



North Tyneside Council

Planning Committee

3 December 2021

To be held on **Tuesday, 14 December 2021** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. Declarations of Interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. 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 16 November 2021.	5 - 8

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Agenda Item	Page
5. Planning Officer Reports	9 - 14
To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.	
6. 21/00561/FUL, Land at Former Point Pleasant House, Point Pleasant Terrace, Wallsend	15 - 50
To determine a full planning application from Montagu Hotels Limited for the development of a vacant site to provide 7no terraced houses and an apartment block, comprised of 15no apartments, with ancillary car parking, using existing access from Meadow Road.	
7. 21/02188/FUL, Hadrian Yard A, B and C, Hadrian Way, Wallsend	51 - 80
To determine a full planning application from Smulders Projects UK for the erection of a modular workshop building to provide a flexible indoor work area.	
8. 21/02151/FUL, 02 17774 Telecommunication Mast, Front Street, Chirton	81 - 88
To determine a full planning application from Cornerstone for the removal of the existing 15m monopole and 1no. equipment cabinet and the installation of a replacement 20m monopole supporting 6 no. antennas, 2no. replacement equipment cabinets, and ancillary development thereto including 3no. Ericsson Radio Systems (ERSs) and 1 no. GPS module.	
9. 21/01736/FUL, Land to the Rear of the Former Bogie Chain, Western Road, Wallsend	89 - 116
To determine a full planning application from Woodacre Developments for 3no two bed new build bungalows in a terrace form, with new parking, garden and ancillary spaces.	

Circulation overleaf ...

Members of the Planning Committee:

Councillor Ken Barrie
Councillor Julie Cruddas
Councillor Margaret Hall
Councillor Chris Johnston
Councillor John O'Shea
Councillor Willie Samuel (Chair)

Councillor Trish Brady (Deputy Chair)
Councillor Muriel Green
Councillor John Hunter
Councillor Frank Lott
Councillor Paul Richardson

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Planning Committee

Tuesday, 16 November 2021

Present: Councillor W Samuel (Chair)
Councillors K Barrie, T Brady, J Cruddas, M Green,
M Hall, John Hunter, C Johnston, F Lott, J O'Shea and
P Richardson

PQ45/21 Appointment of substitutes

There were no substitute members appointed.

PQ46/21 Declarations of Interest

There were no declarations of interest or dispensations reported.

PQ47/21 Minutes

Resolved that the minutes of the meeting held on 26 October 2021 be confirmed and signed by the Chair.

PQ48/21 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.

PQ49/21 19/00257/FULES, Land Adjacent to Rake House Farm, Rake Lane, North Shields

The Committee considered a report from the planning officers, together with two addendums, one circulated prior to the meeting and another circulated at the meeting, in relation to a full planning application from Northumberland Estates for development of 310 residential dwellings (including affordable housing and associated infrastructure and engineering works, creation of new access from A191 Rake Lane, creation of SuDS and open space.

A planning officer presented details of the application with the aid of various maps, plans and photographs. In presenting the report the planning officer proposed the following amendments to the recommended conditions:

- a) conditions 5 and 6 be removed as Phase 1 and Phase 2 site investigation reports formed part of the supporting documents accompanying the application;
- b) condition 12 be amended so that a noise scheme takes account of an assessment of the noise from the supermarket adjacent to Rake Lane;

- c) condition 51 be amended to read bats rather than birds; and
- d) condition 58 be removed because it repeated condition 48.

In accordance with the Committee's Speaking Rights Scheme Robin Smith of Grosvenor Drive, Whitley Bay, Samuel Fisher of Athol Gardens, West Monkseaton and Nathan Berry of Gerrard Close, Whitley Bay had been granted permission to speak to the Committee.

Robin Smith and Samuel Fisher had both indicated that they were unable to attend the meeting. In Samuel Fisher's absence, the Committee considered a written statement prepared by him in which he set out his objection to the application in terms of its impact on biodiversity and the nearby Coastal Special Protection Area and Ramsar sites. Mr Fisher stated that the proposal would have a significant impact on these sites and that a contribution of £104,000 towards the coastal mitigation strategy would not be adequate to mitigate the negative impacts. Mr Fisher also challenged the conclusion that the impact of the development on farmland birds could be adequately mitigated through offsite compensation at Backworth and urged the Committee to disregard the biodiversity net gain report as there was no evidence demonstrating net gains in any previous UK development.

Nathan Berry was present at the meeting and addressed the Committee. Mr Berry expressed his concerns regarding the potential increase in traffic congestion on Foxhunters roundabout, Seatonville Road, Cauldwell Lane and Shields Road. He stated that following the recent climate summit, the Council should be seeking to protect green spaces which provided a home to wildlife and an outdoor sanctuary to many people. Many people moved to the area attracted by the lack of air pollution and tranquil spaces but the borough's unique features were now threatened with destruction. Mr Berry was also concerned that no consideration had been given to the provision of additional schools or general practices to serve the development.

Councillor Sean Brockbank, ward councillor for the Monkseaton South Ward, had also been granted permission to address the Committee. Councillor Brockbank stated that he had consistently opposed this application and the broader development policies relating to the site set out in the Local Plan. He expressed his concerns that whilst there were agreements in principle for the provision of the infrastructure across the site there were no detailed timetables for delivery. He believed that all the infrastructure should be in place before any houses were built. Furthermore, there was no engagement with residents to address their concerns on issues such as the risk of flooding. Residents were not confident that the proposed drainage solution would be adequate and he would continue to raise their concerns.

Colin Barnes of Northumberland Estates addressed the Committee to respond to the speakers' comments. Mr Barnes explained that the site had been identified for development in 2013, a masterplan had been prepared in 2015 and adopted as part of the Local Plan in 2017 following extensive consultation. This application had been submitted in 2019 and since then a massive amount of work had been undertaken to ensure that it conformed with the requirements of the masterplan and it did not prejudice subsequent planning applications. The objections raised by Persimmon Homes and Bellway Homes had been resolved. Northumberland Estates had a long history of delivering infrastructure projects in North Tyneside and reference was made to details of the proposals to mitigate the impact of the development on biodiversity, the local highway network and the provision of school places.

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

- a) the extent to which Northumberland Estates had taken into account the Council's Strategic Housing Market Assessment and the Murton Gap Masterplan in determining the type of housing to be included in its application;
- b) how this application complied with the phasing plan and the infrastructure delivery schedule set out in the Murton Gap Masterplan;
- c) the Council's methodology for ensuring there would be sufficient school places for future residents;
- d) the Biodiversity Officer's advice on the impact of the development in terms of delivering a biodiversity net gain;
- e) the connectivity of the footpaths and cycle paths to be constructed as part of the development with existing public rights of way;
- f) the location and nature of the proposed affordable housing;
- g) the detail of the highways improvement works to be undertaken at Foxhunters, Tynemouth Pool and Rake Lane, the timing of their delivery in relation to the construction of the 310 homes and the likely impact of the works on congestion on the local highway network;
- h) the impact of the proposed drainage scheme on reducing the risk of flooding in surrounding areas, including Marden Quarry; and
- i) the most up to date assessment of housing land supply which showed a shortfall against the Local Plan requirement.

Resolved that (1) the Committee is minded to grant the application subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary;

(2) the Director of Housing, Environment and Leisure be granted delegated authority to determine the application following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following;

-25% on-site affordable housing provision

-Primary education £690,000

-Public transport £24,029

-Metro station £1,009,400

-Travel Plan Bond £100,000

-Green infrastructure £453,406

-Allotments £39,920.32

-Sports pitch £205,110

-Built sports £259,400

-Employment and training £72,100

-Waste £51,036

-Local Wildlife Site £60,500

-Coastal Mitigation £104,740

-Off-site compensation land for ecology purposes

(3) the Director of Law and Governance and the Director of Environment, Housing and Leisure be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

-Site access (A191 roundabout)

-Tynemouth Pool

-Foxhunters

-Rake Lane (A191)

-Preston Road North (A192)

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PLANNING COMMITTEE

Date: 14 December 2021

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

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

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

Interests of the whole community

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

All applications should be determined on their respective planning merits.

