drainage network, a 399Cu.m underground storage tank and part of the car parking areas. The surface water from the development will connect to the adjacent local sewer network at a restricted discharge rate equivalent to the greenfield run-off rate.

6.2 I would recommend a condition is placed on the application if successful requiring a copy of the detailed drainage design & details of proposed petrol inceptor to be submitted to the LLFA for approval prior to commencement of works on site.

External Consultees

7. The Coal Authority

7.1 As you are aware, the Coal Authority objected to this planning application as whilst an appropriate assessment of the coal mining risks had been undertaken by the applicant's technical consultants: Dunelm Geotechnical & Geoenvironmental Ltd, we considered that as one of the coal mining legacy features was opencast workings, further assessment and / or site investigations should be undertaken in order to establish the position of the opencast highwall and how this impacts on the layout of the development.

7.2 The planning application is now accompanied by a Phase 2 Geoenvironmental Assessment, dated March 2020 prepared for the proposed development by Earth Environmental & Geotechnical Ltd. This Report has been informed by a review of the previously submitted Preliminary Investigation Report, dated 21 November 2019 prepared by Dunelm Geotechnical & Environmental Ltd, opencast abandonment plans, and the results of further ground investigations in the form of 3no. additional rotary boreholes drilled to a maximum depth of 33m. Borehole logs and a plan illustrating where the boreholes were drilled are appended to the Report.

7.3 Based on the in-depth review of the available evidence together with the results of the additional site investigations, the report author considers that whilst coal workings were encountered at shallow depth, there is sufficient competent rock cover between the base of the opencast and the workings in the Bensham seam (also known as the Maudlin), and also between the Bensham and underlying Durham Low Main should both seams have been worked. The report author identifies that the application site boundary lies wholly within the opencast site area and therefore does not 'straddle' the highwall.

7.4 Recommendations have been made that foundation design (reinforced strips or ring beam foundations on improved made ground or a Raft.) will mitigate any residual risk to the proposed development.

7.5 We note that monitoring is still ongoing and the final assessment will be made upon its completion. However, recommendations have been made that CS2 gas protective measure are assumed at this time (Section 10).

7.6 The Coal Authority considers that the content and conclusions of the Phase 2 Geoenvironmental Assessment, March 2020 are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Earth Environmental & Geotechnical Ltd) that the application site is safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development.

7.7 However, furthermore detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

8. Police Architectural Liaison Officer

8.1 I have looked through the documents from a crime prevention point of view and can find no grounds, from that point of view, on which to object to it.

8.2 I would normally encourage the applicant to build in line with the police approved security scheme Secured by design (SBD) but I know from previous experience that they build all their units in a similar way and have a specific set of standards.

9. Representations

14No of objections from 14No addresses have been received and 29No letters of support from 26No (3No unaddressed). The objections are based on the following grounds:

- Inadequate drainage.
- Inappropriate design.
- Inappropriate materials.
- Out of keeping with surroundings.
- Will result in visual intrusion.
- Grey cladding would be unsightly and contrary to the surrounding red brick.
- Precedent will be set.
- Nuisance – disturbance.
- Nuisance – fumes.
- Nuisance – noise.
- Noise from the loading bay and general operation would impact on residential amenity.
- Loss of residential amenity.
- Inadequate parking provision.
- Poor/unsuitable vehicular access.
- Traffic congestion.

- Poor traffic/pedestrian safety.
- Increased traffic congestion on an already busy road next to a main hospital, a care home and a children's nursery.
- Cumulative impact with the proposed Murton Gap housing development on the roundabout on Rake Lane.
- Constant deliveries and waste removal will add to health hazards especially as it is next to a main hospital.
- Existing traffic congestion would be exacerbated.
- Exacerbation of traffic and parking issues caused by the hospital, Kid's First Nursery and Care Home.
- Residents have experienced issues with the parking issues related to the hospital which has not been resolved.
- Unsuitable HGV access for the proposed store.
- Vehicles damaging the grass verges in the vicinity.
- Transport Survey not conducted at peak times.
- Opportunity to improve the access road shared by the nursery and care home.
- Reduction in parking for car home functions.
- Proximity to the nursery
- Reduced visibility along access road to nursery and care home due to proposed building.
- Not in accordance with the development plan/approved policy.
- Housing would preferable given the site history.
- Oversaturation of supermarkets/sufficient supermarkets in the surrounding area, with 2No supermarkets within 15 min walk of the site.
- Lidl store already planned nearby (Hawkeys Lane)
- The proposed cycle parking should be near the entrance with a direct (cycle) access to this/the store from Rake Lane.
- Impact of the competition on the local economy and town centres.
- Several empty shops in the Collingwood Centre (local retail centre).
- Within greenbelt/no special circumstance.
- Loss of greenspaces (site and cumulative).
- Could result in abandoned/derelict units elsewhere, that would attract crime.
- The site should come forward as a play site or community site, if not the allocated housing.

1No neutral comment:

- No objection in principle, subject to the car parking spaces being a suitable size, giving an example of insufficient space sizes within the recent retail development.

29No letters of support from 26No (3No unaddressed) have been received on the following grounds:

- The development will support the new housing development and staff finishing work at the nearby hospital.
- Would be within walking/cycling distance, encouraging sustainable transport.
- Would not problems with increased traffic, noise or pollution (limited size of store).
- Need for a supermarket on the estate.
- Unlikely to make a significant increase to the traffic using Rake Lane.
- Existing traffic infrastructure in place (roundabout).
- Brownfield site.

- New employment opportunities.
- Great addition to local shops.
- Current situation has highlighted a need for local shops.
- Would be visually in keeping with the care home and hospital.
- Current site is an eyesore/unsightly wasteland.
- Positive impact on local area.
- The traffic from the site would be equal or less than if housing was permitted.
- Welcome addition to retail provision and competition to other supermarkets.
- Environmentally conscious company.
- Daytime parking should be strictly controlled to avoid overspill parking from the hospital.
- Good location (close but not too close to residential estates).
- 1No letter of support but raises concern of additional traffic.

Application No: 20/00569/FUL

Author: Will Laing

Date valid: 14 May 2020

☎: 0191 643 6320

Target decision date: 9 July 2020

Ward: Valley

Application type: full planning application

Location: Backworth Park Primary School, Station Road, Backworth, NEWCASTLE UPON TYNE, NE27 0AH

Proposal: Develop the site for executive homes comprising 5no. four bedroom detached homes and 2no. five bedroom homes

Applicant: North Tyneside Council, Miss S Mackay Quadrant The Silverlink North Cobalt Business Park North Tyneside NE27 0BY

Agent: North Tyneside Council, Miss Sharon Mackay Quadrant (Property Services Team) The Silverlink North Cobalt Business Park NE27 0BY

RECOMMENDATION: Minded to grant on expiry consultation

The Committee is recommended to:

- a) indicate they are minded to grant the application subject to the conditions set out in the report; and**
- b) authorise the Head of Housing, Environment and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

1.1 The main issues with the report are as follows:

- Principle of the Development;
- Housing Land Supply;
- Heritage and Design;
- Impact on the amenity of existing and future occupiers;
- Parking and Highway Safety;
- Trees, Ecology and Biodiversity;
- Open Space;

- Contaminated Land; and
- Local Financial Contributions.

2 Description of the Site

2.1 This application refers to the former Backworth Primary School site off Station Road in Backworth. The site is previously developed land within the Backworth Conservation Area and the site has been cleared of the previous primary school buildings. It should be noted that the former primary buildings were removed due to fire damage necessitating their demolition.

2.2 The site is located with the former primary school playing field to the west, large detached dwellings to the north and the Backworth Miners Welfare Hall and Golf Course to the south. The hall and grounds are a Grade II Listed Building.

2.3 The site is accessed via the private road to the northern corner of the east boundary of the site, which in turn connects to Station Road to the east. The site is surrounded by established mature trees on all sides, which are protected by the Backworth Hall Tree Preservation Order 1968. The site is within an area of archaeological interest and within a local wildlife corridor.

3 Description of the Proposal

3.1 This application seeks full planning permission for the erection of a small housing estate containing 5 No. four-bedroom dwellings and 2 No five-bedroom dwellings.

3.2 The development would contain three house types with 4 No dwellings along the west boundary with an access road that runs along the northern boundary of the application site, before turning south to run along the front boundaries of the 4 No dwellings along the west boundaries, with the remaining 3 No dwellings occupying the eastern half of the site.

3.3 Plots 1, 2, 4 and 6 would be house type B which is a four-bedroom dwelling with 2 No front gable projections constructed from buff brick, natural stone and a natural slate roof. Plots 1, 2 and 6 would have a detached single garage, while Plot 4 would have a detached double garage.

3.4 Plots 3 and 7 would be house type C, which are five-bedroom, two-storey dwellings with a 1.5 storey side annex and single storey rear annex with an integral double garage. House type C would also have 2 No Juliet balconies on the principle elevation. Plot 3 would be constructed from natural stone with a slate roof, while plot 7 would be constructed from buff facing bricks.

3.5 Plot 5 would be house type A, a two-storey, four-bedroom dwelling house with a two-storey gable and single storey front annex with integral garage. The dwelling would be constructed from buff bricks and natural stone with a natural slate roof.

3.6 Each four-bedroom dwelling has 3No. off street parking spaces and each five-bedroom dwelling has 4No. off-street parking spaces in addition to garaging space.

4 Relevant Planning History

06/00510/LAREG3

Take down and rebuild damaged wall approx. 12 metre section. Investigate concrete foundations and repair as necessary. All existing materials to be re-used

Permitted 02.05.2006

5 Government Policy

National Planning Policy Framework (February 2019)

Planning Practice Guidance (As amended)

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. Main Issues

7.1 The main issues with the report are as follows:

- Principle of the Development;
- Housing Land Supply;
- Heritage and Design;
- Impact on the amenity of existing and future occupiers;
- Parking and Highway Safety;
- Trees, Ecology and Biodiversity;
- Open Space;
- Contaminated Land; and
- Local Financial Contributions.

8. Principle of 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 takers should approve development proposals that accord with an up-to-date development plan without delay.

8.4 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.

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

8.6 Policy DM4.6 'Range and Type of Housing Types' seeks to widen the overall housing offer and meet the identified demand for executive housing within North Tyneside. This policy supports development for executive housing in sustainable locations, as long as this does not compromise the Council's overriding objective to secure the delivery of affordable housing. For the purposes of this policy, executive housing is defined as:

- a. Detached properties;
- b. At densities of up to 22 dwellings per hectare of net development area; and,
- c. Of four or more bedrooms.

These homes will be either:

- d. Valued at council tax Band G and above; or,
- e. Valued, at first sale, in the upper 10% of current house prices within Tyne and Wear.

8.7 The application site is a brown field site located within the Backworth Conservation Area on a previously developed site. The site is not an allocated housing site within the North Tyneside Local Plan, but is located within an existing settlement, with dwellings to the north and east.

8.8 The site is located in an existing village, close to local shops and services and close to public transport. As such, the proposal is considered to be a sustainable previously developed site.

8.9 It is noted that the site is accessed by a narrow private road and that several objections have been received on the grounds of highway safety. Parking, highway safety and these objections shall be addressed later in this report.

8.10 The site would be located in a sustainable location on a previously developed site and would provide a small contribution to the identified need for executive housing as identified within policy DM4.6 of the Local Plan 2017 and the local housing land supply.

8.11 It is noted that an objection has been received raising the grounds of impartiality due to North Tyneside Council being the applicant and the determining Authority. The objector has called for an independent survey. Members are advised that there is not requirement for an independent survey under planning law and that the application must be determined on material planning issues with regard to the National Planning Policy Framework, the North Tyneside Local Plan 2017 and any relevant SPDs.

8.12 A further of object has been received on the grounds that a precedent will be set. The site is an isolated brownfield site within an existing built up area, the redevelopment of such sites with appropriate, sustainable development is in line with national and local planning policy. In addition to this, the site is of a limited size and would not support an increase in dwellings over the amount proposed. Furthermore, each application should be judged on its own merits. As such, it is the view of officers that the development would not set an unacceptable precedent for future development.

8.13 Having regard to the above, it is officer advice that the proposal is deemed to comply with policies S1.4 and DM4.6 of the North Tyneside Local Plan 2017.

8.14 Members are to determine if the principle of the development is acceptable.

9. North Tyneside Council Housing Land Supply

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

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

9.3 The application site is not an identified housing site, however, the site is located within a sustainable location and would make a small but welcome contribution to the local housing land supply.

10. Heritage and Design

10.1 S1.4 'General Development Principles 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. Policy S1.4 states that development should have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment.

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

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

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

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.

10.4 Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;

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

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

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

10.7 Policy DM6.6 states that any heritage reports prepared as part of a development scheme will be submitted for inclusion on the Tyne and Wear Historic Environment Record (HER) and published where considered appropriate.

10.8 The Council has produced an SPD on Design Quality (2018), it states that the Council will encourage innovation in the 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.

10.9 It is the view of officers that the application layout, mass and density is reflective of the Willows development to the north of the site, which is similar.

10.10 The significant mature planting surrounding the site limit the views of the site from the public realm and listed building to the south, ensuring the development would not have a significant impact on the setting of Backworth Hall. It is acknowledged that the boundary wall of Backworth Hall runs along the southern boundary of the application site and that the proposal includes repair to the wall. These repairs will require Listed Building Consent, which the applicant is aware. The repair of the walls is not required prior to the commencement of development.

10.11 The Conservation Officer has reviewed the submitted plans and supports the contemporary approach subject to conditions to control the quality of the materials.

An objection has been received on the ground of the visual impact of the proposal on the character and appearance of the listed curtilage. It is the view of the case officer and of the received Conservation advice that the proposed development would not have a harmful impact on the listed curtilage as the proposal would have a limited impact on the setting of the curtilage due to the low density and mass of the development, particularly in relation to the previous school building, and as the proposed repairs shall be assessed under a separate Listed Building Consent that shall be submitted at a later date.

10.12 The Tyne & Wear Archaeologist has viewed the proposal and has advised that Historic Environment Record confirms that the site of the proposed development had similar potential for medieval archaeology, but the development of the school will have removed much of this potential and as such no archaeological investigation is required.

10.13 It should be further noted that the application does not propose any alterations to the existing boundary walls.

10.14 Having regard to the above, it is officer advice that the proposal complies with policies S1.4, DM6.1, DM6.4, DM6.5 and DM6.6 of the Local Plan 2017 and the Design Quality SPD.

10.15 Members are to determine whether the proposal is acceptable in terms of design and impact on the historic environment.

11. Impact on the amenity of existing and future occupiers

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

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

11.3 Policy DM4.9 states that all new housing will meet the Governments Nationally Described Space Standards (NDSS).

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

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

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

11.7 Each dwelling would comply with minimum bedroom sizes for the single and double bedrooms each contains, and the total floorspace of the dwellings as set out in the Nationally Described Space Standards.

11.8 The proposed dwelling would be sited on large detached plots, and orientated so that none of the proposed dwellings would overlook any other dwellings rear amenity spaces, front or rear elevations.

11.9 The neighbouring housing site has 4No dwellings to the north of the application site, which are separated from the application site by a tall wall, with the north boundary of the application site facing the rear of these neighbouring dwellings. It is the view of officers that the siting of the entrance road along the north boundary, separation distances and the east facing orientation of the northern-most proposed dwelling would ensure that the proposal would not have a detrimental impact on the light, outlook or privacy of the proposed or the existing dwellings.

11.10 An objection has been received on the grounds of privacy, however there shall be no direct overlooking of either the existing or proposed dwellings.

11.11 Objections have been received on the grounds of the increase in noise and the disturbance during construction. It is acknowledged that the construction phase of the proposed development would have the potential to cause disturbance during the construction phase, as such the Highways Network Manager has requested that a pre-commencement condition is imposed for the submission of a Construction Method Statement.

11.12 While the objection on an increase in noise is acknowledged, a small residential development would 7No dwelling would not lead to a significant increase in noise, particularly in relation to the previous school use. It is officer advice that the proposed dwelling would not lead to a significant increase in noise as to warrant a noise survey or refusal of the application.

11.13 It is the view of officers that the construction method statement is a necessary pre-commencement condition to protect the neighbouring dwellings from noise and dust nuisance during the construction phase of the development.

11.14 Having regard to the above, it is the view of the case officers that the proposal is deemed to comply with policies S1.4, DM4.9, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017 and the Design Quality SPD.

11.15 Members are to determine whether to proposal is acceptable in terms of residential amenity.

12. Parking and Highway Safety

12.1 National Planning Policy Framework paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

12.2 Policy S1.4 'General Design Principles' stipulate that proposed development 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.

12.3 Policy S7.3 'Transport' states future transport provision should reflect existing demand and also take account of planned economic and housing growth to ensure an integrated approach to sustainable development and travel patterns. Through the objective to deliver a modal shift to more sustainable modes of transport, there is an emphasis on increasing the modal share of public transport, walking, cycling and other non-motorised modes for journeys both within the Borough and beyond. This recognises the requirement to reduce impacts that contribute to climate change and encourage active and healthier lifestyles.

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

12.5 The North Tyneside Transport and Highways SPD stipulates that the off-street parking criteria for housing is 1 space per dwelling for properties up to 2

bedrooms, 1 additional space per additional bedroom thereafter and; 1 space per 3 dwellings for visitors.

12.6 The proposed development would provide 4No off-street parking spaces per five bedroom dwelling and 3No off-street parking spaces per four bedroom dwelling in addition to garaging. The site also includes 2No visitor parking bays. As such, it is officer advice that the proposed development meets the parking standards required by the Transport and Highways SPD.

12.7 There have been multiple objections on the grounds of highway safety and traffic congestion predominantly based on the narrow access lane and suitability of the access junction onto Station Road (B1322) due to the narrow entrance, limited visibility and proximity to bus stops, roundabout and a zebra crossing.

12.8 The Highways Network Manager has reviewed the submitted plans and has reviewed the site access. The Highways Network Manager has recommended a conditional approval of the application, subject to the applicant will be required to enter into an appropriate Legal Agreement for the following works:

- Installation of a new kerb radius and tactile paving at the access
- Relocation of the southbound bus cage
- Introduction of a left turn arrow opposite the access to encourage exiting motorists to turn left
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

12.9 It should be noted that the access road is an unadopted road, and while the access is not suitable to be adopted, the Highways Network Manager considers that the proposed scheme of works would be sufficient to ensure the highway and pedestrian safety of the development and access junction. With the requested works conditioned, the proposal would not have an adverse impact on highway safety or result in a residual cumulative impact that would be severe.

12.10 While objections on the grounds of increased congestion have been received, it should be noted that the proposal is a relatively small development and would lead to less congestion on the previous use as a primary school.

12.11 Objections have raised concerns over traffic safety during construction. Construction site safety measure shall be included in the Construction Method Statement, which shall be conditions at the request of the Highways Network Manager, as discussed earlier within this report.

12.12 An objection has been received stating that they do not consider the submitted traffic survey to be sufficient and has stipulated a list of demands and information they wish to see in a revised traffic survey. The submitted documents

have been reviewed by the Council's Highway Network Manager, who has no objection to the submitted documents.

