



North Tyneside Council

Planning Committee

16 October 2020

To be held on **Tuesday, 27 October 2020** commencing at **10.00am**

This meeting will be held using video conferencing technology and streamed live on the Council's YouTube channel.

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. Declarations of Interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also 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.	
4. Minutes To confirm the minutes of the previous meeting held on 29 September 2020	5 - 10

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Agenda Item	Page
<p>5. Planning Officer Reports</p> <p>To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.</p>	11 - 16
<p>6. 19/01674/FUL, Land West of 115 and Land North of 119 Castle Square, Backworth</p> <p>To determine a full planning application from Bernicia Group for the development of a 32-unit residential scheme comprising of affordable housing at Castle Square, Backworth. Formation of associated new vehicular access onto Killingworth Lane, improvements to the open space within the site boundary.</p>	17 - 60
<p>7. 20/01076/FUL, 1 Trevor Terrace, North Shields</p> <p>To consider a full planning application from Mr Calvin Khass for the change of use from raised, grassed area to dining area for Scott & Wilson.</p>	61 - 76
<p>8. 20/00273/FUL, Site of former Drift Inn, Seaton Burn</p> <p>To determine a full planning application from Northumbria Vehicles for the erection of 5no three bedroom houses and 5no four bedroom houses at the site of the former Drift Inn public house.</p>	77 - 122
<p>9. 20/01044/FUL, Ovington Boats, 31 Tanners Bank, North Shields</p> <p>To determine a full planning application from Ovington Boats Limited for a new steel portal framed extension at Ovington Boats for the purposes of factory/ workshop and offices.</p>	123 - 144

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, 29 September 2020

Present: Councillor T Brady (in the Chair)
Councillors K Barrie, L Darke, S Graham, M Green,
P Richardson, W Samuel and F Weetman

Apologies: Councillors F Lott

PQ101/20 Appointment of substitutes

There were no substitute members appointed.

PQ102/20 Declarations of Interest

Councillor M A Green declared a registerable personal interest in relation to planning applications 20/00564/FUL and 20/00565/FUL, Kids 1st Nursey, Rake Lane, because she had been appointed by the Council as a Governor of the Northumbria Healthcare NHS Trust and many of its employees use the nursery.

PQ103/20 Minutes

Resolved that the minutes of the meeting held on 1 September 2020 be confirmed and signed by the Chair.

PQ104/20 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.

PQ105/20 18/00881/FUL, Land at Backworth Business Park, Eccleston Close, Backworth

The Committee considered a report from the planning officers in relation to a full planning application from Northumberland Estates for the construction of 67 residential dwellings (C3) and 14 No. B1, B2 & B8 commercial units totalling 650 sqm, with associated road infrastructure, car parking spaces, open spaces, gardens and landscaping.

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, R & K Wood Planning had been granted permission to submit a written statement on behalf of Keenan's Food Processing. The statement was read to the Committee. It asked the Committee to

consider whether the development was consistent with Policy S4.3 of the Council's Local Plan which had allocated an 8.5 hectare site, including the Backworth Business Park site, as a mixed use site for business and 65 dwellings. This proposal together with a separate planning application (18/01373/FUL) proposed 111 dwellings. The Committee were asked to consider whether the application had addressed the concerns expressed by a planning inspector arising from an earlier planning appeal regarding the noise levels from Keenan's operations and whether the noise mitigation measures proposed by the applicant were acceptable.

Northumberland Estates submitted a written statement in response to the issues raised by R & K Wood. This was read to the Committee. Northumberland Estates stated that the proposed development of 67 dwellings and 14 business workshops would deliver a mixed use development of the site which fully complied with Policy S4.3 of the Local Plan. The statement described how the ecological and landscape impact would be mitigated and compensated, how the noise matters had been resolved to the satisfaction of the Council's Environmental Health Officer and how the scheme would benefit the area in terms of regeneration, housing supply and job creation.

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

- a) the impact of the proposed development on the local highway network, in particular Station Road, Backworth;
- b) the proposed highway improvements to be secured by way of a Section 278 agreement;
- c) the comments of the Council's Biodiversity Officer in relation to the loss of part of the Local Wildlife Site, the impact on a wildlife corridor and the evidence provided by the applicant to demonstrate that the off-site compensation land could be successfully converted from arable land to species rich brownfield grassland;
- d) the comments of the Council's Environmental Health Officer regarding the proposed noise mitigation measures;
- e) the Planning Officer's advice on the status and effect of relevant policies contained within the Local Plan and the National Planning Policy Framework and the Planning Inspector's findings arising from an earlier appeal; and
- f) the relationship in planning terms between this and planning applications 18/01373/FUL and 18/1374/LBC to be considered by the Committee during the meeting.

Resolved that planning permission be refused on the following grounds:

1. Insufficient information regarding the off-site mitigation on the arable land has been provided. The proposal would have a significant adverse impact on biodiversity contrary to the advice in National Planning Policy Framework (2019) and policies S5.4 and DM5.5 of the North Tyneside Local Plan (2017).
2. The proposed development would sever an existing wildlife corridor undermining its function contrary to policy DM5.7 of the North Tyneside Local Plan (2017).
3. The proposal would adversely impact upon an existing business' ability to operate contrary to the advice in National Planning Policy Framework (2019) and policies S1.4 and DM5.19 of the North Tyneside Local Plan (2017).

The Committee considered a report from the planning officers in relation to a full planning application from David Little Pension Trust Fund for the demolition of several existing buildings, conversion of existing Backworth Lodge, Diary Cottage and Ivy Cottage to form 4no flats and 2no. dwellings and the erection of a new apartment building (13no apartments) and 27no dwellings.

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, R & K Wood Planning, on behalf of Keenan's Food Processing, had been granted permission to submit a written statement to the Committee. The statement was read out to the Committee. R & K Wood stated that the proposed 43 dwellings on the site did not comply with Local Plan Policy S4.3 because it did not include any employment development and, when combined with the Backworth Business Park proposal, it would deliver 111 dwellings, many more than the 65 dwelling allocation. Reference was made to the Planning Inspectors conclusions arising from an earlier appeal and it was stated that complaints from the occupiers of the proposed dwellings were inevitable.

ID Partnership, on behalf of the applicants, had submitted a written statement to respond to R & K Wood's comments. The statement was read to the Committee. It highlighted how the design had been refined to ensure that it delivered a high quality sensitive development and that it was compliant with the site allocation policy contained within the Local Plan. The impact of noise from nearby businesses had been considered and appropriate mitigation measures offered to the satisfaction of the Council's Environmental Health Officer. Reference was made to the plans to retain as many trees as possible on site and to protect the Local Wildlife Site.

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

- a) the impact of the development on the local highway network, particularly Station Road, Backworth, and the proposed highways improvements to be secured by way of a Section 278 agreement;
- b) the effect of Policy S4.3 of the Local Plan which had allocated the site for a mix of uses and the potential for 65 housing units;
- c) the impact of the development on trees and biodiversity on the site; and
- d) the proximity of the proposed development to existing adjacent business operations and the proposed noise mitigation measures.

Resolved that planning permission be refused on the following grounds:

1. The proposal would have an adverse impact on a Local Wildlife Site contrary to the advice in National Planning Policy Framework and contrary to policies S5.4 and DM5.5 of the North Tyneside Local Plan (2017).
2. The proposal would adversely impact upon an existing business' ability to operate contrary to the advice in National Planning Policy Framework and policies S1.4 and DM5.19 of the North Tyneside Local Plan (2017).
3. The proposal would result in the loss of trees, which would adversely affect the character and appearance of the site and the surrounding Backworth Conservation Area contrary to the advice in National Planning Policy Framework (2019), policies DM5.9 , S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

4. The proposal would result in the over-development of the site which would be out of keeping with its surroundings and have an adverse impact upon the Backworth Conservation Area contrary to the advice in National Planning Policy Framework (2019), policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan.

PQ107/20 18/01374/LBC, Holywell Engineering, Station Road, Backworth

The Committee considered a report from the planning officers, in relation to an application for listed building consent from David Little Pension Trust Fund for conversion of existing Backworth Lodge, Dairy Cottage and Ivy Cottage to form 4no flats and 2no. dwellings and the erection of a new apartment building (13no apartments) and 27no dwellings.

A planning officer had presented details of the application when presenting planning application 18/01373/FUL. The planning officer clarified that this application sought listed building consent to convert and restore Dairy Cottage which was a Grade II Listed Building.

The Committee considered the written statements received from R & K Woods, on behalf of Keenan's Food Processing, and from ID Partnership, on behalf of the applicants, which had previously been read to the Committee in relation to planning application 18/01373/FUL.

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

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of its impact on the character and setting of the Grade II Listed Building.)

PQ108/20 20/01073/FUL, 8 Grenada Place and 7 St Johns Place, Whitley Bay

The Committee considered a report from the planning officers in relation to a full retrospective planning application from Sharon Cockburn for the erection of a 1.8m high fence to land to the rear of 8 Grenada Place and 7 St. Johns Place in order to create two private garden spaces.

A planning officer presented details of the application with the aid of various maps, plans and photographs. The planning officer explained that as the public consultation period was yet to expire she wished to amend her recommendation as set out in her report. Her recommendation was now that the Committee indicate that it was minded to refuse the application and authorise officers to determine the application following expiry of the consultation period.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to the enforcement powers available to the Council should the application be refused.

Resolved that (1) the Head of Environment, Housing and Leisure be authorised to determine the application at the expiry of the consultation period; and (2) the Committee indicated that it was minded to refuse the application on the following grounds:

1. The proposed enclosure of the open space by way of the introduction of 1.8m high solid timber fencing would be harmful to the visual amenity of the area and result in the loss of an important area of open space which contributes towards the character and appearance of the surrounding area. This would be contrary to policies DM5.2, DM5.3 and DM6.1 of the North Tyneside Local Plan (2017) and LDD11.
2. The proposed enclosure of the open space by way of the introduction of 1.8m high solid timber fencing will result in a harmful impact on the outlook from the rear of the neighbouring dwellings on St Johns Place and Grenada Place, with particular reference to 6 Grenada Place and 5 St Johns Place. This is contrary to policies S1.4 and DM6.1 of the North Tyneside Local Plan 2017 and the NPPF.
3. The proposed enclosure of the open space by way of the introduction of 1.8m high solid timber fencing will result in a harmful impact on the adjoining Local Wildlife Site (Brierdene) and Wildlife Corridor by adversely impacting on the movement of wildlife. This is contrary to policies DM5.2, DM5.5, DM5.7 and S5.4 of the North Tyneside Local Plan 2017 and the NPPF.

PQ109/20 20/00564/FUL, Kids 1st Nursery, North Tyneside General Hospital, Rake Lane, North Shields

The Committee considered a report from the planning officers in relation to a full planning application from Busy Bees Nurseries Ltd for variation of condition no. 4 (restriction on number of children) of planning approval 03/00587//FUL to allow an increase to 136 children to attend nursery at any one time.

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, Mr & Mrs Legg of Cotswold Road, North Shields, had been granted permission to submit a written statement which was read to the Committee. Mr & Mrs Legg stated that the reasons for the restriction on the number of children at the nursery remained unchanged today. Their experience of living next to the nursery was that noise levels had increased over time as the outdoor play area had evolved. They contended that a 21% increase in the number of children would inevitably lead to a further increase in noise. This together with extended periods of operation would have a deleterious impact on their residential amenity.

ELG Planning submitted a written response to Mr & Mrs Legg's comments on behalf of the applicants. ELG stated that Kids 1st Nursery carefully managed outdoor play sessions to ensure that an appropriate number of children were outside at any one time reflective of the space available. The number of children who could be accommodated in that part of the garden adjacent to Cotswold Road would be significantly reduced with the siting of modular building within it. This area was likely to be used by pre-school age children with younger children using those areas located away from neighbouring properties. The modular building and other noise mitigation measures recommended by officers would further reduce the impact on neighbouring residents.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to the proposed condition requiring the applicants to submit to the Council for approval an outdoor play activity management plan which could include a limit on the number of children permitted to play in the outdoor areas.

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

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

PQ110/20 20/00565/FUL, Kids 1st Nursery, North Tyneside General Hospital, Rake Lane, North Shields

The Committee considered a report from the planning officers in relation to a full planning application from Busy Bees Nurseries Ltd for provision of a new modular garden building to serve the existing nursery.

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, Mr & Mrs Legg of Cotswold Road, North Shields had been granted permission to submit a written statement which was read to the Committee. Mr & Mrs Legg stated that the siting of the building would have maximum impact in terms of nuisance from noise and visual intrusion. Due to its scale the building would be overbearing and a visual blight and the activity within the building would be audible given its proximity to their property and its design.

ELG Planning submitted a written response to Mr & Mrs Legg's comments on behalf of the applicants. ELG stated that the main bulk and mass of the proposed building would be screened from neighbouring properties by the existing boundary fences and a narrow strip of soft landscaping. It was evident that the proposal would not give rise to any unacceptable impacts on neighbours by virtue of overshadowing, loss of privacy or overbearing.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to the design of the modular building and the distances from the building to neighbouring residential properties.

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

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

PLANNING COMMITTEE

Date: 27 October 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.

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Application No: 19/01674/FUL Author: Will Laing
Date valid: 13 December 2019 ☎: 0191 643 6320
Target decision date: 13 March 2020 Ward: Valley

Application type: full planning application

Location: Land West Of 115 and land North Of 119 Castle Square, Backworth, NEWCASTLE UPON TYNE

Proposal: The proposed development is a 32-unit residential scheme comprising of affordable housing at Castle Square, Backworth. Formation of associated new vehicular access onto Killingworth Lane, improvements to the open space within the site boundary

Applicant: Bernicia Group, See agent details

Agent: Cundall, Miss Rachel Thompson Partnership House Regent Farm Road Gosforth Newcastle Upon Tyne NE3 3AF

RECOMMENDATION: Minded to grant legal agreement req.

Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to authorise the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;

- 100% affordable housing;
- £6,000 towards ecology and biodiversity;
- £2,700 towards allotments;
- £22,400 towards children's equipped play;
- £87,500 towards Primary education;
- £7,000 towards employment and training (or 1 apprentice); and
- £5,681 towards coastal mitigation.
- Provision of one grass junior football pitch and one hard surfaced and enclosed multi-use games area or a contribution for appropriate mitigation works off site but in the area in the event that the required permissions are not granted for facilities on the adjoining land.

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

**Proposed accesses
Improved crossing on Killingworth Lane**

Upgrade of footpaths abutting site
Upgrade of footpaths connecting to the site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

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;
- Impact on Open Space, Sports Pitches and Children's Play;
- Housing Land Supply;
- Residential Amenity;
- Character and Appearance ;
- Biodiversity, Trees and Ecology;
- Parking and Highway Safety;
- Flood Risk and Drainage;
- Contaminated Land; and
- Other Issues

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

2. Description of the Site

2.1 This application refers to an area of land to the north of Castle Square, Backworth. The site has residential dwellings to the south and to the east, with a roadway (Killingworth Drive) along the west boundary and open space with play equipment to the north.

2.2 The site has a metaled roadway in a U-shaped road in the centre of the site which served a former housing site that has since been demolished, the road to the centre of the site has a footpath running north-to-south to each side. The area is currently soft landscaped with amenity grassland with trees. The area to the west is open space and contains a pair of goal posts. There is another pair of goal posts to the north, with the southern goal post within the application site.

2.3 The western half of the application site is an allocated housing site (Site 27) within the North Tyneside Local Plan and falls within a wildlife corridor. The land within the U-shaped existing roadway is allocated open space.

3. Description of the Site

3.1 This application seeks full planning permission for the erection of 32 affordable homes, providing 22 affordable rented units and 10 shared ownership dwellings.

3.2 The proposed housing development would create a new access from the B1317 (Killingworth Lane), which would run directly east to connect with the existing roadway of Castle Square and would utilise the existing U-shaped road to the north of Castle Square, connecting to both northern arms of the Castle Square roadway.

3.3 The proposal would contain 12 bungalows to the eastern half of the site, all sited within the loop of the existing U-shaped road. A central soft-landscaped would be sited to the rear of the bungalows, which would have gated access for the residents.

3.4 The western half of the site would contain a further 20 buildings consisting of 8 north-facing two-storey apartments to the north of the site, with two rows of 12 two-storey, semi-detached dwellings to the south of the apartments.

3.5 The proposed housing breakdown would be as follows:

Affordable Rent:

2No 2-bed house.

4No 3-bed house.

8No 2 bed apartment.

8No 2 bed bungalow.

Shared Ownership:

2No 2-bed house.

2No 3-bed house.

2No 4-bed house.

4No 2-bed bungalow.

3.6 Each dwelling would have a private amenity space and off-street parking, and there would be 12 visitor parking spaces.

4. Relevant Site History

None.

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

- Principle of Development;
- Impact on Open Space, Sports Pitches and Children's Play;
- Housing Land Supply;
- Residential Amenity;
- Character and Appearance;
- Biodiversity, Trees and Ecology;
- Parking and Highway Safety;
- Flood Risk and Drainage;
- 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. 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 a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.5 Local Plan 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 Local Plan 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 Local Plan 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 Local Plan Policy S4.3 'Distribution of Housing Development Sites' states: "The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8,838 homes, assessed as being deliverable and developable over the plan period to 2032." This policy identifies part of the application site, as well as land adjacent to the application site, as Site 27 'Land at Castle Square Backworth', a greenfield site. The Local Plan identifies that this site can provide a potential of 14 units. The number given in the Local Plan is only potential and has been derived for the purposes of helping the Council to determine how much housing land it needs to provide to ensure enough housing is built. It has not been derived following any detailed design work. The issue is whether the site can adequately accommodate the amount of housing proposed. This is considered in a latter section of this report.

8.9 The application site is located within a well-established residential area of Backworth with access to bus stops to the west of the site. The site is located approximately 650m from the village amenities (shop, takeaway and community hall), 900m from the nearest primary school (Backworth Primary) and approximately 1.6km from the Northumberland Park District Centre.

8.10 The allocated housing site does not include the area inside (south) of the existing u-shaped road loop but does include the area to the north and east of the application site, including the play area. The area south of the U-shaped road loop is allocated as open space in the Local Plan. Whilst the proposal includes a small area outside of the allocated housing site on open space, this repositioning allows for the retention of the children's play area and the proposal does not propose housing development on the whole of the allocated housing site. As such, the location of 12 houses on the allocated open space would allow for the retention of a larger area of open space which is currently allocated for housing development. As such, it is officer opinion that the elements of the proposal outside of the proposed allocated housing site is acceptable in this instance.

8.11 It is noted that objections have been received on the principle of housing due to the recent housing development to the south of Backworth and the proposed Killingworth Moor Strategic site. However, this is an allocated housing site that forms part of the Council's 5 year Housing Land Supply, and it is officer advice that it would be unreasonable to prejudice the proposal on the basis of nearby existing and proposed developments.

8.12 An objection has been received stating that the site is greenfield without history of being a brownfield site. Officers would make members aware, that while part of the site is the location of previously demolished housing, the site has been grassed for a considerable time and is considered a greenfield site under Policy S4.3 of the Local Plan 2017.

8.13 Objections have been received on the grounds that the proposal would be development within the Green Belt with no special circumstances and/or development within special landscape area. Officers would make Members aware that the application site is not within the designated green belt, or within a designated special landscape area.

8.14 It is acknowledged that objections have stated that there is no demand for additional housing in Backworth owing to the recent housing development and proposed developments at the Killingworth Moor strategic site. While these objections are noted, the site is an allocated housing site within the local plan and the demand for housing should be assessed as a borough wide strategic issue and not restricted to demand within the existing village.

8.15 It is noted that objections have been received on the increase from 14 dwellings identified in the Local Plan 2017 and from 28 dwellings as proposed by the developers within the original consultation. The increase in units is acknowledged, however as stated above the numbers identified in the Local Plan are not a prescribed limit and as such it would not be reasonable to refuse the application on these grounds.

8.16 Members need to consider whether the principle of the development is acceptable. It is officer advice that the principle of the proposed development on this site is considered to be acceptable having regard to policies S1.2, DM1.3, S1.4 and S4.3 subject to further consideration of the loss of open space, and consideration of the impact on sports and recreation below.

9.0 Impact on Open Space, Sports Pitches and Children's Play.

9.1 Policy S5.1 states the Council will seek the protection, enhancement, extension and creation of green infrastructure in appropriate locations within and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy. Where deficiencies in the quality of green infrastructure and in particular types of green infrastructure are identified in relevant up-to-date evidence, improvements will be targeted to those areas accordingly.

9.2 Policy DM5.2 states the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

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

9.3 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

9.4 Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

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

9.6 Policy S7.10 states the Council and its partners will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve.

In order to achieve this:

d. Opportunities to widen the cultural, sport and recreation offer will be supported; and,

e. The quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced.

9.7 'A Sporting Future for the Playing Fields of England' the Sports England Playing Fields Policy, Exemption 4 states 'The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development'.

9.8 It is noted that several objections have been received on the loss of the playing field, football pitches and community/amenity space and that there is not alternative open space or play space. While the proposed development is on a grassed area, as referred to in section 8 of this report, the only section that is designated open space within the Local Plan 2017 is the grassed area within the existing U-shaped roadway. The allocated housing site (no.27) extends northwards beyond the proposed dwellings, as such the Landscape Architect and Biodiversity Officer had initially submitted concerns regarding the loss of open space should a future application come forward. The land directly to the north of the site is not proposed for housing development and the Landscape Architect and Biodiversity Officer have withdrawn their objection to the loss of open space on the basis that this land is retained for open space and given there is some open space provision within the site.