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

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

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

Planning Considerations

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

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

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

Briefly, material planning considerations include:-

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

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

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

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

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

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

Officers' Advice

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

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

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

When refusing permission:

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

When granting permission:

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

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

Lobbying of Planning Committee Members

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

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

Lobbying of Other Members

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

Lobbying

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

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

**PLANNING APPLICATION REPORTS
CONTENTS**

6 21/00561/FUL

Wallsend

**Land at Former Point Pleasant House, Point Pleasant Terrace,
Wallsend, Tyne And Wear**

Speaking rights granted to:

Mr Neil Steggel of Point Pleasant Terrace, Wallsend

Ms Elaine McMahon of 44 Point Pleasant Terrace, Wallsend

Mr Kyle Freeman of 15 Ford Terrace, Wallsend

7 21/02188/FUL

Wallsend

Hadrian Yard A, B And C, Hadrian Way, Wallsend, Tyne And Wear

Speaking rights granted to Mr Marc Sargeant of Alwin Close, Wallsend

8 21/02151/FUL

Chirton

**02 17774 Telecommunication Mast, Front Street, Chirton, North
Shields, Tyne And Wear**

Speaking rights granted to Mr Frank Casey of Simpson Street, Chirton

9 21/01736/FUL

Riverside

**Land to the rear of the Former Bogie Chain, Western Road, Wallsend,
Tyne And Wear**

Speaking rights granted to Dr Kirsten Hall of Rosehill Road, Wallsend

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Application No: 21/00561/FUL Author: Rebecca Andison
Date valid: 7 June 2021 ☎: 0191 643 6321
Target decision date: 6 September 2021 Ward: Wallsend

Application type: full planning application

Location: Land At Former Point Pleasant House, Point Pleasant Terrace, Wallsend, Tyne And Wear

Proposal: Development of a vacant site to 10no.residential dwellings with ancillary car parking, using existing access from Meadow Road (ADDITIONAL INFORMATION)

Applicant: Montagu Hotels Limited, Mr Gill 14 Grand Parade Tynemouth NE30 4JQ

Agent: Sadler Brown Architecture, Mr Alex Darley 11-12 Riverside Studios Amethyst Road Newcastle Upon Tyne NE4 7YL

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

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

2.0 Description of the Site

2.1 The application relates to a vacant plot of land, which is located to the east of Point Pleasant Terrace. The site has an area of approximately 0.28 hectares. It previously contained an early 19th century property (Point Pleasant House) which was demolished in 2009.

2.2 The site is accessed from Meadow Road which runs along the northern boundary and joins Point Pleasant Terrace to the west. To the east of the site is Point Pleasant Industrial Estate and to the west are semi-detached residential

properties. A road runs along the site's southern boundary, linking Hadrian Road to the southern end of Point Pleasant Terrace. Access between the two roads is blocked by bollards.

2.3 The site has no allocation within the Local Plan. It lies within a Wildlife Corridor and trees along the site boundaries are protected by the Point Pleasant House TPO, 2007.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for 10no. residential dwellings comprising 6no. 2-bedroom properties and 4no. 3-bedroom townhouses.

3.2 The development would utilise the existing entrance on Meadow Road, from where an access road would lead to a turning head within the southern part of the site.

3.3 The development has been amended during the course of the application. A development of 7no. dwellings and 15no. apartments was originally proposed.

4.0 Relevant Planning History

06/03274/FUL - Demolition of existing dwelling and creation of 3 town houses and 21 apartments.
Refused 11.10.2006

07/03196/FUL - Demolition of existing dwelling and the development of 20 dwellings comprising of 12 apartments 8 town houses (Re-submission)
Refused 11.01.2008

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider are:

- Principle;
- Impact on surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;

- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

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

8.0 Principle

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

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

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.4 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.

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

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

8.7 Policy S4.3 specifically allocates sites to meet the overall housing needs. The application site is not allocated for housing in the Local Plan.

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

- Make a positive contribution to the identified housing needs of the Borough; and,
- Create a, or contribute to an existing, sustainable residential community; and
- Be accessible to a range of sustainable transport modes; and
- Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and

f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and, g. Demonstrate that they accord with the policies within this Local Plan.

8.9 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and point (a) of Policy DM4.5. It is located in a sustainable location close to public transport links, shops and services.

8.10 Having regard to the above; the principle of the proposed development is considered acceptable.

8.11 North Tyneside Council Housing Land Supply

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

8.13 The most up to date assessment of housing land supply informed by the five year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4 year supply of housing land. It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. The proposed 10no. dwellings will make a small, but valuable contribution towards the borough achieving a five year housing land supply.

9.0 Impact on the amenity of existing and future occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

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

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

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

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

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

Accessibility of homes:

Market Housing

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

Affordable Housing

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

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

Internal Space in a Home:

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

9.8 Impact on existing residents –

The western boundary of the site is shared with No.’s 42-52 (evens) Point Pleasant Terrace. There would be a separation distance of 15.3m between the rear elevation of No.’s 42 and 44 and the gable elevation of unit 1. This is considered to be sufficient to prevent any significant loss of light or outlook to No.44’s rear windows. The proximity of the development to No.44’s rear garden would have some impact in terms of outlook, but the orientation to the north east means that there would not be any significant loss of light. A condition requiring

obscure glazing in the first-floor landing window which is proposed in the side elevation of unit 1, would prevent any loss of privacy.

9.9 The gable elevation of unit 10 would be located approximately 12.4m from the rear elevation of No.52 at the closest point but is not directly facing and is orientated to the north east. The impact on light, outlook and privacy is therefore considered to be acceptable.

9.10 An overshadowing study has been submitted which shows that at certain times of the day the development may cause some overshadowing of the yards of properties to the north. Given that this would occur for limited periods only, the impact on residential amenity is considered to be acceptable.

9.11 Having regard to the above the impact on the living conditions of existing residents is considered to be acceptable.

9.12 Impact on future occupiers –

The layout of the development is considered to be acceptable in terms of the standard of living accommodation provided for future occupiers. Each dwelling would be provided with a front and rear garden and the layout provides adequate separation distances between properties within the development to ensure that future occupiers enjoy good levels of light, outlook and privacy. The floor areas meet the Government's Nationally Described Space Standard (NDSS).

9.13 The application site is located close to the Metro line and adjacent to industrial premises within Point Pleasant Industrial Estate and on Hadrian Way to the south. There is the potential for future residents to be affected by noise from plant, deliveries and other activity within the industrial units. A noise assessment has been submitted to consider industrial noise arising from Point Pleasant Industrial Estate and Smulders fabrication yard, and train noise from the Metro.

9.14 The Manager of Environmental Health has provided comments. She states that the noise assessment determines that the impact of noise from forklift trucks, deliveries, grinding and industrial alarms is likely to be low impact, and that a scheme of glazing and ventilation is proposed to address noise from the Metro line. She further advises that the assessment has not considered noise from Smulders yard as activities were not taking place within the yard during the noise monitoring. The assessment states that if industrial noise associated with Smulders has an adverse impact, the existing dwellings would be equally impacted. The Manager of Environmental Health states that while no complaints regarding industrial noise have been received from residents at the south end of Point Pleasant Terrace, it cannot be assumed that residents are not affected by noise. She notes that fabrication shed A within Smulders yard has poor sound attenuation properties and it is unclear whether existing residents are affected by noise from the shed and Yards A and B. She states that it is important that noise arising from Smulders is assessed and that if no activity is taking place this could be modelled based on typical noise levels.