12.13 Having regard to the above, it is officer recommendation that proposal is acceptable in terms of parking, traffic and highway safety subject to the conditions requested by the Highways Network Manager.

13. Trees, Ecology 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 as part of this helping to improve biodiversity amongst other matters.

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

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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

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

a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,

b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,

c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

13.5 Policy DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and 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. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

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

13.8 The North Tyneside Coastal Mitigation Strategy SPD 2019 sets out the requirements for Coastal Mitigation Contributions for residential and tourism related development.

13.9 A Phase One Ecological Assessment, an Arboricultural Impact Assessment and an Arboricultural Method Statement, and an open space assessment with the application.

13.10 The Landscape Architect has reviewed the submitted plans and has no objection to the principle of the development. It is noted that the application site is enclosed by mature planting that is protected by a woodland TPO and as such the Landscape Architect and Biodiversity Officer have listed a series of necessary conditions to ensure the health and protection of the trees throughout the construction phase of the development.

13.11 The Biodiversity Officer has further recommended a series of conditions to ensure the development will have mitigation and protection measures in place for the construction phase of the development to ensure that the construction phase of the proposed works would minimise risk to the local wildlife. In addition to the mitigation and protection measures, the Biodiversity Officer has requested the implementation of conditions for bird and bat boxes, lighting and literature to be

distributed to new residents to improve and protect the biodiversity of the application site.

13.12 Several objections have been submitted on the potential damage to trees and the loss of trees. The application does not seek to remove any trees as part of this application, and no tree removal is required to facilitate the development.

13.13 Having regard to the above, the proposal is deemed to comply with policies DM5.5, DM5.6, DM5.7 and DM5.9 North Tyneside Local Plan 2017.

13.14 Members are to determine whether the proposal would be acceptable in terms of trees and biodiversity.

14. Open Space

14.1 Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

14.2 Policy DM5.2 sets out that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

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

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

14.4 The site is classified as an outdoor sports facility in the Green Space Strategy. The allocation includes the application site and The Willows to the north of the Site which now consists of 4 residential units and was assessed as having a low quality and medium value. The current Site could not be used as an

outdoor sports facility, as the site is not accessible to the general public and the current condition of the site would prevent it from being used for any form of play.

14.5 It should be noted that the sports pitch to the west of the former school site is allocated under a separate outdoor space allocation.

14.6 The overall condition of the site is now overgrown with cracked and uneven hard surfaces and the proposal does not offer any usable outdoor sports space. The Site makes no contribution towards meaningful open space or sports provision and is now surplus to requirements. Furthermore, due the previously developed nature of the site, the proposal does not make a meaningful contribution to biodiversity.

14.7 The application site falls within 6 kilometres of the Coast and as such it will be necessary to condition a scheme of Coastal Mitigation that would comply with the North Tyneside Coastal Mitigation SPD.

14.8 Having regard to the above, it is the view of officers that the development of the application site would comply with policies DM5.2 and DM5.3 of the North Tyneside Local Plan 2017.

14.9 Members are to determine whether the proposal would be acceptable in terms of its impact on open space and outdoor sports provision.

15. Contaminated Land

15.1 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

15.2 Policy DM5.18 Contaminated and Unstable Land states “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

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

- iii. Protecting and/or separating the development from the effects of the contamination;
 - iv. Validation of mitigation measures; and
 - v. Addressing land stability issues.
- Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.”

15.3 The application site falls within a contaminated land buffer zone. The applicant has submitted a Phase One Site Investigation. The Contaminated Land Officer has no objection to the principle of the development, however they have recommended the imposition of further conditions for investigation and mitigation, particularly due to the sensitive end-use of the development.

15.4 With the conditions imposed, the proposal is deemed to comply with Policy DM.18 of the Local Plan 2017.

16. Local Financial Considerations

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

16.2 The proposal involves the creation of 7 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands for North Tyneside for the new increase in dwellings built 2018/2019, the council will receive funding for four years. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

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

17. Conclusion

17.1 Members need to consider whether the proposal will impact on the adjoining properties, 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 and appearance of the Backworth Conservation Area, trees, biodiversity and the highway network.

The proposed development would be in keeping with the surrounding area and would improve the character and appearance of the previously developed former school site. The proposal would provide additional executive housing which is currently in demand. It is officer advice that the proposed development is

acceptable in terms of its impact on residential amenity, character of the Backworth Conservation Area, trees, biodiversity, and the highway network.

The development is considered to comply with relevant national and local plan policy and is therefore recommended for conditional approval.

RECOMMENDATION: Minded to grant on expiry consultation

The Committee is recommended to:

- a) indicate they are minded to grant the application subject to the conditions set out in the report; and**
- b) authorise the Head of Housing, Environment and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications. For the avoidance of doubt the approved plans are as follows:
 - Application form (dated 02/05/2020)
 - NTC-BW-20-01: Detached Garage; Plots 1, 2, 4 & 6 - 4B8P detached house with detached garage - Plans and Elevations (dated March 2020)
 - Proposed Site Layout Rev A (dated 24.06.2020)
 - NTC-BW-20-003 Rev A: House Type A; Plot 5 - 4B7P detached house with integral garage - Plans and Elevations - Rev A (24.06.2020)
 - NTC-BW-20-004 Rev A: House Type B; Plot 1 - 4B8P detached house with detached garage - Plans and Elevations - Rev A (dated 24.06.2020)
 - NTC-BW-20-005 Rev A: House Type B; Plot 2 - 4B8P detached with detached garage - Plans and elevations - Rev A (dated 24.06.2020)
 - NTC-BW-20-006 Rev A: House Type B; Plot 4 - 4B8P detached with detached garage - Plans and elevations (dated 24.06.2020)
 - NTC-BW-20-007 Rev A: House Type B; Plot 6 - 4B8P detached with detached garage - Plans and elevations (dated 24.06.2020)
 - NTC-BW-20-008: House Type C; Plots 3 & 7 - 5B9P detached with integral double garage - Floor Plans (dated March 2020)
 - NTC-BW-20-009 Rev A: House Type C; Plot 7 - 5B9P detached with integral double garage - Elevations (dated 24.06.2020)
 - NTC-BW-20-010 Rev A: House Type C; Plot 3 - 5B9P detached with integral double garage - Elevations (dated 24.06.2020)
 - Ecological Lighting Assessment by Strenger (dated January 2020)
 - SK-01 Light Mitigation Location Plan (Jan 20)

- SK-02 Ecological Receptor Location Plan (dated Jan 20)
- SK-03 Outline Scheme of Lighting (dated Jan 20)
- SK-04 Light Spill (dated Jan 20)
- Construction Details (dated April 2020)
- Materials Board (submitted 08.07.2020)
- Former Backworth School Site Landscape Masterplan
- Arboricultural Impact Assessment For Trees At Backworth Primary School
- Revision A by All About Trees (issued 20th August 2019)
 - Arboricultural Assessment - Detailed Inspection of Trees 25&26, Land Adjacent to Backworth Primary School by All About Trees (Issued 16th December 2019)
 - AIA TPP Revision A: Arboricultural Impact Assessment Tree Protection Plan (TPP) (dated 12.09.2019)
 - Arboricultural Method Statement For Trees at Backworth Primary School - Revision A (dated 12th September 2019)
 - AMS TPP - Revision A: Arboricultural Method Statement Tree Protection Plan (TPP) (dated 12.09.2019)
 - Bearl Medium Grade cream/buff variegated sandstone data sheet (received 08 July 2020)
 - Birtley Olde English Buff (lbstock data sheet) (dated 25/06/2020)
 - Birtley Olde English (lbstock data sheet) (dated 25/06/2020)
 - Combined Planning, Design, Access & Heritage Statement (dated January 2020)
 - Ecological Appraisal and Bat Survey by E3 Ecology Ltd (dated 30.09.19)
 - Open Space Asssesment (dated January 2020)
 - 1351R001i1 FINAL: Phase 1 Contaminated Land Desk Study by DBS Environmental (dated August 2020)
 - Backworth School Site Access North Tyneside. Stage 1 Road Safety Audit (dated 11th July 2019)
 - Design and Access Statement Addendum - Planning Application 20/00569/FUL (Received 03/06/2020)
- 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. Prior to the first occupation of the hereby approved development, a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

- Installation of a new kerb radius and tactile paving at the access
- Relocation of the southbound bus cage
- Introduction of a left turn arrow opposite the access to encourage exiting motorists to turn left
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders

- Associated street furniture & signage
- The approved scheme shall be implemented with the approved details prior to the first occupation of the development and retained thereafter.

Reason: In the interests of highway safety having regard to policies S7.3 and DM7.4 of the North Tyneside Local Plan 2017.

4. New Access Access Before Devel ACC01 *
0

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

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

6. Refuse Storage Detail Provide Before Occ REF00 *
1

7. Construction Method Statement - Minor SIT006 *

8. Notwithstanding the submitted details, no development shall commence above ground level until full details of the full details (including materials) of the proposed roofs have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in full accordance with the approved details and retained thereafter.

Reason: In the interest of preserving and enhancing the character and appearance of the Backworth Conservation Area having regard to policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

9. Notwithstanding the submitted details, no development shall commence above ground level until full details of the full details (including materials) of the proposed barge boards have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in full accordance with the approved details and retained thereafter.

Reason: In the interest of preserving and enhancing the character and appearance of the Backworth Conservation Area having regard to policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

10. Notwithstanding the submitted details, all of the windows in the hereby approved development shall be recessed 80 millimetres in depth.

Reason: In the interest of preserving and enhancing the character and appearance of the Backworth Conservation Area having regard to policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

11. No development shall commence above ground level until full details of a scheme of 4No bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved bat boxes shall be erected within the adjacent trees and shall be erect at a height of at least four metres or higher and the approved scheme shall include full details of the specification, height and location of each bat box. The hereby approved scheme of bat boxes shall be installed prior to the first occupation of the dwelling.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

12. No development shall commence above ground level until full details, including specifications, heights and locations, of 6No bat crevice roosting features have been submitted to and approved in writing by the Local Planning Authority. The approved bat roosting crevice features may take the form of gaps under ridge tiles, built in or externally mounted bat boxes and/or bat bricks/tubes. The hereby approved scheme of bat boxes shall be installed during the construction of the approved dwellings.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

13. Prior to the commencement of development, a Precautionary Great Crested Newt Method Statement shall be submitted to and approving in writing by the Local Planning Authority.

All works must be undertaken in accordance with the approved Method Statement.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

14. No development shall commence above ground level until full details of a scheme for 5No bird boxes has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of bird boxes shall include the specification and location of each bird box. The hereby approved scheme of bat boxes shall be installed prior to the first occupation of the dwelling.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

15. There shall be 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: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

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

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

17. Within four weeks of the commencement of development, full details of hedgehog gaps for all new fencing of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include gaps of 13cm by 13cm. The hereby approved development shall be carried out in accordance with approved details and retained thereafter.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

18. All residents of the development shall be provided with an information pack to explain the ecological importance of the Site of Local Conservation Interest and nature of the adjacent habitats and recommendations to keep to existing footpaths to minimise disturbance to the adjacent Site of Local Conservation Interest. Details of the information pack must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development, and the agreed pack must be distributed to all future residents prior to, or on commencement of their occupation.

Reason: To mitigate the impact of additional users of the wildlife corridor in the interests of ecology, having regard to the NPPF and Policy DM5.5 and DM5.6 of the North Tyneside Local Plan.

19. Prior to the commencement of development, a precautionary method statement covering Cotoneaster shall be submitted to and approved in writing by the Local Planning Authority. All of the hereby approved works shall be undertaken in accordance with the approved precautionary method statement covering Cotoneaster.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

20. All the lighting of the hereby approved development shall be carried out in strict accordance with submitted lighting strategy as detailed in:

- Ecological Lighting Assessment by Strenger (dated January 2020)
- SK-01 Light Mitigation Location Plan (Jan 20)
- SK-02 Ecological Receptor Location Plan (dated Jan 20)
- SK-03 Outline Scheme of Lighting (dated Jan 20)
- SK-04 Light Spill (dated Jan 20)

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

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

Reason: In the interest of ecology and biodiversity having regard to policies

DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

21. Prior to the first occupation of any of the hereby approved dwellings, a scheme to address the impacts of the hereby approved development on the Northumberland Coast SPA shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be in full accordance with the North Tyneside Coastal Mitigation Supplementary Planning Document July 2019.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017 and the North Tyneside Coastal Mitigation Supplementary Planning Document July 2019.

22. Prior to the commencement of development, the tree protection measures, including all protective fencing shall be installed in accordance with the approved tree protection plan:

- AIA TPP Revision A: Arboricultural Impact Assessment Tree Protection Plan (TPP) (dated 12.09.2019)
- Arboricultural Method Statement For Trees at Backworth Primary School - Revision A (dated 12th September 2019)
- AMS TPP - Revision A: Arboricultural Method Statement Tree Protection Plan (TPP) (dated 12.09.2019)

The tree protection measure shall be in place prior to the commencement of development and shall protect all trees on site, adjacent to the site and overhanging the site. The tree protective fencing shall not be removed or repositions prior to completion of the development.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

23. All of the hereby approved works are to be carried out in strict accordance with the submitted Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement documents. For the avoidance of doubt, these documents are as follows:

- Arboricultural Impact Assessment For Trees At Backworth Primary School -Revision A by All About Trees (issued 20th August 2019)
- Arboricultural Assessment - Detailed Inspection of Trees 25&26, Land Adjacent to Backworth Primary School by All About Trees (Issued 16th December 2019)
- AIA TPP Revision A: Arboricultural Impact Assessment Tree Protection Plan (TPP) (dated 12.09.2019)
- Arboricultural Method Statement For Trees at Backworth Primary School - Revision A (dated 12th September 2019)
- AMS TPP - Revision A: Arboricultural Method Statement Tree Protection Plan (TPP) (dated 12.09.2019)

Furthermore, the proposed development shall be carried out within the guidelines contained within BS5837:2012 and NJUG Volume 4. The approved AMS shall form part of the contractor's method statement regarding the proposed construction works.

Reason: In the interest of ecology and biodiversity having regard to policies

DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

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

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

25. Within one month on of the commencement of development, a fully detailed landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include full details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

26. Landscape Scheme Implementation Period	LAN00 5	*
27. Restrict Hours No Construction Sun BH	HOU00 4	*
28. Restrict Hours No Demolition Sun BH	HOU00 5	*
29. Gas Investigate no Development	GAS00 6	*
30. Contaminated Land Investigation Housing	CON00 1	*

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

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

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH 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)

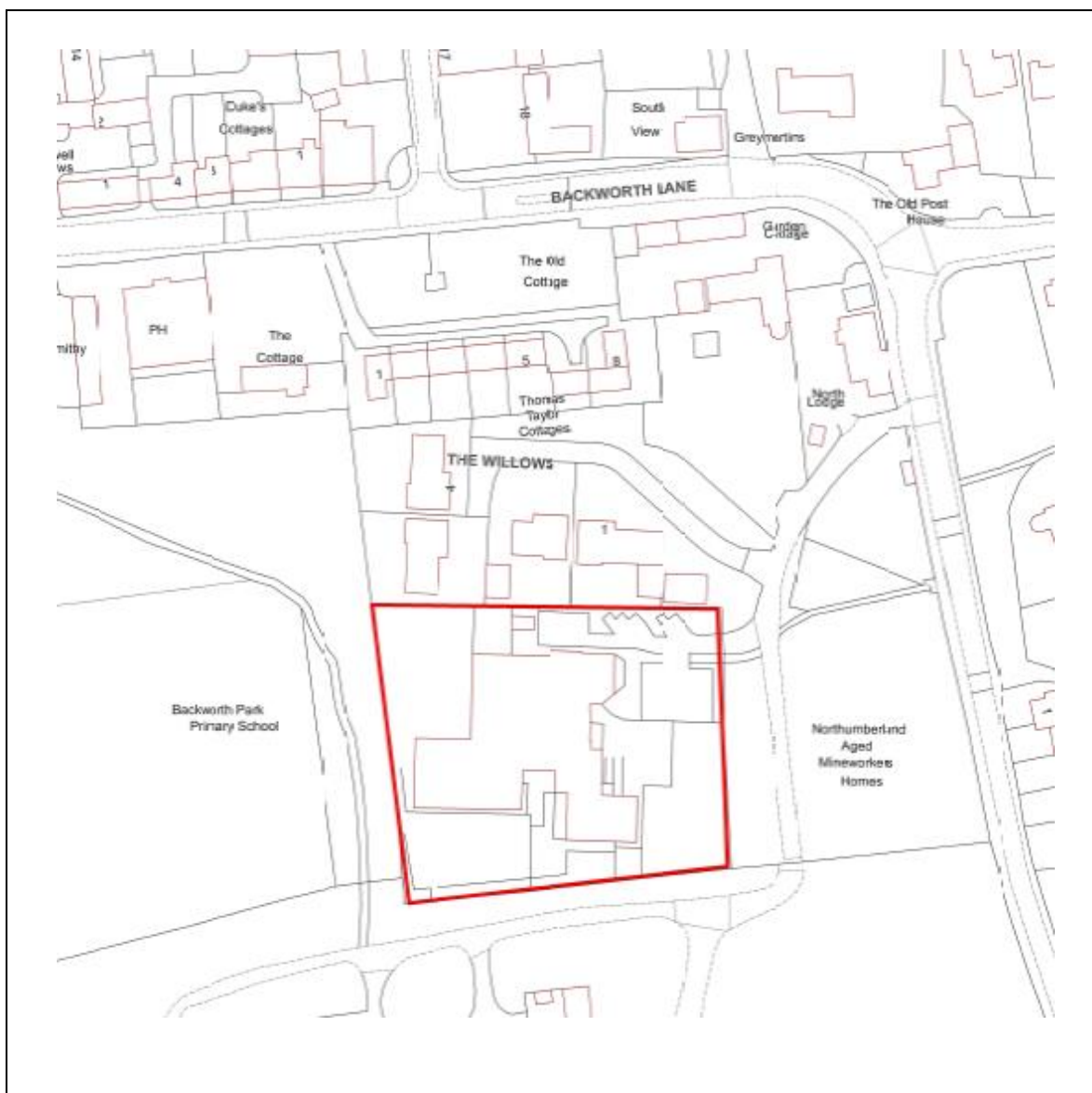
Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

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

The developer should develop their surface water drainage solution by working through the following, listed in order of priority: - Discharge into ground (infiltration) - Discharge to a surface water body - Discharge to a surface water sewer, highway drain, or another drainage system - As a last resort, discharge to a combined sewer



Application reference: 20/00569/FUL

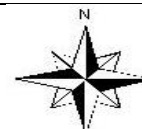
Location: Backworth Park Primary School, Station Road, Backworth, NEWCASTLE UPON TYNE

Proposal: Develop the site for executive homes comprising 5no. four bedroom detached homes and 2no. five bedroom homes

Not to scale

Date: 20.08.2020

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Appendix 1 – 20/00569/FUL Item

Consultations/representations

1 Highways Network Manager

1.1 This application is to develop the site for executive homes comprising 5 four-bedroom detached homes & 2 five-bedroom homes.