9.9 It is noted that objections have been received on the loss of the children's play area. The proposal does not include the removal or alteration to the existing children's equipped play area to the north of the application site. Sport England initially objected to the proposed development due to the loss of a sports pitch.

This relates to the western part of the site where there are goal posts present. Whilst the Council did not consider these areas with goal posts to constitute a formal playing pitch, Sports England advised they consider any form of goal post a demarcation and therefore a sports pitch. In light of this the applicant has agreed to the replacement of the existing goal posts with a demarcated football pitch and a MUGA, or a financial contribution for suitable mitigation at an appropriate location in lieu of this. The installation of the playing pitch and the MUGA or financial contribution shall be controlled by means of a S106 agreement. In the event the MUGA could not be located on the land to the north of the housing site, there would be a financial contribution provided for alternative mitigation.

9.10 Having regard to the above, the applicant would be providing enhanced replacement facilities and therefore complying with exemption 4 of the Sports England Playing Fields Policy – ‘A Sporting Future for the Playing Fields of England’, and as such Sports England have withdrawn their objection.

9.11 Objections have been received stating that the short-term benefits of the land sale would not outweigh the long-term costs of health and the land should be kept for open space, outdoor activities and play, and not for housing. Whilst some greenspace is being lost, a significant area of greenspace is being retained, including the children’s play-space and the replacement football pitch would be an enhanced facility in comparison to the existing goal posts. As such, a significant area of enhanced play space, open space and amenity space is retained for future public use. On the balance of issues, it is officer advice that the retained level of greenspace with improved playing field and MUGA (or relevant financial contribution in lieu of the MUGA) is acceptable and deemed to outweigh the small loss of greenspace.

9.12 Objections have been received stating that all dwellings must have open space within 300m, and that the land is crucial to the well-being of residents. Whilst the development results in the loss of a small part of the greenfield site, this is not the entirety of the open space and enhanced facilities are being provided.

9.13 Further letters of objection have been received on the grounds that the open space will be in increased demand due to the surrounding developments to the south and proposed at Killingworth Moor. Each development must be assessed on its own merits, with each future development making its own provision for open space, playing fields, indoor & outdoor sports and equipped children’s play in accordance with national and local policies. As such, it would be unreasonable to refuse this application on the grounds the open space may be required for potential future development.

9.14 Members need to determine whether the application is acceptable in terms of open space, sports pitches and children’s play. It is officer advice that the proposed provision of housing and the mitigation being proposed would outweigh the loss of some of the green space and is acceptable. It is officer advice that the proposal complies with policies DM5.2, DM5.3 and S7.10.

10. North Tyneside Council Housing Land Supply

10.1 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.

10.2 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).

10.3 Although the Council can demonstrate a five-year supply of deliverable housing sites, this site is identified as part of that supply and it is officer opinion that the proposed dwellings will make a contribution towards the five year housing land supply.

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

11. Impact on 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 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 The proposed dwellings would be laid out in two streets running north-south in the western half of the site, with the proposed bungalows arranged in a U-shaped facing out onto the existing road with their rear boundaries backing onto a grassed amenity space. The development has been laid out to ensure that none of the proposed residential properties result in the over-looking or overshadowing of any other of the proposed dwellings, or any of the existing dwellings to the south.

11.8 Each dwelling has off-street parking, dedicated refuse storage and a private rear amenity space, furthermore all of the proposed dwellings meet the nationally described space standards. As such, it is the opinion of officers that the proposed development would have an acceptable level of residential amenity of the future occupiers.

11.9 It is noted that objections have been received on the grounds of privacy, however plots 20, 21 and 32, which are the nearest proposed dwellings to the existing properties of Castle Square would all be either east or west facing to match no.50, no.115 and no.129 Castle Square to ensure that there are no habitable windows directly overlooking the amenity spaces or habitable windows of the existing dwellings.

11.10 Plot no.20 would be situated approximately 34m north of no.50 Castle Square, which would be gable-to-gable, and there would be a separation distance of approximately 17m between the front elevations of No.115 Castle Square and the proposed dwelling on plot 20 and these dwellings would be separated by their respective front gardens and the road with a footpath on each side. It is officer advice that this is a sufficient distance to ensure the privacy of both dwellings.

11.11 Plot 21 would be set approximately 7m north of no.115 Castle Square and plot no.32 would be set 4m north of no.129, and as both the proposed dwellings are bungalows and would have their side elevations facing the existing properties, the proposed dwellings would not have a significant detrimental impact on the light or outlook of the existing dwellings.

11.12 It is acknowledged that plots 7 to 14, which form 2No pairs of semi-detached flats to the northwest would have balconies on the front elevation, which would overlook the open space to the north. As such, the proposed balconies would not have a detrimental impact on the proposed or existing

dwellings. It is further noted that the first-floor flats would have large glazing and Juliet balconies in the rear (south) elevation, however, they do not project any further than the rear building line and as such they would have no further impact on the privacy of the proposed and existing dwellings than a traditional window.

11.13 Objections have been submitted on the ground of disturbance, fumes, noise, dust/dirt. These would not be issues associated with the completed residential development, however they are likely to be issues during the construction phase of the development and shall be considered in conjunction with the objections on disruption, noise and litter and mud on the public highway during the construction phase of the development. The applicant has submitted a detailed construction method statement, construction traffic management plan and dust control plan, which shall be conditioned to ensure that disturbance and dust shall be minimised during the construction phase of the development.

11.14 In addition to ensuring the development is carried out with full accordance with the construction method statement and dust control document, the Manager of Environmental Health has recommended conditions to control the construction and demolition hours of the proposed development in the interest of residential amenity, given the close proximity of residential properties.

11.15 Objections have been made on increased air pollution and the loss of air quality. The increase of 32 dwellings would not be such an increase as to result in a significant increase in air pollution and as such this is not reasonable grounds for refusal.

11.16 The Manager of Environmental Health has requested a series of conditions for a noise scheme and any required mitigation for the proposed dwellings to the west of the site due to their proximity to Killingworth Lane (B1317), including conditions for a noise scheme for the dwellings facing Killingworth Lane. Subject to conditions relating to noise mitigation, it is considered that an acceptable level of amenity can be achieved for occupiers of the proposed dwellings.

11.17 Members need to determine whether the proposal would be acceptable in terms of amenity for the proposes and existing residents. It is officer advice that subject to the recommended conditions the proposal would comply with policies S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

12. Impact on Character, Appearance and Heritage Assets

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 Policy DM6.5 states that North Tyneside Council aims to proactively preserve, promote and enhance its heritage assets.

12.5 The Council has produced an SPD on Design Quality (2018). It states that the Council will encourage innovation in the design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

12.6 The application has submitted a design and access statement and materials schedule to fully detail the character and appearance of the proposed buildings. The proposed layout of the application site would ensure the existing roadway is utilised and integrated into the existing Castle Square roadway and ensure that the development reflects the street layout of the surrounding area.

12.7 The proposed development would ensure that the eastern half the site is occupied by the proposed bungalows to reflect the mass and scale of the bungalows they would be adjacent to, while the two-storey dwellings would be located to the west of the site to reflect the scale of the two-storey dwellings of Castle Square that are adjacent to Killingworth Lane. As such, it is the opinion of case officers that the proposal would reflect the mass, scale and layout of the surrounding areas.

12.8 The dwellings have been designed to reflect the mass and height traditional two-storey and single storey bungalows with dual-pitched roofs, using buff or red brick walls with timber cladding and grey tile roofs to give a well-designed contemporary finish.

12.9 The neighbouring properties to the south have a mix of materials with the older buildings having mix of coloured render (predominantly either white or grey), with the more modern properties to the south of Castle Square having a more contemporary finish. As such, it is the officer opinion that the design, mass, materials and layout of the proposed development is considered to be acceptable in terms of design, character and appearance.

12.10 Objections have been received on the grounds of visual intrusion and the loss of visual amenity. It is the view of the case officers that the siting and layout of the proposal to the north of Castle Square would ensure the development

would integrate well with the existing street layout with well-designed dwellings, and as such the proposal would not result in visual intrusion or the unacceptable loss of visual amenity.

12.11 Objections have been received regarding the impact of the proposal on the Backworth Conservation area and impact on Listed Buildings. The Backworth Conservation Area is set approximately 100m to the east of the application site boundary and would be screened from the Conservation Area and the nearest listing buildings (Backworth Hall and Grounds) by the two-storey dwellings along Killingworth Avenue to the east. The dwellings of Killingworth Avenue fall outside of the Conservation Area and these dwellings are not heritage assets. As such, it is the view of officers that the proposal would not have an impact on the character, appearance or setting of the boroughs heritage assets.

12.12 An objection has been received on the grounds that the proposed flats/blocks of flats are not suitable for the Conservation Area or Backworth. As stipulated above, the site is not within the Backworth Conservation Area. Furthermore, the flats have been designed in the same character as the proposed and existing two-storey semi-detached dwellings to the south. Officers would also note that there are blocks of flats in Backworth Conservation Area, such as the former Deuchars Public House.

12.13 Members are to determine whether the proposal is acceptable in terms of character, appearance and impact on the setting of heritage assets. It is officer advice that the proposal would comply with policies DM6.1 and DM6.5 of the Local Plan 2017.

13. Impact on Biodiversity, Trees and Ecology

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 Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 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.

13.4 Para. 177 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

13.5 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.

13.6 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.

13.7 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.

13.8 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.

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

13.10 A landscaping plan, Primary Ecological Appraisal (including protected species desk survey) and Arboricultural Impact Assessment has been submitted with the application, which have been reviewed by the Landscape Architect and Biodiversity Officer. The application site is located within a wildlife corridor.

13.11 The application site would result in the loss of 20No. category B and category C trees during the construction of the proposal. However, the applicant is proposing the planting of 40No trees throughout the development to provide mitigation for the lost trees, in addition to the planting within the proposed landscaping scheme.

13.12 The Landscape Architect and the Biodiversity Officer have reviewed the submitted plans, and while the loss of the 20No trees would have a detrimental impact on ecology, the proposed 40No replacement trees and the landscaping plan would provide sufficient mitigation for their loss. The revised landscaping plan submitted by the applicant has been reviewed, however the Landscape Architect and Biodiversity Officer has advised that while it is broadly acceptable, further small amendments need to be made, which would be suitably controlled by means of condition. As such it is the view of officers that subject to conditions the proposal would offer suitable mitigation for the loss of trees and soft landscaping on site.

13.13 In addition to the requested landscaping condition, the Biodiversity Officer has requested conditions for a scheme of bird and bat boxes and hedgehog gaps within fencing in the interests of ecology. Further conditions have been requested to ensure the construction phase would include biodiversity protection measures including that no vegetation shall be removed during bird nesting season; any excavations left overnight have a means of escape for mammals, and lighting to be installed in accordance with the BCT/Institute of Lighting Engineers Guidance 'Bats and Lighting'.

13.14 Natural England has been consulted. They have raised no objection to the proposed development subject to the applicant paying the Coastal Mitigation tariff.

13.15 It is noted that objections have been received on the cumulative loss of greenspace wildlife and habitat; loss of wildlife and wildlife habitat, impact on bats and hedgehogs, loss and damage to trees. While these comments are noted, the advice from the Council's Landscape Architect and Biodiversity Officer is that proposal would not impact on protected species and that subject to conditions, sufficient mitigation shall be provided to ensure the development would not result in a net loss of biodiversity or ecology.

13.16 Objections has been received on the grounds of the impact on a SSSI and that the land is appropriating a wildflower meadow. The site is not within a SSSI and the site does not contain a wildflower meadow.

13.17 Members need to determine whether the proposal is acceptable in terms of its impact on biodiversity, trees and ecology. It is officer advice that, subject to the imposition of the suggested conditions and securing the coastal mitigation contribution, the proposal would be acceptable in terms of biodiversity, trees and ecology and would comply with policies DM5.5, DM5.6, DM5.7 and DM5.9 of the Local Plan 2017.

14 Parking and Highway Safety

14.1 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. 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.

14.2 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.

14.3 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.

14.4 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.

14.5 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.

14.6 Highways England have been consulted and have no objection to the proposal based on the submitted Transport Statement. Following consultation with Highways England and the Highways Network Manager, the applicant has submitted a Construction Method Statement, Dust Control Plan and Site Traffic Management Plan.

14.7 Parking demand can be fully met within the site, including visitor parking which is proposed to be spread across the development. Adequate turning space

is also incorporated within the layout to enable personal, emergency service and service vehicles to enter and exit in a safe manner.

14.8 The Highways Network Manager supports the proposal subject to a suitable S278 Agreement and the imposition of conditions as listed within their consultation response. The requested conditions include provision of parking spaces; refuse details; the layout of the new and altered access points and turning heads and; the closure of any redundant access points prior to occupation, in the interest of highway safety.

14.9 The Construction Method Statement, Site Traffic Management Plan and Dust Control plans shall be controlled by condition in line with the recommendations from Highways England and the Highways Network Manager. While it is acknowledged that objections have been received on the grounds of safety and congestion due to construction traffic vehicles, the Construction Method Statement, Site Traffic Management Plan and Dust Control Plan shall ensure that the site is operated in a safe manner and that congestion is minimised during construction.

14.10 It is noted that objections have been submitted on the grounds of insufficient parking, increases to existing vehicle congestion and the recent increase in congestion of the B1317 to the east and the surrounding area. The proposal would be limited to 32 dwellings and Highways England have advised the proposal would not impact on the strategic road network and the Highways Network Manager has no objection to the proposal and the proposed new access and road layout subject to conditions.

14.11 Having regard to the above, it is officer advice that the proposal would not have a significant impact on parking or parking congestion in the surrounding area.

14.12 Objections have been received on the grounds of highway safety and potential danger to children using the playing fields to the north (or the loss of playing fields forcing children to play in the street).

14.13 The applicant has submitted road layout plans and the development provides sufficient parking in line with the 'Transport and Highways' SPD and the Highway Network Manager has no objections to the proposed plans. As such, it is considered that the proposal would not increase the risk to highway safety, or the users of the open space to the north of the site.

14.14 Members need to consider whether the proposal is acceptable in terms of parking, highway safety and impact on the highway network. It is officer advice that subject to conditions the proposed complies with policies S1.4, S7.2 and DM7.4 of the North Tyneside Local Plan 2017.

15. Flood Risk and Drainage

15.1 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.

15.2 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.

15.3 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.

15.4 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.

15.5 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.

15.6 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).

15.7 The application site is assessed as Flood Zone 1 which is the lowest risk. The applicant has submitted a Flood Risk and Drainage Assessment, and a Public Drainage Plan in support of the application.

15.8 The Local Lead Flood Authority (LLFA) and Northumberland Water Ltd have been consulted and have raised no objections to the proposed development. The LLFA officer advises that the applicant will be attenuating surface water within the site for up to a 1in100yr Rainfall Event including a 40% increase for climate change. The attenuation will be in the form of upsized sewers, an underground storage tank and permeable paving within the private driveways. The surface water from the site will then be discharged into the local sewer network at a restricted discharge rate of 5l/s.

15.9 It is noted that objections have been received on the grounds of inadequate drainage and existing flooding at the site. However, the applicant has submitted sufficient evidence to show the proposed development would not be at risk from flooding, or increase flood risk to the neighbouring development, having regard to the existing ground conditions.

15.10 The LLFA Officer has requested that a condition be attached to ensure the proposed development is carried out in full accordance with the submitted Public Drainage Plan and the imposition of a condition to supply the details of company appointed to carry out maintenance of drainage features prior to occupancy.

15.11 Members need to determine whether the proposal would be acceptable in terms of flood risk and drainage. It is the opinion of case officers that the proposal complies with policies DM5.14 and DM5.15 of the Local Plan 2017.

16. Contaminated Land

16.1 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.

16.2 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 effect, 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 effect, these will be required as a condition of any planning permission.”

16.3 The application site falls within a contaminated land buffer zone. The applicant has submitted a Phase 1 Desk Top Study and Coal Mining Report and a Phase 2 Ground Investigation Report to support the application.

16.4 The Contaminated Land Officer has no objection in principle to the development or the findings of the submitted documents. The Contaminated

Land Officer has advised that the proposal is acceptable in terms of contaminated land and land stability subject to the imposition of further conditions for the gas protection measures and the method of asbestos removal.

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

16.6 Several objections have been raised indicating that the site previously contained dwellings that were demolished due to subsidence and mining issues. The applicant has submitted detailed ground investigation reports to demonstrate the proposal can safely be constructed without ground stability issues.

16.7 Members are to determine whether the proposal is acceptable in terms of contaminated land and ground stability. It is officer advice that subject to conditions, the proposal complies with policy DM5.18 of the Local Plan 2017.

17.0 Other Issues

17.1 Section 106 Agreement

17.2 The NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

17.3 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting permission for the development if the obligation is:

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

17.4 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision. The Council will also work together with other public sector organisations, within and beyond the Borough to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding. New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where: a. It is not possible to address unacceptable impacts through the use of a condition; and b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable. In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.

17.5 Policy DM4.7 'Affordable Housing' states that to meet the Borough-wide target the Council will seek 25% of new homes to be affordable, on new housing

developments of 11 or more dwellings. In all but the most exceptional cases the Council will require affordable housing provision to be made on-site.

17.6 Policy DM7.2 states that the Council is committed to enabling viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposed scheme. In these circumstances the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;
- b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

17.7 When determining the contributions required, consideration will be given to the applicant's overall conformity with the presumption in favour of sustainable development.

17.8 Policy DM7.5 seeks 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.

17.9 The Council's adopted SPD on Planning Obligations LDD8 (2018) states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure facilities are provided to mitigate impacts, ensure enhancements and achieve a high-quality environment where people choose to live, work, learn and play.

17.10 The SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

17.11 The applicant proposes that all of the proposed units would be affordable with a mix of affordable rent and shared ownership dwellings.

17.12 The S106 subgroup of the Investment Programme Board (IPB) has considered the S106 contributions being sought. The following contributions have been requested:

- £6,000 towards ecology and biodiversity;
- £2,700 towards allotments;
- £22,400 towards children's equipped play;
- £87,500 towards Primary education;
- £7,000 towards employment and training (or 1 apprentice); and
- £5,681 towards coastal mitigation.

17.13 These contributions are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefor comply with the CIL Regulations.

18. Local Financial Considerations

18.1 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).

18.2 The proposal involves the creation of 32 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

18.3 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.

19. Other objections

19.1 The Campaign to Protect Rural England Northumberland (CPRE) have objected on the grounds insufficient note was taken when the Local Plan designated site 27 for housing. The Local Plan was carried out in full accordance with the consultation required for its adoption and was found to be sound by the Secretary of State.

19.2 Objections have been submitted on financial grounds, objecting to the Council's sale of the land; and that the residents' council tax have been spent maintaining the open space. These are not material planning considerations and are therefore not reasonable grounds for refusal. Further objections were raised on the loss of property value for the existing residents, this is not a material planning consideration.

19.3 Objections have been received on the lack of consultation carried out by the Council. Members are made aware that all consultations and publicity required by the Town and Country Planning (Development Management Procedure) Order 2015 have been carried out.

19.4 An objection has been submitted with concerns that the proposed housing would not be affordable. Members are made aware that the applicant has agreed to enter a S106 agreement to ensure that the development is 100% affordable housing.

19.5 Objections have been received on the loss of views. There is no 'right to a view/views' under planning system and this is not reasonable grounds for refusal.

19.6 Objections have been received stating that Backworth has doubled in size with developments and the area is becoming over-populated. Each application must be considered on its own merits.

19.7 Concerns have been raised over potential damage to the existing properties during construction and citing past experiences with water pressure and power cuts during construction. Damage to property is a civil law matter and not reasonable grounds for refusal.

19.8 Objections were received raising concerns that should this application be approved, another application for an increased amount of units would be submitted. The application must be determined based on the information provided and not potential future applications.

20. Conclusion

20.1 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 of the area, ecology, biodiversity, flood risk, drainage and the highway network.

20.2 Part of the site is allocated for housing development and mitigation is proposed for the loss of open space on the site. The proposed development would be in keeping with the streetscene and the character of the area and would provide additional homes. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, character of the area, ecology, biodiversity, playing fields, children's play sites, open space, flood risk, drainage and the highway network.

20.3 The development is considered to comply with relevant national and local plan policy and is therefore recommended for conditional approval subject to a S106 agreement.

RECOMMENDATION: Minded to grant legal agreement req.

Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;

- 100% affordable housing;
 - £6,000 towards ecology and biodiversity;
 - £2,700 towards allotments;
 - £22,400 towards children's equipped play;
 - £87,500 towards Primary education;
 - £7,000 towards employment and training (or 1 apprentice); and
 - £5,681 towards coastal mitigation.
- Provision of one grass junior football pitch and one hard surfaced and enclosed multi-use games area or a contribution for appropriate mitigation works off site but in the area in the event that the required permissions are not granted for facilities on the adjoining land.**

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

Proposed accesses

Improved crossing on Killingworth Lane

Upgrade of footpaths abutting site

Upgrade of footpaths connecting to the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

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 11.12.2019)
- 000 Rev P2: Site Location Plan (dated 04/12/2020)
- 002 Rev P14: Proposed Site Plan (dated 16/07/20)
- 003 Rev P7: Proposed External Finishes Plan (dated 03/06/20)
- 004 Rev P6: Proposed Bin and Cycle Storage Plan (dated 03/06/20)
- 007 rev P1: Proposed Site Traffic Management Plan (dated Jan 2020)
- 19111-CK-XX-XX-DR-C-52-110 Rev P1: Proposed Public Drainage (dated 29/11/2019)
- 19111-CK-XX-XX-DR-C-52-170 Rev P1: Standard Details (dated 29/11/2019)
- 19111-CK-XX-XX-DR-C-90-120 Rev P1: Proposed Levels (dated 29/11/2019)
- 19111-CK-XX-XX-DR-C-90-123 Rev P2: Proposed Sports Pitches External Levels U7 & U9 (dated 02/06/2020)
- 19111-CK-XX-XX-DR-C-90-200 Rev P1: Autotracking 10.6m Refuse Vehicle Full Development - Sheet 1 (dated 29/11/2019)
- 19111-CK-XX-XX-DR-C-90-201 Rev P1: Autotracking 10.6m Refuse Vehicle Sheet 2 (dated 29/11/2019)
- 200 Rev P2: Proposed HT A1 - 2B4P Plans and Elevations (dated 02/12/2019)
- 201 Rev P1: Proposed HTA2 - 3B5P Plans and Elevations (dated 11/11/2019)
- 202 Rev P1: Proposed HT A3 4B6P Plans and elevations (dated 11/11/2019)
- 204 Rev P1: Proposed HT B3 2B3P Bungalow Proposed Plans and Elevations (dated 11/11/2019)
- 205 Rev P1: Proposed HT T1 / T2 Apartments Plans and Elevations (dated 11/11/2019)
- 206 Rev P1: Proposed HT A2 (Variant 1) - 3B5P Plans and Elevations (dated 11/11/2019)
- 207 Rev P1: Proposed HT T1 / T2 Apartments Plans and Elevations (dated 11/11/2019)

- 300 P3: Proposed Streetscenes (dated 04/12/2019)
 - C-1744-01 Rev F: Landscaping Plan (dated 27.07.2020)
 - Bernica_CastleSq_AIA1.4: Arboricultural Impact Assessment (dated 05/12/2020)
 - Design and Access Statement Rev 3 (04.12.2019)
 - Materials Schedule Rev 1 (dated 28.11.2019)
 - 1024048-RPT-PG01 Rev B: Planning Statement including heritage, open space and affordance housing (dated 11.12.2019)
 - Bernica_CastleSq_PEA1.2: Preliminary Ecological Appraisal (dated 05/12/2019)
 - Stage 1 Road Safety Audit Revision A (dated 26/11/2019)
 - 191204-830-TSv5: Transport Statement Revision 5
 - Flood Risk Assessment & Drainage Strategy Rev A (dated 29/11/2019)
 - Phase 1: Desk Top Study and Coal Mining Risk Assessment (dated 18/09/2019)
 - Phase 2: Ground Investigation Report (dated 29/09/2019)
 - Phase 2: Ground Investigation Report (dated 26/11/2019)
 - Phase 2: Ground Investigation Report Addendum Letter Report (dated 21/02/2020)
 - Dust Control Plan, Castle Square Backworth
 - Construction Phase Health & Safety Plan (22/05/2020)
- 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. | New Access Access Before Devel | ACC01 | * |
| | | 0 | |
| 4. | Altered Access Access Alt Prior to Occ | ACC01 | * |
| | | 5 | |
| 5. | Exist Access Closure Misc Points By | ACC01 | * |
| | | 7 | |
| 6. | Turning Areas Before Occ | ACC02 | *refuse vehicles |
| | | 5 | |

7. 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.

8. Notwithstanding the submitted plans, 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:

- Proposed accesses
- Improved crossing on Killingworth Lane
- Upgrade of footpaths abutting site
- Upgrade of footpaths connecting to the site
- Associated street lighting

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

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 policies S7.3 and DM7.4 of the North Tyneside Local Plan 2017.

9. No part of the development shall be occupied until a scheme to close off & divert the unnecessary areas of highway has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling and retained thereafter.

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

10. Within one month of the commencement of development a fully detailed landscape plan and schedule shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscape scheme shall include details and proposed timing of all new tree, shrub and wildflower planting and ground preparation noting the species and sizes for all new plant species. All trees to be a minimum 12-14cm girth with approximately 20% of trees supplied as extra heavy standards (18-20cm girth).

Reason: In the interest of ecology, biodiversity and visual amenity having regard to policies DM5.5, DM5.6, DM5.7, DM5.9 and DM6.1 of the North Tyneside Local Plan 2017.

11. Landscape Scheme Implementation	LAN00	*
Period	5	

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

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

13. 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 policy DM5.5 of the North Tyneside Local Plan 2017.

14. Prior to the occupation of the first dwelling, a scheme for the provision of hedgehog gaps (13cmx13cm) within any new fencing within the scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the first occupation of the dwelling and retained thereafter.

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

15. A scheme of 3 No. bird boxes and 3 No. bat boxes shall be installed on dwellings within the site in accordance with the details set out on Landscape Drawing No. c-1744-001 Rev F prior to the occupation of the first dwelling. These shall thereafter be retained.

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

16. All proposed lighting within the hereby approved development shall be designed to minimise light spill to adjacent habitat areas and will be in accordance with the BCT/Institute of Lighting Engineers Guidance 'Bats and Lighting'.

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

17. Prior to completion above damp course level, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved noise scheme shall include an assessment of road traffic noise for those properties located to the western boundary of the site adjacent to Killingworth Lane, B1317, providing full details of the window glazing and sound attenuation measures to ensure that bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and to ensure that living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014. The development shall be carried out in accordance with the approved noise scheme.

Reasons: In the interest of residential amenity having regard to policies DM5.18 and DM6.1 of the North Tyneside Local Plan 2017.

18. Prior to occupation of the development full details of a ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall demonstrate an appropriate standard of ventilation with windows closed. Where the internal noise levels specified in BS8233 are not achievable with open windows due to the external noise environment, an alternative mechanical ventilation system must be installed equivalent to System 4 of Approved Document F, to address thermal comfort and purge ventilation requirements and to reduce the need to open windows. The alternative ventilation system shall not compromise the resulting internal noise levels. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of residential amenity having regard to policies DM5.18 and DM6.1 of the North Tyneside Local Plan 2017.

19. Prior to the first occupation of the hereby approved development, full details of a scheme of acoustic screening for the gardens that have line of sight to the B1317 (Killingworth Lane) shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing scheme shall be installed prior to the first occupation of the hereby approved dwellings and retained thereafter.

Reason: In the interest of residential amenity having regard to policies DM5.18 and DM6.1 of the North Tyneside Local Plan 2017.

20. Restrict Hours No Construction Sun BH HOU00 *
4

21. Restrict Hours No Demolition Sun BH HOU00 *
5

22. The hereby approved development shall be carried out in full accordance with the approved Dust Control Plan, Castle Square Backworth; 007 rev P1: Proposed Site Traffic Management Plan (dated Jan 2020); and Construction Phase Health & Safety Plan (22/05/2020).

Reason: In the interest of residential amenity and highway safety having regard to policies DM5.18, DM6.1 and DM7.4 of the North Tyneside Local Plan 2017.

23. The hereby approved development shall be carried out in full accordance with the Flood Risk Assessment & Drainage Strategy Rev A (dated 29/11/2019) and 19111-CK-XX-XX-DR-C-52-110 Rev P1: Proposed Public Drainage (dated 29/11/2019), and the drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 5101, with surface water being restricted to 5.5l/sec.

Reason: In the interest of drainage and flood risk having regard to policies DM5.12, DM5.14 and DM5.15 of the North Tyneside Local Plan 2017.

24. Prior to any development above damp course level, the applicant shall provide details of the company appointed to carry out maintenance of drainage features.

Reason: In the interest of drainage and flood risk having regard to policies DM5.12, DM5.14 and DM5.15 of the North Tyneside Local Plan 2017.

25. Gas Investigate no Development GAS00 *
6

26. Prior to any site preparation works, screening of the made ground from around the location of WS02 as identified in the Phase 2: Ground Investigation Report 26th November 2019 shall be undertaken and the visible fragments of Asbestos Containing Materials shall be removed. Protection measures will be required during the initial site strip in line with current guidance 2016 CL:AIRE guidance; Control of Asbestos Regulations 2012:

Interpretation for Managing and Working with Asbestos in Soil and Construction and Demolition Materials (CAR SOIL).

A report detailing the handpicking exercise and the findings shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include a requirement for testing in the area of WS2 post handpicking to ensure that there are no asbestos fibres remaining in the made ground.

Reason: In order to prevent contamination and pollution, having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

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

Informatives

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)

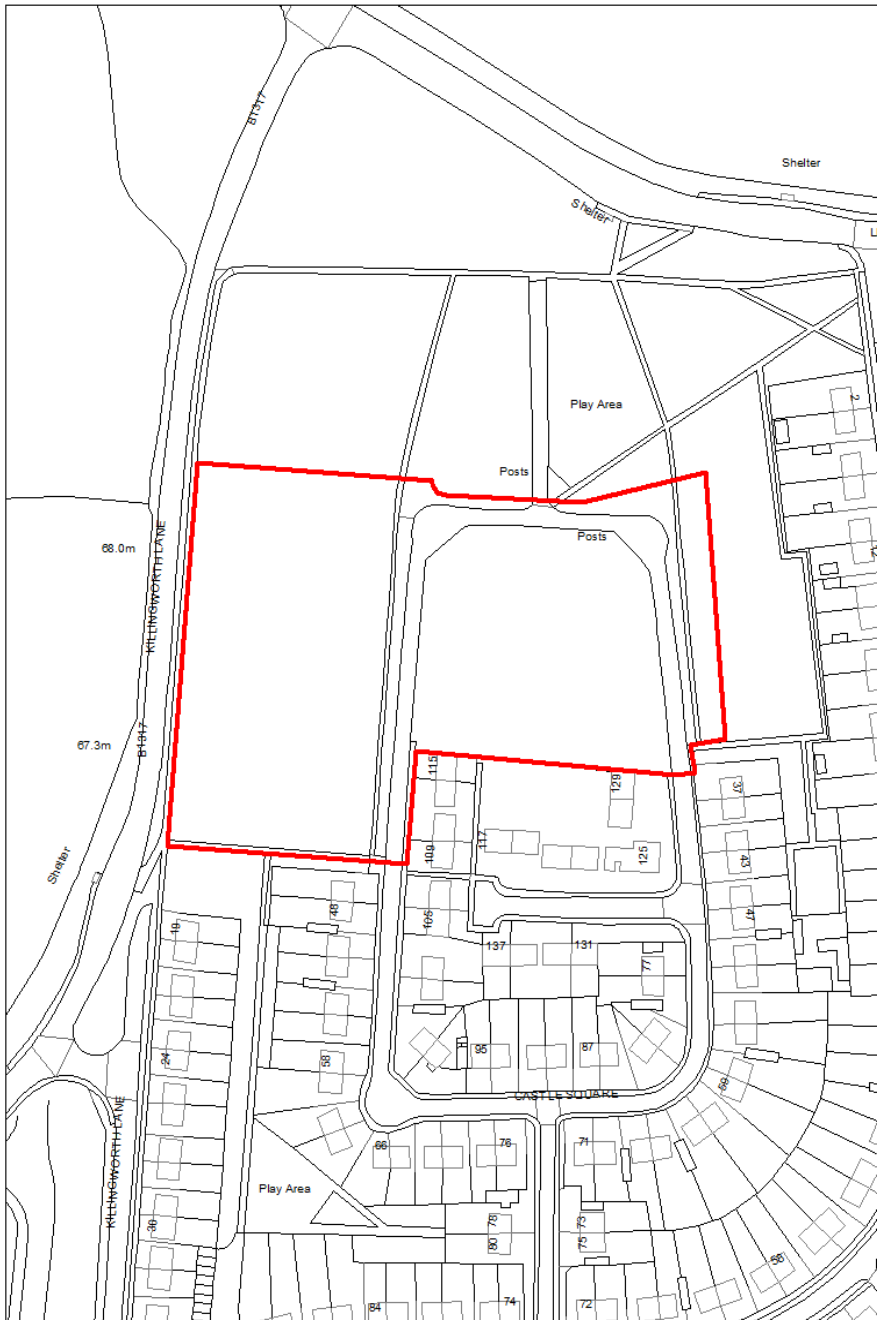
Highway Inspection before dvlpt (I46)

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

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

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

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.



Application reference: 19/01674/FUL

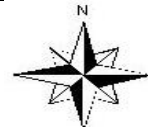
Location: Land West Of 115 And , Land North Of 119, Castle Square, Backworth

Proposal: The proposed development is a 32-unit residential scheme comprising of affordable housing at Castle Square, Backworth. Formation of associated new vehicular access onto Killingworth Lane, improvements to the open space within the site boundary

Not to scale

Date: 15.10.2020

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Consultations/representations

1.0 Ward Councillors

1.1 Councillor Brian Burdis:

1.2 I request the right to speak as this application will have a profound negative effect on local residents. The development will also compound problems of traffic movement and parking. Further the application takes away a well used play space from local children.

1.3 Reasons for objection:

- Inadequate parking provision
- Loss of residential amenity
- Loss of visual amenity
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion

1.4 I wish to make an objection to this planning application. This application is a development too far for this area of Backworth. In recent years residents have seen the disappearance of three discreet villages, West Allotment, Shiremoor and Backworth, once separated by fields with each having its distinct character.

1.5 The proposed land for the development is the last playing field in the area, used by residents and their children. Building on this land will greatly reduce access to play for children and their ability to play in a relative safe environment.

1.6 The development will also have the effect of surrounding the Castle Park estate with 'new build', residents have suffered years of disruption due to continuous building work.

1.7 Backworth village already suffers from traffic congestion, residents find ingress and egress from Castle Park difficult enough at present without the additional vehicles that this development would bring.

1.8 While most people will accept the need of affordable homes being built, I and the majority of Backworth residents believe that the green space that is proposed for the development is wrong. Developing here will take away one of the last green playing spaces away from Valley Ward, a ward that has suffered development on a scale that is destroying the character and heritage of once discreet and historic communities.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 This application is for a 32-unit residential scheme comprising of affordable housing at Castle Square, Backworth, formation of associated new vehicular access onto Killingworth Lane and improvements to the open space within the site boundary

2.3 A Transport Statement (TS) was submitted as part of the planning application that analysed the highway network in the vicinity of the site as well as the proposed site access. The effects of development traffic on the network are not considered to be severe and the site has reasonable links with public transport. A Framework Travel Plan has also been submitted as part of the application whereby alternative modes of transport will be promoted.

2.4 The site will be accessed via Killingworth Lane and the existing highway at castle square. Parking has been provided in accordance with current standards and cycle storage will be provided for all dwellings, the internal road layout is suitable for the needs of site and conditional approval is recommended.

Recommendation - Conditional Approval

The applicant will be required to close off & divert the footpath that crosses the site under Section 247 & 257 of the Town & Country Planning Act 1980.

The applicant will be required to enter into a Section 278 Agreement for the following works:

Proposed accesses

- Improved crossing on Killingworth Lane
- Upgrade of footpaths abutting site
- Upgrade of footpaths connecting to the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

Conditions:

- ACC10 - New Access: Access before Devel
- ACC15 - Altered Access Access Alt Prior to Occ
- ACC17 - Exist Access Closure: Misc Points, By *6 months
- ACC25 - Turning Areas: Before Occ [refuse vehicle]
- PAR04 - Veh: Parking, Garaging before Occ

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:

Proposed accesses

- Improved crossing on Killingworth Lane
- Upgrade of footpaths abutting site
- Upgrade of footpaths connecting to the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

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

No part of the development shall be occupied until a scheme to close off & divert the unnecessary areas of highway 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.

Notwithstanding the details submitted, the proposed dust control plan & site traffic management plan shall be carried out in accordance with the agreed details and retained for the duration of construction. This plans included details of construction routes, dust suppression, cleaning of vehicles and prevention of mud & debris on the highway etc.

Reason: In the interests of highway safety

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 dvlp

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

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

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

2.5 Landscape and Biodiversity Joint Comments

2.6 The above scheme has submitted an improved Landscape Plan (Dwg No. c-1744-001 Rev F) which includes native hedges, native scrub and wildflower area to the western and southern boundary and 40 heavy standard trees (mainly native). In addition, 3no. bat boxes and 3no. bird boxes are also being provided on new buildings. Whilst there may be some minor amendments required to the Landscape Plan, which can be dealt with by way of condition, the Landscape Scheme is generally considered acceptable in addressing habitat loss within the site and enhancing the wildlife corridor.

2.7 There are a number of semi mature trees on site with a large established group located to the centre of the site. At pre-application stage, comments were provided that '*If a full application is submitted for this site, it should seek to design a scheme that retains existing tree groups within the site and enhances the site for biodiversity to meet the requirements of the above Local Plan policies and the principles of NPPF*'. However, the proposal looks to remove a large number of trees which will result in substantial change to the character of the site. This would be in contravention of Policy DM 5.9 Trees, woodland and hedgerows which states:

The Council will support strategies and proposals that enhance the overall condition and extent of trees and woodland in the Borough, and:

a) Protect and manage existing woodland, trees, hedgerows and landscape features.

b) Where appropriate, secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.

c) Where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes. Such measures will be particularly encouraged where they are compatible with areas designated for their built or nature conservation interest and where they do not impact on site integrity. Planting schemes included with new development must be accompanied by a ten year Management Plan.

2.8 An Arboricultural Impact Assessment has been submitted. The proposal requires the removal of 20 trees from the site, which have been categorised as B and C category trees. The existing trees create a mature landscape, enhance a development and can add significant value. They make a positive contribution to the local landscape character, provides a setting and plays a role in providing key aesthetic views from various public locations as well as contributing to the wider wildlife corridor. The landscape plan proposes a great number of trees to be planted and in terms of mitigation for the loss of trees and to achieve a similar value with new planting, the applicant will be required to plant a number of trees at a larger size so that tree cover is maintained and visual impact is achieved at the outset.

2.9 Concerns were previously raised regarding the loss of open space within the site to housing and the future loss of land to the north and east of the site to the housing leading to a net loss of open space. In order to address this and concerns from Sport England, playing pitches have been provided to the north of the site. However, the sports pitches provide recreational areas for a particular purpose but do not provide general open space for the use of everyone. This type of open space does not replace, like for like, the open space which is being lost within the site for housing, however, it is acknowledged that there is some open space provision in the form of the sports pitches and a small area of open space retained within the housing site itself. These pitches should be retained in perpetuity and protected in future from development, particularly as this land is allocated for housing.

2.10 The following conditions should be attached to the application:-

- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully

detailed landscape plan 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, shrub and wildflower planting and ground preparation noting the species and sizes for all new plant species. All trees to be a minimum 12-14cm girth with approximately 20% of trees supplied as extra heavy standards (18-20cm 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.

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

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

- Provision of hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details to be submitted to the LPA for approval prior to installation of fencing.

- 3 No. bird boxes and 3 No. bat boxes will be installed on dwellings within the site in accordance with the details set out on Landscape Drawing No. c-1744-001 Rev F.

- 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.

- Lighting will be designed to minimise light spill to adjacent habitat areas and will be in accordance with the BCT/Institute of Lighting Engineers Guidance 'Bats and Lighting'

2.11 Environmental Health (Pollution)

2.12 This application for the development is a 32-unit residential scheme comprising of affordable housing at Castle Square, Backworth. Formation of associated new vehicular access onto Killingworth Lane, improvements to the open space within the site boundary. This site is located adjacent to Killingworth Lane. I would be concerned about road traffic noise affecting the part of the site

adjacent to the road and it is recommended that a noise scheme be provided to ensure appropriate sound mitigation measures are incorporated into the design.

2.13 The site layout plan shows that the majority of the housing plots will have gardens to the rear of the property and therefore screened by the building. For those that have gardens with line of sight of the road I would require acoustic screening to be provided. Any fencing will need to be designed as overlapped fencing panels or double boarded to ensure the long term integrity of the fencing if external noise levels do not meet the World Health Organisation community noise guidance level of 50 dB LAeq 16h for outdoor amenity.

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

Prior to development submit and implement on approval of the local Planning Authority a noise scheme, that includes for an assessment of road traffic noise for those properties located to the western boundary of the site adjacent to Killingworth Lane, B1317, providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Prior to occupation, submit and implement details of the acoustic screening to be provided to garden areas that have line of sight of Killingworth Lane B1317, in writing for approval of the local Planning to be implemented, and thereafter retained.

HOU04

HOU05

SIT03 - In accordance to the agreed details submitted in the dust control plan and site traffic management plan.

2.15 Environmental Health (Contamination)

2.16 Comments:16.01.20

The Phase 2 report states:

None of the CM values for any of the metals and PAHs analytes screened for exceed the CC values for this site.

When considering these results, the made ground below the site does not represent a potential risk to the end users, and therefore, no treatment, removal,

protection measures and / or further detailed contamination risk assessment will be required.

When considering the asbestos recorded in WS02, the ACM's noted appear to be in solid form (i.e. cement bound) and therefore should be removed from site where visually identified. Further quantitative screening has been carried out to assess the quantity of asbestos recorded within the ACM at the location of WS02, the results of the testing has identified concentrations of 18.725% w/w.