9.15 The NPPF (para 187) states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. If planning permission were granted and

complaints received from residents regarding noise, this could result in restrictions being placed on Smulders under the Environmental Protection Act 1990 to the detriment of this existing business.

9.16 Paragraph 55 of NPPF states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” As all potential noise sources have not been considered to enable this application to be properly assessed, it is not clear whether appropriate mitigation could be secured.

9.17 Members need to determine whether the proposed development is acceptable in terms of the standard of living accommodation provided for future occupiers and the impact on existing residents and businesses. It is officer advice that insufficient information has been submitted to properly assess the impact of noise on future occupiers and the potential impact on Smulders yard. As such, it is officer advice, that the proposed development does not accord with the NPPF and Policies, DM5.19 and DM6.1.

10.0 Impact on 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 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 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.

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

10.5 The surrounding area is characterised by 2-storey brick terraces to the north, semi-detached properties to the immediate west and large industrial premises to the east. To the north west is a new residential development on Coquet Gardens, which comprises detached and semi-detached 2-storey properties.

10.6 The proposed dwellings are arranged in pairs around an internal access road. Units 1 and 2 face north to provide an active frontage to Meadow Road

and improve surveillance in the area. Parking spaces are provided within the curtilage of the properties and at the 2no. turning heads.

10.7 The development includes 4no. 3-storey town houses which are positioned in the southern part of the site where levels are lower. They provide a transition between the 2-storey housing to the north and the large industrial units to the south.

10.8 3no. house types are proposed. They would be constructed mainly from red brick with elements of white render and timber effect cladding to add interest. Boundary treatments include 2m high timber fencing to the rear gardens, 2m high walls with timber panels where the rear boundaries face public areas and low brick walls and hedging within the front gardens. The existing boundary fence would be retained along the western boundary with Point Pleasant Terrace.

10.9 Members need to consider whether the design and layout of the proposed development is acceptable and whether it would accord with the advice in the NPPF, Policy DM6.1 of the North Tyneside Local Plan and the 'Design Quality' SPD and weight this in their decision. Subject to conditions to control the construction and surfacing materials, it is officer advice that the design is acceptable and accords with national and local planning policies.

11.0 Landscaping and ecology

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

11.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

11.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

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

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

Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative

provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

11.5 Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance.

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

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

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

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

11.8 Policy DM5.7 states that development proposals within a wildlife corridor must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to

create new links and habitats to reconnect isolated sites and facilitate species movement.

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

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

11.12 The site is occupied by the footprint of the former dwelling, self-seeded trees and shrubs and mature trees from the former garden. It lies within a wildlife corridor and trees along the east, west and southern boundaries are protected by the Point Pleasant House TPO.

11.13 A Preliminary Ecological Appraisal (PEA), Biodiversity Net Gain Assessment, Report to Inform a Habitat Regulations Assessment, Bat Report, Arboricultural Survey, Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been submitted.

11.14 The Biodiversity Officer and Landscape Architect have been consulted and provided comments.

11.15 It is proposed to remove 3no. individual trees and 1no. tree group (Group 2), which are located adjacent to the eastern boundary. 2no. of these trees (T12 and T13) are classified as category B trees and are protected by the Point Pleasant TPO. The submitted AIA states that no countermeasures can be undertaken to retain these trees and the new tree planting should be considered to help compensate for this tree loss. Group 2 is not protected by the TPO but is important in terms of visual amenity and biodiversity. It is proposed to plant 3no. new trees within the site to mitigate for the loss of the existing trees.

11.16 The Landscape Architect and Biodiversity Officer state that the remaining trees within the site have value and the extent of the construction work is a threat to their long-term retention due to encroachment into the root protection areas and disturbance from construction vehicles. In addition, pruning is required to provide construction space and adequate gaps between the trees and the proposed dwellings. This is an indication that the development may be too close to the trees and this is likely to result in pressure to carry out further pruning or remove the trees in the future.

11.17 The PEA advises that the site supports 'open mosaic habitats on previously developed land' considered to be of at least district value, with the grassland, scrub and ephemeral habitats being relatively diverse. It also states that the site provides foraging and nesting habitat to a range of bird species and has some suitability to support larval food plant species for dingy skipper, grayling and wall butterflies. Some of the trees within the site have moderate suitability for bats and the site has good connectivity to the wider area and nearby grassland habitats providing further foraging opportunities for bats. The Bat Report concludes that mitigation measures would be required to avoid potential disturbance to roosting bats and nesting birds.

11.18 A Landscape Plan has been submitted. This includes native hedgerow and scrub planting and 3no. trees, but the majority of the landscaping comprises private gardens. The Biodiversity Net Gain (BNG) Assessment indicates hedgerow creation of approximately 80m and habitat creation consisting of residential gardens (700sqm), mixed scrub (400sqm) and neutral grassland (100sqm). The assessment also states that no habitat on site will be enhanced for biodiversity.

11.19 The submitted reports identify a UK priority habitat (open mosaic habitat on previously developed land) within the site. The BNG assessment indicates that 0.27ha of priority habitat will be lost to accommodate the scheme, amounting to 6.15 biodiversity units. Habitats created within the site post-development amount to an overall net loss of 5.72 units or 93% of biodiversity habitat, which is UK Priority Habitat. The assessment shows that there will be a gain in hedgerow units of 0.41units as 80 linear metres of native hedging is proposed as part of the landscape scheme. The BNG Assessment recommends the introduction of further biodiversity measures within the site landscaping and that habitat creation is undertaken off-site to deliver a net gain in biodiversity.

11.20 Local Plan Policy DM5.5 states that all development should "*Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.*" The policy further states that proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), would only be permitted where the three criteria set out in the policy are met.

11.21 The proposed development would significantly impact a UK priority habitat as a result of the complete loss of this habitat and does not provide net gains to biodiversity as sought by Policy DM5.5 and the NPPF. It is officer opinion that the criteria set out in Policy DM5.5 are not met given that the development is not sensitive to and does not make provision for the needs of the protected habitat, and the adverse impacts of the development have not been adequately mitigated. The provision of housing is a benefit, but it is officer opinion that this does not clearly outweigh the adverse impact of the development on the biodiversity value of the site.

11.22 The proposal is also considered to be contrary to Policy DM5.7 as it does not protect and enhance the connectivity of the wildlife corridor.

11.23 The development lies within 6km of the coast and therefore has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. The Report to Inform a Habitats Regulations Assessment that has been submitted as part of the application concludes that the proposed development has the potential to increase recreational activity at the coast and as such, a financial contribution towards a Coastal Wardening Service is required.

11.24 The Coastal Mitigation SPD sets out that a contribution of J337 per dwelling is required to mitigate the impact of additional visitors on the coast.

11.25 Natural England has been consulted. They have advised that they have no objections to the application subject to appropriate mitigation being to mitigate the impact of additional visitors on the Northumberland Coast SPA and Ramsar Site.

11.26 The applicant has not agreed to enter into a legal agreement to secure a financial contribution towards the Coastal Mitigation Service to address the impact on the SPA as a result of 10no. new dwellings and therefore it is officer advice that the proposal would conflict with policies S5.4, DM5.5, DM5.6 and the Coastal Mitigation SPD (2019).

11.27 Members need to consider whether the impact on trees and ecology would be acceptable and weight this in their decision. It is officer advice that the proposal fails to comply with the NPPF and Local Plan policies DM5.2, S5.4, DM5.5, DM5.6, DM5.7 and DM5.9 and the Coastal Mitigation SPD.

12.0 Whether there is sufficient car parking and access provided

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

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

12.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

12.6 14no. parking spaces plus 3no. visitor bays are proposed for the 10no. dwellings. Two of the parking spaces would be accessed directly from Meadow Road and the remainder would be accessed from the internal access road which leads from Meadow Road. Cycle and refuse storage would be provided within the rear garden of each property.