1.2 The site utilises the existing non-adopted access road that served the former school and The Willows from Station Road and a Road Safety Audit has been provided, given the constraints of this access, although it should be noted that the access has been established for a number of decades. Parking will be provided in accordance with current standards and cycle storage will be provided for all dwellings. Refuse will be stored on each plot and a collection point will be located at the site access. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

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

1.5 Installation of a new kerb radius and tactile paving at the access
Relocation of the southbound bus cage
Introduction of a left turn arrow opposite the access to encourage exiting motorists to turn left
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

1.6 Conditions:

ACC10 - New Access: Access before Devel
PAR04 - Veh: Parking, Garaging before Occ
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT06 - Construction Method Statement (Minor)

1.7 No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

1.8 Installation of a new kerb radius and tactile paving at the access
Relocation of the southbound bus cage
Introduction of a left turn arrow opposite the access to encourage exiting motorists to turn left
Associated street lighting
Associated drainage

Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

1.9 Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

1.10 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 dvlpmt

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

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

2 Conservation Officer

2.1 Previous information submitted with the plans did not explain how the proposed design responded to the site's significance. Additional Design and Access information has now been provided that sets out a rationale for the proposed contemporary styling, explaining how it could be appropriate in this location. This can be agreed; local and national planning policy and guidance do support contemporary design approaches in more traditional setting, but only where it would be of the highest quality. The revised plans now propose natural materials and more restrained palette. This is supported.

2.2 To ensure the level of quality remains high, there are some details that should be understood. "Natural slate", as shown on the plans, is not enough information; details must be secured now or via planning condition. Information akin to that provided for the masonry would be useful. No details have been provided on the bargeboards. These are prominent on the plans and have the potential to harm the overall aesthetic if of low quality. This information should be conditioned. Windows must be recessed into their openings by at least 80mm; this should also be conditioned.

2.3 To conclude, the proposed contemporary approach to design would not reflect the traditional local character. However, in line with local and national

planning policy and guidance, this approach can be acceptable if high quality materials are used and an attention to detail is pursued. With the revised palette of materials and the suggested conditions, this can be achieved, avoiding harm to the significance of the Backworth conservation area, grade II listed Backworth Hall and its locally registered gardens.

3. Manager of Environmental Health (Pollution)

3.1 I have no objection in principle to this development but would recommend hours of construction and dust mitigation conditions are attached to any approval.

HOU04

HOU05

SIT03

4. Biodiversity Officer

4.1 The Biodiversity Officer has reviewed the submitted Ecological Assessment, Tree Survey, Ecological Lighting Assessment and the Landscape Master Plan.

4.2 The scheme is within 6km of the Northumbria Coast SPA and will have an impact on the coast as a result of an increase in recreational disturbance. The scheme will, therefore, need to comply with the Councils Coastal Mitigation SPD.

4.3 The Biodiversity Officer has no objections subject to the imposition of the following conditions:

4.4 In advance of the start of works, 4 bat boxes will be erected in adjacent trees, within the site owner's landholding, to provide alternative roost sites. Boxes will be erected as high as possible, ideally at a minimum height of 4m. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site and will be installed in accordance with the approved plans.

4.5 6no. bat crevice roosting features will be incorporated into the new build (e.g gaps under ridge tiles, built in or externally mounted bat boxes, bat bricks/tubes etc.) Details of bat roosting features and their locations must be submitted to and approved in writing by the Local Planning Authority prior to development commencing and will be installed in accordance with the approved plans

4.6 A Precautionary Great Crested Newt Method Statement will be submitted to the Local Planning Authority for approval prior to development commencing. All works must be undertaken in accordance with the approved Method Statement.

4.7 5no. bird boxes will be provided in suitable locations within or adjacent to the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

4.8 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.

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

4.10 Provision of hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details to be provided to the Local Planning Authority for approval within 4 weeks of works commencing on site.

4.11 Leaflets will be provided to all new house owners as to the nature of the adjacent habitats and recommendations to keep to existing footpaths to minimise disturbance to the adjacent SLCI. Details of the leaflet will be submitted to the LPA for approval within 4 weeks of works commencing on site and will be provided to all new residents upon occupation of the site.

4.12 All works will be undertaken to a precautionary method statement covering *Cotoneaster*. Details will be submitted to the LPA for approval prior to development commencing on site. All works must be undertaken in accordance with the approved Method Statement.

4.13 Any lighting associated with the scheme will be undertaken in accordance with the lighting strategy submitted as part of the application. Any changes to the lighting scheme thereafter will require approval in writing by the Local Planning Authority.

4.14 In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD.

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

4.16 Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan submitted by All About Trees unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

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

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

4.19 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

4.20 Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (**trees to be a minimum 12-14cm girth**). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a

minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

5. Manager of Environmental Health (Contaminated Land Officer)

5.1 I have read the Phase 1 report and note it states:

5.2 To be very conservative, it is recommended that a limited soils testing programme is undertaken on site in future garden areas to confirm that the shallow soils (topsoil and subsoil) are chemically suitable for re-use.

5.3 The site is located within an area that has significant historical mining impact off site. Ground gas sources have not been identified within influencing distance of the site, but old quarries, landfill and collieries (including spoil heaps and shafts to deeper workings) are present off site.

5.4 To be health protective, consideration could be given to undertaking a ground gas monitoring programme in advance of site redevelopment to confirm that ground gas protection is not required (or vice versa) for future buildings.

5.5 Due to the proposed sensitive end use the following must be applied:

Con 001

Gas 006

External Consultees

6. The Coal Authority

6.1 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.

7. Northumbrian Water Ltd

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

- Discharge into ground (infiltration)
- Discharge to a surface water body

- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

8. Newcastle International Airport

8.1 No comments to make at this time.

9. Neighbour Representations

15No letters of objection from 13No addresses have been received on the following grounds:

- Application not transparent/impartial;
- Loss of Privacy;
- Increase in noise;
- Excessive disturbance during construction period;
- Demand for an independent survey on impartiality;
- Visual impact on historic wall;
- Inappropriate design;
- Loss of trees;
- Not in accordance with the development plan;
- Precedent will be set;
- Traffic issues in Backworth Village should be resolved before any more housing is allowed.
- Traffic safety during construction;
- Traffic congestion/increase in traffic congestion;
- Poor pedestrian/traffic safety;
- Cyclist safety;
- Poor/unsuitable vehicular access;
- Existing issues with trucks/HGVs using Backworth Lane/Station Road and the lane used to access the willows.
- Existing mini-roundabout is dangerous;
- Highwall make line of sight very poor;
- Close proximity to bus stops;
- Experience of near misses exiting the lane;
- Existing volume of traffic on the narrow B road is unacceptable;
- Existing issues with speeding cars on Backworth Lane and Station Road;
- History of traffic incidents on Backworth Lane and Station Road;
- The existing lane cannot accommodate the increased traffic;
- entrance not wide enough for two cars to pass;
- Entrance should be via the Backworth Hall complex;
- Insufficient parking;

An objector considers the submitted Stage 1 Road Safety Audit to be insufficient and sets out a list of point which the deem to be insufficient, followed by demand the road safety audit is re-carried out using the parameters the objector lists. The same objector requested the following information:

- What is the increase in traffic from July 1993 to present day using Station Road, Backworth?
- Why was the school barred from accepting visitor/pupil/parent traffic in the lane at some point from 1990-2010? Was this due to safety grounds and the amount of traffic using the lane.

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Application No: 20/00871/FUL

Author: Maxine Ingram

Date valid: 2 July 2020
Target decision date: 1 October 2020

☎: 0191 643 6322
Ward: Weetslade

Application type: full planning application

Location: Sterling Pharma Solutions Ltd, Dudley Lane, Dudley,
NORTHUMBERLAND, NE23 7QG

Proposal: Construction of additional pre-treatment steps to be integrated with existing on-site biological effluent treatment plant. This will comprise additional enclosed storage tanks, biological treatment tanks and associated ancillary pipework. A greenhouse will be erected to the east of the existing biological effluent treatment plant.

Applicant: Sterling Pharma Solutions, C/o Agent Sterling Pharma Solutions
Sterling Place Dudley NE23 7QG

Agent: Mr Michalis Thaniotis, Synergie Environ Limited 1.1 Queens House
Glasgow G1 2DT United Kingdom

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to approve the application, following expiry of the consultation, and subject to the conditions set out below and the addition or omission of any other considered necessary, and
- b) authorise the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues to consider in this case are:

- The principle of the development;
- The impact on amenity (noise and air quality);
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

2.0 Description of the Site

2.1 The application relates to the Sterling Pharma Solutions (SPS) Ltd site, Dudley. The wider site covers an approximate area of 11 hectares. It comprises a complex of industrial buildings of varying heights and design.

2.2 To the west of the site is a railway line, with open agricultural land beyond. The agricultural land is designated as Green Belt. To the north of the site are existing commercial units. Opposite the plant, to the east and across Dudley Lane, are residential dwellings. To the south is an existing industrial site. The main entrance to the site is from Dudley Lane.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of additional pre-treatment steps to be integrated with existing on-site biological effluent treatment plant. This will comprise additional enclosed storage tanks, biological treatment tanks and associated ancillary pipework. A greenhouse will be erected to the east of the existing biological effluent treatment plant.

3.2 The proposed development will be integrated with the existing Bio Plant and incorporate additional tanks and containerised equipment around the Bio Plant. These will comprise:

- One additional tanker off-loading point.
- Facility for off-loading of bunded intermediate bulk containers (IBC).
- Four enclosed reception tanks (240 cubic metres each), 8 metres high. These will be manufactured of resistant glass reinforced plastic (GRP) and/or glass lined steel,
- Six LPG storage tanks (two tonne tanks). These will be manufactured in steel and finished in white.
- Three enclosed buffer/recirculation tanks (600 cubic metres each) 15 metres high. These will be manufactured in glass lined steel.
- Three enclosed anaerobic reactor tanks (1600 cubic metres each), 17.5 metres high. These will be manufactured in glass lined steel.
- An odour abatement system comprising of a filter sized sufficiently to capture maximum air flowrate from enclosed vessels.
- One Biodome – capable of holding 660m cubic metres biogas, 10 metres high, PVC-coated polyester fabric.
- One shrouded gas flare required as a contingency measure, 12 metres high, manufactured in steel.
- One Gas Scrubbing Unit, 10 metres high, manufactured in steel.
- A membrane upgrading unit, 3.6 metres high, in an enclosed steel/GRP container, with some ancillary steel pipework extending a maximum height of 9 metres.
- A grid entry unit, 4 metres high, in an enclosed steel/GRP container.
- A low voltage electrical distribution cabinet, 3 metres high in an enclosed, steel/GRP container.

-A greenhouse, up to 5 metres height at the apex, constructed from a steel frame with glass/polycarbonate panels.

-A buried gas pipeline from grid entry unit to the point of connection with the Northern Gas Network pipeline.

3.3 Background Information

3.4 The site has been operational as pharmaceutical manufacturing company since 1969 and currently employs over 460 full time staff which is expected to increase to over 500 within the next 12 months.

3.5 The applicant has advised that SPS is a major contributor to the regional economy, with an estimated contribution of £80 million, and the proposed Bio Plant enhancement project represents a continued commitment and investment at this site which will directly contribute to the future growth of the regional economy for many years to come. The applicant considers this to be especially important given the current COVID-19 pandemic where significant job cuts are being made across the UK.

3.6 The existing Bio Plant on site has been operating since 1992. This treats liquid effluents arising from the site, and subject to a previous planning permission and Environment Agency (EA) permit issued in 2002, also accepts selected liquid effluents for treatment from other sites. The existing Bio Plant discharges treated effluent into the commercial sewer network under the terms and conditions of a permit with Northumbrian Water.

3.7 The operation of the existing Bio Plant must follow procedures and meet limits that are defined within the existing permit from the EA. The permit defines how the Bio Plant must be managed and operated. The applicant has advised that the operation of the Bio Plant at SPS has consistently met with the requirements of the EA.

3.8 SPS are proposing upgrades to the existing Bio Plant which would include some additional pre-treatment steps. The applicant has advised that the advantages of the additional pre-treatment steps are:

- Enclosed tanks to minimise potential for odours arising from the Bio Plant,
- Reduced road traffic movements of effluents from the site,
- Generation of renewable energy which will offset greenhouse gas emissions to the North Tyneside area,
- Making a positive contribution to local, regional and national climate change targets,
- Aligns with BEIS goals of post-COVID 19 recovery having a green energy focus,
- Creation of new employment and safeguarding existing employment from this treatment process,
- Recovery of energy from the effluents instead of disposal and,
- Significant new investment helping to secure the future of this pharmaceutical facility.

3.9 The enhanced Bio Plant will continue to treat the same materials that are currently treated by the existing plant using naturally occurring biological processes. The new additional pre-treatment steps will not result in an increase of materials being treated onsite above the current permit levels.

3.10 The proposed changes in the biological treatment process include some additional enclosed tanks that will pre-treat the existing wastewater at the site before it flows into the existing Bio Plant for treatment using naturally occurring micro-organisms as happens today. The treated effluent from the Bio Plant flows into the Northumbrian Water sewer network for further treatment. The volume and composition of the final treated effluent from the existing Bio Plant must meet conditions set by Northumbrian Water. The additional steps proposed at SPS will not change the Northumbrian Water conditions.

3.11 The applicant has advised that the additional process steps would use technology which has been operating throughout the UK for over 100 years, to generate a biogas which is then purified to biomethane and fed into the local natural gas grid to provide energy. This biomethane substantially reduces carbon dioxide emissions when compared to natural gas and will make a significant contribution to reducing carbon dioxide emissions in the North Tyneside area. An additional benefit will be a net reduction of traffic from the site (which reduces transport carbon dioxide emissions and other transport related environmental impacts).

3.12 The proposed works include the construction a greenhouse on land adjacent to the existing Bio Plant. Heat and carbon dioxide will be supplied from the Bio Plant to the greenhouse, enhancing the growing environment. The greenhouse is proposed for use by SPS staff to grow fruit and vegetables for personal consumption. This will provide a valuable recreational facility space for staff.

3.13 The site chosen for the additional plant items has been selected based upon the following criteria:

- Proximity to existing Bio Plant infrastructure,
- Ability to integrate with and connect into existing Bio Plant infrastructure, drainage, treatment and control systems,
- Ability to re-use existing bunded impermeable concrete plinths for storage, mixing and process tanks,
- Proximity to connect into existing on-site utility networks (water and electricity),
- Ability to use existing on-site road and pedestrian access routes.

3.14 The proposed works will continue to treat the same materials that are currently being treated by the existing plant using naturally occurring biological processes. The new additional pre-treatment steps will not result in an increase of materials being treated onsite above the current permit levels.

3.15 The additional anaerobic processes will be integrated with the existing aerobic Bio Plant. Consequently, the revised plant will operate a single integrated plant in the same way as at present.

3.16 The revised Bio Plant will treat liquid effluents in continuously mixed tanks. Operation of the existing and revised Bio Plant is controlled automatically, and control of the proposed additional processes will be integrated with the existing Bio Plant. The existing and revised Bio Plant will continue to be manned continuously seven days per week by trained operators as it is currently.

3.17 There will be no changes to the number of deliveries of liquid waste to the Bio Plant or the hours when these deliveries are accepted at the SPS site. Consequently, there will be no additional vehicle movements associated with the delivery or collection of waste materials to or within the site.

3.18 The additional processes to be integrated with the existing Bio Plant will be controlled automatically by an overall system which monitor inputs from the main processes.

3.19 A shrouded flare is proposed to be ground mounted and located to the south of the existing Bio Plant. The shrouded flare would not normally operate and would only be activated in the event of maintenance or exceptionally low gas flow. If operational the flame would be obscured by the shroud and the flame would not be visible from ground level outside the site boundary. A predominantly light blue flame would however be visible by an observer looking down into the shroud from directly above. Note a haze or shimmer may be visible above the top of the shrouded flare due to a layer of heated air, however no smoke would be emitted by the shrouded flare.

3.20 Preparatory work associated with this project identified that the Northern Gas Network gas distribution pipeline has capacity and demand to accept all the projected biomethane proposed by these works. Therefore, this will minimise the possibility that the shrouded flare will be in use at any time.

3.21 The applicant has advised that all aspects of the current Bio Plant are covered under appropriate safety regulations, and the enhancements to the Bio Plant will be fully integrated within the existing SPS Health and Safety Management System.

4.0 Relevant Planning History

4.1 There is a wide variety of planning history relating to this site however the most relevant applications are as follows:

20/00459/FUL - Installation of a Combined Heat and Power Plant as well as the creation of flood storage compensation areas – Permitted 01.06.2020

18/00279/FUL - Development of a new three story building that will house pharmaceutical particle size reduction equipment, analytical laboratories, chemistry laboratories, warehousing, liquids storage and administrative offices and a liquid storage building – Permitted 15.05.2018

17/01814/FUL - Installation of new road within established industrial site – Permitted 12.02.2018

17/01125/FUL - New facility to produce gaseous nitrogen is to be erected on a concrete slab over an existing gravel hardstanding, to include an 18m high storage tank, a 16m vacuum distillation column, two 8m high vaporisers, and a 40 sq. metre compressor building. The facility will be contained in a fenced compound – Permitted 13.10.2017

14/01382/HAZSUB - Increase of Tetrahydrofuran storage on site to 34mT – Permitted 09.03.2015

11/00877/HAZSUB - Application for revision of hazardous substances consent for storage and use of various substances - Withdrawn 19.03.14

10/00773/HAZSUB - Application for revised limits of storage of various hazardous substances: Permitted 05.08.10

09/01139/HAZSUB - Variation of condition on 01/01483/HAZSUB to vary the location and storage type for propylene oxide: permitted 20.01.10

01/01483/HAZSUB - Storage and use of various hazardous substances (as amended on 16 February 2004): Permitted 24.09.2004

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

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

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

6.3 Planning (Hazardous Substances) Act 1990

6.4 Planning (Hazardous Substances) Regulations 1992 (as amended)

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

7.1 The main issues to consider in this case are:

- The principle of the development;
- The impact on amenity (noise and air quality);
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

8.0 Principle of the development

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

The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

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

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

8.4 LP Policy S2.1 ‘Economic Growth Strategy’ seeks to encourage that proposals contribute towards sustainable economic growth, prosperity and employment.

8.5 LP Policy S2.2 ‘Provision of Land for Employment Development’ seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council’s strategy for economic prosperity, job growth and investment over the plan period.

8.6 LP Policy DM2.3 Development Affecting Employment Land and Buildings states “The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.”

8.7 The site lies within a designated employment area protected particularly for B1, B2 and B8 uses through Policy DM2.3 Development Affecting Employment Land and Buildings. The proposed development will be located within this wider employment site and given that it would improve an existing Bio Plant operation, is considered to be appropriate to its location.

8.8 National planning policy for waste (2014) sets out detailed waste planning policies and should be read in conjunction with the NPPF, The Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste or any successor documents. All local authorities should have regard to its policies when discharging the responsibilities to the extent that they are appropriate to waste management. In looking to suitable sites for waste management facilities, LPA's should amongst other factors:

- Consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together with the complimentary activities and,
- Give priority to the re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages.

8.9 Paragraph 148 of the NPPF states that "The planning system should support the transition to a low carbon future in a changing climate", including supporting "renewable and low carbon energy and associated infrastructure".