Therefore, prior to any site preparation works, it is recommended to screen the made ground from around the location of WS02 and remove the visible fragments of ACM's (i.e. hand pick), protection measures will be required during the initial site strip i.e. controlled wetting, appropriate RPE/PPE and minimum disturbance to materials, in line with current guidance 2016 CL:AIRE guidance; Control of Asbestos Regulations 2012: Interpretation for Managing and Working with Asbestos in Soil and Construction and Demolition Materials (CAR SOIL).

In addition, an observational technique (watching brief) should be applied during the initial site strip, with a suitably qualified asbestos engineer or contractor on hand to provide advice and assistance with identification and verification of any additional ACMs encountered and removed.

However, when considering the depleted levels of Oxygen (i.e. 9.5% v/v), this may be an indication of mine gas generation, as a result gas protection measures may be required for the proposed development. Correspondence with North Tyneside Council should be sought to determine the level of protection required.

Following completion of the remaining 2 no. gas monitoring visits, a final assessment of these results and recommendations will follow as an addendum to this report.

Where visible fragments of asbestos have been removed testing of the impacted area is required to validate to removal and to ensure no asbestos fibres sufficient enough to be considered harmful to human health remain. Submission of report showing this has been carried out

Due to the outstanding gas monitoring Gas 006 must be attached.

2.17 Comments 11.09.20:

Phase 2: Ground Investigation Report 26th November 2019

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There was no visual and/or olfactory evidence of significant ground contamination (i.e. fuel-derived contaminants, ashy material, etc.) present at any of the exploratory positions undertaken across the site.

However, potential Asbestos Containing Materials (ACMs) were noted within the made ground at the location of WS02.

When considering the asbestos recorded in WS02, the ACM's noted appear to be in solid form (i.e. cement bound) and therefore should be removed from site where visually identified. Further quantitative screening has been carried out to assess the quantity of asbestos recorded within the ACM at the location of WS02, the results of the testing has identified concentrations of 18.725% w/w. Therefore, prior to any site preparation works, it is recommended to screen the made ground from around the location of WS02 and remove the visible fragments of ACM's (i.e. hand pick), protection measures will be required during the initial site strip i.e. controlled wetting, appropriate RPE/PPE and minimum disturbance to materials, in line with current guidance 2016 CL:AIRE guidance; Control of Asbestos Regulations 2012: Interpretation for Managing and Working with Asbestos in Soil and Construction and Demolition Materials (CAR SOIL).

Proof of the hand picking exercise must be submitted. There will be a requirement for testing in the area of WS2 post handpicking to ensure that there are no asbestos fibres remaining in then made ground. A report on the findings is to be submitted to the LPA for approval.

Hazardous Ground Gas Risk Assessment Addendum Report

However, when considering the depleted oxygen levels recorded (i.e. 9.5% v/v), this may be an indication of mine gas generation, as a result gas protection measures may be required for the proposed development.

The site is in an area of known mining and in an area where gas protection measures were required. Gas 006 still stands. I require submission of proposed gas protection measure before I can comment further.

2.18 Local Lead Flood Authority

2.19 I can confirm that in principle I have no concerns over the proposed surface water drainage for the development. The applicant will be attenuating surface water within the site for up to a 1in100yr Rainfall Event including a 40% increase for climate change. The attenuation will be in the form of upsized sewers, an underground storage tank and permeable paving within the private driveways. The surface water from the site will then be discharged into the local sewer network at a restricted discharge rate of 5l/s.

2.20 If we could place the following conditions on the application;

Surface water drainage network to be constructed as per agreed plan.

Details of company appointed to carry out maintenance of drainage features prior to occupancy.

2.21 Representations

2.22 Campaign to Protect Rural England (Northumberland)

Insufficient note was taken, when the Local Plan designated this site (Area 27) as suitable for housing, that local people have for years valued this piece of land as a 'grassed informal recreation area' where children's play and dog walking could go on regularly, and more organised community activities could from time to time be conducted. The photographs in the Design and Access Statement show that the area has considerable visual appeal and eminently deserves protection as

accessible green space. Such a space should not be passed over so readily, especially as a good deal of the Green Belt farmland nearby is predominantly used for arable production.

We are particularly concerned at the objection from Sport England, noting that the space is large enough to accommodate a football pitch (though one has not been marked out in recent years). Retaining this possibility is surely of high potential value for young people in this part of the Borough.

In the end, the need for more and better housing must be balanced against the quality of life offered to North Tynesiders in respect of their immediate environment. The principles enshrined in Local Plan policy S1.2 are especially important to the people of Castle Square and CPRE Northumberland respectfully urge you to come down on the side of protecting the community asset of this open space which will be lost to them if this scheme goes ahead, by recommending refusal of this application.

2.23 Neighbour Representations

205 objections from 164 addresses (with 3No unaddressed responses):

- Not in accordance with development plan.
- Not in accordance with policy.
- An increase for the plan allocation of 14No dwellings.
- Objection to the proposed increase in units to 32 from 28 units shown at developer consultation.
- Precedent will be set.
- Housing to be provided does not outweigh loss of greenspace.
- The site has no history of being brownfield land.
- A significant amount of housing has been built in the area, all of which has provided affordable housing.
- Over development of the Backworth Area.
- Sufficient affordable housing in supply for the local vicinity from existing and proposed developments.
- Residents Council Tax has paid for upkeep and maintenance of green.
- Increase in housing in the surrounding area has led to the roads reaching saturation point.
- Inadequate parking provision.
- Parking is often congested with visitors from outside the area.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- No safe pedestrian access from Killingworth Avenue.
- Traffic congestion.
- Traffic safety.
- Limited existing public transport.
- Construction vehicles and traffic safety.
- Congestion during construction.
- Concerns with existing traffic issues including speeding traffic and traffic collisions.
- Access for emergency vehicles.
- Insufficient infrastructure to accommodate new development.
- Promised infrastructure not delivered.

- Could result in insufficient school places.
- Inadequate drainage.
- Existing flooding.
- Loss of residential amenity.
- Loss of privacy.
- Nuisance – disturbance.
- Nuisance – fumes.
- Nuisance – noise.
- Nuisance – dust/dirt.
- Disruption during construction.
- Worsening air pollution.
- Pollution of water course.
- Increase in litter and mud on public highway.
- Inappropriate materials.
- Loss of visual amenity.
- Out of keeping with the surrounding area.
- Visual Intrusion.
- Impact Conservation Area.
- Impact on Listed Building.
- Impact on outlook from front of dwelling.
- Impact on Landscape
- Apartments/flats are inappropriate for a conservation area.
- Existing small community in danger of being ‘swallowed up’ by new buildings.
- Loss of playing field.
- Loss of football pitch.
- Loss of amenity space.
- Loss of safe children’s play space.
- Loss of community amenity and social space.
- Loss of greenspace.
- No alternative open space/play space.
- Cumulative loss of greenspace, wildlife and habitat.
- Existing playfield would serve nearby approved larger developments.
- Improvements should be made to existing playspace.
- Council say dwellings must have open spaces within 300m of access.
- No consultation with Sports England.
- Land crucial to health and well-being of residents.
- Applicant is contrary to North Tyneside Council’s commitment to the improvement of the health and wellbeing of its residents, with the provisions of more Green space and recreational facilities, less pollution and cleaner air.
- The area will have an increased demand for open space and play provision due
- Loss of/adverse impact on wildlife.
- Loss of wildlife habitat.
- Impact on bats.
- Impact on hedgehogs.
- Loss of/damage to trees.
- Tree replanting should be mandatory.
- Retained and replanted trees should be subject to tree preservation order, as should the trees through the village.
- Impact on area of special scientific interest.
- Impact on area of special landscape area.
- Impact on landscape.

- Greenbelt with no special circumstance.
- Contrary to Council's Climate Emergency by appropriating land that is a wildflower meadow.
- Previous house demolished due to mining issues.
- Previous subsidence issues at the site.
- Possible damage to existing housing.
- Additional demand for open space following nearby development and nearby proposed development (i.e. Killingworth Moor).
- Greenfield open space and play park have no history of being brownfield site.
- Local residents concerns and wishes being totally ignored by NTC and Bernicia re consultation meeting 23/10/2019 at Backworth community hall.
- Land grab away from local residents.
- Lack of consultation by the Council.
- Power cuts and low water pressure during previous building works.
- No Local Amenities.
- Improved play facilities should be built.
- Short term benefits of the land sale would not outweigh the long-term costs of health.
- Land should be kept for open space, outdoor activities and play, and not for housing.
- Housing should be supplied through alternative sites (office, barn and industrial estate conversions; or dormant agricultural land) rather develop this site.
- No demand for further housing.
- Local residents committee not consulted.
- Grounds conditions will see unaware buyers' homes collapsing.
- Loss of playing fields could potentially lead to anti-social behaviour.
- Suspicions the housing would not be affordable.
- Loss of the 32No proposed affordable homes is acceptable in the context of the large amount of new housing neat the application site.
- An objector doesn't agree with the comment of affordable housing as 'the new builds already bring the houses in which we live in down'.
- Devaluation of house/property prices.
- Backworth has doubled in size with developments.
- Area is becoming over-populated.
- Would attract less attractive potential buyers due to the modern properties.
- Council has maintained and kept this area as communal/open space for 40 years.
- Residents contributions to Council Tax and a large amount of money has maintained open space.
- Loss of views.
- An application for an increased number of housing will follow an approval.
- The social and environmental impact of Backworth Park is not yet fully understood.
- Residents' concerns from the applicant's consultation exercise are being ignored.
- North Tyneside Council are prepared to sell the land for a pittance.
- Potential concerns over potential occupiers.
- Children's play sites should be given the same status as (S)S.S.I. areas.

2.24 External Consultees

2.25 Sport England

2.26 The plan details the applicant's intention to provide a replacement playing pitch and multi-use games area (MUGA) as replacement for the football pitch that will be lost to development. This is agreed with Sport England following our meeting with the applicant on 7th May 2020.

2.27 Sport England is content that playing field policy would be met by the replacement facilities detailed in the plan broadly complying with exception 4. The application site red edge does not extend to the site of the proposed playing pitch and MUGA and so the applicant has detailed how the replacement facilities would be secured through the relevant heads of terms of a S106 agreement. The detail of the S106 needs to be completed but in principle Sport England is content with the provisions in the draft (reference to a contribution to the LPA for one grass junior football pitch and one multi use games area). Sport England's objection can only be resolved by the signing of the S106 agreement, but in order to signal that we no longer have a substantive issue with the proposal we wish to remove our statutory objection and replace it with a holding objection (pending the completion of the S106).

2.28 The Coal Authority

2.29 The Coal Authority is satisfied with the broad conclusions of the Phase 2: Ground Investigation Report (19-677, 26 November 2019 prepared by Arc Environmental Limited), informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority has no objection to the proposed development.

2.30 Natural England

2.31 No objection subject to appropriate mitigation (including Coastal Mitigation).

2.32 Northumbrian Water

2.33 We would have no issues to raise with the above application, provided the application is approved and carried out in strict accordance with the submitted document entitled "*Flood Risk Assessment and Drainage Strategy*". In this document it states that the foul and surface water flows will discharge to the combined sewer at manhole 5101. With surface water being restricted to 5.5l/sec

2.34 We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

Condition: Development shall be implemented in line with the drainage scheme within the submitted document entitled "*Flood Risk Assessment and Drainage Strategy*" dated November 2019. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 5101, with surface water being restricted to 5.5l/sec.

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

2.35 Highways England

2.36 Given that the trip rates and trip generation proposed by iTransport Planning are greater than those produced by Highways England, the trip rates on trip generation proposed are robust and acceptable. However, Highways England would suggest that the trip rate and trip generation information is provided in the main body of the transport statement and not within the appendices.

2.37 Junction assessments

Following an independent trip distribution assessment and given the small number of trips predicted to impact the Killingworth and Holystone A19 junctions, this development site will not have a material impact on the operation of the Strategic Road network. Therefore, no junction capacity assessments are required.

2.38 Travel Plan

Highways England suggests that given the relatively small scale of the proposed development site, a welcome pack is sufficient and a travel plan is not required.

2.39 Construction Traffic Management Plan

Highways England supports the production of a Construction Traffic Management Plan. The inclusion of this for the construction phase of the development is required to ensure the continued safe operation of the strategic Road network during the construction phase of the scheme. should you be mindful to approve the application this should be conditioned.

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Application No: 20/01076/FUL Author: Rebecca Andison
Date valid: 23 September 2020 ☎: 0191 643 6321
Target decision date: 18 November 2020 Ward: Preston

Application type: full planning application

Location: 1 Trevor Terrace, North Shields, Tyne And Wear, NE30 2DG,

Proposal: Change of Use from Raised, Grassed Area to Dining Area for Scott & Wilson 1 Trevor Terrace, NE30 2DG

Applicant: Mr Calvin Khass, 1 Trevor Terrace North Shields Tyne And Wear NE30 2DG

Agent: Pd Technical Services, Mr Peter Dawson 21 Sedburgh Road North Shields NE25 8UG

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the proposal is acceptable;
- the impact on surrounding occupiers;
- the impact on the character and appearance of the site and its surroundings;
- and
- whether there is any impact on the public highway.

2.0 Description of the Site

2.1 The application relates to a raised area of grass located at the junction of Trevor Terrace and Preston Road, North Shields. It is located to the north of Scott and Wilson, a restaurant which occupies 1 Trevor Terrace.

2.2 The surrounding area contains a mixture of residential and commercial properties. To the north is a public house, and to the immediate east and south is a small shopping parade. There are residential flats above the application site and the two adjoining units.

3.0 Description of the Proposed Development

3.1 Retrospective planning permission is sought to change the use of the raised grass area to an outdoor dining area for the use of Scott and Wilson.

3.2 It is proposed to enclose the area with timber fencing and to install a ramp at the western end of land to provide access.

4.0 Relevant Planning History

1 Trevor Terrace:

19/00019/NOTIFY - Notification of commencement of flexible use from B1 Office to A3 Cafe/Bistro under Class D of the General Permitted Development Order (Amendment) 2013

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of the proposal is acceptable;
- the impact on surrounding occupiers;
- the impact on the character and appearance of the site and its surroundings;
- and
- whether there is any impact on the public highway.

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

8.0 Principle of the Proposed Development

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

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

8.2 The NPPF (para.80) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.3 Policy DM1.3 of the Local Plan 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 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.

8.4 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development 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.

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

8.6 The site comprises a small grassed area which has no allocation within the Local Plan. The proposal is to use the land to provide additional outside seating for the adjacent restaurant.

8.7 The importance of supporting economic growth and needs of businesses is set out within the NPPF and the above Local Plan Policies. This need is of even greater importance following the Covid 19 pandemic, particularly for businesses within the hospitality sector, and this has been made clear by the Government through recent legislative changes including the Business and Planning Act (July 2020).

8.8 The principle of the proposal is considered to be acceptable given that it would support an existing business and help secure economic growth.

9.0 Impact on Neighbouring Occupiers

9.1 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.

9.2 The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

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

9.5 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.

9.6 The site is located in an area which contains both residential and commercial properties. The proposed outside seating has the potential to impact on residential occupiers as a result of increased noise associated with customer use.

9.7 A significant number of public comments have been received regarding this application. The vast majority of these are in support but objections have been received from 5no.residents. The concerns raised include additional noise, disturbance and anti-social behaviour.

9.8 The Manager of Environmental Health has been consulted and provided comments. She notes that there are residential flats above the site and the adjoining properties and raises concerns regarding the potential impact of noise from customers using the outside seating area during the late evening period. She recommends conditions to control the hours during which the outside seating can be used, preventing external speakers/music and requiring that a noise management scheme is submitted for approval.

9.9 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact is acceptable subject to the imposition of the conditions recommended by the manager of Environmental Health and the seating only being used between the hours of 08:00 to 21:00.

10.0 Design and Impact on the Streetscene

10.1 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.

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

10.3 The grassed area has been enclosed by painted timber fencing, and tables with umbrellas have been placed on the land. An access ramp has also been installed. While enclosing the land has resulted in the loss of a public green space, it is noted that many residents have stated that the space previously added little to streetscene. Residents have stated that the outside seating adds to the character to the neighbourhood and improves the appearance of the site.

10.4 In officer opinion the proposal does not result in any harm to the streetscene and does not appear out of character, particularly when taking into account that The Gunner public house has a far larger area of outside seating on the opposite side of Trevor Terrace.

10.5 In order to protect the grass from foot traffic, particularly during the winter months, a condition is recommended requiring that details of an alternative means of surface treatment are submitted for approval.

10.6 In officer opinion, the impact on the character and appearance of the area is acceptable.

11.0 Car Parking and Access

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

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

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

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

11.5 The Council's adopted parking standards are set out in the Transport and Highways SPD.

11.6 The Highway Network Manager has commented and raises no objections. He states that the additional seating area is unlikely to have a severe impact in terms of additional traffic.

11.7 The Highway Network Manager has provided additional comments in response to objections regarding the potential impact on pedestrian safety. These are set out in full in the appendix to this report. He does not consider that the proposed fencing would have a detrimental impact on visibility at the junction and notes that the footpath between the site and the forecourt has not been reduced in width. It is acknowledged that the area suffers from parking problems and the Highway Network Manager advises that this is being investigated. He does not consider that customers travelling to the site by car would have a severe impact on the highway network.

11.8 The impact on the highway network is therefore considered to be acceptable.

12.0 Local Financial Considerations

12.1 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 (CIL). The proposal would help to support an existing business and retain jobs.

13.0 Conclusions

13.1 The proposal is considered to be acceptable in terms of principle and it is not considered that there would be any adverse impact on surrounding occupiers, the streetscene or highway safety.

13.2 The application 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 following approved plans and specifications.

- Application form
- Location plan 1460671 01A
- As built raised area 1460671 02A
- Site plan - proposed 1460671_sp 02A

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

2. The outside seating area shall not be used outside the hours of 08:00 to 21:00 on any day.

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.

3. Within one month of the date of this planning permission a noise management scheme for the outside seating area must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

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.

4. Noise No Tannoys Externally Audible NOI002 *

5. No live music in the form of bands, solo and duo artists and no amplified or unamplified music in the form of discos, DJ's and karaoke shall be played within the outside seating area at any time.

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.

6. Within 1 month of the date of this permission details of a hard surface treatment for the grassed area must be submitted to the local planning authority for approval. The surface shall be installed in accordance with the agreed details within 1 month of the details being agreed.

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

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

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

Informatives

No Doors Gates to Project Over Highways (I10)

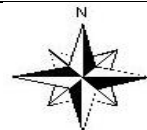
The applicant is advised to be mindful of other highway users on the highway adjacent to the raised area and forecourt seating area when serving the table etc.



Application reference: 20/01076/FUL
Location: 1 Trevor Terrace, North Shields, Tyne And Wear, NE30 2DG
Proposal: Change of Use from Raised, Grassed Area to Dining Area for Scott & Wilson 1, Trevor Terrace, NE30 2DG

Not to scale
 Date: 13.10.2020

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use from raised, grassed area to dining area for Scott and Wilson. The site will be an addition to the nearby bistro which is already established, and the additional seating area is unlikely to have a severe impact in terms of additional traffic. Approval is recommended.

1.3 Recommendation - Approval

1.4 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

The applicant is advised to be mindful of other highway users on the highway adjacent to the raised area and forecourt seating area when serving the table etc.

1.5 Additional Comments

1.6 Visibility:

The signal controlled crossing has been designed and installed to current standards and both motorists and pedestrians with small children would be expected to take reasonable care and attention to when approaching the crossing point. Even when taking into account the additional fencing, there is still a reasonable width of footpath – approximately 2.0m between the site and the adjacent carriageway.

1.7 The footpath between the site and the forecourt has not been reduced in width, the forecourt does not form part of the adopted highway and whilst it has been available informally for pedestrians to use prior to the addition of the chairs and tables, this has always been at the discretion of the landowners who have now exercised their right to close it off - provided they do not encroach onto the adopted area. The applicant has also been advised to be mindful of other highway users on the highway adjacent to the raised area and forecourt seating area when serving the tables.

1.8 Deliveries and collections:

The site is located in a long established local centre where deliveries will have historically taken place on the main highway. Whilst the existing bistro may have increased the frequency of deliveries since its inception and the additional outside area may further increase the frequency, the principle of deliveries in this area is already in place. Delivery drivers would be expected to park appropriately and passing motorist would be expected to negotiate the vehicles safely. Reversing out of the rear lane onto the main road is an illegal manoeuvre and a matter for the police to enforce should it be necessary.

1.9 Slips, trips and falls

The applicant has been advised to be mindful of other highway users on the highway adjacent to the raised area and forecourt seating area when serving the tables.

1.10 Parking problems

The council's Traffic Team are aware of parking issues in this area and are looking into them outside of this application and whilst inevitably, there will be car borne customers travelling to and from the site, the impact could not be described as severe under the NPPF as a parking space could be found by customers in the wider area. Any inconsiderate or obstructive parking will be dealt with by either the council's Civil Enforcement Officers or the police.

1.11 Traffic volume/safety

The traffic signal arrangement at the junction has been designed in accordance with current standards and any red light indiscretions are illegal and a matter for the police. As with these types of signalised crossings there is allocated pedestrian green time for those wishing to cross the roads at the appropriate crossings points.

2.0 Manager of Environmental Health (Pollution)

2.1 The property is located within the North Shields area with residential apartments located above and adjoining at 3 Trevor Terrace and 11A Kirton Park Terrace. I have concerns regarding potential noise from the loud voices of customers using the seating areas during the late evening. Environmental Health receives frequent complaints about similar premises due to associated noise from the activity, specifically about loud voices from customers using the seating areas.