12.7 The Highway Network Manager been consulted and raises no objection to the application. He advises that an appropriate level of parking would be provided for the development and that each dwelling has space for refuse and cycle storage. He notes that while the site would not be eligible for adoption, it includes sufficient space for a refuse vehicle to turn.

12.8 The Highway Network Manager recommends conditions including in respect of a construction management plan, refuse storage, cycle storage and off-site highway works.

12.9 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, it is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and the Transport and Highways SPD.

13.0 Other issues

13.1 Contaminated Land

13.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

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

13.4 The site lies within 250m of two areas of unknown filled ground to the south and east. The Contaminated Land Officer has stated that conditions will be required to address the risk from contamination and landfill gas.

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

13.6 Flooding

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

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

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

13.10 The site is located within Flood Zone 1 and is not within a Critical Drainage Area.

13.11 The Local Lead Flood Officer has provided comments and states that a condition should be imposed requiring details of the proposed surface water drainage system prior to commencement of the development.

13.12 Subject to this condition, it is officer advice that the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14. Members need to consider whether they agree.

13.13 S106 Contributions

13.14 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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

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

13.16 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.

13.17 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.

13.18 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.

13.19 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.

13.20 The following contributions have been requested by service areas:

Ecology and biodiversity: J1,950
Equipped play: J7,000
Primary education: J25,000
Employment and training: J2,500
Coastal mitigation: J3,370

13.21 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.

13.22 The applicant has not agreed to provide the S106 contributions requested and has not submitted any evidence to demonstrate that the development would not be viable with the contributions.

13.23 It is officer opinion that the S106 contributions sought are required to mitigate the impacts of the developments. The proposal is therefore considered to be contrary policies S7.1, DM7.2, DM7.5 of the North Tyneside Local Plan (2017) and the advice in Planning Obligations SPD (2018). Members need to consider whether they agree and weight it in their decision.

13.24 Local Financial Considerations

13.25 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).

13.26 The proposal involves the creation of 10no. new dwellings. Granting planning permission for new dwellings increases the amount of New Homes

Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

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

14.0 Conclusion

14.1 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.

14.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.3 The proposal would provide 10no. residential units, which would make a small but valuable contribution towards the 5-year housing land supply. The site lies in a sustainable location, close to shops, services and transport links. It is therefore officer advice that the principle of residential development on this site is acceptable.

14.4 It is officer advice that the development is also acceptable in terms of its impact on the highway network and in terms of its overall design and appearance.

14.5 The impact on biodiversity is not considered to be acceptable due to the loss of UK Priority habitat within a designated wildlife corridor. The development fails to provide adequate mitigation for this loss and results in a significant net loss of biodiversity units. The development also fails to provide mitigation for the impact of additional visitors on the Northumbrian Coast SPA/Ramsar site. It is therefore officer advice that the proposal fails to comply with the NPPF and Local Plan policies DM5.2, S5.4, DM5.5, DM5.5, DM5.6, DM5.7 and DM5.9 and the Coastal Mitigation SPD (2019).

14.6 It is also officer opinion that insufficient information has been submitted to demonstrate that the impact of noise from Smulders yard on the living conditions of future residents is acceptable and that the development avoids having an adverse impact on the operation of this existing business; contrary to Policies DM6.1 and DM5.19 and NPPF.

14.7 Furthermore, the applicant has not agreed the S106 contributions requested and has not submitted evidence to demonstrate that the development is not

viable with these contributions, contrary to Policies DM7.2, DM7.5 and the Planning Obligations SPD.

14.8 The Council does not have a 5-year housing land supply and the provision of 10no. new homes would make a small, but valuable contribution towards meeting this shortfall. This is a benefit which should be afforded significant weight. However, it is officer opinion that, given the relatively small contribution the development would make to the housing land supply, the benefits of the scheme do not outweigh the significant harm caused by the development in terms of biodiversity, noise and failure to provide adequate mitigation through appropriate S106 contributions. It is therefore recommended that planning permission is refused.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. 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 and prevent unreasonable restrictions being placed on Smulders yard. As such, the proposed development is contrary to the NPPF and policy DM5.19 of the North Tyneside Local Plan (2017).
2. In the absence of a scheme of mitigation to address the impact on the Northumbria Coast Special Protection Area and Ramsar Site, the Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI, the additional residents at the coast as a result of the proposed development and a subsequent increase in recreational activity, particularly in relation to cumulative impacts with other residential schemes at the coast and the wider area, will result in significant harm to the designated sites. This is contrary to the advice in NPPF, policies S5.4, DM5.5, and DM5.6 of the North Tyneside Local Plan 2017 and the Coastal Mitigation SPD July 2019.
3. The development would result in the loss of UK Priority Habitat and trees within a designated wildlife corridor. It fails to provide adequate mitigation for this loss and results in a net loss of biodiversity units. This is contrary to the NPPF and Local Plan (2019) Policies DM5.2, S5.4, DM5.5, DM5.7 and DM5.9.
4. The applicant has not agreed the S106 contributions requested by the Council and has not demonstrated that the development would not viable with the contributions, therefore the development fails to mitigate against the unacceptable impacts of the development contrary to Planning Obligations Supplementary Planning Document LDD8 (2018), and Policies 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: 21/00561/FUL

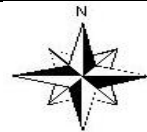
Location: Land At Former Point Pleasant House, Point Pleasant Terrace, Wallsend, Tyne And Wear

Proposal: Development of a vacant site to 10no.residential dwellings with ancillary car parking, using existing access from Meadow Road

Not to scale

Date: 02.12.2021

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.1 This application is for the development of a vacant site to 10 residential dwellings with ancillary car parking. The site is accessed from Meadow Road, 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, although the site will not be eligible for adoption by the Local Highway Authority. Conditional approval is recommended.

1.2 Recommendation - Conditional Approval

1.3 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

1.4 Conditions:

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

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for refuse vehicles to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for family cars to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for driveways, private parking spaces and visitor parking spaces shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

No part of the development shall be occupied until details of the hard surfaces for driveways & parking spaces including future maintenance arrangements has been submitted to and approved in writing by the Local Planning Authority and in consultation with the Local Lead Flood Authority (LLFA). These surfaces shall be made of porous materials or provision shall be made to direct run-off water from the hard surface away from the adopted highway and retained thereafter.

Reason: In the interests of surface water management and of the development having regard to policy DM5.14 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for storage of refuse, recycling & garden waste bins shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for storage of cycles shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.

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

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

include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and/or mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

1.5 Informatives:

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

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

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact Highways@northtyneside.gov.uk for further information.

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

The applicant is advised that they should enter into an agreement indemnifying the council's refuse, recycling & garden waste collection vehicles against any claims for damages to the internal road and parking layout.

2.0 Manager of Environmental Health (Contaminated Land)

The site lies within 250m of two areas of unknown filled ground to the south and east. Due to this and the proposed sensitive end use the following must be attached:

Con 003
Con 004
Con 005
Con 006
Con 007
Gas 006

3.0 Manager of Environmental Health (Pollution)

3.1 I have concerns with regard to potential noise from the industrial activities arising from the adjacent industrial estate affecting the proposed residential properties.

3.2 I have reviewed the updated noise assessment that has considered industrial noise from activities arising from Point Pleasant Industrial Estate, Smulders fabrication yard and train noise from the Metro rail line. The noise assessment determined the existing background noise levels of 43 dB LA90 and 35 dB LA90 for day and night respectively. Noise from use of forklift trucks, deliveries, grinding and industrial alarms has been considered within the noise assessment and the rating level from such activities has been assessed in accordance to BS4142 and determined that it is likely to be of low impact. Train noise from the Metro rail lines has been assessed and a noise scheme for the glazing and ventilation has been proposed. Gardens were determined to meet the WHO guidance levels for outdoor amenity to below <55 dBLAeq16hr.