8.10 LP Policy S7.7 'Waste Management' encourages and supports the minimisation of waste production, and the re-use and recovery of waste materials.

8.11 LP Policy DM7.6 'Renewable Energy and Low Carbon Technologies' encourages the local production of energy from renewable and low carbon sources to help to reduce carbon emissions. Such proposals will be encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations.

8.12 The applicant has advised that the proposed works will reduce the environmental impact of the SPS site through the following:

- Enclosed tanks to minimise potential odours arising from the Bio Plant along with a new odour abatement unit to further minimise any odour potential from the new plant,
- Generation of renewable energy for heating which will offset greenhouse gas emissions to the North Tyneside area by an estimated 6310 tonnes carbon dioxide or the equivalent of approximately 2700 houses per year,
- Cutting road traffic movements of liquid effluent from the site,
- Making a positive contribution to local, regional and national climate change targets.

8.13 In addition, to the main direct environmental benefit from generating renewable energy in the form of biomethane by the inclusion of additional anaerobic pre-treatment steps (i.e. reducing greenhouse gas emissions by 6310 tonnes carbon dioxide per year within the local area) the potential impact on off-site traffic movements was assessed. At present some of the liquid effluents are transported from SPS for treatment at approved sites. The current method of treatment is high temperature incineration. Diversion of these materials for treatment by naturally occurring microorganisms in the enhanced Bio Plant would:

- Reduce vehicle movements from the site by an estimated 90 HGV's per year,
- Reduce greenhouse gas emissions associated with these vehicle movements by an estimated 55 tonnes carbon dioxide per year,
- Reduce greenhouse gas emissions associated with the combustion of these materials by an estimated 391 tonnes carbon dioxide per year.

8.14 Incorporating the above carbon dioxide emission savings, the project would offset greenhouse gas emissions in North Tyneside by an estimated total of 6756 tonnes carbon dioxide each year.

8.15 The applicant has set out several environmental benefits linked to this development. It would also utilise an existing industrial site, it would re-use part of the existing Bio Plant site for the anaerobic digestion process and, co-locate the anaerobic pre-treatment step with the existing Bio Plant. On balance, it is officer advice, that the proposed development is acceptable on this site.

8.16 The proposed development would support employment opportunities and increase job security.

8.17 Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the proposed development complies with both national and local planning policies.

9.0 Impact on amenity (noise and air quality)

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

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

9.3 LP Policy DM5.19 Pollution states "Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not

to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

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

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

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

9.5 The Manager for Environmental Health has been consulted. She has raised concerns regarding this proposed development giving rise to potential additional noise and potential odour issues. Members are advised that environmental health have historically received odour complaints from this site.

9.6 The Manager for Environmental Health has considered the submitted noise assessment. This assessment has included for a background noise survey and assessment in accordance with BS4142 to ensure that the rating level generated by the new noise sources does not exceed the existing background noise levels.

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

9.8 Paragraph 181 of the NPPF seeks to ensure planning policies and decisions contribute towards air quality protection, not least by limiting pollution. The wider aims of the NPPF are reflected in Local Plan Policy DM5.19.

9.9 An air quality assessment has been submitted. The Manager for Environmental Health has confirmed that this assessment has considered worst case and pollutant impacts have been modelled using the maximum permitted emissions arising from the boilers and compared them in relation to the National Air Quality Standards. She has advised that the assessment has considered the national background maps for nitrogen dioxide and diffusion tube monitoring results for monitoring sites in Northumberland. This has determined that the operational results arising from the proposed development will not result in air quality impacts to amount to have a significant adverse impact on air quality as the process involves the use of enclosed tanks. She has advised that no modelling has been provided to verify any predicted impacts. Regarding air

quality, it is clear from her comments that she does not object to the proposed development.

9.10 She has advised that the process would require an environmental permit from the Environment Agency (EA). This permit would require periodic air quality monitoring and it will also consider odour management.

9.11 Members need to determine whether the proposed development is acceptable in terms of its impact on amenity in terms of air quality and noise. It is officer advice, subject to the imposition of the suggested conditions, that the proposed development accords with both national and local planning policies.

10.0 Impact on character and appearance

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

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

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

10.4 The details of the proposed development have been set out in paragraph 3.2 of this report. Except for the buried pipeline, all of the proposed works will be contained within the southern part of the site adjacent to the existing Bio Plant. The nearest residential properties, to the southern part of the site, are Grieves Row (approximately 100m to the east). Views into the site from these properties are restricted by the existing vegetation that exists along this part of the eastern boundary.

10.5 The proposed pipeline will be buried. Residents will only afford views of the construction works associated with this part of the development.

10.6 Some of the proposed tanks will be higher than the existing Bio Plant. However, larger buildings, in terms of height, exist further north. Therefore, it is not considered that the proposed tanks would be significantly out of keeping with the scale and mass of the existing buildings and structures within the wider site.

10.7 Views of the proposed development may be afforded from the surrounding public domain, including the football pitch located to the south, the railway line

and agricultural land to the west and from Dudley Lane. However, when viewed from outside of the site, it would be seen in the context of the existing buildings/structures on the wider site and the existing commercial units located to the north and south of the site. The existing belt of mature landscaping along the eastern boundary of the site would soften the visual impact of the proposed development when viewed from Dudley Lane.

10.8 Immediately bordering the west of the wider site is an area of designated Green Belt. Views of the proposed development would be afforded from the Green Belt. However, when viewed from this direction it would be seen in the context of an existing and established commercial use. Therefore, it is not considered that the proposed development would harm the characteristics of the adjacent Green Belt.

10.9 Members need to determine whether the proposed development is acceptable in terms of its impact on both residential and visual amenity. It is officer advice that the proposed development accords with both national and local planning policies.

11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

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

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

11.5 The objection received regarding increase in traffic movements during construction and after construction are noted.

11.6 The site has been established for several decades and all works are within existing boundaries.

11.7 The Highways Network Manager has been consulted. He has advised that the site access and internal circulation remains unchanged. Subject to the imposition of the suggested conditions, he has raised no objection to the proposed development.

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

12.0 Other Issues

12.1 Contaminated Land

12.2 NPPF paragraph 178 states “Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This include risks arising from natural hazards of former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments”

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

12.4 LP Policy DM5.18 “Contaminated and Unstable Land” states: “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and

b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

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

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

12.5 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development.

12.6 The Coal Authority has been consulted. They have raised no objection to the proposed development.

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

12.8 Drainage/Flooding

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

12.10 The Local Lead Flood Authority (LLFA) has been consulted. He has raised no objection to the proposed development, as the existing site drainage and treatment facility will be utilised.

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

12.12 Impact on ecology

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

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

12.15 The Biodiversity Officer has been consulted. She has considered the submitted Preliminary Ecological Appraisal (PEA). This appraisal concludes that the ecological features present within the site do not preclude development of the site.

12.16 A wildlife corridor is located to the south west of the wider site and a section of its eastern boundary. Most of the prominent landscape features are sited around the perimeter of the site and within the more open aspects to the south. However, several potential ecological constraints require further consideration. Several measures to protect, maintain and enhance ecological features within the site are recommended to comply with current legislation and policy. It is clear from her comments that the recommendations set out within the PEA can be conditioned.

12.17 The Biodiversity Officer has advised that the submitted landscape plan will need to be amended to take into account the recommendations of the PEA including native hedgerow and wildlife flower planting within the site. She has advised that an area of dense continuous scrub would be lost next to the lagoons

to accommodate the proposed development as well as some small grassland areas. A condition is required to ensure that the landscape plan is updated to reflect these requirements and to mitigate for this loss.

12.18 The proposed buried gas pipeline would extend from the Bio Plant, along the eastern perimeter of the site to connect to the grid further north. The submitted Arboricultural Impact Assessment (AIA) advises that only two trees are required to be removed along the eastern perimeter to facilitate this part of the proposed development. The AIA advises that these trees (G6 and G8) would be replaced with six heavy standards planted along the verge of the eastern boundary. Pruning work would also be required to G23 (mixed broadleaves plantation).

12.19 The Landscape Architect has been consulted. She has advised that the works could impact on the retained trees more than indicated in the submitted AIA. The associated working area required for the installation of the gas pipeline may impact on the root protection areas (RPA's) and may require the protective fence to be moved to allow works to proceed. This detail has been requested and some information provided. However, it is considered that the final detail can be resolved via an appropriate arboricultural supervision condition. This will ensure that existing trees and tree groups not currently identified for removal or that will be impacted on, are adequately protected.

12.20 In line with the NPPF advice set out in paragraph 9.7 of this report, it is clear from both the Biodiversity Officer's comments and the Landscape Architects comments that appropriate mitigation to reduce the impacts on biodiversity and existing landscape features as a result of this development can be secured by conditions.

12.21 Members need to determine whether the proposed development is acceptable in terms of its impact on biodiversity and existing landscape features. Subject to the imposition of the suggested conditions, it is officer advice that it is, and it would accord with both national and local planning policies.

12.22 Airport

12.23 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objection to the proposed development, subject to a condition regarding the operation of any cranes during construction.

12.24 Health and Safety Executive (HSE)

12.25 The Health and Safety Executive (HSE) has been consulted. No objections have been raised.

12.26 Minerals

12.27 DM5.17 sets out guidance on minerals extraction. However, this development relates to an existing site that has been occupied and is already occupied by a number of commercial uses.

12.28 Network Rail

12.29 Network Rail has been consulted. They have raised no objection to the proposed development.

12.30 North West Villages Sub Area

12.31 The application site is located in an area identified as being within the North West Sub Area. The proposed development would not prevent the aims of Policy AS8.24 being met.

12.32 Representations

12.33 The representation received regarding alleged bribery by the applicant is not a material planning consideration.

12.34 The applicant's agent has advised that no works relating to this application have commenced on site.

12.35 The issue regarding local residents being disturbed by Sterling Pharma Solutions Ltd "air raid siren" is an existing situation and not as a result of this development.

12.36 The representation received regarding the location of the existing premises is noted. However, this site has been operational since 1969.

13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. It is not considered that the proposal results in any local financial considerations.

14.0 Conclusion

Members need to determine whether the proposed development is acceptable in terms of its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways, ground conditions, flooding and the wildlife corridor. It is the view of officers that the proposed development is acceptable. As such officers consider that the proposed development accords with both national and local planning policy. Approval is recommended.

RECOMMENDATION: Mind to grant on expiry consultation

It is recommended that members indicate they are minded to approve the application, following expiry of the consultation, and subject to the conditions set out below and the addition or omission of any other considered necessary, and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

Conditions/Reasons

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

- Location Plan Dwg No. 19709-DEV-001 Rev 1
- Site plan existing Dwg No. 19709-DEV-002 Rev 1
- Drainage plan existing Dwg No. 19709-DEV-003 Rev 1
- Site plan proposed Dwg No. 19709-DEV-004 Rev 1
- Drainage plan proposed Dwg No. 19709-DEV-005 Rev 1
- Site elevation Dwg 1 of 2 Dwg No. 19709-DEV-006-1 Rev 1
- Site elevation Dwg 2 of 2 Dwg No. 19709-DEV-006 - 2Rev 1

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

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

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

3. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development), and use of fires. The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. Cabins, storage of plant and materials, parking are not to be located within the Root Protection Area of the retained trees as defined by the Tree Protection Plan. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.9, DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4. Prior to any part of the development hereby approved being brought into use/operational a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for the biological treatment plant

must not exceed the current background noise levels of in accordance to noise report no KD2801207NR2. The noise sensitive locations are outlined in the report as shown on Page 9 of noise report ref KD2801207NR2. The rating level from the operation of the biological effluent treatment plant must not exceed the existing background noise levels in accordance with BS4142:2014 for night-time as derived from noise report KD2801207NR2 and outlined below:

-Noise Sensitive Receptor: NSR P1 Grieves Row

-Night-time Rating Level dB LA90: 44 Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently retained and maintained.

Reason: To protect neighbouring properties from undue noise and disturbance having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

5. Within one month of operation of the plant pursuant to condition 4 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall only be operated in accordance with the approved details.

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

6. Prior to the operation of any part of the development hereby approved an odour management plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan must identify and assess the potential odour sources from the biological effluent treatment plant and consider odour mitigation measures. The odour management plan must then be implemented prior to any part of the development hereby approved being brought into use and reviewed on an annual basis based upon odour monitoring about the boundary and on complaints.

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

7. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

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

- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

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

Reason: In the interest of visual amenity and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

8. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays. Any piling activities, if required, shall be restricted to between 09:00 and 18:00 hours Monday to Friday and between 09:00 and 14:00 hours on a Saturday and at no time on a Sunday or Bank Holiday.

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

9. Prior to any part of the development hereby approved being brought into use/operation, any material removed from site shall require proof to be submitted to the Local Planning Authority to demonstrate that Waste Acceptance Criteria and disposal to a suitably licensed facility has been carried out.

Reason: To ensure that any material removed from site has been disposed of correctly having regard to Policy DM5.18 of the North Tyneside Local Plan (2017).

10. Prior to the commencement of any development on site a fully detailed landscaping scheme and schedule of landscape maintenance for a minimum period of five years, including details of the arrangements for its implementation shall be submitted to and approved in writing by the Local Planning Authority. This scheme must include: the provision of native hedgerows/scrub planting and wildflower meadow planting as recommended in the Preliminary Ecological Appraisal Report (PEA) dated June 2020, details and proposed timing of all new planting and ground preparation noting the species and sizes for all new tree planting (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees, shrubs or grassland areas that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The schedule of landscape maintenance shall be implemented in accordance with the approved details.

Thereafter, the development hereby approved shall be carried out and maintained in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that existing landscape features are enhanced having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

11. Prior to any part of the development hereby approved commencing on site an Invasive Species Control Strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that invasive species outlined in the Preliminary Ecological Appraisal, June 2020 are appropriately treated or controlled having regard to policies DM5.7 and DM5.19 of the North Tyneside Local Plan (2017).

12. Prior to any part of the development hereby approved commencing on site, a Reasonable Avoidance Measures Method Statement (RAMMS) for amphibians, reptiles, hedgehog, otter and birds shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that the wildlife habitats and species are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

13. If development has not commenced within 12 months of the date of this decision notice, updated checking surveys for protected species and other invasive species will be required during the optimal period for habitat surveys (April to mid- October). These checking surveys shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: To ensure that the wildlife habitats and species are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

14. Any vegetation clearance, demolition, should be conducted outside of the bird breeding season (March-August) in order to avoid potential harm to nesting birds. Where clearance is necessary during this period, a pre-clearance check should be made by an ecologist no more than 24 hours in advance. Where an active nest is identified, works will be postponed until the chicks have fledged.

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).

15. Prior to any part of the development hereby approved being brought into use/operation, details of five bird boxes (variety of), including bird box specification, location and timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently maintained and retained.

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

16. Prior to any part of the development hereby approved being brought into use/operation, details of five bat boxes, including bat box specification, location and timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently maintained and retained.

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

17. The two trees identified for removal with low suitability for roosting bats shall require works to be undertaken under a Method Statement. This Method Statement shall be submitted to and agreed in writing by the Local Planning Authority prior to any works commencing on these trees. The Method Statement shall set out the working methods that will need to be adhered to throughout the tree removal works to avoid impacts on any roosting bats that may be encountered. The method statement will include the need for trees to be soft felled under the supervision of a bat licenced ecologist. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.7 of the North Tyneside Local Plan (2017).

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.7 of the North Tyneside Local Plan (2017).

19. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without submitting the relevant ecology surveys to the Local Planning Authority for consideration and approval in writing. The ecology surveys will inform an appropriate mitigation strategy/method statement. Any mitigation required shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that existing landscape features and 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).

20. Prior to the commencement of any site clearance works a revised Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan must show the position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. As a minimum, the fence shall be continuous and include tree groups G4 and G5; G9 (northern edge); G10 and G 21 (part). Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. The area surrounding each tree group /hedgerow within the approved protective fencing shall be installed prior to any works hereby approved commencing on site and it shall be retained for the full duration of the constructions works associated with this development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: This information is required from the outset to ensure that existing landscape features are protected in the interests of ecology and visual amenity,

having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

21. Prior to the commencement of any part of the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), an Arboricultural Method Statement including details for vehicular access, installation of the gas pipe and associated working areas, kerb edges, and other hard surfacing within the root protection area in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' shall be submitted to and approved in writing by the Local Planning Authority. The agreed AMS shall form part of the Contractors Method Statement (CMS) regarding the proposed construction works. Thereafter, the development shall only be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that existing landscape features are protected in the interests of ecology and visual amenity, having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

22. All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, and Tree Protection Plan submitted by TEP and within the guidelines contained within BS5837:2012 and NJUG Volume 4.

Reason: To ensure that existing landscape features are protected in the interests of ecology and visual amenity, having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

23. Prior to the commencement of any part of the development hereby approved, a detailed levels survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the root protection area (RPA) are not acceptable unless first approved in writing by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade. Thereafter, the development shall only be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that existing landscape features are protected in the interests of ecology and visual amenity, having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

24. An Arboricultural Consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. Prior to any works commencing on site details outlining the arrangements for the implementation, supervision and monitoring of works and include timing and phasing of the arboricultural works in relation to the approved development shall be submitted to and approved in writing by the Local Planning Authority. This condition may only be fully discharged on completion of the development subject to satisfactory written

evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: This information is required from the outset to ensure that existing landscape features are protected in the interests of ecology and visual amenity, having regard to the NPPF and Policy DM5.7 and DM6.1 of the North Tyneside Local Plan (2017).

25. Prior to the use of any crane on site, the appointed contractor/applicant and/or developer must contact Newcastle International Airport Limited (NIAL) Air Traffic Control. Thereafter, the development shall only be carried out in accordance with any advice from NIAL regarding crane operation.

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

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

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

Informatives

If any soil is removed from the site it should be Waste Acceptance Criteria tested and subsequently disposed of by an appropriate waste carrier.