2.2 I note that the proposed dining area will include for fencing around the site and this will help to mitigate some noise from customer voices, however, the only provision to control noise from this area would be via a condition to restrict on the times of use and to require a noise management scheme. I would also recommend a condition to prevent the use of any external speakers or playing of any form of music in this area.

2.3 I would recommend the following conditions if planning consent is to be given.

The use of the external seating area shall be restricted to 08:00 hours to 21:00 hours Monday to Sundays.

Submit for approval in writing to the Local Planning Authority a noise management scheme for the premises with regard to the use of the external seating areas and any smoking areas, detailing measures to be taken to minimise external noise, and thereafter implemented.

NOI02

Non-standard condition: Entertainment Restrictions

No live music in the form of bands, solo and duo artists and no amplified or unamplified music in the form of discos, DJ's and karaoke to be permitted to be played at the site at any time.

3.0 Cllr. Comments

3.1 Cllr. Cath Davis has requested that the application is determined by Planning Committee and submitted the following comments:

3.2 I have conducted an extensive survey of resident's opinions in the surrounding area regarding the Bistro at the traffic lights. I delivered 250 questionnaires in the neighbouring area to the bistro and received 22 replies.

3.3 Some comments regarding traffic, parking and business development grants will be dealt with elsewhere.

3.4 The majority of residents welcome the bistro as a well-used asset to the local community and economy.

Relevant comments were focused on three aspects:

A. The ramp to the raised and fenced area does not conform to modern safety standards and need attention.

B. Because of extensive use the previously grassed area has become muddy and unattractive as well as a slipping hazard, combined with the ramp.

C. The public pavement and the bistro's hard-standing, between the raised area and the bistro, are uneven, unsafe and unattractive.

3.6 Requests to the Planning Committee regarding the above and Section 106 regulations are as follows:

A. The ramp is required to be brought up to appropriate standards (perhaps the Disability Forum or Percy Hedley's could be requested to advise on good practice).

B. The muddy area is required to have an appropriate hard surface. Quite a number of residents were supportive of a modern resin surface as being more attractive in relation to the area.

C. Improving the pedestrian area regarding safety and generally improving the look of the area be referred to the appropriate officers of the council.

3.7 It would be beneficial if the committee were to visit the site to inspect the issues raised.

3.8 Cllr Cath Davis has submitted a further representation on behalf of local residents. 3.9 This lists the following concerns.

3.10 Public safety concerns – visibility of pedestrians

3.11 Due to the location of the bistro on a very busy traffic junction the residents are concerned about the risks posed to pedestrians using the crossing points and those using the footpaths between the grassed area and the bistro itself.

3.12 Previously the area was a grassed green space inside a low wall with clear visibility across both Trevor Terrace and Preston Road/Kirton Park Terrace. The current fenced enclosure significantly obscures that view and while children are most likely to be supervised by an adult 99% of the time there could be occasions when a child may step out suddenly or be on a bicycle and will not be seen by on-coming traffic.

3.13 The other safety issue relates to the space around the grassed area and its use by pedestrians, particularly those who are elderly or those with disabilities.

3.14 Since the area was fenced and the bistro put chairs, tables and advertising barriers around its forecourt (which we understand is not part of this planning application?) the footpath area is now substantially reduced and measures about 1.5 metres.

3.15 The space that is left is not sufficient to accommodate the outside seating area and the public using the footpath.

3.16 *Deliveries and collections*

3.17 As there is a wine shop and Chinese take-away next to the bistro there are now more regular deliveries and drop-offs including taxis. These present additional hazards as there is more traffic parking on the double yellow lines and into the back lane entrance on Trevor Terrace. With the fencing in place this once again obscures the sight lines in this area particularly in the back lane as vehicles reverse out and has the potential for accidents.

3.18 *Slips, trips and falls*

3.19 There are concerns about the potential risk factors relating to waiting staff working across a very busy thoroughfare particularly now that customer numbers have increased due to the addition of the grassed area and the forecourt tables, chairs and advertising barriers.

3.20 The residents were also not sure about the rules for carrying glasses outside – should these not be plastic?

3.21 The entrance to the 'terrace' is a ramp which by its design takes up more space and could be a trip hazard in itself.

3.22 *Covid-19 Guidelines*

3.23 Current guidelines regarding table service, face coverings, hand hygiene and social distancing are not being adhered to.

3.24 *Land management*

3.25 Although the residents understand the area to be open public space, the local authority has maintained it over the years and at one stage it had bedding plants before being grassed over.

3.26 The way in which the bistro is now using the space it is very likely the area will lose the grass and become muddy from constant use. The bistro uses large umbrellas to shade customers and the grass is likely to die off.

3.27 Although the bistro states it fenced in the area as a response to the Covid-19 crisis following pubs and restaurants re-opening in July, the residents are concerned it will become a permanent facility with the potential to add patio heaters in cooler weather.

3.28 Should the committee grant retrospective planning permission for the outside space then the residents would like reassurance that the outside space is closed by 9pm every night as per the conditions of the bistro's premises license.

3.29 Impact on neighbouring business

3.30 Due to the length of the fenced-in area it encroaches considerably on the neighbouring wine shop and the addition of large umbrellas has added to the lack of visibility of the shop. Many customers of the wine shop have commented that they are unable to tell whether the shop is open or not.

3.31 The sound levels from customers outside the shop during the day due to the introduction of the grassed area have risen significantly which also disrupts customers within the shop.

3.32 Parking problems

3.33 The bistro has no dedicated customer parking and is surrounded by double yellow lines due to the two pedestrian crossings on the corner.

3.34 There are major pressures on parking around this area – including Queen Alexandra Road, Kirton Park Terrace, Trevor Terrace and Fenwick Terrace.

3.35 Since the bistro opened there has been increased parking issues, particularly on Trevor Terrace and outside the two closest properties on Fenwick Terrace.

3.36 Traffic volume/safety

3.37 The fenced grassed area blocks the views of drivers on Trevor Terrace and Preston Road. Nearby residents have observed many occasions when cars have jumped red lights and feel it is only a matter of time until there is a serious accident.

3.38 Conclusion

3.39 The residents want to put on record that they never have and are not now criticising the existence or quality of the bistro per se - although they feel it is not a very good location for such a business.

3.40 They do not however agree with the fencing off of this grassed area whether it be only a temporary response to Covid-19 or not.

3.41 If planning permission is granted then it should not be allowed to obscure nearby businesses and at the very least it should be shortened so it is only in front of the bistro's own curtilage and not that of other businesses.

3.42 If the fence does remain then it would be much safer to have an open style fence which allows better visibility across to the pedestrian crossings. Another option could be to put a time limit on the use of the terraced area.

3.43 The residents feel the grassed area should be retained as open public space and they have expressed that they would be interested in being involved in its maintenance with some initial support from the council.

4.0 Representations

4.1 5no. objections have been received. These are summarised below.

- Inadequate parking provision.
- Inappropriate materials.
- Loss of residential amenity.
- Nuisance – disturbance, noise.
- Precedent will be set.
- Poor traffic/pedestrian safety.
- The land use to be a flower bed maintained by the Council.
- It belongs to the Local Authority to be enjoyed by all residents.
- I object to this land being acquired on a permanent basis by one business.
- It should be offered to the community for them to decide its future.
- Normal procurement procedures should be exercised.
- Walking between the shop front and the grassed area can feel intimidating.
- The grassed area will become muddy and not used in the winter.
- A health and safety risk assessment should be carried out as the area has to be accessed via a temporary ramp.
- Since the restaurant opened there have been increased volumes of drunken people in our back lane.
- Parking on Trevor Terrace is already difficult.
- Increase in capacity of the restaurant makes it harder for residents.
- The business does not support the local community.
- When was this strip of land sold/made available to this business?
- The business has already developed the strip in advance of planning.

5.2 356no. comments have been received in support of the proposal. These are summarised below.

- The area benefits the local community.
- The increased space allows for Covid compliance.
- Increased jobs.
- Good for the economy and in keeping with the area.

- Supports a local business.
- Brings more footfall to support local businesses.
- The space was wasted and unused.
- Used to be unmaintained and used as a dog toilet.
- Improves the area, giving a cosmopolitan and friendly feel to alfresco dining.
 - The venue is accepting of my group's diversities.
- It is not an eyesore nor does it cause any hassle.
- It is lovely to be able to sit out.
- The customers are respectful and cause no problems with the surrounding residential properties.
- I have never witnessed any trouble on my weekly visits.
- The business has had a positive impact on the area.
- Helps a small local business to continue in this troublesome time.
- Tynemouth and the Fish Quay have many outside seating areas.
- The council should be embracing local businesses not trying to obstruct.
- The Government said that businesses had to adapt their facilities in order to comply legally with social distancing.
- The outdoor seating area has improved the appearance of the outdoor area.
- Without the area it would be difficult for the staff and clients to keep safe.
- The ramp poses no risk and complies under the Disability Discrimination Act.
- The Gunner has set a precedent with outdoor use.
- Has enhanced the corner of the street.
- A pleasant environment to spend time meeting with friends and family in a socially distanced space.
- Adds character to the neighbourhood.
- Makes the area feel safer.
- It has stopped kids hanging around the grassed area.
- Has improved the local facilities.
- The noise and nuisance is from the customers at The Gunner Pub.
- The outdoor area is significantly smaller than across the road at The Gunner.
- I have never seen any unwelcome behaviour in the area due to Scott and Wilson
- Removing the space means the business will close.
- Does not cause an obstruction.
- Much needed in the area.
- Has improved the look and spirit of community on the corner.
 - It appeals to all ages.
- Always has a warm, friendly and relaxed atmosphere.
- Provides employment in the current depleted hospitality industry.
- The volume of people visiting show how much it's needed.
- The change of use should be allowed permanently.
- Is the perfect place to dine out during current uncertain times.
- People travel from other areas to visit the restaurant.
- Has added a more vibrant feel to the local area.
- Does not have any detriment to the local area or residents.
- Will benefit the redevelopment of North Shields.
- I live locally and have never seen any problems.
- The attack on Scott and Wilson seems personal.
- The place is very well managed.
- Creates a community feel which is otherwise lacking in the area.
- The tasteful decor adds character to the area.
- Any noise is drowned out by traffic noise.

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Application No: 20/00273/FUL Author: Maxine Ingram
Date valid: 16 June 2020 ☎: 0191 643 6322
Target decision date: 15 September 2020 Ward: Weetslade

Application type: full planning application

Location: Site of Former Drift Inn, Front Street, Seaton Burn, NEWCASTLE UPON TYNE

Proposal: Erection of 5no three bedroom houses and 5no four bedroom houses at the site of the former Drift Inn public house (Additional information solar study and revised site plan 10.07.2020 and noise report 25.09.2020)

Applicant: Northumbria Vehicles, FAO Mr Rod Purvis Northumbria Vehicle Co Oliver House Front Street Seaton Burn NE13 6ES

Agent: Gradon Architecture, Mr Chris Allan NE40 Studios Main Road Ryton NE40 3GA

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on biodiversity;
- 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 a rectangular parcel of land, approximately 0.66 hectares. The site was formerly occupied by a public house, The Drift Inn. This building has since

been demolished and the site has remained vacant for several years. Immediately to the north east the site is bound by a residential dwelling, Meadow Cottage and to the north west is a commercial property. Access to the Seaton Burn Recreation Ground and Meadow Cottage is located to the south east of the site beyond which lies a commercial property (car sales). Residential properties, The Willows, are located to the south west beyond the adjacent highway.

2.2 The topography of the site is relatively flat.

2.3 The site is designated as a housing site (LP site 133 Drift Inn, Seaton Burn).

2.4 The land designation immediately to the north east of the site is green belt and a wildlife corridor.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 5no three-bedroom houses and 5no four-bedroom houses.

3.2 Two house types are proposed:

- Housetype A Plots 6-10 (2.5 storeys with a ridge height of approximately 8.8m)
- Housetype C Plots 1-5 (2.5 storeys with a ridge height of approximately 9.1m)

3.3 The following documents have been submitted to accompany this application:

- Arboricultural Impact Assessment (AIA)
- Exploratory Soils Investigation Report
- Great Crested Newt Risk Assessment
- Invasive Non-Species Survey
- Noise Survey and additional information
- Design and Access Statement
- Surface Water Drainage Strategy
- Solar Study

4.0 Relevant Planning History

4.1 The most recent planning history relating to this site is set out below:

19/01173/PIP - To establish the principle for residential development of between 5 and 8 dwellings – Not progressed to Part 2 06.03.2020

11/02358/FUL - Demolition of existing building and erection of 56-bedroom care home (Re-submission) – Permitted 17.02.2012

11/01797/FUL - Demolition of existing building and erection of three storey 64-bedroom care home – Refused 07.11.2011

The proposed development would be out of keeping with the character and appearance of the immediate surrounding area by virtue of its scale, mass and size. The proposed development is contrary to Policy H11, H16 and DCPS No 13 of the North Tyneside Unitary Development 2002.

The proposed development by virtue of its proximity to the adjacent garage would result in an unacceptable impact on the amenity of future residents in terms of outlook and potential noise disturbance. The proposed development is contrary to national planning guidance PPG24 and local planning policy DCPS No 13 of the North Tyneside Unitary Development Plan 2002.

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

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

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

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on biodiversity;
- Other issues.

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

8.0 Principle of development

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

greater the weight that may be given).” The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

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

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

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

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

8.6 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 ‘Strategic Housing’ sets out the broad strategy for delivering housing.

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

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

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

8.9 LP Policy S4.3 Distribution of Housing Development Sites states: “The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8,838 homes, assessed as being deliverable and developable over the plan period to 2032.”

8.10 Members are advised that the site, subject of this application, is identified for housing under Policy S4.3 (Site 133 Drift Inn Seaton Burn). The LP identifies that this site can provide a potential of 8 units. The number given in the LP is only potential and has been derived for the purposes of helping the Council to determine how much housing land it needs to provide to ensure enough housing is built. It has not been derived following any detailed design work. The issue is whether the site can adequately accommodate the amount of housing proposed. This is considered in a latter section of this report.

8.11 The site is designated as a housing site and it will contribute to meeting the housing needs of the borough. Members need to determine whether the principle of residential development on this site is acceptable. It is officer advice that, the principle of some form of residential development on this site may be acceptable, subject to all material considerations set out below being addressed.

9.0 North Tyneside 5-Year 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 potential housing land supply from this proposal is included in the assessment that North Tyneside has a 6.1 year supply of housing land and it is officer opinion that the proposed 10 dwellings will make a small, but valuable contribution towards the five year housing land supply.

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

10.0 Impact on character and appearance of the site and the surrounding area

10.1 Paragraph 124 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 127 of the NPPF states that decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

10.4 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.

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

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

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

10.7 The objections received regarding the inappropriate design, overdevelopment, insufficient refuse storage and loss of trees are noted. It is noted that an objector has made reference to the previously approved scheme on this site and another site in Seaton Burn. Members are advised that each application must be assessed on its own merits.

10.8 The site is located to the north east of the B1318. It is located in a mixed-use area of Seaton Burn. To the north east the site is bound by a bungalow, Meadow Cottage, beyond which lies the Seaton Burn Recreation Ground. Commercial premises bound the site to the north west and south east. Residential properties, The Willows, are located to the south west of the site.

10.9 Two house types are proposed. House type A would be 2.5 storeys with a ridge height of approximately 8.8m. A flat roof dormer to front and roof lights to rear would accommodate the bedroom to be sited in the roof space. A balcony is proposed to the front of the property. House Type C would be 2.5 storeys with a ridge height of approximately 9.1m. A flat roof dormer feature with balcony to front and roof light to rear would accommodate the bedroom to be sited in the roof space. A balcony is proposed to the front of the property. The properties would be rendered (white) with contrasting timber cladding.

10.10 The contemporary architectural design differs to the architectural style within the immediate area, it is acknowledged that this has the potential to add to the character of the local area. This contemporary design approach is supported by the Design Officer. However, it is clear from his comments that there are concerns regarding the number of units proposed and the layout. The form of development facing Front Street is supported. Plot 5 is located in the middle of the site; the Design Officer considers that the positioning of this plot breaks up an otherwise logical layout. The addition of this unit means that plots 1-4 are pushed further east of the site resulting in these plots having small rear gardens (approximately 4m to 4.8m). The Design Quality SPD specifies that gardens should satisfactorily reflect the size and type of the dwelling.

10.11 Plots 1-4 are also positioned close to the bungalow (Meadow Cottage). The Design Officer expressed concerns that these units may have an overbearing impact on the bungalow. To try and address this concern the applicant has provided a Solar Study. This study identifies that there is some overshadowing particularly in winter but overall, it concludes that this is not substantial. The Design Officer has expressed concerns about the accuracy of the solar images, as the size of the single-storey Meadow Cottage appears very large nor does it appear to confirm the difference in levels between the application site and Meadow Cottage. Officers consider a much-improved layout could be achieved if plot 5 were to be removed. This would enable plots 1-4 to have better amenity space whilst also improving the relationship with Meadow Cottage.

10.12 Northumbrian Police have also provided advice on the proposed layout. Their comments are set out in full in the appendix to this report (paragraphs 3.13-3.34). They also share the same view as officers that an improved layout could be achieved with the removal of plot 5.

10.13 Policy DM7.9 'New Development and Waste' states that all developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable.

10.14 It is acknowledged that the proposed layout can achieve the council's maximum parking standards and provide areas for refuse storage and cycle storage. The internal privacy distances between the proposed dwellings is acceptable. However, it is the view of officers, that the siting of plots 1-4, the siting of plot 5, the depth of the rear gardens of plots 1-4 and their proximity to Meadow Cottage results in an unacceptable layout.

10.15 LP Policy DM5.9 'Trees, Woodlands and Hedgerows' seeks to safeguard existing features such as trees.

10.16 The Landscape Architect has been consulted. She has considered the submitted Arboricultural Impact Assessment (AIA) which surveyed 10 individual trees. To

accommodate the proposed development, requires the removal of one tree (T3 Ash). The AIA recommends the removal of four trees (category U), regardless of this development, given their condition. The AIA states no new tree planting is proposed, whereas the submitted landscape plan proposes new tree planting within the site and the retention of tree T10. The Landscape Architect advises that the submitted landscape scheme is generally acceptable however, it is recommended that a native hedge is planted along the southern boundary of the site similar to the northern boundary. A revised landscape scheme would need to be conditioned to achieve this however, this may result in a reduction in the level of amenity space provided for plot 5 as the hedgerow would need to be positioned outside of the garden area to ensure that it is retained and protected from removal by future occupants. Officers also have concerns if the proposed hedgerow to the north is to be accommodated within plot 1. Again, if this hedgerow is to be accommodated within plot 1, the council may not be able to seek its retention and protection from removal by future occupants. The removal of plot 5 would enable further consideration to be given to the siting of garden areas without the inclusion of the proposed hedgerows.

10.17 Members need to consider whether the proposed layout and its design are appropriate and whether this complies with current policy. Officer advice is that the proposed layout is not acceptable. As such, the proposed layout is contrary to policy DM6.1 of the LP (2017) and the Design Quality SPD.

11.0 Impact upon the amenity of existing and future residents

11.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

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

11.3 Paragraph 182 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. It goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

11.4 Policy S1.4 'General Development Principles' states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

11.5 Policy DM6.1 'Design of Development' states that proposals are expected to demonstrate a good standard of amenity for existing and future residents and users of buildings and spaces.

11.6 Policy DM5.19 'Pollution' 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.

11.7 Policy DM4.9 'Housing Standards' states that all new homes, both market and affordable, will meet the Government's Nationally Described Space Standard (NDSS).

11.8 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.

11.9 The objections received regarding nuisance, disturbance, visual intrusion, impact on residential amenity and loss of privacy are noted.

11.10 Plots 6-10 will be located over 30m to the north east of The Willows. This separation distance is considered to be acceptable and maintains an appropriate distance to protect the residential amenity of these neighbouring properties.

11.11 The main impact of the proposed development will be on Meadow Cottage. This property sits at a lower level than the application site. It is acknowledged that the garage serving Meadow Cottage is sited closest to the shared boundary with the application site. There is one window sited in the south west gable (roof space accommodation) and one roof light of Meadow Cottage. The owner of Meadow Cottage has advised that a window is to be installed to the kitchen (south west elevation) however, at the time of writing this report this window was not in situ. Plots 1 – 4, two blocks of semi-detached dwellings, would be sited approximately 4m to 4.8m from this shared boundary. Each semi-detached block would have a width of approximately 16m. The proposed dwellings by virtue of their height (approximately 9.1m to ridge and 5.4m to eaves) and positioning would be highly visible from the garden areas serving the bungalow. It is considered that the positioning and height of these units would appear visually dominant resulting in a significant and overbearing impact when viewed from this neighbouring property. This impact is not considered to be acceptable.

11.12 The positioning of plots 1-4 would also impact on this privacy Meadow Cottage. It is noted that views from the ground floor window and doors into this neighbouring property could be mitigated by an appropriate boundary treatment. The proposed first floor rear bathroom window would need to be obscure glazed; this could be achieved by condition. However, the proposed first floor bedroom to rear (with Juliette balcony) at a distance of between 4m to 4.8m from this neighbouring property would affect its privacy. This impact is not considered to be acceptable.

11.13 As already discussed, the proposed layout could be improved to provide future occupants of plots 1-4 with larger areas of outdoor amenity space.