3.3 Noise from the Smulders yard has not been assessed as activities were not taking place within the yard during the additional noise monitoring. The noise report states that as there are existing residential properties at a similar distance from the yard, that if industrial noise associated with Smulders could have an adverse impact, the existing dwelling would be equally impacted. Environmental Health have not received historic complaints from properties located at the southern end of Point Pleasant Terrace, but it cannot be assumed that residents are not affected by noise from Fabrication Building A on the basis that they have

not made complaints. It is unclear as to whether the occupiers of the proposed dwellings will be exposed to unreasonable noise levels from Smulders, but it cannot be assumed that the noise levels are acceptable based on lack of complaints.

3.4 Fabrication shed A is of steel construction with poor sound attenuation properties and it is unclear as to how much noise breakout occurs from the building. It is unclear as to whether the proposed residential properties will be exposed to noise from Yards A and B at Smulders due to the topography and screening by buildings, but it is important that noise arising from Smulders is assessed to enable the determination of this application. Where activities are not currently taking place predicted noise levels could be modelled based on typical noise levels arising from a fabrication operation that would include for grinding, shot blasting and hammering etc; to ensure that the industrial noise from Smulders can be suitably mitigated. Smulders have submitted a general comment regarding their operation that occurs 24/7 to state that the Council must ensure that "the design, layout and noise mitigation measures of the proposed scheme will provide an acceptable level of residential amenity for all future residents in order to ensure that there would be no adverse impacts, not only on the amenity of future residents, but also on the operations of Hadrian Yard". Following complaints about industrial noise from other nearby residential properties abatement notices were served on Smulders to address external plant noise during the day and to abate noise from nighttime fabrication activities. The noise report does not demonstrate whether noise arising from fabrication activities at the Smulders yard will impact on the proposed residential properties.

3.5 The NPPF section 187 states that "planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed." Potential noise arising from the Smulders industrial fabrication operations must be considered to ensure that there is no significant adverse effect on the new development that would cause unreasonable restrictions to be placed on this business. I am therefore unable to recommend approval of this application without full consideration of the industrial noise levels from Smulders and to ensure any noise generated at this site can be suitably mitigated.

4.0 Planning Policy (Heritage and Design)

4.1 The revised plans address the previous issues and are now considered to be acceptable.

5.0 Sustainable Transport

5.1 The application does not trigger a Travel Plan.

6.0 Landscape Architect and Biodiversity Officer

6.1 The application is for the development of 10 dwellings with ancillary car parking.

6.2 The proposed development area occupies land to the west of Point Pleasant Industrial Estate, adjacent to Hadrian Road (A187). Residential housing is located to the north (Ford Terrace) and west (Point Pleasant Terrace). Access to the site is achieved from Meadow Road. The site is currently vacant following former development uses and has a number of individual and self-seeded trees and shrubs occupying its internal and perimeter areas. The site used to accommodate Point Pleasant House, a detached Victorian villa set in large gardens characterised by mature trees. The property was demolished leaving the remaining former garden areas which have now overgrown. There are a number of mature trees on the site that remain from the former garden and the trees to the east, west and southern boundaries are protected by a TPO (Point Pleasant House, TPO 2007). In addition, the site is located in a wildlife corridor as defined by the Local Plan.

6.3 With regard to the Local Plan, the following policies apply:

DM5.2 The Protection of Green Infrastructure

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM 5.9 Trees, woodland and hedgerows

Policy DM 5.7 Wildlife Corridors

6.4 Impacts on Protected Trees

Pre application advice was provided, although based on an alternative proposal, that stated the 'Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows. Trees contribute to the character and appearance of the local area, providing visual amenity as well as providing vital screening from the adjacent properties, with regard to light and noise. The site is located in a wildlife corridor as defined by the Local Plan and Policy DM 5.7 (Wildlife Corridors) applies to this site which looks to protect and enhance the quality and connectivity of the wildlife corridor. The information provided will impact on the existing tree groups and has the potential to adversely impact a designated wildlife corridor due to habitat loss. Trees on the site should be retained and protected. If any trees are to be removed (as defined by a tree survey and AIA), suitable mitigation must be provided as part of a landscape scheme that looks to enhance the biodiversity of the wildlife corridor'.

6.5 This revised layout plan sees a reduction of the number of trees to be removed from the site. This is supported by a revised Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (November 2021) from Elliott Consultancy Ltd. The reports have been produced in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition & Construction'.

6.6 BS5837 provides guidance on how to assess the value and quality of trees which should help decide which trees are appropriate for retention. Where trees are considered to be merit worthy, or their loss would significantly impact on the

wider locality they should be considered as a material consideration with the layout designed to accommodate them. The principle of removing trees is stated in section 5.1.1 of BS 5837 which states that "The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration. Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification....'

6.7 The proposed development will require the removal of 3 trees and one group of trees on the site. Trees 12, 13, & 15 will be removed to provide garden space to units 4 & 5 and Group 2 is to be removed to allow for construction. Other shrubs and small self-seeded bushes will also require removal from within the site to allow construction.

6.8 A Tree Preservation Order exists on the site and comprises of one individual TPO and 3 groups comprising of 10no. protected trees in total. The proposals will require the removal of 2 protected trees from the site. Using the applicants numbering system they are: T13(B) sycamore and T12(B) Sycamore. T15(C) and Group 2 (C) is not protected by a TPO.

6.9 T13 Sycamore has a suppressed form with an approximate height of 12m. It has been given an estimated remaining contribution 40 years plus and sub group category of 2, meaning that the tree provides mainly landscape qualities. However, a 40 year plus retention value on a tree could potentially mean that this T13 is a category A tree i.e. a tree with a high retention value.

6.10 T12 is a multi-stemmed sycamore, which is slightly smaller in height at around 10m. This has been given a remaining estimated contribution of 20 years plus and a sub group category of 1, meaning that the tree might be included in category A, but is downgraded because of impaired condition.

6.11 Category B trees (with a potentially category A tree) are trees of moderate quality and are considered to be important enough to be considered a constraint to development and consequently should be retained and afforded appropriate protection during the ground works and construction phase of development. Category C trees are considered to be of low quality, but adequate for retention but in this case, the category C trees provide valuable habitat, and contribute to the wider wildlife corridor, therefore, Category C trees have a place in the landscape and can be considered a site constraint. Collectively the trees provide the site and the wider landscape with amenity and screening and are worthy of their TPO. Any tree removal should be dealt with via the appropriate management of the woodland (an ongoing programme of management should already exist) and not because removal is required to accommodate a development scheme.

6.12 The AIA states that no countermeasures can be undertaken to retain these trees and the new tree planting as part of a post-construction landscape proposal should be considered to help compensate for this tree loss. However, the trees to be removed are category B trees protected by a TPO which would be against Local plan policy DM5.9 which states:

6.13 Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the Borough, and:

- a. Protect and manage existing woodland, trees, hedgerows and landscape features.
- b. Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.
- c. Promote and encourage new woodland, tree and hedgerow planting schemes.
- d. In all cases preference should be towards native species of local provenance. Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the local planning authority.

6.14 With regard to Group 2, although not protected by the TPO, are just as important in terms of visual amenity and biodiversity. The revised landscape plan shows this group being retained; but it has not been shown as such in the AIA and AMS.

6.15 The site is to be significantly developed with insufficient or adequate space to accommodate any meaningful tree planting. 3no new tree have been shown to be planted within the site, with 2no trees located in small corner areas left over from the development. No indication of their size has been provided but are likely to be insufficient in size and form that will not adequately mitigate for the loss of mature protected trees that already provide a level of amenity.