Advice from the Environment Agency: Environmental Permit: The site is regulated through environmental permit EPR/AP3234LG. The development will require variation of a bespoke permit under Schedule(s) 4 and 5 of the Environmental Permitting Regulations (England and Wales) 2016. Based on the information submitted with the planning application, we have not identified any major permitting concerns. Further guidance can be found at <https://www.gov.uk/collections/risk-assessments-for-specificactivities-environmental-permits> Noise and Odour: There are some local amenity sensitivities with respect to noise and odour. We will consider the detail of these in the future when we receive an application to vary the current permit. We consider it unlikely that our permitting process will create a need for post permission amendments to the planning application. It is worth noting that in some cases, there will be a limit on the measures an existing permitted facility and proposed development can put in place to adequately reduce the risks. This could result in the existing activities being regarded as 'bad neighbours' to the new development. Parallel tracking: The developer may wish to consider whether parallel tracking offers the best option for identifying and, where possible, resolving issues at the earliest possible stages. Please note, where an operator decides not to parallel track then their planning and environmental permit applications, we will not offer detailed advice or comments about how permitting issues affect planning. Environmental Permit - Flooding: The

Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place: -on or within 8 metres of a main river (16 metres if tidal); -on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal); -on or within 16 metres of a sea defence; -involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert; -in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk

Building Regulations Required (I03)

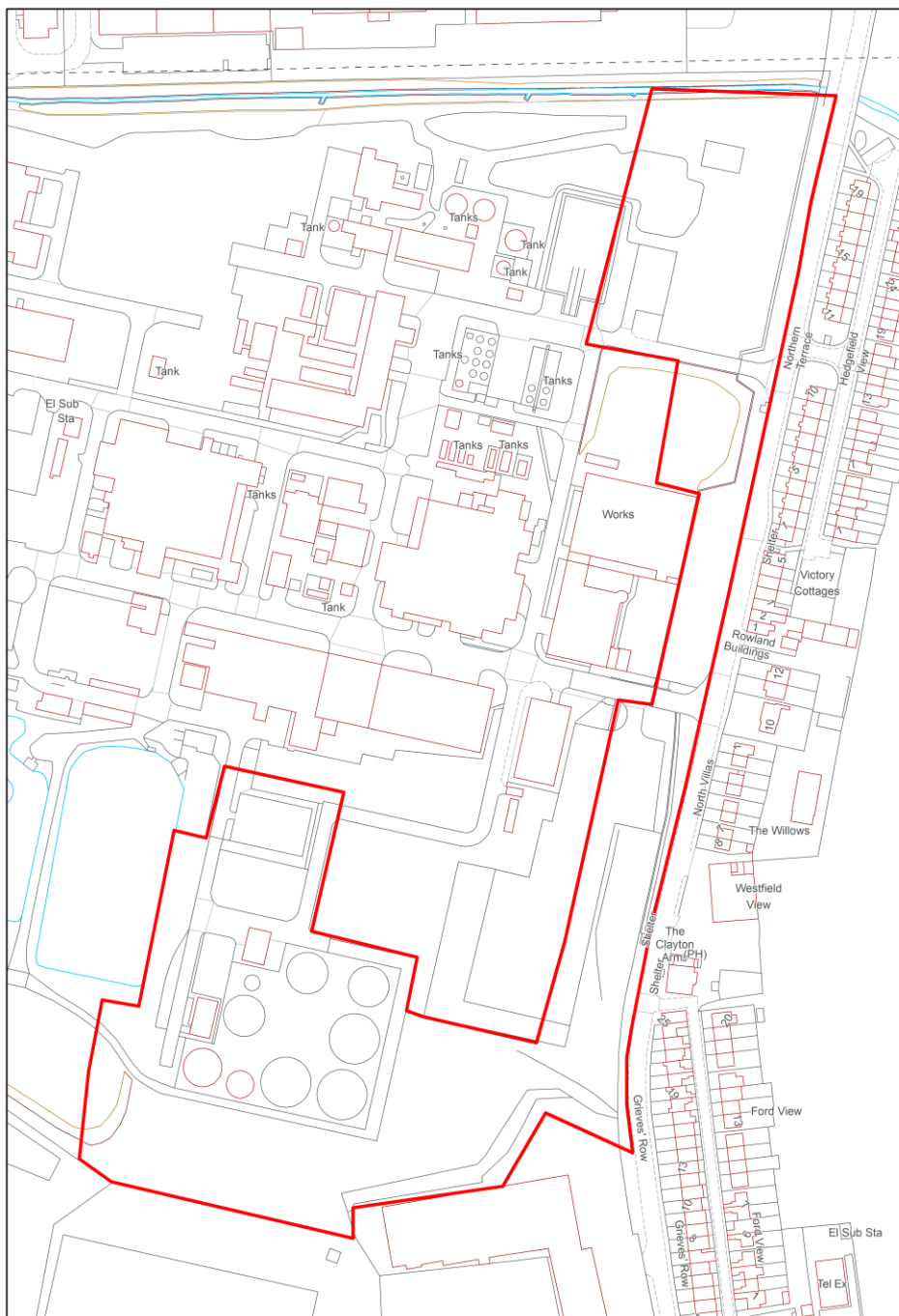
Consent to Display Advertisement Reqd (I04)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

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

Highway Inspection before dvlpt (I46)



Application reference: 20/00871/FUL

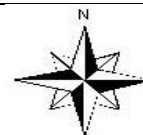
Location: Sterling Pharma Solutions Ltd, Dudley Lane, Dudley

Proposal: Construction of additional pre-treatment steps to be integrated with existing on-site biological effluent treatment plant. This will comprise additional enclosed storage tanks, biological treatment tanks and associated ancillary pipework. A greenhouse will be erected to the east of the existing biological effluent treatment plant.

Not to scale

Date: 19.08.2020

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Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 The site has been established for several decades and all works are within existing boundaries. Access and internal circulation remain unchanged and conditional approval is recommended.

1.3 Recommendation - Condition approval

1.4 Condition:

Notwithstanding the details submitted, the proposed Construction Management Plan shall be carried out in accordance with the agreed document and retained for the duration of construction.

Reason: In the interests of highway safety

1.5 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpmt

1.6 Environmental Health

1.7 I have concerns with regard to this proposed development giving rise to potential additional noise and potential odour issues arising from the biogas plant, as environmental health have historically received odour complaints from this site.

1.8 I have viewed the noise assessment of the proposed plant and equipment that has included for a background noise survey and assessment in accordance with BS4142 to ensure that the rating level generated by the new noise sources does not exceed the existing background noise levels. The lowest background noise level for the night period of 44 dB LAeq90 15 minutes has been used to ensure a noise target emission level for the new plant is met. This ensures that the external plant when operational does not exceed the existing background noise level and resulting in an increase in the noise climate. A verification condition will be required if planning consent is to be given to ensure the new plant and equipment achieves the noise levels as set out within the noise report.

1.9 The air quality assessment has considered worst case and pollutant impacts have been modelled using the maximum permitted emissions arising from the boilers and compared them in relation to the National Air Quality Standards.

1.10 The assessment has considered the national background maps for NO2 and diffusion tube monitoring results for monitoring sites in Northumberland and determined that the operational results arising from the new biogas plant will not result in air quality impacts to amount to have a significant adverse impact on air quality as the process involves the use of enclosed tanks. Although no modelling has been provided to verify any predicted impacts.

1.11 However, the process will be required to obtain an environmental permit from the Environment Agency under the Medium Combustion Directive for new generators and the site is a Part A permitted site under the Environmental Permitting Regulations, regulated by the Environment Agency. Odour emissions will also be considered within the environmental permit and the applicant will be required to have an odour management plan in place. A condition is recommended to require an odour management plan to be submitted. Periodic air quality monitoring will also be required as part of the permit conditions and therefore this will be addressed via the environmental permit which is regulated by the Environment Agency.

1.12 Construction dusts arising from the development have also been considered and determined to be low risk. A condition will be required to address construction dusts.

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

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for the bio-treatment plant must not exceed the current background noise levels of in accordance to noise report no KD2801207NR2. The noise sensitive locations are outlined in the report as shown on Page 9 of noise report ref KD2801207NR2. The rating level from the operation of the biological effluent treatment plant must not exceed the existing background noise levels in accordance with BS4142:2014 for night-time as derived from noise report KD2801207NR2 and outlined in table 1 below.

Table 1:

Noise Sensitive Receptor	Night-time Rating Level dB LA90
NSR P1 Grieves Row	44

A validation noise assessment must be submitted within 1 months of operation of the plant to demonstrate compliance with rating level and agreed in writing.

Prior to operation an odour management plan must be submitted to the Local Planning Authority in writing for approval, which identifies and assesses the potential odour sources from the biological effluent treatment plant and considers odour mitigation measures. The odour management plan must then be implemented and reviewed on an annual basis based upon odour monitoring about the boundary and on complaints.

LIG01 for any changes to external lighting.

HOU04

HOU04 for any piling activities, if required, shall be restricted to between 09:00 and 18:00 hours Monday to Friday and between 09:00 and 14:00 hours on a Saturday and at no time on a Sunday or Bank Holiday.

SIT03

1.14 Contaminated Land Officer

1.15 I have read the Phase 1 report and notes it states:

1.16 If any soil is removed from the site it should be Waste Acceptance Criteria tested and subsequently disposed of by an appropriate waste carrier.

1.17 If any material is removed from site, then proof that WAC testing and disposal to a suitably licensed facility must be submitted.

1.18 The nature of the development does not require a gas condition.

1.19 Local Lead Flood Authority (LLFA)

1.20 I have carried out a review of planning application 20/00871/FUL, I can confirm that I have no objections to the surface water drainage proposals as the applicant's intentions are to utilise the existing site drainage and treatment facility.

1.21 Biodiversity Officer

1.22 The above application is located at the Sterling Pharma Solutions Plant to the west of Dudley Lane (B1319) in Dudley. The proposal is within the applicants existing operational area with Sandys Letch watercourse approximately 50m to the north, the east coast railway to the west and the B1319 (Dudley lane) to the east. The site is surrounded by arable land with further industrial land to the north. The south west part of the wider plant site lies within a designated wildlife corridor.

1.23 The application is for the construction of storage tanks, biological treatment tanks, greenhouse and associated gas pipeline.

1.24 Arboricultural Impact Assessment

1.25 A new gas pipeline is shown on the plans, running along the eastern perimeter of the site to connect to the grid further north. As a result, 2no. trees are required to be removed (G6 and G8) which will be replaced with 6 heavy standards planted along the verge of the eastern boundary (alder, birch and rowan). Pruning work will also be required to G23 (mixed broadleaved plantation)

1.26 The gas pipeline is shown running along the eastern perimeter to connect to the grid in the northern part of the site. The AIA states that only 2 trees will need to be removed along the eastern perimeter to facilitate the works, however, Drawing No: D8197.007 submitted within the AIA shows a number of areas along the pipeline route where tree groups and their RPAs are within close proximity to the pipeline and require 'special mitigation' as a result. Specifically, these are tree groups G6, G2 and G1. The pipeline is also close to other trees and tree groups including G9, G12 and T18.

1.27 Appropriate arboricultural conditions will need to be attached to the application, including arboricultural supervision to ensure that existing trees and tree groups not currently identified for removal are adequately protected. Any subsequent trees that may need to be removed, would need the approval of the LPA/Landscape Architect with appropriate mitigation provided for any loss of trees. The Councils Landscape Architect will need to provide further advice on this and, if appropriate, apply the relevant conditions to the application.

1.28 Preliminary Ecological Assessment (PEA)

1.29 A preliminary ecological appraisal has been undertaken and the report concludes that the ecological features present within the site do not preclude development of the site. However, a number of potential ecological constraints require further consideration to ensure that development does not result in either an offence being committed in respect of protected species or a net loss of biodiversity interest. A number of measures to protect, maintain and enhance ecological features within the site are recommended to comply with current legislation and policy. Recommendations set out within the PEA report will therefore need to be conditioned as part of the application.

1.30 Planting Plan

1.31 A detailed planting plan has been submitted for the application Dwg. No:D8197.02.001. The plan shows 6 new heavy standard trees to mitigate for the loss of 2 mature trees on site and also shows a small woodland edge mix along the eastern boundary consisting of a very small scrub mix containing hazel, hawthorn, holly and blackthorn. The Preliminary Ecological Appraisal (PEA) recommends that native hedgerow and wildflower planting is undertaken within the site, however, the landscape plan does not include these and has proposed only amenity grass to be planted along the pipeline area. An area of dense continuous scrub will be lost next to the lagoons to accommodate the scheme as well as some small grassland areas. The planting plan should therefore include some wildflower grassland in appropriate areas (amenity grass areas) along with some additional native scrub.

1.32 The details of planting requirements will need to be conditioned as part of the application to ensure that adequate mitigation is delivered as part of the scheme, in line with the recommendations of the Preliminary Ecological Appraisal (PEA) Report.

1.33 I have no objection to the application subject to the Councils Landscape Architect being satisfied with the level of arboricultural information that has been submitted in relation to the gas pipeline and appropriate arboricultural conditions being attached to the application.

1.34 Conditions

-No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. This will include the provision of native hedgerows/scrub planting and wildflower meadow planting as recommended in the Preliminary Ecological Appraisal Report (PEA) dated June 2020. The landscape scheme shall include details and proposed timing of all new planting and ground preparation noting the species and sizes for all new tree planting

(trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees, shrubs or grassland areas that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule

- An Invasive Species Control Strategy will be submitted to the LPA for approval prior to development commencing on site to ensure that invasive species outlined in the Preliminary Ecological Appraisal, are appropriately treated or controlled.

- A Reasonable Avoidance Measures Method Statement (RAMMS) for amphibians, reptiles, hedgehog, otter and birds will be submitted to the LPA for approval prior to development commencing on site.

- A Reasonable Avoidance Measures Method Statement (RAMMS) for pollution control will be submitted to the LPA for approval prior to works commencing on site to ensure there is no impact on nearby waterbodies as a result of construction activities associated with the scheme.

- Updated checking surveys for protected species and other invasive species will be required during the optimal period for habitat surveys (April to mid- October) if the development does not commence within 12 months.

- Any vegetation clearance, including demolition, should be conducted outside of the bird breeding season (March-August) in order to avoid potential harm to nesting birds. Where clearance is necessary during this period, a pre-clearance check should be made by an ecologist no more than 24 hours in advance. Where an active nest is identified, works will be postponed until the chicks have fledged.

- Any trees identified as having at least moderate suitability for roosting bats that will be unavoidably lost to the proposals will require two bat roost surveys to be undertaken May-August. The results will inform an appropriate mitigation strategy/method statement.

- The two trees identified for removal with low suitability for roosting bats will require works to be undertaken under a Method Statement. The Method Statement will set out the working methods that will need to be adhered to throughout the tree removal works to avoid impacts on any roosting bats that may be encountered. The method statement will include the need for trees to be soft felled under the supervision of a bat licenced ecologist. Details will be submitted to the LPA for approval prior to works commencing on the trees.

- 5no. bird boxes (variety of) will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans

- 5no. bat boxes will be provided in suitable locations within the development site. 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

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

1.35 Landscape Architect

1.36 The application is for the upgrading of the existing Bio Plant and will incorporate additional tanks, containerised equipment and a buried gas pipeline from the grid entry unit to connect with the Northern Gas Network pipeline. It is approximately 120m long and to be located along the eastern perimeter. Other works include changes to internal vehicle access routes and storage. A horticultural greenhouse is also proposed.

1.37 Comments have been made previously and additional information has since been provided (10th August 2020):

-Image 1: initial proposal received from NGN to install the biomethane pipeline.

-Image 2: Typical cross section of pipeline trench.

-Image 3: biomethane pipe route layout

1.38 It is likely that the proposed works could impact on the retained trees more than indicated in the AIA as the associated working area required for the installation of the gas pipe may impact on the RPA's and may require the protective fence to be moved to allow works to proceed. This detail has been requested and some information provided. However, it is considered that the final detail can be resolved via an appropriate arboricultural supervision condition. This will ensure that existing trees and tree groups not currently identified for removal or that will be impacted on, are adequately protected.

1.39 With regard to mitigation and the landscape plan, it is also considered that the final detail can be conditioned as part of the application to ensure that adequate mitigation is delivered as part of the scheme, in line with the recommendations of the Preliminary Ecological Appraisal (PEA) Report.

1.40 I have no objection to the application and the Biodiversity Officer has proposed a number of conditions including the provision of a landscape scheme. Therefore, the following conditions are to be added;

1.41 Proposed conditions:

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

Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval a revised Tree Protection plan showing the position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. As a minimum, the fence should be continuous and include tree groups G4 and G5; G9 (northern edge); G10 and G 21 (part). Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of

scaffolding, well braced to resist impacts. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group /hedgerow within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), an Arboricultural Method Statement including details for vehicular access, installation of the gas pipe and associated working areas, kerb edges, and other hard surfacing within the root protection area in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is to be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved tree protection scheme and Arboricultural Method Statement. The AMS is to form part of the contractors method statement regarding the proposed construction works.

All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, and Tree Protection Plan submitted by TEP and within the guidelines contained within BS5837:2012 and NJUG Volume 4.

No development or other operations shall commence on site until a detailed levels survey has been submitted to and approved in writing by the Local Planning Authority. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the RPA are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

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

An Arboricultural Consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. Details are to be submitted for approval outlining the arrangements for the implementation, supervision and monitoring of works and include timing and phasing of the arboricultural works in relation to the approved development. 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 Two letters of objection have been received. These objections are set out below.

-Sterling Pharma will tell you that they are good neighbours, they care for the local community and that they "provide hundreds of jobs" and produce vital medicines.

-When they made this most recent planning application, they distributed "Food Parcels" to elderly residents in the bungalows on Dudley Lane. In my opinion this was just to make them look good. It is only at times like this that they remember they are located in a residential area.

-They are most certainly not good neighbours. We have lived here over 4 years and have lost count of how many times we have been woken to the sound of Sterling Pharmas WWII air raid siren. I believe most of these are in fact false alarms, but they are so common that, should the alarm sound for real, then most residents will assume that it is yet another false alarm,

-I have made many complaints to both North Tyneside Council and to the Environment Agency concerning Sterling Pharma. The number of alarms, false or otherwise suggests to me Health and safety issues on the site. Logic says that any extension of the factory will result in an increase in these "Incidents".

-This will cause further distress and disruption to people living nearby and an increase in vehicular traffic on Dudley lane, both during and after construction.

-I also believe that such a factory should not be located in a residential area.

-Can you confirm why the correspondence notifying residents of this application is marked as "IMPORTANT – THIS MAY AFFECT YOUR PROPERTY"?

-Having downloaded the sixteen sections of the application comprising of 254 pages I find going from one section to the next difficult to understand, we should have the right to see or have a copy in hand for easy guidance to read. Instead of every one using Covid-19 as an excuse not to hold a face to face meeting with the company and the community to put views and concerns across properly time must be giving for all concerned and an extension in time for the planning proposals to be pushed back until the end of the year.

-Having viewed the land a little from what I can make out in the plans there is a mention that in the east of the land a greenhouse is planned, has this greenhouse started to be built as a large construction has started to be erected please correct me if I have this wrong but if it is part of the greenhouse why has work started to build the proposed building.

-Also with the added noise pollution that has also been mentioned in the application can I take it that the neighbours in the street named in the application for planning have had a face from the company (Sterling) to discuss this matter further or are they just hoping no one comes forward with concerns as it is all a bit online only and not everyone has or can use technology.

-Having just moved to this location i can understand any concerns people have about the added noise level as I can hear the droning sound though the night as things are at now.

3.0 External Consultees

3.1 Network Rail

3.2 No observations to make.

3.3 The Coal Authority

3.4 I have reviewed the proposals and confirm that part of the application site falls within the defined Development High Risk Area.

3.5 The Coal Authority records indicate that within that part of the application site and surrounding area there maybe coal mining features and hazards which should be considered as part of development proposals. As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

3.6 However, when considering this particular proposal; on the basis that the area where the built development would be falls outside the defined Development High Risk Area, we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

3.7 Newcastle International Airport Limited (NIAL)

3.8 We have no objection to this planning application other than we request that ATC is notified of any crane operations.

3.9 Environment Agency

3.10 We have no objection to the application as submitted, however we have the following advice related to permitting for the LPA and the applicant.