11.14 The proposed dwellings' internal layout would comply with Policy DM4.9 of the Local Plan.

11.15 The site is located in an area subject to a number of different noise sources that include road traffic from the B1318, air traffic noise as the site is located in an area close to the departure and arrival routes and its proximity to commercial uses.

11.16 A Noise Report has been submitted and this has been considered by the Manager for Environmental Health. She has expressed concerns regarding potential noise sources including commercial and industrial noise. It is unclear whether any of the neighbouring commercial units operate on a 24-hour basis or have associated early morning noise. She is also aware of the objector's concerns as they have dog kennels at their property Meadow Cottage. She is therefore concerned about noise arising from dogs barking. The applicant has submitted a further noise report to address the concerns arising from dog barking.

11.17 The Manager for Environmental Health has advised that noise monitoring was carried out during the Covid-19 lockdown. Within the Noise Report it confirms that road traffic noise was assessed based on typical traffic levels for the road which is considered appropriate as traffic volumes during lockdown would have been substantially less. The report also considered typical noise levels from the adjacent garage, but it did not consider aircraft noise. At the time of the noise monitoring there were limited aircraft movements from Newcastle International Airport Limited (NIAL). Review of the 2021 and 2030 night-time noise contours indicates that the site is outside of the 48 LAeq8hr noise contour and therefore noise levels from aircraft are unlikely to give rise to higher noise levels than those already considered within the noise report.

11.18 The submitted information regarding road traffic confirms that external gardens would meet the WHO community noise level for outside spaces, as the main garden areas are located to the rear of the proposed dwellings. The dwellings would therefore screen road traffic noise. It also advises that internal noise levels in accordance with the relevant British Standards and WHO guidance would be achieved.

11.19 The additional noise survey submitted considers noise arising from the dog kennels. This additional information has been considered by the Manager for

Environmental Health. It is clear from her comments that she has concerns regarding the additional information submitted. She is concerned that the noise monitoring is not reflective of the true extent of dog barking and that the first-floor habitable rooms of plots 1-4 will have no screening or limited screening, noise levels during the early monitoring period may result in potential disturbance.

11.20 The Manager for Environmental Health has made reference to paragraph 182 of the NPPF which seeks new development to be integrated effectively with existing uses and that existing uses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Prolonged dog barking will give rise to high maximum noise levels and potentially result in causing a disturbance to the future occupiers of this development. She is concerned that the noise assessment has shown that the maximum levels of noise from the dog barking will be in the region of 55-62dB. The objector has advised that not all the dogs were present at the kennels during the monitoring period. It is clear from the environmental health comments that concerns have been raised regarding dog barking which may result in significant adverse impacts for the proposed occupiers and give rise to statutory nuisance for the owners of the kennels, resulting in restrictions being imposed on them under the Environmental Protection Act 1990. For this reason, she has recommended refusal of this application.

11.21 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." However, it is clear from the Manager for Environmental Health's comments that refusal is recommended as all potential noise sources have not been considered to enable this application to be properly assessed. Without this information it is not clear whether appropriate mitigation could be secured via condition that would not result in other acceptable impacts i.e. visual impacts of high acoustic fencing in terms of visual amenity and outlook for both existing residents and future occupants.

11.22 Newcastle International Airport Limited (NIAL) has raised no objections to this development relating to aircraft noise.

11.23 Plots 5-10 are sited away from the north west boundary. Therefore, it is not considered that the commercial premises would significantly affect their residential amenity.

11.24 The commercial premises located to the south east of the site is currently operational as car sales. Therefore, it is not considered that this commercial premise would significantly affect the residential amenity of future occupants.

11.25 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice, that the benefits of bringing forward this vacant site, does not outweigh the harm caused to the residential amenity of both existing residents and future occupants of this site or the potential

impacts on the existing dog kennels. As such, it is officer advice, that the proposed development does not accord with the NPPF and LP Policies, DM5.19 and DM6.1.

12.0 Highways

12.1 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.

12.2 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.

12.3 Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth.

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

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

12.6 The site would be accessed from the adjacent highway, Front Street (B1318). It is clear from the submitted site plan that no part of the site would be accessed from the south east of the site which currently provides access to the Seaton Burn Recreation Ground and Meadow Cottage.

12.7 Parking would be provided in accordance with the council's current standards. Cycle and refuse storage are proposed in the rear garden for each dwelling. A turning area would be provided to allow a refuse vehicle to turn within the site.

12.8 The Highways Network Manager has been consulted. He has recommended conditional approval.

12.9 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable.

13.0 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 environment.

13.2 Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 Paragraph 174 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 175 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

13.4 LP Policy S5.4 'Biodiversity and Geodiversity' states that these resources will be protected, created, enhanced and managed having regard to their relevant significance.

13.5 LP Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' seeks to protect biodiversity and geodiversity.

13.6 The objection received regarding the impact on wildlife is noted.

13.7 The Biodiversity Officer has reviewed the ecology information submitted. She has acknowledged that the proposed development would result in a small number of trees being removed. However, the submitted landscape scheme suggests that this would be mitigated by the planting of 10 standard trees within the site. She has requested some amendments to the landscape scheme to include a native hedge along the southern boundary of the site similar to the northern boundary. This would provide greater biodiversity benefit and it can be addressed via a condition.

13.8 She has also advised that there is a residual risk of great crested newt being impacted by the scheme. Again, this can be addressed via condition.

13.9 The application site is located beyond the 6km buffer of the Northumbria Coast Special Protection Area (SPA). However, it will still have an impact on the coast as result of an increase in recreational disturbance. This development will need to comply with the Coastal Mitigation SPD which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. This development is required to pay the lower tariff (£151.00 per dwelling). The applicant has agreed to pay this financial contribution however, the legal agreement has not been signed.

13.10 Natural England has been consulted. They have raised no objection to the proposed development subject to the applicant paying the Coastal Mitigation tariff.

13.11 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that, subject to the imposition of the suggested conditions and securing the coastal mitigation contribution, the

proposed development would accord with the NPPF and policy DM5.7 of the Local Plan.

14.0 Other issues

14.1 Flooding

14.2 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.

14.3 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.

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

14.5 The Lead Local Flood Authority (LLFA) has been consulted. He has advised surface water would be attenuated within the site via a series of features including permeable paving, underground storage tank and upsized sewer. This will provide surface water storage within the site for a 1in100year+40% rainfall event. The surface water exiting the site will be restricted to a discharge rate of 3l/s and will connect into the adjacent Northumbrian Water sewer. He has recommended conditional approval.

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

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

14.8 Ground conditions

14.9 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. 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.

14.10 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 effect, 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 effect, these will be required as a condition of any planning permission.”

14.11 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as an MSA. Policy DM5.17 Minerals is considered to be relevant.

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

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

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

14.15 Aviation Safety

14.16 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objections to this development in terms of aviation safety.

14.17 Archaeology

14.18 Paragraph 199 of the NPPF states “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted”.

14.19 LP Policy DM6.7 ‘Archaeological Heritage’ seeks to protect, enhance and promote the borough’s archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

14.20 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objection.

14.21 North West Villages Sub Area

14.22 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.

15.0 S106 Contributions

15.1 The NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

15.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting permission for the development if the obligation is:

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

15.3 The Council's adopted SPD on Planning Obligations LDD8 (2018) states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure facilities are provided to mitigate impacts, ensure enhancements and achieve a high-quality environment where people choose to live, work, learn and play.

15.4 The SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

15.5 LP S7.1 General Infrastructure and Funding states "The Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision. The Council will also work together with other public-sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding. New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and
- b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable. In determining the level of contributions

required from a development, regard will be given to the impact on the economic viability of the scheme.”

15.6 LP DM7.2 Development Viability states “The Council is committed to enabling viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. In these circumstances the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;
- b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

When determining the contributions required, consideration will be given to the application’s overall conformity with the presumption in favour of sustainable development.”

15.7 LP DM7.5 Employment and Skills states “The Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training...”

15.8 The S106 subgroup of the Investment Programme Board (IPB) has considered the S106 contributions being sought, including viability. The following contributions have been requested:

£1,000.00 towards ecology.

£7,000.00 towards equipped play.

£25,000.00 towards primary education.

£2,500.00 or one apprentice for employment and training.

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

15.10 This development would be CIL liable.

15.11 Members are advised that the applicant has agreed to pay the requested S106 contributions and the coastal mitigation tariff. However, the legal agreement has not been progressed therefore this is included as a reason for refusal in order to ensure this matter can be addressed were an appeal to be lodged.

16.0 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 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 10no. new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. 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 all other material considerations to the benefit of the Council as a result of the monies received from central Government.

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

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

17.0 Conclusions

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

17.2 Specifically NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However, the NPPF also recognises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

17.3 The application site is a designated housing site within the Local Plan.

17.4 In terms of the impact of the development, it is considered that the development is acceptable in terms of its impact on the highway network, biodiversity, flood risk, land stability and contaminated land issues.

17.5 However, the proposed development is not considered to be acceptable in terms of its layout or its impact on the residential amenity of Meadow Cottage. It is not

considered that the benefits of bringing forward a vacant site that would contribute towards the council's five-year housing land supply outweighs the identified harm.

17.6 Members are advised that the applicant is prepared to pay the requested S106 contributions and the coastal mitigation tariff. However, the legal agreement has not been signed therefore this is included as a reason for refusal in order to ensure this matter can be addressed were an appeal to be lodged.

17.7 Refusal is recommended.

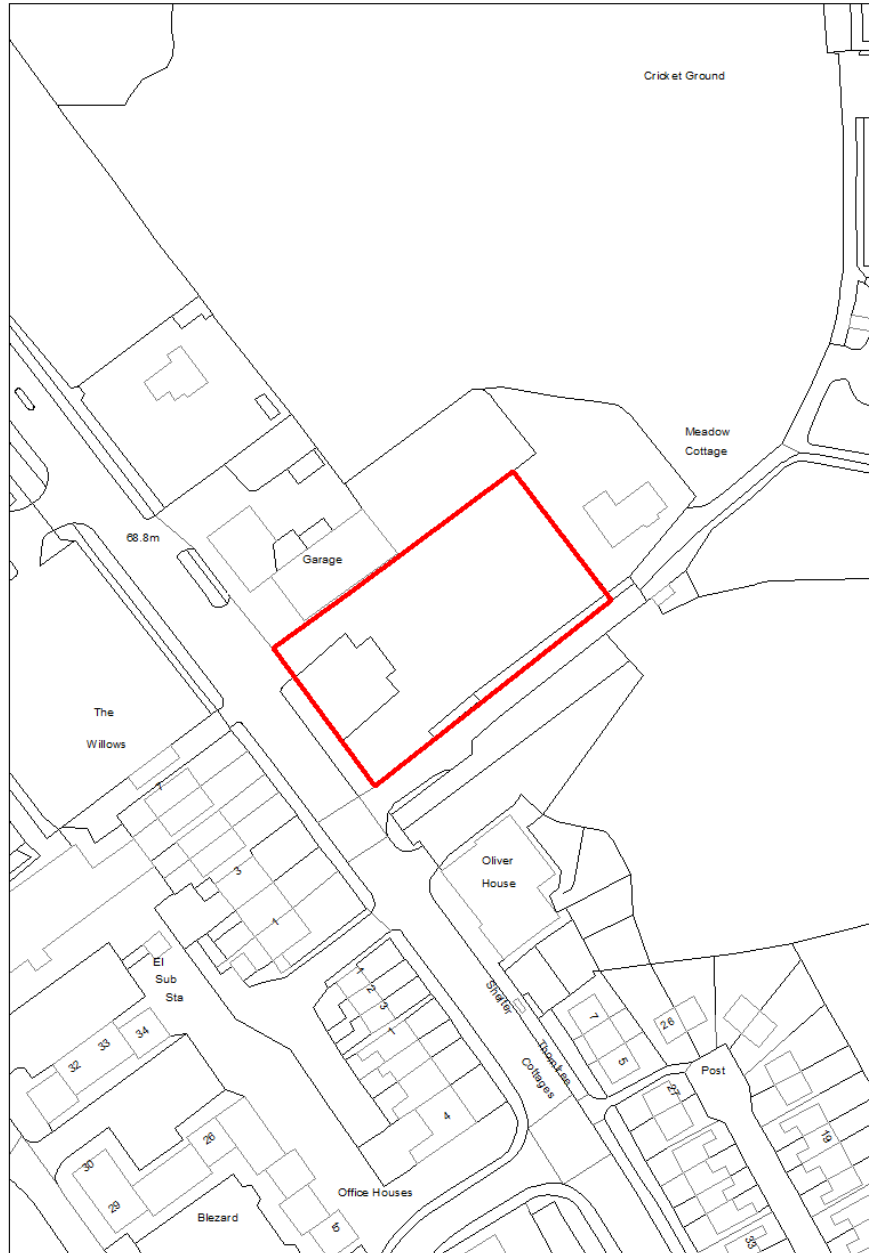
RECOMMENDATION: Application Refused

Conditions/Reasons

1. The proposed layout results in an unacceptable form of development. Units 1-4 would be provided with limited outdoor amenity space and would be sited in close proximity to Meadow Cottage. The siting of these units results in an unacceptable impact on the residential amenity of this neighbouring property by virtue of their height and proximity to this shared boundary. The units would appear visually dominant when viewed from this neighbouring property. As such, the proposed development is contrary to the NPPF, policy DM6.1 of the North Tyneside Local Plan (2017) and the Design Quality SPD.
2. Insufficient information has been submitted to demonstrate that appropriate mitigation could be secured to protect the amenity of future occupants of this development in terms of noise, prevent unreasonable restrictions being placed on Meadow Cottage and whether any such mitigation would be acceptable in terms of its impact on Meadow Cottage and visual amenity of the area and future occupants. As such, the proposed development is contrary to the NPPF and policy DM5.19 of the North Tyneside Local Plan (2017).
3. The legal agreement has not been signed. Without a signed agreement the council cannot secure the contributions that it is seeking to mitigate against the impacts of this development contrary to Planning Obligations Supplementary Planning Document LDD8 (2018), the Coastal Mitigation SPD (July 2019) and Policies S5.4, DM5.5, DM5.6, S7.1, DM7.2 and DM7.5 of the North Tyneside Local Plan 2017.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



Application reference: 20/00273/FUL

Location: Site Of Former Drift Inn, Front Street, Seaton Burn

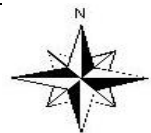
Proposal: Erection of 5no three bedroom houses and 5no four bedroom houses at the site of the former Drift Inn public house

Not to scale

Date: 15.10.2020

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Appendix 1 – 20/00273/FUL
Item 3

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Anthony McMullen

1.2 As a local councillor I am approaching this application with a clear and impartial view.

1.3 I believe that myself and the residents of Seaton Burn would welcome a development on this site, in line and keeping with permission in principle of the re-development of brownfield sites 19/01173/PIP where it was suggested a development of 5 to 8 dwellings be suitable.

1.4 I do think the cumulative impact of the placement of these houses in respect to the boundary line has not fully been taken into account.

1.5 With respect a licensed operator 19/1409/ANIMAL Brenklydrift Gun Kennels neighbours this site and the impact and distress of the animals during construction as well as the noise generated by the kennels on the new inhabitants within the proposed development has not been considered (or at least not fully considered).

1.6 I also believe due to the site design there could be a loss of privacy to the premises as described above. As the row of properties to the east site border will overlook the site.

1.7 Again, I would welcome a development upon this site, but with due considerations be made to the neighbour boundary to the east of the site. In order to prevent distress to the animals boarding there or to the new residents from the noise generated from that site.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 The site is accessed from Front Street; 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 turning area will be provided to allow a refuse vehicle to turn within the site. Conditional approval is recommended.

2.3 Recommendation - Conditional Approval

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

New access

Upgrade of footpaths abutting the site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

2.5 Conditions:

ACC11 - New Access: Access prior to Occ
ACC25 - Turning Areas: Before Occ
PAR04 - Veh: Parking, Garaging before Occ
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT06 - Construction Method Statement (Minor)

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

New access

Upgrade of footpaths abutting the site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

2.6 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

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.

2.7 Sustainable Transport

2.8 No comment.

2.9 Local Lead Flood Authority (LLFA)

2.10 I have carried out a review of planning application 20/00273/FUL, I can confirm I have no objections to the proposals. The development will be providing surface water

attenuation within the site via a series of features including permeable paving, underground storage tank and upsized sewer. This will provide surface water storage within the site for a 1in100year+40% rainfall event. The surface water exiting the site will be restricted to a discharge rate of 3l/s and will connect into the adjacent Northumbrian Water sewer.

2.11 I would recommend the following conditions are placed on the application;

- The development's Surface Water Drainage system to be constructed as per submitted Drainage plan any alterations to this design will need to be approved by LLFA prior to construction.
- Details of the appointed Suds management company to be provided to LLFA upon completion of development.

2.12 Biodiversity Officer

2.13 I have reviewed the ecology information submitted for the above application. The scheme will result in a small number of trees being removed but this will be mitigated by the planting of 10 standard trees within the site. There is a residual risk of great crested newt being impacted by the scheme and this will be addressed through a working method statement that is implemented prior to and during construction. The Landscape Scheme is generally acceptable, however, it is recommended that a native hedge is planted along the southern boundary of the site similar to the northern boundary, as this will provide greater biodiversity benefit. This change can be addressed through a landscape condition.

2.14 As the development is a residential scheme, it will also impact coastal designated sites as a result of recreational disturbance, as outlined in the Councils Coastal Mitigation SPD. It is recommended that a financial contribution is agreed with the Local Planning Authority in accordance with the Coastal Mitigation SPD to address any impacts.

2.15 I have no objection to the application subject to the following conditions being attached to the application:

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan 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

All works to be carried out in accordance with the submitted Arboricultural Impact Assessment by Dendra Consulting Ltd and within the guidelines contained within BS5837:2012.

All works will be undertaken in accordance with the Precautionary Working Method Statement set out in Paragraph 5.1 of the Great Crested Newt Risk Assessment (31/1/20).

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

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

Provision of hedgehog gaps (13cmx13cm) will be provided within any new or existing fencing within the scheme.

2no. swift nest boxes will be incorporated into the new build in suitable locations. 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.

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.

2.16 Landscape Architect

2.17 Existing Site Context

2.18 The application is for the erection of 5no three bedroom houses and 5no four bedroom houses. The application site refers to land that was formerly occupied by the Drift Inn (PH), which is accessed from directly from Front Street, with associated access to Seaton Burn recreational ground. The site is currently cleared of all previous buildings and supports a number of trees, hedgerows and shrubs, which border the perimeter areas of the site.

2.19 There is ongoing commercial development to the north and south and a detached residential property immediately located to the northeast. The original layout contained two access points to the site, with most of the external areas currently still hard landscaped, consisting principally of tarmac surfacing, with the topography of the site

generally flat. The site is not an area of designated open space nor located within a wildlife corridor, as defined by the Local Plan Policies map. However, any development should look to provide net gains in biodiversity in accordance with NPPF policies 170 and 174.

2.20 An arboricultural impact assessment has been undertaken. 10 individual trees were surveyed in accordance with BS 5837. 6 trees were categorised as low value (category C) and 4 trees were recommended for removal (category U), regardless of development, given their condition. The proposals require the removal of one tree T3 Ash to facilitate the development. This tree is of low overall value, providing little amenity benefit and its loss is acceptable. A further 4 trees are identified for removal due to poor condition (T6, T7, T8 and T9, all Ash). The AIA states that no new tree planting is proposed within the scheme and the scheme will remain unmitigated. The landscape scheme, however, proposes new tree planting within the site. Tree protection will be required for T10, but the protective fence should be extended to include the area of shrub planting shown for retention of the landscape plan. The Landscape scheme is generally acceptable; however, it is recommended that a native hedge is planted along the southern boundary of the site similar to the northern boundary as highlighted by the Biodiversity Officer.

2.21 Additional information has been submitted that (Rev 5) that includes boundary treatment. Previous comments and suggested conditions remain the same.

2.22 The application is acceptable subject to the following conditions being applied:

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.

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.

A revised AIA and tree protection plan are to be submitted for approval that looks to include the area of existing shrub planting to the north of the site and include reference to new tree planting as mitigation. Thereafter all works are to be carried out in accordance with the approved/ revised AIA, the guidelines contained within BS5837:2012 and NJUG Volume 4

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.

2.23 Design

2.24 A Solar Study has been submitted in response to concerns about the impact of the proposal on Meadow Cottage. The Study shows there is some overshadowing, particularly in winter but overall, the impact is not considered to be substantial. It should be noted that in some of the solar images, the size of the single-storey Meadow Cottage appears very large, raising some concerns about their accuracy.

2.25 No other changes have been made to the design and layout and concerns remain about plot 5 which is located in the middle of the site and breaks up an otherwise logical layout. The layout would be much improved if unit 5 was removed. This would allow units 1 – 4 to have better amenity space and improve the relationship to Meadow Cottage.

2.26 I refer these concerns to the Case Officer to look at the wider benefits of the scheme and make an on-balance recommendation. If the application is recommended for approval then please ensure there are conditions for materials, boundary treatments, surface materials and landscaping.