6.16 The remaining trees on the site, whether protected or not, have value and the extent of the construction works is a further threat to their long-term retention. The majority of the retained trees on the site, some of which are category B trees, will experience some form of encroachment into their RPA's or disturbance from the movement of construction vehicles around the site and the installation of utilities, for which no information has been provided. In order to minimize damage to any retained trees, it is proposed to use special construction techniques as detailed in the method statement, however, the level of harm resulting from the impacts of the development are a cause for concern. In this case, a condition would not satisfactorily mitigate the harm and it would be difficult to ensure their retention due to site construction requirements.

6.17 Pruning of overhanging branches will be required to provide construction space and adequate long-term gaps between the trees and the new house; an indication that the development could be too close to retained trees. Any retained trees on the site are likely to cause future concerns with residents in the future, giving rise to pressures for the trees to be lopped, topped or even felled, to the detriment of their continued good health, longevity and in turn to the character and appearance of the local area. There are other potential issues such as falling debris or branches, blocked gutters, interference with underground services, and potential concerns in relation to their overbearing presence.

6.18 The TPO would enable the Council to control any future tree work to protected trees, yet it would be difficult for the council to refuse an application to cut-back or even remove a tree that was threatening the safety of the occupiers

or having a harmful effect on their enjoyment of the property. There can be no certainty that such pressures could be reasonably resisted. In this case, protected trees on the site is sufficient to be considered to be 'a major constraint' on the site. The serving of the TPO has already demonstrated that the trees are important in the landscape and their loss will have a negative impact on the surrounding area, the integrity of the TPO and the verdant setting of the site.

6.19 Ecology

The Preliminary Ecological Appraisal (PEA) submitted to support the application concluded that the site supports 'open mosaic habitats on previously developed land' considered to be of at least district value, with the grassland, scrub and ephemeral habitats being relatively diverse. The survey also concluded that the site provides foraging and nesting habitat to a range of bird species and has some suitability to support larval food plant species for dingy skipper, grayling and wall butterflies. The Report also indicates that some of the trees within the site have moderate suitability for bats and although habitats on site are considered to be of low value to bats for foraging and commuting purposes, the site has good connectivity to the wider area and grassland habitats nearby providing further foraging opportunities to bats.

6.20 The Report recommendations included the following to ensure a robust assessment could be undertaken and appropriate mitigation provided:

- Botanical survey at the optimum period i.e., May to September (inclusive)
- Assessment of habitat for suitability for dingy skipper, grayling and wall followed by butterfly survey if habitats and food sources are found to be suitable between May and August (inclusive).
- Two nocturnal activity surveys to assess the moderate value trees on site in accordance with BCT Guidelines.
- Biodiversity Net Gain Assessment.
- A Report to Inform a Habitat Regulation Assessment

6.21 As a result, the following Ecological Reports have been submitted for assessment:

- Bat Report;
- Proposed Landscape Plan;
- Biodiversity Net Gain Assessment;
- Report to Inform a Habitats Regulations Assessment.

6.22 Bat Report

On site roosting opportunities for bats were located within trees on site. Of the 14 trees assessed during the preliminary bat risk assessment, two were assessed as moderate suitability to roosting bats; T8 (Horse Chestnut) and T12 (Birch Tree). These required two dusk emergence surveys to assess bat usage which were carried out in June and July 2021.

6.23 The results of the vantage point surveys recorded one species, a noctule bat, however, no bats were identified emerging from roost sites during the survey. As a result of the assessment and the nature of the proposed works, the Report concludes that the likely impacts of the scheme, without appropriate avoidance measures, mitigation and/or compensation scheme would be:-

- Potential disturbance and harm to roosting bats, should they be present at the time of any felling works
- Potential harm and/or disturbance to nesting birds, should felling or vegetation clearing works be undertaken in the breeding bird season (March to August inclusive).
- Increased disturbance resulting from the proposed development through increased noise and lighting across the site.

6.24 The Report, therefore, recommends mitigation measures including a Method Statement for the soft felling of trees, a Construction Ecological Management Plan and external lighting that avoids impacts on bats. It also recommends 5no. bat boxes to be installed as part of the scheme.

6.25 Proposed Landscape Plan

The submitted landscape plan indicates some native hedgerow within the site (approx. 80m) and native scrub planting to parts of the southern, western and northern boundary (approx. 400sqm). The majority of the 'landscaping' is composed of the private gardens (700sqm). 3no. new trees are also proposed within the site although the sizes are not indicated. The Plan also indicates that further tree removal may be necessary as it shows the existing hedge and trees to the eastern boundary (Tree Group 2) as "retained and enhanced, or if not possible, to be replaced in its entirety following construction" This indicates that Tree Group 2 may be vulnerable to removal due to proximity of housing and working areas. The BNG Assessment indicates the native hedgerow with trees on the eastern site boundary will be retained. If this is not the case, then the loss of this habitat has not been taken into consideration within the BNG calculation and therefore, the scale of habitat loss would be greater than indicated.

6.26 The Biodiversity Net Gain Assessment indicates hedgerow creation of approximately 80m and the majority of habitat creation consists of residential gardens (700sqm) and mixed scrub (400sqm) with 100sqm of neutral grassland, which does not appear to be indicated on the landscape plan. The BNG Assessment also states that no habitat on site will be enhanced for biodiversity.

6.27 Report to Inform a Habitats Regulations Assessment (HRA)

This Report concludes that the proposed development is considered to have the potential to increase recreational activity at the coast. As such, a financial contribution to North Tyneside Council towards a Coastal Wardening Service in accordance with the NTC Coastal Mitigation SPD is recommended. With the proposed mitigation, no impacts are predicted on the Northumbria Coast SPA, as a result of the proposals.

6.28 Biodiversity Net Gain (BNG) Assessment

The assessment and Preliminary Ecological Appraisal identified the following UK priority habitat within the site:-

- Open mosaic habitat on previously developed land.

6.29 The assessment indicates that 0.27ha of Priority 'Open Mosaic' habitat will be lost to accommodate the scheme amounting to 6.15 biodiversity units. Habitats created within the site post-development include 0.07ha (700sqm) of vegetated gardens, 0.04ha (400sqm) of mixed scrub, 0.01ha (100sqm) of other

neutral grassland and 0.01ha (100sqm) of street trees, amounting to an overall loss of 5.72units which equates to a 93% net loss of biodiversity habitat, which is UK Priority Habitat. The Assessment shows that there will be a gain in hedgerow units of 0.41units as 80 linear metres of native hedging is proposed as part of the landscape scheme.

6.30 The Report recommends that the scheme looks to introduce further biodiversity measures within the site landscaping to reduce the net loss of habitat resulting from the scheme. It also recommends that habitat creation is undertaken off-site to deliver a net gain in biodiversity and suggests exploring opportunities to identify sites where this can be achieved.

6.31 The BNG Assessment report includes a summary of the results from the DEFRA Metric calculations, but has not included the raw results (Metric Calculations) to enable the LPA to be able to assess the information and ensure it has been input correctly and is in accordance with guidelines. The LPA has requested this information from the applicant, but this has not been submitted for review.

6.32 The loss of priority habitat of high significance within the Biodiversity Metric Calculator must be addressed through the creation of the same habitat type and condition to a level that achieves a biodiversity net gain. The applicant has not submitted any information to demonstrate how this 93% net loss will be addressed, contrary to planning policy:

6.33 Planning Policy DM5.5 (Managing effects on Biodiversity and Geodiversity states that all developments 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.

6.34 The scheme fails to protect the biodiversity of the land or to maximise opportunities for creation and enhancement of natural habitats and crucially fails to provide a net gain for biodiversity in accordance with part c.

6.35 Policy DM5.5 then goes on to state that:

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their

presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
f. For all adverse impacts of the development appropriate on-site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

6.36 The scheme will significantly impact a UK priority habitat, as a result of the complete loss of this habitat and the policy states that a scheme will, therefore, only be permitted where it meets parts d, e and f of the above policy. The applicant has not demonstrated that the scheme meets these criteria and as the site is not allocated for housing in the Local Plan, it is not considered that the benefits of the scheme clearly and demonstrably outweigh the environmental impacts, including the loss of priority habitat and associated impacts on the wildlife corridor. It has also failed to provide adequate information to address the impacts of the scheme by providing appropriate mitigation/compensation measures for the loss of priority habitat and addressing the 93% biodiversity net loss resulting from the scheme.