3.11 Advice – Environmental Permit

3.12 The site is regulated through environmental permit EPR/AP3234LG.

3.13 The development will require variation of a bespoke permit under Schedule(s) 4 and 5 of the Environmental Permitting Regulations (England and Wales) 2016. Based on the information submitted with the planning application, we have not identified any major permitting concerns. Further guidance can be found at <https://www.gov.uk/collections/risk-assessments-for-specificactivities-environmental-permits>

3.14 Advice – Noise and Odour

3.15 There are some local amenity sensitivities with respect to noise and odour. We will consider the detail of these in the future when we receive an application to vary the current permit. We consider it unlikely that our permitting process will create a need for post permission amendments to the planning application.

3.16 It is worth noting that in some cases, there will be a limit on the measures an existing permitted facility and proposed development can put in place to adequately reduce the risks. This could result in the existing activities being regarded as 'bad neighbours' to the new development.

3.17 Advice – Parallel tracking

3.18 The developer may wish to consider whether parallel tracking offers the best option for identifying and, where possible, resolving issues at the earliest possible stages. Please note, where an operator decides not to parallel track then their

planning and environmental permit applications, we will not offer detailed advice or comments about how permitting issues affect planning.

3.19 Advice for the Applicant – Environmental Permit: Flooding

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

3.20 For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk

3.21 The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3.22 Northumberland County Council

3.23 No objection.

3.24 Health and Safety Executive

3.25 No objection.

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North Tyneside Council Report to Planning Committee Date: 01 09 2020

ITEM

Title: 11 East Farm Mews,
Backworth, Tree
Preservation Order 2020

Report from Directorate: Environment, Housing and Leisure

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

Wards affected: Valley

1.1 Purpose:

To consider the above Tree Preservation Order taking into account any representations received in respect of the Order.

1.2 Recommendation(s)

Members are requested to consider the representations to 11 East Farm Mews, Backworth, Tree Preservation Order 2020 and confirm the Order.

1.3 Information

- 1.3.1 The Council was informed by the owners that they were considering felling the tree in question (Appendix 1) due to their concerns of the tree causing damage to their property and in this case the Council decided to make a Tree Preservation Order (TPO) for the tree. The Order was served in April 2020 (Appendix 2).
- 1.3.2 One letter of objection has been received from the owners of the land. The objection letter was received shortly after they were notified of the Council's decision to serve a TPO on the tree (21.04.2020). Copies of the objection, which includes a letter, annotated map of the area surrounding East Farm Mews and photographs numbered 1-21 of the area surrounding East Farm Mews are included as Appendix 5 of this report.
- 1.3.3 Objections from the owner, 11 East Farm Mews, can be summarised as follows:
- The size of the tree in relation to the property and potential damage it could cause and not being appropriate to the current surroundings.
 - The tree has very limited amenity value, with almost no public visibility and therefore shouldn't be considered for a TPO
 - The tree has suffered from branch failure and disease evidence on its leaves
 - The impact of the tree on the owners health is a serious concern
 - Surrounding trees have been removed without being subject to a TPO therefore the principle to remove this tree should be acceptable.
- 1.3.4 The Council has responded, in consultation with the landscape architect (who has provided a full response in Appendix 6), to each of the main points:
- a) The objection raised concerns about the safe planting distance of trees in relation to the property
 - b) The objection raises concerns about the size of the tree in relation to the garden size

- c) The objection raises concerns about the tree being impractical due to its size in a residential location
- d) The objection refers to amenity and states that the authorities should be able to explain to landowners why their trees have been protected and that the tree has almost no public visibility.
- e) The objection raises concerns about branch failure
- f) The objection raises concerns about poisonous seeds
- g) The objection raises concerns about tree removal on a neighbouring development.
- h) The objection raises concerns about health issues the owner is experiencing.

a) Concern about the safe planting distance of trees in relation to the property

- 1.3.5 The objection refers to the safe planting distance of a tree to a building and the tree size in relation to property distance.
- 1.3.6 The objection refers to internet information, *gardenlaw.co.uk*, that refers to the recommended safe planting distances from buildings. This information includes a reference to *Cutler DF & Richardson IBK (1989), "Tree Roots and Buildings" 2nd ed, Longman*, which outlines the results of a survey undertaken by the authors at Kew Gardens, London between 1971 - 1979 of the incidence of subsidence damage on shrinkable clay in which trees are implicated. The information sets out the 'maximum' distance which the genera had been recorded as causing damage, for example a sycamore tree, say at a height of 24m, should be a safe minimum distance of 17.0m away from the property.
- 1.3.7 In the case of this sycamore tree, and as the tree is smaller in height, the objector has calculated that the sycamore tree is too close to the property by 3.0m.
- 1.3.8 The distance dimensions, in its various forms, are still used as guidance for both new tree planting and trees in existing situations. With new tree planting, distances vary for different species due to factors such as the potential ultimate size; canopy shape and density (e.g. wide canopy with dense foliage); light and shade effects; extent and nature of root systems and the water demands of certain trees. This is often used to allow growth to maturity without conflicting with the amenity of the occupants or causing occupants to be fearful of the proximity of trees. With regard to existing trees on a site, the distances will also allow for construction to take place without causing dieback, or death of the tree (assuming due care is taken to protect the root spread and canopy during construction).
- 1.3.9 The urban environment has altered since the *Cutler & Richardson* data and it should be noted the same website article, *gardenlaw.co.uk*, raises concerns and many arboriculturists and insurance companies use *Cutler DF & Richardson IBK (1989), "Tree Roots and Buildings" 2nd ed*, with caution as '*They represent extreme examples that are statistically unlikely*' (*gardenlaw.co.uk*), recognising that every single tree in every single location is different.
- 1.3.10 With 11 East Farm Mews, the sycamore tree is older than the building (predates construction) and site conditions show that the garden, and the tree, is set at a lower level than the finished floor level (FFL) of the building which is retained by a wall. Foundations would have been designed that accommodate the level change and the presence of the tree and its effect on soils prior to construction. In the case of this objection, structural damage to the property is not an issue and no concerns relating to property damage have been highlighted.

1.3.11 Nevertheless, this development and many other sites in the borough contain existing mature trees that exist in closer proximity to existing dwellings than recommended in current guidelines and the removal of trees will not normally be justified purely on the basis of substandard distances. Any problems with overhanging can normally be addressed through standard arboricultural practices such as thinning or crown lifting.

b) Concern about the size of the tree in relation to the garden size

1.3.12 There is no legislation as to the presence of an existing tree in relation to urban garden size. Throughout the borough similar juxtapositions can be observed where trees and buildings co-exist in close proximity to each other or mature trees are present in small garden areas. A protected tree would not be removed because it is considered 'too big' or 'too tall' for its surroundings.

1.3.13 The garden is approximately 150m², and of fairly modest proportions. A previous application (17/00026/TREECA) supported the removal of a mature sycamore tree located closer to the property than the sycamore tree in question. The removal of this tree provided additional garden space for use by the occupiers and therefore the tree is not considered to be visually disproportionate to the size of the garden or unsuitable for its location.

1.3.14 It is however acknowledged that due to the tree's proximity to the existing building, periodic remedial work may in the future be required to maintain a reasonable clearance between the canopy edge and building. However, the TPO will ensure that any pruning works are not detrimental to the trees and in accordance with approved standards.

c) Concern about the tree being impractical due to its size in a residential location

1.3.15 The sycamore tree is located approximately 7.0m from the north west corner of the building in a garden which is set at approximately 1.3m lower level than the property and is accessed by a series of steps. The tree is approximately 14m plus in height with a slight lean to the east.

1.3.16 When the farm fell out of use, as part of the planning approval to redevelop the site, retaining trees that were considered an asset and of value and incorporating them into the development was a consideration as part of the planning process. The trees on the former farm site including this sycamore tree have been present on the site for a number of years, predates the construction of new residential buildings and are part of the historic legacy of the former farm land and buildings.

1.3.17 The benefits of retaining and/or incorporating trees in residential/urban locations is now widely supported and recognised and help deliver high quality places to live, work and spend leisure time. Urban trees are well recognised for their aesthetic qualities as well as their contribution to local distinctiveness and biodiversity. As a basis on which any development should proceed, an existing tree survey was undertaken (in accordance with BS5837: Trees in relation to design, demolition and construction – Recommendations) which provided detail on which trees were suitable for retention in the final and approved layout.

1.3.18 In terms of its species, TPO's are not only restricted to native trees and if any tree contributes to the visual amenity of an area, it is worthy of protection by a TPO. Sycamore trees have just as much value in the landscape as any other tree and although sycamores are not a native species, they have been naturalised in the UK for hundreds of years. In

the north east, they have regularly been planted around farm steadings and now form a valuable part of the wider tree assemblage. More recently the importance of sycamore trees in our landscape has probably increased in recent years since elm and ash cannot be planted or have died due to disease.

d) Authorities should be able to explain to landowners why their trees have been protected and that the tree has almost no public visibility

- 1.3.19 TPOs are administered by Local Planning Authorities (LPA) and are made to protect trees that bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat. If a tree in a conservation area is not covered by a TPO, the Town and Country Planning Act requires that written notification, or a section 211 notice, is given to the LPA, describing what works are to be carried out to trees, at least six weeks before the work starts. This gives the LPA an opportunity to consider protecting the tree with a TPO. A TPO is made in effect of amenity and does not distinct between different types of tree species or its size. Any species of tree can be protected, although a TPO can only be used to protect trees and cannot be applied to shrubs and bushes.
- 1.3.20 A section 211 notice was received informing the LPA that it was the intention to remove a sycamore tree located at 11 East Farm Mews, Backworth. A site visit was carried out and an evaluation of the tree was made and it was found that the tree was healthy and contributed to the amenity of the conservation area. Under the requirements of the section 211 notice, the decision was made to further protect the Sycamore tree by a TPO. Prior to the making of the TPO a further evaluation of the sycamore tree was undertaken using the TEMPO assessment (Tree Evaluation Method for Evaluating Preservation Orders). This assessment is carried out by the local planning authority and is a widely recognised and respected method of assessing the tree as an important landscape feature offering significant amenity to the general public.
- 1.3.21 The TEMPO evaluation method takes into account factors such as a tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Public access to a tree or trees is not a relevant factor for consideration. Whilst this method is more recognised and widely used by local authorities, it must be remembered however that the TEMPO is only used as guidance and to act as supporting evidence to show how the conclusion to TPO or to not TPO is reached. Nevertheless, these factors are taken into consideration to decide whether a TPO is made although as a result of the surveyors judgement rather than a formal method of assessment.
- 1.3.22 Furthermore, the tree(s) usually need to be under an immediate or foreseeable threat to warrant protection, and in this case, the sycamore tree was considered under threat of removal. If a score of 11 and above is achieved in the assessment, then the tree is considered worthy of a TPO. In this case the tree was evaluated with a score of 16, which 'definitely merits' a TPO and therefore the decision was made to protect the tree. The TEMPO assessment is attached for information (Appendix 7).
- 1.3.23 The sycamore tree is in reasonable health, early maturity, approximately 14 to 15 m high with a large portion of the crown clearly visible to the occupiers of 10, 12, 14, 15 and 16 East Farm Mews. The tree can be seen at short distance views as an individual specimen in the garden of 11 East Farm Mews from the lane to the east of the property. This lane is a private road (i.e not maintained by the Council) but has been openly and freely utilised by the public at large and would in law be classed as a public right of way. The tree also has principle views from the public highway of East Farm Mews. The tree forms a larger

tree collective from longer distance views which helps provide screening and privacy from the surrounding built environment. Its loss both from short and long-distance views would be considered a visual change and local residents will experience a changed or altered view on a permanent basis.

1.3.24 The objection also refers to the presence of neighbouring trees in the locality and that the removal of this tree would not impact on the amenity of the area. The sycamore tree has a fairly narrow canopy as a result of past pruning works but adds maturity to the built environment and helps provide some privacy and screening between properties. It is part of a collective grouping of trees which is prominent feature in the landscape and by virtue of its size and location, the tree makes a useful contribution to the outlook from nearby properties and thereby to visual amenity. With regard to the presence of other trees, each tree will be considered on an individual basis if an application for work is received and their condition and importance in the landscape will also be assessed. The removal of an individual tree because there are many trees in the local area is not a justifiable reason to remove the tree.

1.3.25 The tree is in fair condition as reflected in the TEMPO valuation. There is some dead wood present in the crown although the overall leaf cover of the tree is healthy. There is evidence of unsympathetic pruning in the past resulting in its narrow shape but this, along with rebalancing and/or thinning the crown if required, can be rectified by more appropriate pruning. Regular inspections of the tree can include the monitoring of branch unions and any development of any decay. Tar spot *Rhytisma acerinum* is evident on the leaves from early summer onwards but rarely causes long term injury or endangers the life of the tree. Other issues associated with the tree for example bud casing, sap and leaves which may be a seasonal inconvenience and whilst troublesome it is not legally a nuisance and considered to be normal and acceptable consequences of living near trees.

e) Concerns about branch failure

1.3.26 The fallout of debris from the tree is no more than should be expected by similar trees of normal vigour and is a natural phenomenon that should be expected when living in an environment with established trees.

1.3.27 Responsibility for the trees lies with the owner of the land on which the tree is growing. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people and property as the owner of the tree is responsible for any damage caused to property or persons by their tree, or part of it, failing.

1.3.28 Whilst it is difficult to predict the safety of a tree and whether it will fail or not, regular inspections of the tree by a tree surgeon will ensure they are maintained in a good and safe condition. Branch failure does not always render a tree dangerous and often are isolated events.

1.3.29 The TPO will ensure any works undertaken are carried out in accordance with good arboricultural practices and does not prevent future works from being undertaken but approval from the local authority would need to be sought beforehand.

f) Concerns about poisonous seeds

1.3.30 The objection refers to sycamore seeds being noxious. Further research of this revealed many newspaper and online articles of poisoning by sycamore seeds in relation to horses rather than relating to human health. Horses who graze in close proximity to sycamore trees can eat large quantities of seeds from the ground which can cause a reaction.

g) Concerns about tree removal on a neighbouring development

- 1.3.31 This refers to a new development on neighbouring land. Matters of this nature are beyond the scope of this report and have no bearing on the Tree Preservation Order issued at this location.

h) Concerns about health issues the owner is experiencing

- 1.3.32 Concerns have been raised in relation to wind pollinated plants and the health of the occupier. A Guardian newspaper article dating 2013 is referenced by the objector that reports tree pollen being a main cause of asthma and allergic reactions which the occupier of 11 East Farm Mews suffers. The article states that most of our native trees are wind pollinated including sycamore but the removal of this tree and presumably the other sycamore trees and tree species in close proximity to 11 East Farm Mews would have a profound effect on our landscape and biodiversity. The article also referenced that grass pollen is also a trigger of which there is many areas of grassed open space and gardens in close proximity which again would alter the landscape if paved over.
- 1.3.33 The sycamore tree and the other trees in the locality, collectively offer greater benefits and mounting evidence now realises improved health by improved air quality and reduced carbon emissions (as seen by recent COVID-19 events). Whilst there is great sympathy for the health of the occupier of the property, the benefits this tree and tree groups in the conservation area offer to the wider population outweigh the inconvenience they may cause to an individual.

Summary

- 1.3.34 The sycamore tree is in fair condition, reasonably healthy with no major defects. It has high amenity value, located in a prominent position within the rear garden, highly visible to and enjoyed by a significant number of occupiers of neighbouring residential properties and from vehicular traffic and pedestrians on East Farm Mews. The tree in question is an important element of the local landscape and its biodiversity and provides important screening across the rear gardens of neighbouring properties. The Order has been properly made in the interests of securing the contribution this tree makes to the public amenity value in the area. The concerns of the homeowner have been fully considered and balanced against the contribution this Sycamore tree makes to the to the local environment.
- 1.3.35 Whilst it is acknowledged that the reason for objecting to the TPO, in particular concerns about its visibility, individual impact and wider impact require due consideration, it is not felt that they outweigh the contribution this tree makes to the area.
- 1.3.36 Due to the size of this tree and prominence within the local landscape, the age of the tree (and potentially its historical value), its health and current condition, its biodiversity value and on the understanding that the tree is at risk of being felled, it is considered expedient in the interests of amenity to confirm a Tree Preservation Order on this tree.
- 1.3.37 It is important to reiterate that, if the Order is confirmed, this would not preclude future maintenance works to the tree. Should any works need to be carried out to the tree for safety reasons, or for any other reason, an application can be made to the local planning authority to carry out works to the protected tree

Additional Guidance

1.3.38 Confirming the TPO will not prevent any necessary tree work from being carried out, but will ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the tree. If the owners/occupiers were concerned about the condition of the tree and require pruning works to be carried out, an application to the Council can be submitted as required by the TPO.

1.3.39 Protecting the trees with a TPO would be in accordance with the Councils adopted Local Plan policy DM5.9 Trees, Woodland and hedgerows, which states;

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

a) Protect and manage existing woodlands, trees, hedgerows and landscape features’

1.3.40 Protecting the trees with a TPO would be in accordance with the Councils adopted Local Plan policy S6.5 Heritage Assets and DM6.6 Protection, Preservation and Enhancement of Heritage Assets, which states

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

a. Respecting the significance of assets.

b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.

c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.

d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.

e. Supporting appropriate interpretation and promotion of the heritage assets.

f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.

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

‘DM6.6 Protection, Preservation and Enhancement of Heritage Assets - Proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;

d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;

e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;

g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;

h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that

outweigh the harm or loss to the historic environment, and cannot be met in any other way.'

- 1.3.41 In accordance with the Town and Country Planning Act 1990 (as amended) the Authority considers it necessary to issue a Tree Preservation Order to maintain and safeguard the contribution made by this tree to the landscape and visual amenity of the area. The Tree Preservation Order was served on the owners and other relevant parties on 3rd April 2020. A copy of this original Order is attached as Appendix 2, including a separate map of the TPO (Appendix 3).
- 1.3.42 The Order must be confirmed by 3rd October 2020 otherwise the Order will lapse and there will be nothing to prevent the removal of this tree which is currently protected.

Decision options:

1. To confirm the Tree Preservation Order with no modifications.
2. To confirm the Tree Preservation Order with modifications.
3. To not confirm the Tree Preservation Order.

Reasons for recommended option:

Option 1 is recommended. A Tree Preservation Order does not prevent works to trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.

Appendices:

Appendix 1 – Original Section 211 Notice Notifying the Council of the intention to remove the tree

Appendix 2 – Signed and sealed order of the 11 East Farm Mews, Backworth, Tree Preservation Order 2020

Appendix 3 – Map of TPO for 11 East Farm Mews, Backworth, Tree Preservation Order 2020

Appendix 4 – Schedule of the TPO for 11 East Farm Mews, Backworth, Tree Preservation Order 2020

Appendix 5 – Letter of objection from the owners 21.04.2020

Appendix 6 – Response from the Council landscape architect to the objection of the TPO

Appendix 7 – TEMPO for the tree subject to the 11 East Farm Mews, Backworth, Tree Preservation Order 2020

Contact officers:

Peter Slegg (Tel: 643 6308)

Background information:

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

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Report author Peter Slegg



North Tyneside Council

Tel: 0191 643 2310

Email: development.control@northynteside.gov.uk

Web: www.northynteside.gov.uk

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Trees Location

Number	11
Suffix	
Property name	
Address line 1	East Farm Mews
Address line 2	
Address line 3	
Town/city	Backworth
Postcode	NE27 0FB

If the location is unclear or there is not a full postal address, describe as clearly as possible where it is (for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road')

Easting (x)	430111
Northing (y)	572317

Description

--

2. Applicant Details

Title	
First name	Lind
Surname	Elias
Company name	
Address line 1	11
Address line 2	East Farm Mews
Address line 3	

2. Applicant Details

Town/city

Backworth

Country

Postcode

NE27 0FB

Primary number

Secondary number

Fax number

Email address

Are you an agent acting on behalf of the applicant? ☐ Yes ☒ No

3. Agent Details

No Agent details were submitted for this application

4. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a Tree Preservation Order? ☐ Yes ☒ No

Are you wishing to carry out works to tree(s) in a conservation area? ☒ Yes ☐ No

5. Identification of Tree(s) and Description of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out.

You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work.