2.27 Initial Design Comments

2.28 The contemporary architectural design approach is supported. Although the proposed architectural style is different from the surroundings, it has the potential to add to the character of the local area. The form of development facing Front Street is supported. There are concerns about plot 5 which is located in the middle of the site and breaks up an otherwise logical layout. The addition of this unit means that units 1 – 4 are pushed further to the east of the site resulting in the units having small rear

gardens. The Design Quality SPD specifies that gardens should satisfactorily reflect the size and type of the dwelling proposed. Another impact of pushing units 1 – 4 further east means that they are closer to the bungalow (Meadow Cottage) just outside of the site boundary. The 2.5 storey units may have an overbearing impact on the bungalow. A shadowing assessment should be submitted to show the impact of the new units on Meadow Cottage. On balance it would be a much-improved layout if unit 5 was removed. This would allow units 1 – 4 to have better amenity space and improve the relationship to Meadow Cottage.

2.29 No boundary treatments have been identified. Although these could be conditioned it would be better to agree these as part of the application, particularly as the design of boundary treatments are very important facing onto Front Street.

2.30 No surface materials have been identified. Again, these could be conditioned, although it should be noted that surface materials should be designed to enhance the street scene.

2.31 Contaminated Land Officer

2.32 The site lies within c.70m of a known former colliery, namely Seatonburn Colliery and is within c. 15m of a Coal Referral Area. Due to the potential for mine gas and the proposed sensitive end use the following must be attached:

Con 001

Gas 006

2.33 Environmental Health

2.34 The site is located adjacent to a busy main road the B1318 and is located in an area close to the departure and arrival routes for Newcastle Airport. The site is also located next to a garage and adjacent to a small industrial area, I would have concerns about potential commercial and industrial noise such as delivery noise and external plant noise affecting the site. It is unclear whether any of the units operate on a 24-hour basis or have associated early morning noise. I also note that an objector has raised concerns as they have dog kennels at their property Meadow Cottage which is located adjacent to the site. I would therefore be concerned about noise arising from dogs barking; evidence from an animal boarding inspection of the kennels suggests up to 12 dogs are present at the property.

2.35 I have viewed the noise assessment that indicates noise monitoring was carried out during the Covid-19 lockdown. The report advises that the road traffic noise has been assessed based on typical traffic levels for the road and this is considered appropriate given that the typical volume of traffic operating during the lockdown would have been substantially less. The report also considers typical noise levels from the adjacent garage but does not consider any noise arising from aircraft noise. At the time of the noise monitoring there were limited aircraft movements from Newcastle Airport. Review of the 2021 and 2030 night-time noise contours indicates that the site is outside

of the 48 LAeq8hr noise contour and therefore noise levels from aircraft are unlikely to give rise to higher noise levels than those already considered within the noise report.

2.36 The traffic noise assessment has been based on the memorandum of road traffic noise and consideration given to ensure that gardens and internal rooms are provided with appropriate noise mitigation to ensure good standards of internal noise levels in accordance with BS8233 and World Health Organisation community noise levels to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 decibels for living rooms is achieved. The report confirms that external gardens will meet the world health organisation community noise level for outside spaces to achieve a level less than 55 dB as the main gardens are located to the rear of the houses which will screen road traffic noise.

2.37 I have viewed the additional noise report that has considered dog barking from the dog kennels at Meadow Cottage. The noise report has assessed noise from dog barking during the early morning and afternoon feeding times. I have concerns as the noise consultant indicates dog barking was evident during both periods of monitoring but that the early morning period appeared to be quieter and subjectively indicated this was perhaps during the elevated ambient noise due to road traffic noise. The monitoring location chosen was representative of the rear facade of the proposed residential properties that would be closest to the dog kennels, which I note are located as indicated in Figure 4.1 of the noise report.

2.38 Details relating to the weather conditions prevailing at the time have not been provided in the report.

2.39 I have concerns that if the development is approved the rear facades of the development will be screened from road traffic noise and therefore the ambient noise levels to the rear of the properties will be lower. The prolonged dog barking will be more evident to the residents. Maximum noise levels from the dog barking were in the region of up to around 55-62 dB LAmax during the 5-minute period that the noise consultant has extracted from the noise graphs and has calculated the noise from the dog barking for a 30-minute period as 49.5 dB LAeq, just below the no observed adverse effect level. The objector has raised concerns that on the dates during the monitoring a number of their dogs were not present in the kennels. They also outline that during times when the dogs are in season then the dog barking is more pronounced. I therefore have concerns that the noise monitoring is not reflective of the true extent of the dog barking and that for habitable rooms at first floor level that will have no screening or limited screening, noise levels during the early monitoring period may result in potential disturbance, where the dog barking will be in the region of 40-47 dB. Where this occurs during the early morning period and residents may still be sleeping and they have their windows open this will result in them being disturbed and the noise may amount to a statutory nuisance under section 79 of the Environmental Protection Act. Although garden areas and ground floor habitable rooms will be afforded some screening by a 2m acoustic fence dog barking in the gardens will still be evident as levels will be in the region of 40-45 LAmax.

2.40 Prolonged dog barking will give rise to high maximum noise levels and potentially result in causing a disturbance to the future occupiers of this development. Paragraph 182 of the National Planning Policy Framework states that new development needs to be integrated effectively with existing businesses and community facilities and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The noise assessment has shown that the maximum levels of noise from the dog barking will be in the region of 55-62 dB. The objector advises that not all the dogs were present at the kennels during the monitoring period and I have concerns that the dog barking may result in significant adverse impacts for the proposed occupiers and give rise to statutory nuisance for the owners of the kennels, resulting in restrictions being imposed on them under the Environmental Protection Act 1990 and for this reason would recommend refusal of this application.

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

Prior to development submit and implement on approval of the local Planning Authority a noise scheme providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) and garden areas achieve a level of below 55 dBLAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

HOU04
SIT03

2.0 Representations

2.1 Four objections have been received from three addresses. These objections are set out below.

- Adverse effect on wildlife.
- Affect character of conservation area.
- Inadequate drainage.
- Inadequate parking provision.
- Inappropriate design.

- Loss of privacy.
- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – fumes.
- Nuisance – noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Will result in visual intrusion.

-We have checked our notes dating back to the planning application for an 80 plus bedroom care home on the site of the Drift Inn. The initial plans were rejected because the developer had no consultation with residents of the village and the scale of the proposed development overwhelmed Meadow Cottage. After a full public consultation period and meetings at Meadow Cottage with the owner of the Drift Inn site, his architect, and Ward Councillor a compromise was reached. The owner reduced the number of bedrooms to 56 and tiered the development starting at the roadside at 3 or 2.5 storeys high down to 2 storeys and then eventually ground level behind Meadow Cottage. Planning was granted on this proposal. We believe a precedent was set then and should still apply in relation to this current 10 house proposal, and specifically with regard to the 4 houses directly behind Meadow Cottage.

-We live at Meadow Cottage and as such would be the sole property affected by this development. With reference to the Council's planning application for planning in principle we agreed with this on the basis of 5 to 8 houses with conditions attached as outlined in our response to Claire Dobinson Booth on the 14 September to protect us regarding our dog kennels and small holding. We were assured by the officer these conditions would be attached to any developer seeking to develop the Drift Inn site.

-Regardless of the conditions we have had no consultation with the developer or owner of the site. It would appear they have given more consideration to newts as opposed to ourselves being potential neighbours. For a planning application of this magnitude we would have expected any reasonable developer to exercise due care in the proposed design and layout of the site with some form of consultation process. The fact that this did not happen only leads us to believe they have absolutely no due consideration of the residents in this small village community.

-The proposed type C four bedroomed houses form a barrier of 9.1m high x 40m long across the full rear elevation of Meadow Cottage, these two and a half storey houses significantly dwarf Meadow Cottage plus our property is 600mm lower than the proposed development site. The proposed position of these houses at approximately 12m from our building stands 5.2m higher than the cottage. From the rear windows on the first floor of these houses the line of sight will be directly into our loft bedroom window and our velux kitchen window.

-With regard to our privacy we have enjoyed 100% total privacy during our 12 years at the cottage. From the windows on the first floor of the 4 bedroom houses we would not have any privacy at any point on our property. Basically, we would go from 100% to zero.

-With regard to the planning in principle application we requested that any developer should make adequate provision to protect our situation and that of any new

neighbours. This proposal makes no such provision by placing the 4, 4 bedroom houses so close to the cottage.

-We are in the process of producing some drawings that show the cottage inside elevation and front elevation against that of the development to show exactly how the cottage would be dwarfed by this development and the impact of a screen of 9.1m high x 40m long. To visually try and see the impact we have a telegraph pole that stands at 7.5m high if you imagine a further 1.5m added to this pole and look at this in relation to the cottage it just looks overwhelming.

-With regard to our fence which forms the boundary with the development the owner was unsure when we asked about access. We have had 12 years of unrestricted access to maintain the fence and more importantly the leylandii hedge we ensure this is well maintained for obvious reasons. It is not our intention to allow this to exceed 6ft in height. If access was not allowed this would cause problems for ourselves and that of new potential neighbours.

-We extend an open invitation to all planning committee members to visit Meadow Cottage to see for themselves to see how this proposed development significantly impacts on our dwelling.

-We have met with the owners of the land and expressed our views/concerns and they had virtually no sympathy to any of our concerns. We have suggested how the houses could be repositioned on the site reducing the number of houses to 8 or 9 but again they were not interested stating it has to be 10 properties to be commercially viable. This highlights to us that they have no interest or sympathy with the local residents within this small village community.

-The end elevation and view from the rear of Meadow Cottage with the development superimposed. I hope you would agree it just overwhelms Meadow Cottage it totally infringes on our privacy and jeopardises everything we've worked to achieve in the last 12 years. We maintain the direct sight line from all of the first-floor windows look directly into our loft bedroom window and velux kitchen window.

-Whilst the very two end houses are not directly opposite our master bedroom window and living room window the line of site is directly into both rooms

-Just the very scale of the proposed adjoining houses is totally out of keeping with that of an established cottage that's been on the site since 1920.

-The core development of ten houses makes for a density which is inappropriate for this size of plot.

-The impact of such a development would be excessive and intrusive.

-I am disappointed there is a plan to remove the trees existing along the road adjacent.

-In conclusion I wish to register my objection to this proposal as it stands, but would support a lesser development on this site of five houses and/or bungalows, making for a more sympathetic development of this site, taking into account the design and situation of existing residences and other facilities in close proximity

-With reference to the above application I'm uncertain as to exact road site boundary on the proposed plan which leads into the recreation ground. The road is owned by three individuals, they have informed me they own a strip of land either side of the road. With regard to the proposal to remove 3 trees on this boundary it's possible the land may not belong to the developer. The owners of the road are aware of this proposal and I'm sure will contact yourself or the developer.

-With regard to the solar study again we dispute the suggestion that the impact on Meadow Cottage will have little overshadowing impact. The illustration during autumn and winter clearly shows Meadow Cottage in the shade. To have a true reflection the illustration should be produced before the proposed development, so you can clearly see the impact. The study was undertaken by the architect acting on behalf of the developer their opinion is prejudiced in favour of the developer and not the residence affected by such an overbearing development.

-We refer to the comments made by the council's design and layout response we are in total agreement with their proposal that unit 5 should be removed from the plan and the 21/2 storey house moved away from Meadow Cottage.

-With regard to the proposed boundary fence been a close boarded wooden fence at 6ft high we would prefer a more maintenance free proposal such as a brick wall this reduces future liability for us and new neighbours.

-We would also note the design layout has made no attempt to limit the impact of our kennels. The noise survey dose not reflected the noise between 6-30 and 7-30am and 3-30 to 4-30pm during feeding times and not to mention when our bitches our in season. During your site visit I hope you would agree we've done everything we can to mitigate the impact of noise from our kennels a responsible developer should have the same consideration for future residents.

-I have just picked up on a point from your design teams' response regarding the overshadowing study. I would agree with their comments. Meadow Cottage appears to be overstated in terms of its size in relation to the proposed development. I have made this assumption based on the drawing produced by my architect submitted to yourself showing Meadow Cottage set against the proposed development. The study also appears to suggest Meadow Cottage and the development are on the same ground level. This is not the case we are at least 600mm lower than the development. I maintain the impact of shadowing is significantly more than suggested by the author of the report.

-To draw some comparison with the proposed Drift Inn development I've studied a very similar completed development for 1-8 Bridge Court Seaton Burn.

-The Bridge Court site is 2.5% larger than the Drift Inn proposal, the plot is more square compared to the Drift Inn that is narrow and long.

-The design of Bridge Court minimises any potential boundary disputes and delivers significantly more individual garden and public open space.

-The design incorporates 8 properties that provide a very good natural balance with all the neighbouring properties.

-In comparison the Drift Inn development is less than sympathetic to its neighbours The design and layout is based on squeezing 2 addition properties onto a smaller narrower strip of land compared to Bridge Court, this has provided significantly less garden and public open space.

-After discussions with the developer it's clear the proposal to squeeze 10 properties on this strip of land is drive purely by commercial gain without due consideration to existing residence and that of new owners by providing little or no garden and public open space

-10 properties on this narrow strip of land is not in keeping with the planning in principle application submitted and approved for 5 to 8 dwellings.

- Discrepancies in the submitted noise report. The results from the survey undertaken are not representative of the full impact on the kennels.
- Details have been provided on dogs kept at the kennels (14 of our own dogs and additional dog which will be with us for several months).
- Shooting season started on the 12.08.2020. Dogs are worked on a weekly basis during the shooting season. Dogs were being worked on the days of the noise surveys reducing the number of dogs on site.
- Disappointed that the developer has failed to engage with us to ensure we work together regarding this matter.
- We are surprised that they seem to think two surveys taken over a 60 minute period is sufficient to mitigate them against potential noise from our working kennels.
- We are registered with North Tyneside Council and have a five star breeding licence whilst we have indicated feeding times generate noise from the kennels is nothing compared to when bitches are in season. We do our best to separate the bitches but barking from the dogs is continuous and relentless over the bitches season which usually will be three to weeks but normally between the 11th and 20th day is significantly worse. To put this into perspective we have nine bitches and five dogs and an additional bitch in training.
- Objector has provided remaining shooting dates. Additional dates to be confirmed and subject to possible Covid restrictions.
- We are not qualified to comment on acceptable noise levels relative to dogs barking but we can say with 100% certainty dogs barking regardless of the level will cause a nuisance at any level to people who are not dog and animal friendly. Ultimately this will have an impact on our kennels and future neighbours.
- The results are not representative of the kennel situation, so the company should be aware of this fact. Council officers and the planning department fully understand the situation. The noise survey appears to highlight some uncertainty as to what is an acceptable noise levels for dogs barking.
- World Health Organisation states a few people would be highly annoyed at levels over 55dB and some people moderately annoyed at levels of 50dB. The fact that they have made assumptions and calculated the level of noise from the kennels to be 49.5dB with only half the dogs on site and only two surveys for 60 minutes seems to me like it was done on the cheap to get the result they wanted, and that's job done.
- Someone with experience in acoustic testing has advised that for a definitive survey to be competent the kennel position should have been verified and not presumed. The author should have established if the kennels doors and windows were closed, part opened or fully open. Were all the dogs in the kennels or exercising in the garden or a mixture of both?
- I cannot find a verified distance stated from the kennels (or MP2 from the existing fence) nor did I see comments on wind (if any) direction both of which have a significant bearing on meaningful readings.
- Why was MP2 chosen? The reason should be outlined.
- To have any meaningful readings several places along the boundary and distance from the boundary should have been carried out. Close proximity does not always mean "loudest noise" because of how sound bounces around producing "in phase" and out of phase" resultants. This means the sound could be worse further away and less nearer,

and it would be my opinion that if/when there are buildings in position the sounds will echo off walls and produce a potential nuisance in pockets. It is my opinion because of the anomalies and deficiencies outlined, this survey could be deemed unreliable.

3.0 External Consultees

3.1 Northumbrian Water

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

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

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

3.5 The planning application does not provide sufficient information against the context outlined above we have the following comments to make:

3.6 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:

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

3.7 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

3.8 If sewer is the only option 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

3.9 Please note that 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.

3.10 The Coal Authority

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

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

3.13 Northumbria Police

3.14 I am unconvinced that the addition of an 1800mm fence around the site addresses my main concern regarding Plot 5 but it does at least address my third recommendation.

3.15 Crime Risk Assessment

3.16 The site is located on the D4L3 Police Beat, where over the fiscal year 2018/19 there were 375 crimes reported of which the most significant were Violent Crime 162, Criminal Damage 67 and Public Disorder 57 which collectively made up 76% of all crime. In the following fiscal year, 2019/20, there were 366 crimes reported of which the most significant were Violent Crime 149, Criminal Damage 66 and Public Disorder 64 which collectively made up 76% of all crime. These aren't high levels of reported crime, but it still equates to about a crime a day, which is on the higher side for a residential area.

3.17 I also looked at the levels of crime and calls for service made to properties in Front Street itself. In 2018/19 there were 32 calls for service, predominantly about trouble with youths, and 11 crimes reported which equates to 3% of the crimes on that beat, whilst in the following year 2019/20 there were 67 calls for service (still dominated by youth disorder) and 18 crimes reported which equates to 5% of the crimes on that beat.

3.18 Risk Assessment is a dynamic process and can, in part, be subjective. In assessing the risk for this development, I have scored it against the 5X5 Risk Matrix shown below. This matrix combines the likelihood of an event occurring against the possible consequences of such an event.

5x5	Consequence					KEY
Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic	
Almost certain	Yellow	Orange	Red	Red	Red	EXTREME
Likely	Yellow	Orange	Orange	Red	Red	HIGH
Possible	Green	Yellow	Orange	Orange	Red	MODERATE
Unlikely	Green	Yellow	Yellow	Orange	Orange	
Rare	Green	Green	Green	Yellow	Yellow	LOW

3.19 In assessing the likelihood of crime occurring at this development I have taken into account the design and likely use of this development and the pattern of offending in the immediate area and therefore assess the overall likelihood of crime risk as Likely.

3.20 Assessing Consequences however, can be a more subjective exercise, and taking into account that Catastrophic or Major consequences, such as loss of life or loss of the loss of an entire building are Unlikely or Rare; taking into account prior offences I assess that such acts might have only Moderate Consequences for the residents and people using the space

3.21 Accordingly, I assess the overall risk to, or from, this proposed development to be High and have based the following observations on this assessment.

3.22 Observations & Recommendations

3.23 Any application to use a vacant brownfield site for housing is to be welcomed and I am aware that there has been a degree of pre-application discussion regarding this application but the submitted layout is problematic.

3.24 I understand both the strategic and financial argument to maximise the use of space and seek to provide a viable and useful scheme, but the layout as proposed provides somewhat meagre outside space for residents, which is not redeemed by some having balconies, and Plot 5 stands in splendid isolation with public space to all four elevations.

3.25 Plot 5 has two blank gable ends devoid of windows, a recipe for them being used as goal posts, and the rear boundary treatment, to its small back garden, appears to be reliant on newly planted Beech hedging, even though the plot backs on to the lane that runs to the recreation field. Such provision will not deliver a serviceable boundary for some time. It also faces one commercial property and looks to another at the rear.

3.26 Spatially I think the layout is either seeking to achieve too many properties, or too many of the wrong sort. Whilst I appreciate the need to provide a mix of housing types, would it not have been better to achieve the same number of homes by providing more three bedroom properties at the expense of the larger four bedroom ones. If Plot 5 was

removed from the design, it could afford better outside provision for the remaining nine properties.

3.27 Overall the site seeks to use landscaping as boundary treatments, which might be appropriate in more rural areas, but sandwiched between to commercial sites and alongside a public access to the nearby recreation ground fall somewhat short of achieving the balance outlined in Para 4.10 Design Quality Supplementary Planning Document May 2018, which states that “in considering the design and siting of boundary treatments, a balance has to be struck between privacy, safety and security and aesthetic considerations”. Whilst it also seeks boundary treatments that are appropriate and relate to the property that surround it, I cannot help but conclude that the choice of natural hedging places too much emphasis on the aesthetic consideration and less upon the safety and security of the residents.

3.28 Recommendation 1

3.29 The layout of the development be reconsidered with a view to not having any isolated property (Plot 5).

3.30 Recommendation 2

3.31 Should the layout be considered necessary to make the development acceptable in planning terms then I would ask that the Planning Authority consider that the appropriate balance is struck and the security of the individual homes be prioritised by conditioning the achievement of Secured By Design (Silver) accreditation.

3.32 Recommendation 3

3.33 All boundary treatments be reviewed, and side and rear gardens provided with more robust defensive barriers by using walls or fencing to a minimum height of 1.8m.

3.34 Given that the crime risk assessment for the Area indicates a High rating the reasons for my recommendations are listed below:

- To accord with Para 91(b) of the NPPF - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion;
- To accord with Para 127 (f) of the NPPF - Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- To accord with North Tyneside Council’s own Local Plan objective 3 to give all residents the opportunity to live free from crime and enjoy a healthy lifestyle, achieving their potential in work and education;
- To accord with North Tyneside Council’s own Design Quality Supplementary Planning Document (May 2018) para 4.10 (Boundary Treatments) and 4.13 (Designing Out Crime).

3.35 Newcastle International Airport Limited (NIAL)

3.36 The site lies just outside of the Airport noise contours but the properties will experience some noise. I would request two conditions:

Double glazing; and,

An 'informative' advising purchasers that the houses are close to airport flight paths. I can provide a draft of this that has been used for other housing developments, if you wish.

3.37 Tyne and Wear Archaeology Officer

3.38 I have checked the site against the HER and consider that the proposals will not have a significant impact on any known heritage assets, and no archaeological work is required.