6.37 Wildlife corridor

The development is located within a wildlife corridor, as shown on the Policies Map. This means that the development must protect and enhance the quality and connectivity of the wildlife corridor in accordance with Planning Policy below:

DM5.7 Wildlife Corridors

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.

6.38 The loss of trees and open mosaic habitat (a UK Priority habitat) does not 'protect and enhance the quality and connectivity of the wildlife corridor'. Wildlife corridors and the connectivity they provide are important linkages between habitat areas, enabling migration, and re-colonization at a local level. Lighting and noise associated with the scheme also have the potential to impact the wildlife corridor through disturbance.

6.39 Conclusion:

Pre-application advice stated that the trees on the site should be retained and protected. The number of trees to be removed in this revised scheme is reduced, but two of the trees to be removed are category B trees and protected by a TPO which is not acceptable. Nor is their removal in accordance with local plan policy. In addition, the scheme will result in the loss of 0.27ha of UK Priority Habitat (Open Mosaic Habitat on Previously Developed Land) which will result in a 93% net loss of priority habitat (post development) with no mitigation or compensation proposed to address this in accordance with Planning Policy and the NPPF. The Mitigation Hierarchy recommends avoiding and then minimising impacts on biodiversity with regard to Net Gain, but these principles do not appear to have

been applied on this scheme. The scheme is not allocated for housing in the Local Plan and has not demonstrated that the benefits of the scheme clearly and demonstrably outweigh the environmental impacts. The proposed development is not in accordance with Local Plan Policy and on this basis, the application is not supported.

7.0 Local Lead Flood Authority

7.1 As the development does not fall within flood zone 2 or 3 areas then an FRA is not required. A condition will need to be placed on the application requiring details of the proposed surface water drainage system to be provided to LLFA for approval prior to commencement of the development. As the development is for 10 or more properties the developer will need to adhere to the latest North East LLFA Sustainable Drainage Local Standards when designing the developments drainage system. These standards are available via the following link <https://my.northtyneside.gov.uk/category/1135/flooding>

8.0 External Conultees

8.1 Northumbria Police

8.2 We have no objections to the proposal and we always welcome the re-development of spaces which are in need of improvement. However, there is very little information contained within the documents around proposed security, boundary treatments and lighting plans, therefore we would require further details before making specific comments from a crime prevention aspect.

9.0 Tyne and Wear Archaeology Officer

9.1 This site was the location of Point Pleasant House (HER 1876 <http://www.twsitelines.info/SMR/1876>) and its associated gardens, however the house has been demolished and the site cleared. I have checked the site against the HER and historic maps and consider that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

10.0 Natural England

10.1 Internationally and nationally designated sites – No objections subject to appropriate mitigation

10.2 This development falls within the ‘zone of influence’ for coastal sites designated at a national and international 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.

10.3 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.

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.

10.4 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 in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

10.5 Sites of Special Scientific Interest Impact Risk Zones:

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 Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a 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.

11.0 Representations

11.1 22no. objections have been received. The concerns raised are summarised below.

- Nuisance – disturbance, dust/dirt, fumes, noise.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Adverse effect on wildlife.
- Affect character of conservation area.
- Affect Site of Spec. Scientific Interest.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Will result in visual intrusion.
- Within greenbelt/no special circumstance.
- Loss of/damage to trees.
- None compliance with approved policy.
- Not a planning issue.
- Not in accordance with development plan.
- Out of keeping with surroundings.
- Pollution of watercourse.
- Poor traffic/pedestrian safety.
- Impact on landscape.
- Inappropriate design.
- Inappropriate materials.
- Inappropriate in special landscape area.
- Inadequate drainage.
- Inadequate parking provision.
- Point Pleasant Terrace is a narrow road with vehicles parked on both sides.
- Construction vehicles will create a risk of damage to resident's vehicles and the road, noise, dirt and congestion.
- Nuisance and disturbance within a quiet area where children play and wildlife live.
- Detrimental effect on existing residents.

- A possible +70 vehicles will cause congestion.
- Air pollution from construction.
- Damage to existing houses from the construction and pile driving.
- Overlooking from the 4-storey apartments.
- Inadequate drainage systems for the development.
- Increased traffic.
- Parking will overspill onto the adjacent streets.
- Additional traffic is a risk to highway safety.
- The removal of trees has increased noise levels from nearby industrial sites.
- Loss of the remaining trees.
- Access should be from the industrial estate side of the site.
- Too many properties within a small area.
- Damage to the wildlife corridor.
- Impact on wildlife, including birds, bats and deer.
- The development is very close to the Roman Wall.
- Loss of light.
- Proximity to protected trees.
- Impact of noise from the adjacent industrial estate and the potential impact on local industry.
- The noise measurements were taken at a time when no industrial activity was taking place.
- Mass of the development.
- The site has suffered fly tipping and anti-social behaviour due to poor security.
- Proximity of the development to existing properties and impact on light, outlook and privacy.
- Design is out of keeping with the area.
- The properties are 3 different heights.
- Increased noise from use of the site.
- There are no bus services along Hadrian Road.
- Inaccuracies within the Design and Access Statement.
- Tree loss should be opposed given the climate emergency.
- Asbestos risk from disused buildings at the back of the proposed development.
- Too overdeveloped even though the number of properties has been reduced.
- Traffic will be an issue as one way in and one way out.
- Who would manage the protected trees after the development is built?
- Residents will need to reverse from their drives onto Meadow Road.
- There is still inadequate parking despite the reduction in units.
- The planting of new trees does not replace the cover, habitat and noise reduction that mature trees provide.
- Impact of noise from increasing industrial activity on the River Tyne.
- Impact of the parking on the roots of retained trees.
- Overdevelopment of the site.
- Previous objections have not been addressed.

11.2 3no. representations have been received. These are summarised below.

- I have no issues with developing this waste ground, but can the access for the properties should be via bottom of Point Pleasant Terrace through the business park.

11.3 The following representation has been received on behalf of Smulders:

11.4 Smulders own and operate land at Hadrian Yard, which comprises 30ha of industrial land located to the south of the application site. The operations at Hadrian Yard include metal fabrication activities for the construction of offshore wind and renewable infrastructure. The site is permitted to operate 24 hours a day/ 7 days a week.

11.5 Whilst Smulders do not object to the principle of residential development, it is important that the Council takes into account the operations at Hadrian Yard when determining the application. In this regard, the Council should be satisfied that the design, layout and noise mitigation measures of the proposed scheme will provide an acceptable level of residential amenity for all future residents in order to ensure that there would be no adverse impacts, not only on the amenity of future residents, but also on the operations of Hadrian Yard.

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Application No: 21/02188/FUL Author: Julie Lawson
Date valid: 13 October 2021 ☎: 0191 643 6337
Target: 12 January 2022 Ward: Wallsend
decision date:

Application type: full planning application

Location: Hadrian Yard A B And C, Hadrian Way, Wallsend, Tyne And Wear

Proposal: Erection of a modular workshop building to provide a flexible indoor work area

Applicant: Smulders Projects UK, FAO Mr Chris Edwards Hadrian Yard Hadrian Way Wallsend NE28 6HL

Agent: Lambert Smith Hampton, FAO Mr James Cullingford 41-51 Grey Street Newcastle Upon Tyne NE1 6EE

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to expiry of consultation with the Coal Authority and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure a financial contribution for employment and training, towards employment initiatives within the borough.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

- Whether the principle of the development is acceptable;
- The impact upon surrounding occupiers;
- The impact of the proposal on the character and appearance of the surrounding area;
- Whether sufficient parking and access would be provided; and
- The impact on trees and ecology.