Where trees are protected by a Tree Preservation Order, please number them as shown in the First Schedule to the Tree Preservation Order where this is available. You should use the same numbering on your sketch plan (see help for sketch plan requirements).

Please provide the following information:
- Tree species
- The number used on the sketch plan); and
- A description of the proposed works.

Where trees are protected by a Tree Preservation Order you must also provide:
- Reasons for the work; and where trees are being felled
- Proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

e.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with one standard ash in same position.

We wish to carry out felling work on a rather large sycamore tree in our side garden for a number of reasons outlined below. The tree has been tagged as 0325 but I believe this is a site marker from when the land was being developed as opposed to a tree protected by a TPO .
BACK GARDEN
- The tree has Dead Wood in the middle and existing branches contain dead wood
- It has been badly managed and pruned in the past (not by us) causing further distress to the tree.The tree, has also been subject to unsympathetic pruning in the past from previous owner(s) of the property, which have compromised the form of the tree.
- All the weight of the tree is on the top of the tree
- The tree has a number of poor unions
- The tree has water sitting in these unions causing rot
- There is evidence of a growing hollow opening up in the tree at the base of the crown, which holds water and is covered in moss due to its water retention. This area of the tree also has a black, oozing streak, which may indicate wetwood, or slime flux.
- Gutters on the house are continually blocked on rear side of property due to leaf shed and broken twigs this is causing pipes to block significantly and preventing water from running away in the drain and gutters.
- Concerned that the tree poses a risk due to the number of broken branches hanging after the recent winds, it continually throws down twigs and branches which pose a health and safety issue for us. L Elias suffers a rare blood disease similar to haemophilia and any trauma is extremely dangerous. We therefore feel that the tree does pose a serious risk of harm.
- Gives all the usual problems with leaf fall, seeds, aphids, sap, blocked gutters,lack of light.
- A healthy sycamore should only be dropping leaves in the autumn but this drops all the year as it suffers from Tar spot which is a leaf spot disease caused by the fungus Rhytisma acerinum. The spots are unsightly, and the disease can cause premature leaf fall.

The tree is of no rarity, historical or cultural value and has limited public visibility due to it being in our garden which is fenced and at the rear side of the property where there is limited public access via a single track lane away hidden away from the main road or existing urban dwellings hence I do not think that removal would impact on its value as a 'so called' public amenity or impact on the relationship with the landscape or to the character and appearance of the conservation area due to the remaining tree population.
Once the tree has been removed we plan to landscape the area and replace with two Robina Frisias.
The tree was inspected by an aboriculturist in November 2016

FRONT GARDEN
We wish to remove what is essentially just a trunk in the front garden with a few branches on the top.
To allow the remaining trees to flourish

6. Trees - Additional Information

For all trees

A sketch plan clearly showing the position of trees listed in the question 'Identification of Tree(s) and Description of Works' MUST be provided when applying for works to trees covered by a Tree Preservation Order. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes).

It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please note: If none of the proposed work involves trees covered by a TPO, please answer 'No' to the two questions below

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application MUST be accompanied by the necessary evidence to support your proposals (see guidance notes for further details).

1. Condition of the tree(s) - e.g. it is diseased or you have fears that it might break or fall ☒ Yes ☐ No

If Yes, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. Alleged damage to property - e.g. subsidence or damage to drains or drives. ☒ Yes ☐ No

If Yes, you are required to provide for:

- Subsidence: A report by an engineer or surveyor (to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals) and a report from an arboriculturist to support the tree work proposals.

- Other structural damage (e.g. drains walls and hard surfaces): Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing additional information in support of your application (e.g. an additional schedule of work for question 'Identification of Tree(s) and Description of Works')? ☒ Yes ☐ No

If Yes, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application

Photograph of Site Map Attached
23 Photographs

7. Tree Ownership

Is the applicant the owner of the tree(s)? ☒ Yes ☐ No

8. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number

Not applicable

9. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent. ☐ Yes ☒ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

10. Trees - Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application) 21/02/2020

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Town and Country Planning Act 1990
The Council of the Borough of North Tyneside (11 East Farm Mews,
Backworth) Tree Preservation Order 2020

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the 11 East Farm Mews, Backworth Tree Preservation Order 2020.

Interpretation

2. (1) In this Order “the authority” means the Council of the Borough of North Tyneside

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4.—In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 3rd day of April 2020

The Common Seal of the
Council of the Borough of North Tyneside
was affixed to this order in the presence of:



Authorised Signatory



TREE PRESERVATION ORDER 2020 **11, EAST FARM MEWS, BACKWORTH**

SCHEDULE

The map referred to is at a scale of 1:500 and is based on an enlargement of the O.S. edition of sheet numbered NZ3072. The area covered by the Order is on land at 11, East Farm Mews, Backworth. The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

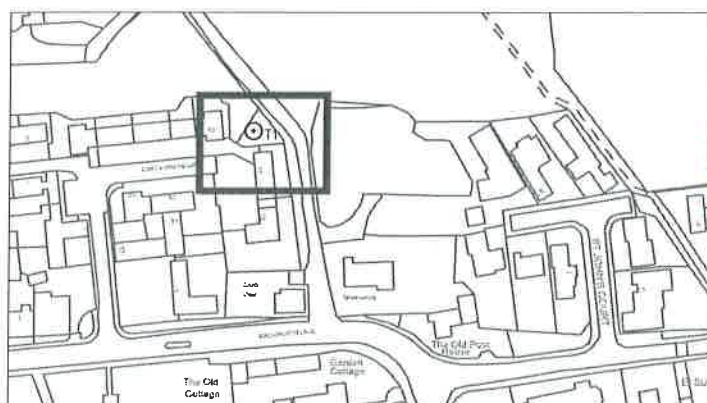
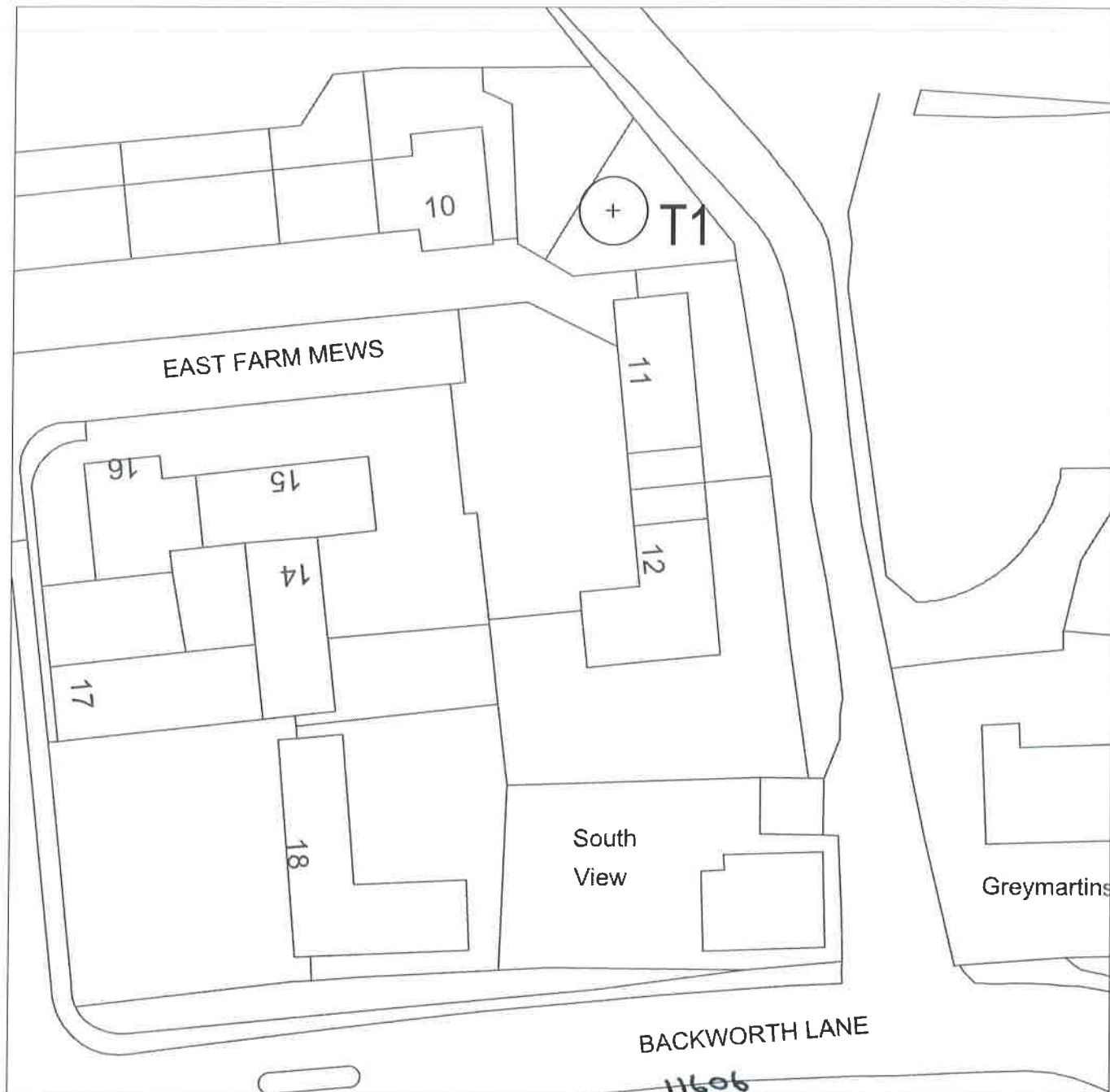
SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore (Acer sp)	Located approximately 7.6m in a northerly direction from the north west corner of 11 East Farm Mews and approximately 9.5m in a north westerly direction from the north east corner of 11 East Farm Mews

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

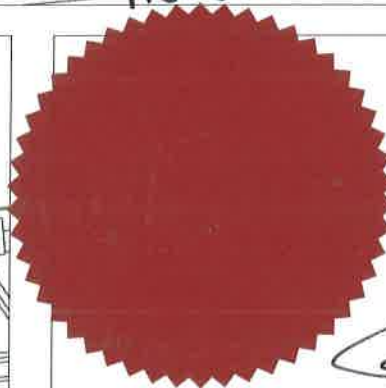
GROUPS OF TREES (within a broken black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

WOODLANDS (within a continuous black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



Phil Scott
 Head of Environment, Housing and Leisure
 Quadrant East
 The Silverlink
 Cobalt Business Park
 North Tyneside
 NE27 0BY

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Dated this day :

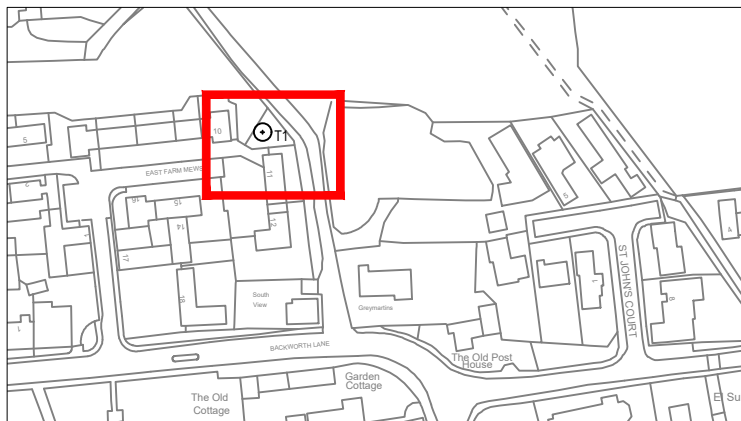
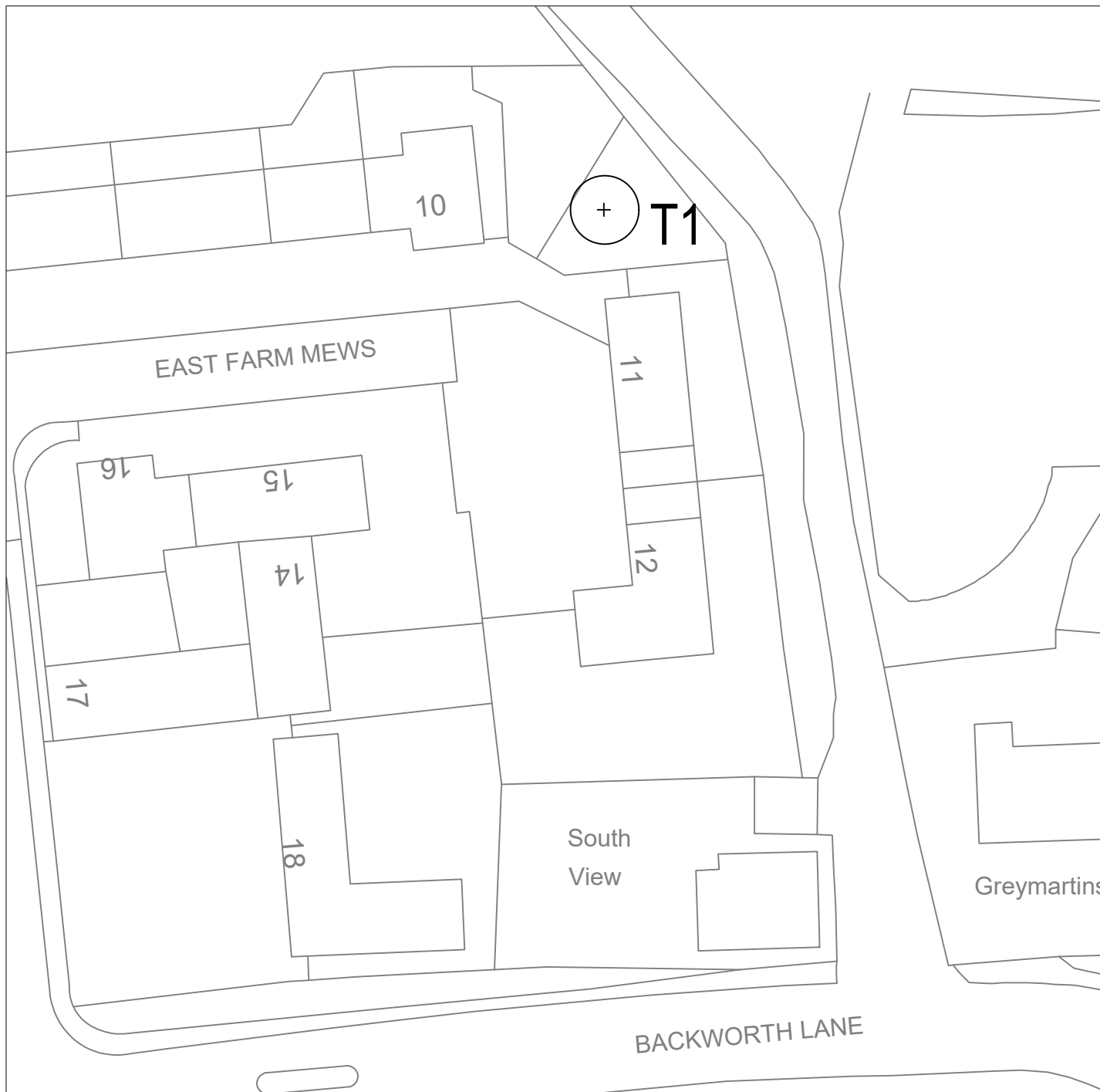
3rd April 2020

The Common Seal of the Council of the
 Borough of North Tyneside was affixed to
 this Order in the presence of :

Authorised Signatory

**NORTH TYNESIDE COUNCIL
 TREE PRESERVATION ORDER 2020**

11, EAST FARM MEWS, BACKWORTH



Dated this day :

3rd April 2020

The Common Seal of the Council of the Borough of North Tyneside was affixed to this Order in the presence of :

Authorised Signatory

Phil Scott
Head of Environment, Housing and Leisure
Quadrant East
The Silverlink
Cobalt Business Park
North Tyneside
NE27 0BY

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**NORTH TYNESIDE COUNCIL
TREE PRESERVATION ORDER 2020**

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TREE PRESERVATION ORDER 2020

11, EAST FARM MEWS, BACKWORTH

SCHEDULE

The map referred to is at a scale of 1:500 and is based on an enlargement of the O.S. edition of sheet numbered NZ3072. The area covered by the Order is on land at 11, East Farm Mews, Backworth. The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore (Acer sp)	Located approximately 7.6m in a northerly direction from the north west corner of 11 East Farm Mews and approximately 9.5m in a north westerly direction from the north east corner of 11 East Farm Mews

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

GROUPS OF TREES (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

WOODLANDS (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

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11 East Farm Mews
Backworth
Tyne & Wear
NE27 0FB

Dave Brown
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

17th April 2020

REF: 20/00262/TREECA

Dear Sir,

Please accept this letter as our right to object to the decision regarding the felling of a Sycamore tree (referred to as T1 in your response) within our property boundary and also our opportunity to make additional representation regarding the application for your further impartial and professional consideration.

T1 is located approximately 7.6m in a northerly direction from the north west corner of 11 East Farm Mews and approximately 9.5m in a north westerly direction from the north east corner of 11 East Farm Mews. Our objections are set out below:

T1 has a girth of 67 inches and is 50ft tall and is extremely dominant in our small corner plot which is triangular shaped and is therefore disproportionate in size. Our understanding is that the plots that now make up East Farm Mews were originally farmland where tree positioning and size was irrelevant, however as the site has now been developed as residential dwellings it would appear that an element of oversight has occurred regarding trees within property boundaries and it is widely considered that Sycamore trees are impractical for the average home landscape.

Above you have stated that T1 is approximately 7.6m from the north west corner of 11 East Farm Mews. www.gardenlaw.co.uk indicates that a safe distance of a sycamore tree with an average height of 24m should be a minimum safe distance of 17m away from property. This calculates to 0.78m distance per 1m of tree height. In our case **a safe (minimum distance)** for a 50ft tree height (assumed) = $15.24 \times 0.78 = 10.795\text{m}$ approximately. The location of T1 therefore **fails** this test by **3m**.

imilar information regarding tree size versus property distance was recorded in Cutler DF & Richardson IBK (1989), "Tree Roots and Buildings" 2nd ed, Longman.

In the Officer's Recommendation Report published 7th April 2020 the main context of the report regarding the decision for T1 emphasizes the amenity value of the tree.

www.gov.uk Tree Preservation Orders and trees in conservation areas (published 6th March 2014 from the Ministry of Housing, Communities and Local Government) states the following:

What does 'amenity' mean in practice?