3.39 The Environment Agency

3.40 We have no objection to this application as submitted.

3.41 The landfill concerned is historic, we hold no reliable information regarding it. There are already buildings erected on top of the landfill site. This new proposal is away from the site. The applicant has undertaken a soil assessment which has included gas monitoring. The assessment proposes further recommendations based on the appropriate CIRIA guidance. We wouldn't have any further recommendations beyond the tests which are already being conducted.

3.42 Natural England

3.43 Internationally and nationally designated sites – no objection subject to appropriate mitigation.

3.44 This development falls within the 'zone of influence' for coastal sites designated at a national level as Sites of Special Scientific Interest and Special Protection Areas/Special Areas of Conservation/Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

3.45 Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

3.46 Subject to appropriate mitigation being secured in line with the details of this service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

3.47 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be

formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

3.48 This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan on the project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

3.49 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

3.50 Sites of Special Scientific Interest Impact Risk Zones

3.51 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a SSSI" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help LPA's decide when to consult Natural England on developments likely to affect a SSSI.

3.52 SSSI's

3.53 Local authorities have responsibilities for the conservation of SSSI's under s28G of the Wildlife and Countryside Act 1981 (as amended). The NPPF (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

3.54 Biodiversity duty

3.55 Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information can be provided.

3.56 Protected Species

3.57 Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

3.58 Local sites and priority habitats and species

3.59 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies.

3.60 Priority habitats and species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped as either SSSI, on the Magic website or as Local Wildlife Sites (LWS). Lists of priority habitats and species can be provided. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be provided.

3.61 Ancient woodland and veteran trees

3.62 You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities when determining relevant planning applications. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

3.63 Protected Landscapes

3.64 For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The NPPF (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments

test' to determine whether major developments should be exceptionally permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

3.65 Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11A (2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

3.66 Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent character of Heritage Coasts and importance of its conservation.

3.67 Landscape

3.68 Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

3.69 Best and most versatile agricultural land and soils

3.70 LPA's are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of the whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. ALC information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss this matter further.

3.71 Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developers use an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

3.72 Access and recreation

3.73 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

3.74 Rights of Way, Access land, Coastal access and National Trails

3.75 Paragraph 98 and 170 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website provides information including contact details for the National Trail Officer.

3.76 Environmental enhancement

3.77 Development provides opportunities to secure net gains for biodiversity and wider environmental gains as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where on site measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes and bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

3.78 You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying new opportunities for new greenspace and managing existing (and new) public spaces to more wildlife friendly (e.g. by sowing wild flower strips).
- Planting additional street trees.

- Identifying any improvements to the existing public rights of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

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Application No: 20/01044/FUL Author: Rebecca Andison
Date valid: 4 August 2020 ☎: 0191 643 6321
Target decision date: 3 November 2020 Ward: Tynemouth

Application type: full planning application

Location: Ovington Boats, 31 Tanners Bank, North Shields, Tyne And Wear, NE30 1JH

Proposal: New steel portal framed extension at Ovington Boats for the purposes of factory / workshop and offices

Applicant: Ovington Boats Limited, Mr Nigel Carruthers Tanners Bank North Shields NE30 1JH

Agent: Mr Daniel Turvey, 163 Briar Gate Long Eaton Nottingham NG10 4DH

RECOMMENDATION:

Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to authorise the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:

Employment and Training: A financial contribution towards employment initiatives within the borough and/or apprenticeship opportunities

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the proposal is acceptable;
- the impact on surrounding occupiers;
- the impact on the character and appearance of the site and its surroundings; and

- whether there is sufficient car parking and access provided.

2.0 Description of the Site

2.1 The application relates to an existing boat building business (Ovington Boats), which is located on Tanners Bank, North Shields.

2.2 The factory is set back from Tanners Bank and accessed via a narrow road on its north side. At the rear (west) of the building is a yard containing temporary storage containers.

2.3 The site is located in a predominantly industrial/commercial area of the Fish Quay. On Tanners Bank to the east/north east are a vehicle repair garage, electronic retail/repair shop and a coffee shop. To the north of the site are fish processing units, and to the south and south west are further industrial units, offices and a public house. The land to the west comprises an area of green space which separates the site from East Percy Street.

2.4 The application site encompasses the existing factory and yard, and an area of cleared land to the west.

2.5 The site is allocated for housing (Site 58 – Tanners Bank West (S)) within the North Tyneside Local Plan and lies within the Fish Quay Conservation Area.

3.0 Description of the proposed development

3.1 Planning permission is sought to construct an extension to the existing boat building factory. The extension would contain factory space, offices and staff facilities.

3.2 The proposed extension is 2-storey with a footprint of 758.5 sq m. It would be located within the existing yard on the west side of the building. The additional land to the west would be used to provide car parking.

4.0 Relevant Planning History

03/03605/LAREG3 - Erection of new food processing units with offal and bin stores – Permitted 13.04.2004

93/01055/FULUDC - Fish processing plant – Permitted 13.09.1993

89/00539/OUTUDC - OUTLINE : Extension to existing warehouse to form cold store facility – Permitted 22.05.1989

85/00096/FUL - Change of use from general storage to metal treatment plant (zinc phosphate treatment) – Permitted 12.03.1985

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of the proposal is acceptable;
- the impact on surrounding occupiers;
- the impact on the character and appearance of the site and its surroundings; and
- whether there is sufficient car parking and access provided.

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

8.0 Principle of the Proposed Development

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

8.2 Paragraph 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.

8.3 The NPPF (para.80) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.4 Policy S1.4 of the Local Plan 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.

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

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

8.7 Policy DM2.4 states that proposals for new employment uses outside the 150ha of available land or existing areas of employment land will be permitted where it can be demonstrated that the proposal:

- a. Cannot be accommodated within the existing portfolio of available employment land; and,
- b. Would make a contribution to job creation and diversification of the economy in North Tyneside; and,
- c. Can be provided with appropriate vehicular access, and supports access to sustainable transport connections; and,
- d. Would not be detrimental to local amenity.

8.8 Policy AS8.12 states that the Council will support the continuation and further development of the Fish Quay and New Quay as a characterful, vibrant mixed use area by:

- a. Supporting suitable residential developments in those areas shown on the Policies Map;
- b. Giving priority to fishing industry related employment uses in those areas shown on the Policies Map, unless alternative proposals can demonstrate that they would not:
 - i. Result in the unacceptable loss of operating fishing industry related businesses and jobs
 - ii. Result in an excessive reduction in the supply of land for development of fishing industry related employment uses; and,
 - iii. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses;
- c. Protecting those areas of green space within the area, as shown on the Policies Map;
- d. Encouraging suitable recreation and tourism uses, especially around the Clifford's Fort area;
- e. Supporting a mix of other uses, such as appropriate small retail premises and small to medium sized businesses;
- f. Seeking improvements to access and linkages to the area, especially from North Shields town centre; and
- g. Ensuring all new development is built to the highest quality design that respects the area's special character.

8.9 The application site is allocated for housing within the Local Plan, identified as part of site 58 by Policy S4.3, for the provision of 100no units.

8.10 The Council is dependent upon the delivery of housing on allocated sites in order to meet its future housing needs and to demonstrate that it has a 5-year supply of housing land. However, the Strategic Housing Land Availability Assessment (2017-2018) indicates that the site is deliverable in the next 6-10 years. It does not therefore form part of the 5-year housing land supply.

8.11 It is proposed to construct an extension to the existing boat building factory in order to meet increased demand and provide additional workshop space. The site is located in a predominantly industrial area and the planning history of the site indicates that it has been in industrial use for in excess of 45 years.

8.12 It is important to take into account that the housing allocation is for the lifetime of the Local Plan i.e. until 2032, and that housing allocations within the Local Plan are a guide to development rather than a safeguarding policy. Local Plan Policies do not preclude other forms of development on housing sites.

8.13 The proposal is considered to comply with parts a and b of policy DM2.4. The development cannot reasonably be located elsewhere given that the purpose of the extension is to support the existing business, and in doing so it would contribute toward the borough's economy. Parts c and d of this policy are discussed in the following sections of this report.

8.14 The map which accompanies Policy AS8/12 identifies the area as suitable for mixed use development. The proposal is considered to be in full compliance with this policy given that it would not adversely affect fishing related industry or green space and would support an existing business.

8.15 Members must determine whether the proposal to develop part of an allocated housing site for other purposes is acceptable. Officers consider that the principle of the proposal is acceptable when taking into account the established use of the site, the contribution the development would make towards economic growth and productivity, and that the site does not form part of the five year housing land supply.

9.0 Impact on surrounding occupiers

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

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

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

9.4 The application site is located within a predominantly industrial area. The closest residential property is located approximately 67m to the north east on Tanners Bank.

9.5 The Manager of Environmental Health has provided comments. She advises that the residential property on Tanners Bank may be only partially screened from the yard and could therefore be affected by any new plant/equipment. She recommends several conditions including in respect of: construction and delivery hours, external plant, dust suppression and external lighting. She also recommends a condition to control the hours of operation to those set out within the application, i.e. 08:00 to 17:00 on Monday to Friday and 06:00 to 14:30 on Saturday.

9.6 The existing factory is not subject to any planning controls to restrict the hours of operation, and in officer opinion the proposed extension is unlikely to result in any significant increase in noise. It is not therefore necessary or reasonable to control the hours during which the extension can be used. The imposition of conditions requiring sound insulation for any external plant and equipment and to restrict the delivery hours will ensure that nearby residents are not affected by additional noise from the yard.

9.7 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact is acceptable subject to these conditions.

10.0 Character and appearance

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

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

10.3 In respect of designated heritage assets the NPPF states that in determining the impact on the significance of a heritage asset great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.4 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.5 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.6 At paragraph 200 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

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

10.8 Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

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

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

h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

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

10.10 The Design Quality SPD applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

10.11 The Fish Quay Neighbourhood Plan 2013 sets out a series of objectives for the area. These include providing an environmentally, socially and economically sustainable future for the area for residents, business and visitors; protecting and enhancing the conservation area and historic environment; and adding vitality to the area by encouraging the development of appropriate retail and small to medium sized businesses. It identifies the application site as being suitable for mixed use development.

10.12 The New Quay and the Fish Quay Conservation Areas Character Statement demonstrates a commitment to positive action for safeguarding and enhancing the character of the conservation area.

10.13 The site is located within the Fish Quay Conservation Area close to several listed buildings, the closest being The Old Malt House (Grade II Listed). The existing factory is a modern building finished in blue steel cladding with a steel-clad pitched roof. It is set back from Tanners Bank and has limited visibility within the conservation area. The yard to the west contains a variety of storage containers.

10.14 The proposed extension is located on the west side of the site and would therefore be screened from Tanners Bank. It is designed to match the appearance of the existing building with blue metal cladding on the exterior walls, and a pitched roof. The main entrance would be in the west elevation, while the north elevation features a canopy and roller shutter doors.

10.15 When taking into account the location and design of the extension it is not considered that it would have any significant impact on the character or appearance of the conservation area. Removing the existing storage containers from the rear yard and creating a formal parking area would improve the appearance of the site. A short length of palisade fencing and a new security gate are proposed on the southern boundary. These are considered to be acceptable given their location and when taking into account that there is existing palisade fencing in the immediate area.

10.16 The development has little relationship to the nearby listed building (The Old Maltings) and it is not considered that its setting would be affected.

10.17 In officer opinion scale and design of the proposed extension are acceptable and in keeping with the character of the site and surroundings. The proposal is considered to accord with the NPPF, Local Plan policies DM6.1 and DM6.6, the Fish Quay Neighbourhood Plan SPD and the Design Quality SPD. Members need to consider whether they agree.

11.0 Whether there is sufficient car parking and access provided

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

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

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

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

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

11.6 The factory currently receives deliveries via the northern link road to Tanners Bank and a second access on the south side of the site. There is space to park approximately 10no. cars within the site but no designated parking bays.

11.7 No alterations are proposed to the existing access on the north side of the building. The applicant has advised that this would be the only access used for deliveries, as the southern access would no longer be required. It is proposed to create 28no. parking bays, including 1no. disabled bay, and motorcycle/cycle parking areas within the site.

11.8 The Highways Network Manager has been consulted and raises no objection to the development. He advises that the site has been established for some time, and that parking will be provided to meet the needs of the development. He recommends conditions in respect of a construction management plan, refuse storage and requiring that the parking is laid out before the building is occupied.

11.9 Having regard to the above, there are no objections to the application on transport or highways grounds, subject to the conditions requested by the Highways Network Manager. It is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and the Transport and Highways SPD.

12.0 Other issues

12.1 Contaminated Land

12.2 Paragraph 179 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

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

12.4 The site lies within the Contaminated Land Buffer Zone, and the Contaminated Land Officer has stated that conditions will be required to address gas and contamination.

12.5 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

12.6 Archaeology

12.7 The NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

12.8 Policy DM6.7 of the Local Plan states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development. Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.

12.9 The Tyne and Wear Archaeology Officer has been consulted. She has advised that the site is located to the northwest of North Shields early medieval settlement

(HER1952) in an area that was used for various industries from the 18th century onwards. She states that while the site has potential for archaeological remains, these are likely to have been disturbed by later activity and are very unlikely to be of sufficient significance to prevent the development proceeding. She recommends that conditions should be imposed requiring that an archaeological watching brief is maintained during all groundworks, and a report of the findings submitted for approval.

12.10 It is officer advice that, subject to the imposition of the suggested conditions, the proposed development complies with both national and local planning policy in respect of archaeological heritage.

12.11 S106 Contributions

12.12 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

12.13 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

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

12.14 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

12.15 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

12.16 Policy DM7.5 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.

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

12.18 The following contributions have been requested by service areas:

Employment and Training: A financial contribution towards employment initiatives within the borough and/or apprenticeship opportunities

12.19 The above has been reported to IPB. The contribution is considered necessary, directly related to the development and fairly and reasonable related in scale and kind to the development. It is therefore considered to comply with the CIL Regulations.

12.20 The applicant has agreed to the contribution requested and discussions are taking place regarding the form the contribution will take. An update will be reported to Members prior to the Committee meeting.

12.21 A CIL payment will not be required for this development.

12.22 Local Financial Considerations

12.23 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 (CIL). The proposal would result in the creation of jobs during the construction phase. The applicant has also advised that while there are no immediate plans to employ additional staff, the development may result in additional staff being employed in the future.

13.0 Conclusions

13.1 The proposal would secure economic growth and strengthen an existing business. This carries significant weight. In officer opinion the proposal would not have an adverse impact on surrounding occupiers, the character of the area or highway safety.

13.2 The application is therefore recommended for approval subject to a S106 legal agreement and conditions.

locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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 and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. Notwithstanding Condition 1, prior to the extension being brought into use details of facilities to be provided for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled bins for all waste types shall be provided in accordance with the approved details, prior to the occupation of extension and thereafter permanently retained.

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

7. Prior to the installation of any new external plant or equipment required in connection with the development a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must be carried out in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures where necessary to ensure the rating level of plant and equipment does not exceed the background noise levels. The plant and machinery shall not be used until the approved soundproofing has been implemented.

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

8. Within one month of the installation of any external plant and equipment acoustic testing shall be undertaken to verify compliance with condition no.7 of this approval and the results submitted in writing for the approval of the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

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

9. Noise No Tannoys Externally Audible NOI002 *

10. There shall be no deliveries or collections to the premises outside the hours of 07:00 and 23:00.

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

11. Flood Lighting Scheme Details LIG001 *

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

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

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

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

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

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

e) If any unexpected contamination or hotspots are encountered during the

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

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

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

13. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations

and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

15. The development shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition no.14 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

16. Notwithstanding the approved plans, prior to the installation of any new boundary enclosures until details of their design, height and colour finish must be submitted to and approved in writing by the Local Planning Authority. The development shall

thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory environment within the development having regard to policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

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

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

Informatives

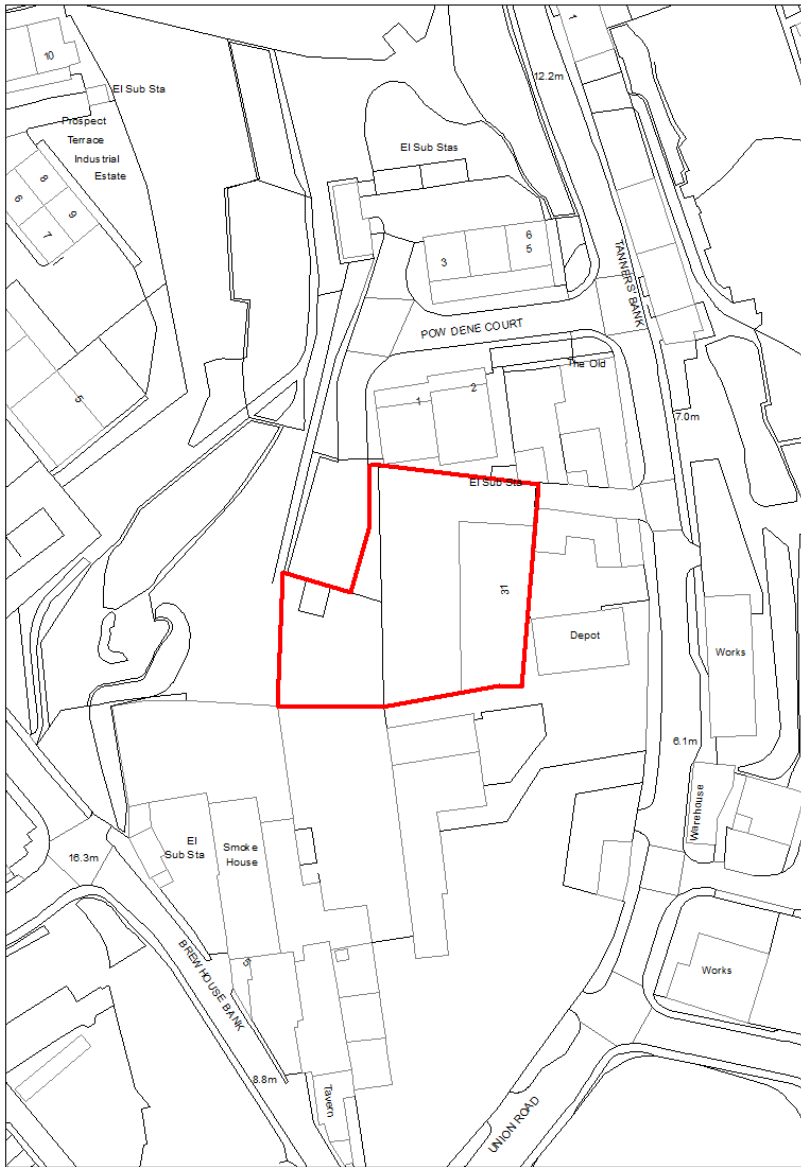
Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

No Doors Gates to Project Over Highways (I10)

Highway Inspection before dvlpt (I46)

Contact NWL Public Sewer Crossing Site (I11)



Application reference: 20/01044/FUL

Location: Ovington Boats, 31 Tanners Bank, North Shields, Tyne And Wear

Proposal: New steel portal framed extension at Ovington Boats for the purposes of factory / workshop and offices

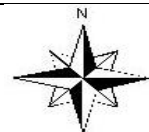
Not to scale

Date: 15.10.2020

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**Appendix 1 – 20/01044/FUL
Item 4**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a new steel portal framed extension at Ovington Boats for the purposes of factory, workshop and offices. The site has been established for some time, access remain unchanged and parking will be provided to meet the needs of the site. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

1.5 Informatives:

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

1.6 Manager of Environmental Health (Pollution)

1.7 The site is within a dedicated industrial area but there are residential properties located within 67 metres of the site on East Percy Street that may only benefit from partial screening of the yard. I therefore have concerns with regard to potential noise arising from the proposed development if new external plant and equipment is installed. I would also be concerned if the development resulted in an extension to the working hours at the site, however, I note that the operational hours outlined in the application are for daytime hours only. I would therefore recommend the following conditions if planning consent is to be given:

New External Plant

No new plant or equipment to be installed at the premises unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise.

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 to the local planning authority prior to the operation of the plant and thereafter maintain in working order.

NOI02

Deliveries and collections must not be permitted to the premises between 23:00 and 07:00 hours.

LIG01 for any new external lighting

HOU03 to those on the application.

HOU04

SIT03

1.8 Manager of Environmental Health (Contaminated Land)

1.9 The site is immediately adjacent to a coal referral area and may be subject to historic contamination.

1.10 The following must be applied:

CON001

GAS006

2.0 External Consultees

2.1 Northumbria Police

2.2 Having reviewed the plans we have no objection from a crime prevention point of view.

2.3 Tyne and Wear County Archaeologist

2.4 The site of the proposed development is located just to the northwest of North Shields early medieval settlement (HER1952) and in an area that was used for various industries from the 18th century onwards. Excavations to the north and west of the site in 2005-06 (Event 4050 report 2006/174) identified the remains of a tannery including wood-lined tanning pits, a stone wall and a cobbled surface. In addition there were the remains of an early 19th century forge and later 19th century industrial structures.

2.5 The site has potential for archaeological remains to survive, in particular from the post-medieval period. However, these are likely to have been disturbed or truncated by later activity and are very unlikely to be of sufficient significance to prevent the proposed construction proceeding (NPPF para 197). Given the potential for the survival of archaeological remains, I recommend that an archaeological watching brief is maintained during all groundworks (such as foundations, service trenches etc.) associated with construction (NPPF para 199). The watching brief can be secured using the following conditions:

Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times

during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Watching Brief Report Condition

The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition () has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

2.6 Northumbrian Water

2.7 For information only:

2.8 We can inform you that public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/developers.aspx>.