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Paragraph: 007 Reference ID: 36-007-20140306

Revision date: 06 03 2014

What might a local authority take into account when assessing amenity value?

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

The Officers recommendation report cites that T1 is 'visible from the highway associated with East Farm Mews but due to its location being at the end of the cul-de-sac and within a side garden is not as prominent'.

Attached with this letter is an aerial map of East Farm Mews (and Greymartins) highlighting T1 with a number of photographs (appendix 2) taken at eye level demonstrating visibility. It is reasonably evidenced from the photos that the properties within the cul-de-sac that may find amenity value provided by T1 are the occupiers of 10, 12, 14, 15 & 16 East Farm Mews only. There are approximately 18 dwellings in the cul-de-sac which means that only 27% of the residents have partial visibility of varying degrees of T1.

Additional photos have also been provided taken from the main road (B1322) where T1 is not visible at all and also from the entrance to Greymartins where again T1 is not visible. Only through traversing down Greymartins and drawing level to the rear corner of 11 East Farm Mews is visibility partially exposed. Views are also restricted from the playing fields due to the existing tree line.

It is therefore not clear in the officer's recommendation report how amenity value has been established, evidenced and the criteria that has been used to indicate that T1 'has a high amenity value and makes a positive impact on the character and appearance of the

conservation area. It is further not clear how the statement provided within the officer's recommendation report meets government guidelines that public visibility is not in itself sufficient to warrant an order or that the removal of T1 would have a significant impact on the character and appearance of the conservation area.

Further to the character and appearance of the conservation area, the local planning authority has already granted planning permission for the **construction of two three-bedroom dwellings, including accompanying car parking, landscaping and garden space** to be built on the land located opposite 11 & 12 East Farm Mews in Greymartins Lane which was approved in 2015 **Ref. No: 15/01617/FUL**

In allowing the development to go ahead, the local planning authority approved the felling of at least 3x existing trees (including a Sycamore Tree) and a number of hedges within the site boundaries as evidenced on the arboriculture reports that were submitted with the application.

The differences in the council response and overall decision to our application and that of the development of 2x three bedroom dwellings in Greymartins Lane does not appear to be consistent when taking into consideration the implied value of Sycamore trees that has been attached to our application, the implied impact on amenity value and the implied preservation of the character and appearance of the conservation area. The development of the 2x three-bedroom dwellings in Greymartins commences approximately 8.18m away from our rear fence which also borders Greymartins Lane.

The officer's recommendation report also references 'that there is insufficient evidence that the tree is a severe risk to people or property'. We would challenge the substantiation of this statement as Lind Elias has a rare blood disease where platelets are not reproduced in the body, for ease of explanation this is akin to a form of Haemophilia where any trauma received to the body can cause both extensive internal and/or external bleeding.

In Lind's case this has been recognised by the medical profession as potentially a life-threatening condition. In our submission we provided photos (appendix 2) of a number of branches that have fallen from the tree and should one of those branches have landed on Lind then there is a very high risk that it could have triggered a trauma requiring medical attention.

Further to this, Lind also suffers from asthma and bronchitis that has progressively got worse over the last 2-3 years. Every summer a sycamore tree develops fine dust on the underside of its leaves. This dust is a respiratory irritant. Some people just cough a little, while others might progress to violent vomiting after a terrible bout of coughing. The tree is so large in our small garden there is no escape from it and it causes breathing difficulties for which Lind needs to use inhalers and steroids to combat severe asthma attacks on a daily basis. But there are also lesser-known risks to look out for including **sycamore seeds** – which have recently been discovered to be noxious. Below is an excerpt from a national newspaper regarding wind pollinated plants.

The **Guardian Newspaper** reported on 3 May 2013 **Avoid wind-pollinated plants** Their pollen is tiny, light and easily inhaled. Insect-pollinated plants produce heavier pollen that sticks to the pollinator and does not easily become airborne. Many of our most common trees are wind-pollinated, including ash, birch, elder, hazel, horse chestnut, oak, plane, **sycamore**, willow and yew. All produce huge clouds of pollen in early summer.

Medical records are available on request should you wish to validate the platelet, asthma and bronchitis conditions further? In light of Lind's personal health conditions, we respectfully

ask that it is clarified as to what further information we can provide to support our view that the tree has the potential of being a severe risk to people (Lind), contrary to the wording in the officer's recommendation report?

Our final comment is in regards to the consideration of the volume of other remaining trees that line Greymartins lane and the surrounding fields. There are also 3x sycamore trees to the front of 11 & 12 East Farm Mews, 7x sycamore trees at the rear of 12 East Farm Mews, a further sycamore tree at the corner of the rear of 11 East Farm Mews and also 1x Hawthorn tree at the rear boundary fence of 10 & 11 East Farm Mews that will all remain in situ. Taking into consideration the density population of these additional trees along the immediate boundary lines of 10,11 & 12 East Farm Mews it is not clear how the decision of the removal of T1 would significantly impact on the landscape and amenity value?

No neighbouring properties or local stakeholders have raised concerns or objections to the application.

When the tree has been felled we will plant a native broad leaf 10/12 girth within the garden for example a green beech or red oak.

Yours sincerely,

Steve Dudley & Lind Elias.

Appendix 1 – Photograph locations



Appendix 2 – Photographs



Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



Photograph 13



Photograph 14



Photograph 15



Photograph 16



Photograph 17



Photograph 18



Photograph 20



Photograph 21

11 EAST FARM MEWS: OBJECTION TO TREE PRESRVATION ORDER

A TPO as made on 3rd April 2020 and served on the owners and occupiers of 11 East Farm Mews, Backworth on 3rd April 2020

The following objections have been received from the owners of 11 East Farm Mews. I have summarised the issues relating to the objections.

1. The objection raised concerns about the safe planting distance of trees in relation to the property
2. The objection raises concerns about the size of the tree in relation to the garden size
3. The objection raises concerns about the tree being impractical due to its size in a residential location
4. The objection refers to amenity and states that the authorities should be able to explain to landowners why their trees have been protected and that the tree has almost no public visibility.
5. The objection raises concerns about branch failure
6. The objection raises concerns about poisonous seeds
7. The objection raises concerns about tree removal on a neighbouring development.
8. The objection raises concerns about health issues the owner is experiencing.

Relevant planning policies relevant to this TPO confirmation are:

- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- NTC Local Plan policies
- National Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas

1. Safe planting distance of trees in relation to the property

The objection refers to the safe planting distance of a tree to a building and the tree size in relation to property distance.

The objection refers to internet information, *gardenlaw.co.uk*, that refers to the recommended safe planting distances from buildings. This information includes a reference to *Cutler DF & Richardson IBK (1989), "Tree Roots and Buildings" 2nd ed, Longman*, which outlines the results of a survey undertaken by the authors at Kew Gardens, London between 1971 - 1979 of the incidence of subsidence damage on shrinkable clay in which trees are implicated. The information sets out the 'maximum' distance which the genera had been recorded as causing damage, for example a sycamore tree, say at a height of 24m, should be a safe minimum distance of 17.0m away from the property.

In the case of this sycamore tree, and as the tree is smaller in height, the objector has calculated that the sycamore tree is too close to the property by 3.0m.

The distance dimensions, in its various forms, are still used as guidance for both new tree planting and trees in existing situations. With new tree planting, distances vary for different species due to factors such as the potential ultimate size; canopy shape and density (e.g. wide canopy with dense foliage); light and shade effects; extent and nature of root systems and the water demands of certain trees. This is often used to allow growth to maturity without conflicting with the amenity of the occupants or causing occupants to be fearful of the proximity of trees. With regard to existing trees on a site, the distances will also allow for construction to take place without causing dieback, or death of the tree (assuming due care is taken to protect the root spread and canopy during construction).

The urban environment has altered since the *Cutler & Richardson* data and it should be noted the same website article, *gardenlaw.co.uk*, raises concerns and many arboriculturists and insurance companies use *Cutler DF & Richardson IBK (1989), "Tree Roots and Buildings" 2nd ed*, with caution as 'They represent extreme examples that are statistically unlikely' (*gardenlaw.co.uk*), recognising that every single tree in every single location is different.

With 11 East Farm Mews, the sycamore tree is older than the building (predates construction) and site conditions show that the garden, and the tree, is set at a lower level than the finished floor level (FFL) of the building which is retained by a wall. Foundations would have been designed that accommodate

the level change and the presence of the tree and its effect on soils prior to construction. In the case of this objection, structural damage to the property is not an issue and no concerns relating to property damage have been highlighted.

Nevertheless, this development and many other sites in the borough contain existing mature trees that exist in closer proximity to existing dwellings than recommended in current guidelines and the removal of trees will not normally be justified purely on the basis of substandard distances. Any problems with overhanging can normally be addressed through standard arboricultural practices such as thinning or crown lifting.

2. Concerns about the size of the tree in relation to the garden size

There is no legislation as to the presence of an existing tree in relation to urban garden size. Throughout the borough similar juxtapositions can be observed where trees and buildings co-exist in close proximity to each other or mature trees are present in small garden areas. A protected tree would not be removed because it is considered 'too big' or 'too tall' for its surroundings.

The garden is approximately 150m², and of fairly modest proportions. A previous application (17/00026/TREECA) supported the removal of a mature sycamore tree located closer to the property than the sycamore tree in question. The removal of this tree provided additional garden space for use by the occupiers and therefore the tree is not considered to be visually disproportionate to the size of the garden or unsuitable for its location.

It is however acknowledged that due to the tree's proximity to the existing building, periodic remedial work may in the future be required to maintain a reasonable clearance between the canopy edge and building. However, the TPO will ensure that any pruning works are not detrimental to the trees and in accordance with approved standards.

3. The sycamore tree is impractical due to its size in a residential location

The sycamore tree is located approximately 7.0m from the north west corner of the building in a garden which is set at approximately 1.3m lower level than the property and is accessed by a series of steps. The tree is approximately 14m plus in height with a slight lean to the east.

When the farm fell out of use, as part of the planning approval to redevelop the site, retaining trees that were considered an asset and of value and incorporating them into the development was a consideration as part of the planning process. The trees on the former farm site including this sycamore tree have been present on the site for a number of years, predates the construction of new residential buildings and are part of the historic legacy of the former farm land and buildings.

The benefits of retaining and/or incorporating trees in residential/urban locations is now widely supported and recognised and help deliver high quality places to live, work and spend leisure time. Urban trees are well recognised for their aesthetic qualities as well as their contribution to local distinctiveness and biodiversity. As a basis on which any development should proceed, an existing tree survey was undertaken (in accordance with BS5837: Trees in relation to design, demolition and construction – Recommendations) which provided detail on which trees were suitable for retention in the final and approved layout.

In terms of its species, TPO's are not only restricted to native trees and if any tree contributes to the visual amenity of an area, it is worthy of protection by a TPO. Sycamore trees have just as much value in the landscape as any other tree and although sycamores are not a native species, they have been naturalised in the UK for hundreds of years. In the north east, they have regularly been planted around farm steadings and now form a valuable part of the wider tree assemblage. More recently the importance of sycamore trees in our landscape has probably increased in recent years since elm and ash cannot be planted or have died due to disease.

4. Public amenity

TPOs are administered by Local Planning Authorities (LPA) and are made to protect trees that bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat. If a tree in a conservation area is not covered by a TPO, the Town and Country Planning

Act requires that written notification, or a section 211 notice, is given to the LPA, describing what works are to be carried out to trees, at least six weeks before the work starts. This gives the LPA an opportunity to consider protecting the tree with a TPO. A TPO is made in effect of amenity and does not distinct between different types of tree species or its size. Any species of tree can be protected, although a TPO can only be used to protect trees and cannot be applied to shrubs and bushes.

A section 211 notice was received informing the LPA that it was the intention to remove a sycamore tree located at 11 East Farm Mews, Backworth. A site visit was carried out and an evaluation of the tree was made and it was found that the tree was healthy and contributed to the amenity of the conservation area. Under the requirements of the section 211 notice, the decision was made to further protect the Sycamore tree by a TPO. Prior to the making of the TPO a further evaluation of the sycamore tree was undertaken using the TEMPO assessment (Tree Evaluation Method for Evaluating Preservation Orders). This assessment is carried out by the local planning authority and is a widely recognised and respected method of assessing the tree as an important landscape feature offering significant amenity to the general public.

The TEMPO evaluation method takes into account factors such as a tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Public access to a tree or trees is not a relevant factor for consideration. Whilst this method is more recognised and widely used by local authorities, it must be remembered however that the TEMPO is only used as guidance and to act as supporting evidence to show how the conclusion to TPO or to not TPO is reached. Nevertheless, these factors are taken into consideration to decide whether a TPO is made although as a result of the surveyors judgement rather than a formal method of assessment.

Furthermore, the tree(s) usually need to be under an immediate or foreseeable threat to warrant protection, and in this case, the sycamore tree was considered under threat of removal. If a score of 11 and above is achieved in the assessment, then the tree is considered worthy of a TPO. In this case the tree was evaluated with a score of 16, which 'definitely merits' a TPO and therefore the decision was made to protect the tree. The TEMPO assessment is attached for information.

The sycamore tree is in reasonable health, early maturity, approximately 14 to 15 m high with a large portion of the crown clearly visible to the occupiers of 10, 12, 14, 15 and 16 East Farm Mews. The tree can be seen at short distance views as an individual specimen in the garden of 11 East Farm Mews from the lane to the east of the property. This lane is a private road (i.e not maintained by the Council) but has been openly and freely utilised by the public at large and would in law be classed as a public right of way. The tree also has principle views from the public highway of East Farm Mews. The tree forms a larger tree collective from longer distance views which helps provide screening and privacy from the surrounding built environment. Its loss both from short and long-distance views would be considered a visual change and local residents will experience a changed or altered view on a permanent basis.

The objection also refers to the presence of neighbouring trees in the locality and that the removal of this tree would not impact on the amenity of the area. The sycamore tree has a fairly narrow canopy as a result of past pruning works but adds maturity to the built environment and helps provide some privacy and screening between properties. It is part of a collective grouping of trees which is prominent feature in the landscape and by virtue of its size and location, the tree makes a useful contribution to the outlook from nearby properties and thereby to visual amenity. With regard to the presence of other trees, each tree will be considered on an individual basis if an application for work is received and their condition and importance in the landscape will also be assessed. The removal of an individual tree because there are many trees in the local area is not a justifiable reason to remove the tree.

The tree is in fair condition as reflected in the TEMPO valuation. There is some dead wood is present in the crown although the overall leaf cover of the tree is healthy. There is evidence of unsympathetic pruning in the past resulting in its narrow shape but this, along with rebalancing and/or thinning the crown if required, can be rectified by more appropriate pruning. Regular inspections of the tree can include the monitoring of branch unions and any development of any decay. Tar spot *Rhytisma*

acerinum is evident on the leaves from early summer onwards but rarely causes long term injury or endangers the life of the tree. Other issues associated with the tree for example bud casing, sap and leaves which may be a seasonal inconvenience and whilst troublesome it is not legally a nuisance and considered to be normal and acceptable consequences of living near trees.

5. Branch failure

The fallout of debris from the tree is no more than should be expected by similar trees of normal vigour and is a natural phenomenon that should be expected when living in an environment with established trees.

Responsibility for the trees lies with the owner of the land on which the tree is growing. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people and property as the owner of the tree is responsible for any damage caused to property or persons by their tree, or part of it, failing.

Whilst it is difficult to predict the safety of a tree and whether it will fail or not, regular inspections of the tree by a tree surgeon will ensure they are maintained in a good and safe condition. Branch failure does not always render a tree dangerous and often are isolated events.

The TPO will ensure any works undertaken are carried out in accordance with good arboricultural practices and does not prevent future works from being undertaken but approval from the local authority would need to be sought beforehand.

6. Poisonous seeds and wind pollinated plants on health

The objection refers to sycamore seeds being noxious. Further research of this revealed many newspaper and online articles of poisoning by sycamore seeds in relation to horses rather than relating to human health. Horses who graze in close proximity to sycamore trees can eat large quantities of seeds from the ground which can cause a reaction.

7. Tree removal on a neighbouring development

This refers to a new development on neighbouring land. Matters of this nature are beyond the scope of this report and have no bearing on the Tree Preservation Order issued at this location.

8. Wind pollinated plants and health

Concerns have been raised in relation to wind pollinated plants and the health of the occupier. A Guardian newspaper article dating 2013 is referenced by the objector that reports tree pollen being a main cause of asthma and allergic reactions which the occupier of 11 East Farm Mews suffers. The article states that most of our native trees are wind pollinated including sycamore but the removal of this tree and presumably the other sycamore trees and tree species in close proximity to 11 East Farm Mews would have a profound effect on our landscape and biodiversity. The article also referenced that grass pollen is also a trigger of which there is many areas of grassed open space and gardens in close proximity which again would alter the landscape if paved over.

The sycamore tree and the other trees in the locality, collectively offer greater benefits and mounting evidence now realises improved health by improved air quality and reduced carbon emissions (as seen by recent COVID-19 events). Whilst there is great sympathy for the health of the occupier of the property, the benefits this tree and tree groups in the conservation area offer to the wider population outweigh the inconvenience they may cause to an individual.

Conclusion

The sycamore tree is in fair condition, reasonably healthy with no major defects. It has high amenity value, located in a prominent position within the rear garden, highly visible to and enjoyed by a significant number of occupiers of neighbouring residential properties and from vehicular traffic and pedestrians on East Farm Mews. The tree in question is an important element of the local landscape and its biodiversity and provides important screening across the rear gardens of neighbouring properties. The Order has been properly made in the interests of securing the contribution this tree makes to the public amenity value in the area. The concerns of the homeowner have been fully

considered and balanced against the contribution this Sycamore tree makes to the to the local environment.

Whilst it is acknowledged that the reason for objecting to the TPO, in particular concerns about its visibility, individual impact and wider impact require due consideration, it is not felt that they outweigh the contribution this tree makes to the area.

Due to the size of this tree and prominence within the local landscape, the age of the tree (and potentially its historical value), its health and current condition, its biodiversity value and on the understanding that the tree is at risk of being felled, it is considered expedient in the interests of amenity to confirm a Tree Preservation Order on this tree.

It is important to reiterate that, if the Order is confirmed, this would not preclude future maintenance works to the tree. Should any works need to be carried out to the tree for safety reasons, or for any other reason, an application can be made to the local planning authority to carry out works to the protected tree.

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)
SURVEY DATA SHEET & DECISION GUIDE
Surveyor: North Tyneside Council

Location: 11 EAST FARM MEWS, BACKWORTH
Species: SYCAMORE

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

Score & Notes

3: The tree contributes to the amenity of the local area.

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very Suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just Suitable |
| 0) <10* | Unsuitable |

Score & Notes

4 It is estimated the tree is semi mature and is of a species and condition that could survive for over 40 years.

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

3: The tree is large with limited views from the local streetscape

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes

1 The tree helps retain the areas character and is a good example of a modern redevelopment retaining the old landscape characteristics within a site.

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

5: Application to undertake works to fell the tree – 6 week notification

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Scores for Total:

16

Decision: Yes/No

YES

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