2.0 Description of the Site

2.1 The application site is an existing industrial site measuring over 18 hectares. The site is operated by Smulders and specialises in offshore construction.

2.2 There is residential development to the north of the wider site at Hadrian Mews residential estate and to the south is the River Tyne. To the east is Willington Gut. Point Pleasant Industrial Estate, and other light industrial and commercial developments and housing are to the north/north-east. The site is bound to the west by the Oceania Business Park/Industrial Estate and residential properties on Railway Terrace to the north-west.

3.0 Description of the Proposed Development

3.1 The proposal is for a modular workshop structure designed to accommodate a range of fabrication activities such as assembling, welding, shot blasting, painting, mechanical installations and electrical installations. It will also be a moveable structure, which will allow it to be relocated to limited alternative areas within the yard. The applicant has submitted a plan showing which areas this would be limited to. These areas would be yard A, to the eastern part of the site adjacent to Willington Gut, and under the existing gantry cranes.

3.2 The building is constructed of profile sheet cladding and measures 38.5m by 99.3m. It has a height of up to 23.3m. It will enable work to be undertaken on site 24 hours a day within an enclosed environment.

3.3 The site is currently used to construct metal structures that act as a mounting base for wind turbines operating at sea. Most operations conducted on the site are related to metal fabrication, including the cutting and welding of metal and the loading of the finished product onto barges.

3.4 The agent has submitted a plan showing the area to be levelled. This would involve putting down new concrete in two areas. To do this they will need to excavate approximately 375mm in these areas which will amount to approximately 450 cubic metres of material. There is also one corner where the current level is slightly higher than the existing concrete level, here they expect to excavate an extra 50 cubic metres. In total they will take out approximately 500 cubic metres of material which will kept on site.

3.5 In their Planning Statement the applicant has advised the following:

3.6 The proposed layout plan shows the intended location of the proposed workshop building at the eastern end of Hadrian Yard. It is understood that the workshop would be located in Yard A for at least the first two years of the workshop being operational. The areas shaded blue on the plan indicate other locations within the yard where the proposed building (in part or full) may also be located.

3.7 The proposed building will allow for works to be carried out within an enclosed environment, enabling Smulders to not only satisfy customer demand and meet deadlines, but also move noise generating work, which would usually be carried out outdoors, to inside of the workshop building. As such, it is anticipated that the proposal will largely result in reduced noise levels from Hadrian Yard, improving the amenity of existing residents.

3.8 The proposed building is a modular workshop structure designed to accommodate a flexible use of fabrication activities such as assembling, welding,

shot blasting, painting, mechanical installations and electrical installations all to take place within an enclosed and protected environment.

3.9 The construction of the proposed building will not involve the excavation of foundations. The building will sit on temporary plinths which in turn will sit on top of the floor level of the current concrete pad. The proposed building will therefore be a moveable structure which may be relocated to alternative areas within the yard by cranes or self propelled modular transporters (SPMT) (limited to those areas shaded blue on the proposed site plan), depending on the type of project work Smulders are contracted to carry out.

3.10 It is understood that the process of assembling, dismantling and movement of the fabrication workshop would take a number of weeks as opposed to hours or days. This process would only occur during the daytime period.

3.11 In terms of scale, height and massing, the proposed building responds to the context of the site to ensure any visual impact on the surrounding areas will be kept to a minimum. The height of the building will be similar to that of the existing buildings within the yard. The building will sit at lower-level locations at the southern and eastern end of the site within Yards A and C, which will reduce visual impact when viewed from nearby residential properties. The building will not be visible in long range views of the site. The proposed workshop building is considered to be modest in the context of the wider site, which includes much larger industrial buildings, cranes and stored wind turbine transition pieces.

3.12 The NPPF requires the planning system to contribute to the three overarching objectives of sustainable development - economic, social and environmental. In this respect, the proposed development performs the following important roles:

3.13 Economic: the proposed workshop will allow for fabrication work to be carried out around the clock, ensuring that Smulders are able to satisfy customer demand and remain competitive as a business. As such, the proposal will support the expansion of an existing business, which is a major employer, and ensure that existing jobs are retained within North Tyneside.

3.14 Social: the proposal will support local communities by ensuring local jobs are created and safeguarded in a location that is accessible via public transport (Hadrian Yard Metro Station and local bus services). It will also allow for fabrication activities that are usually undertaken outdoors to be moved indoors, thereby reducing noise levels and improving the amenity and well-being of existing residents.

3.15 Environmental: the proposal will utilise previously developed land, provide biodiversity enhancements through the provision of ledges for nesting birds and ensure there is no loss to trees or natural habitat. As such, the proposal will contribute to protecting and enhancing the natural environment.

3.16 The proposed building forms part of a significant wider investment plan for Hadrian Yard following the announcement in July 2021 that Smulders will receive support from the Government's £160 million Offshore Wind Manufacturing

Investment Support scheme and will invest a further £70 million to make offshore wind turbine transition pieces at Hadrian Yard.

4.0 Relevant Planning History

21/01007/DEMGDO - Buildings marked 'A22' on the supporting plan to the West of 'A' Shop and part of the Rigging Loft (A17). Also two temporary buildings marked 'A24' & 'A25' on the supporting plan (permission not required) Permitted 07.05.21

21/00739/FUL - Variation of condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. gantry cranes of planning approval 16/01595/FUL (resubmission) – refused 20.05.21 and allowed on appeal 29.11.21

20/02419/FUL - Variation of condition 5 (Hours of Operation) - to allow 1no ringer crane to be operated between 07:00 and 19:00 hours only Monday to Sunday and 2no gantry cranes to be operated 24 hours a day Monday to Sunday. Variation of condition 6 (Noise Assessment) - remove reference to 'does not exceed the background noise' and replace with 'does not exceed the daytime background noise level by more than +5dB', of planning approval 16/01595/FUL – withdrawn 11.03.21

17/00242/FUL - Removal of condition 5 of application 16/01595/FUL - operating hours of cranes – withdrawn

16/01595/FUL - Erection of 2no gantry cranes and 1no ringer crane – permitted 13.01.17

12/00806/FUL - Demolition of existing buildings and erection of building (120 x 300 x 56m) to accommodate the fabrication of offshore jacket foundations for wind turbines – permitted 20.09.12

09/00937/FUL: Hadrian West Yard: Change of use from use class B8 (storage or distribution) to use class B2 (general industrial) with no operational development. S106 glazing to Railway Terrace. Permitted 12.06.09

09/00868/CLPROP: Hadrian West Yard: Use of the site for the fabrication, assembly, installation, decommissioning and repair services to onshore and offshore traditional and renewable energy projects. Refused 01.05.09

09/00867/CLPROP: Amec Hadrian Yards A and B: Use of the site for the fabrication, assembly, installation, decommissioning and repair services to onshore and offshore traditional and renewable energy projects. Approved 28.04.09

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (2021)

6.2 Planning Practice Guidance (As amended)

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

LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- Whether the principle of the development is acceptable;
- The impact upon surrounding occupiers;
- The impact of the proposal on the character and appearance of the surrounding area;
- Whether sufficient parking and access would be provided; and
- The impact on trees and ecology.

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.81) 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. This includes supporting economic growth to develop marine and renewable sectors of manufacturing in the River Tyne North Bank area.

8.7 Policy DM2.3 states that the Council will support proposals on employment land for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

8.8 Policy AS2.5 'River Tyne North Bank' states that across the River Tyne North Bank area proposals for all forms of employment development will be supported to enable economic growth, investment and regeneration of the area where they do not restrict riverside access that could compromise the capacity of the River Tyne North Bank to support marine and off-shore related industry.

8.9 Policy AS8.1 'The Wallsend and Willington Quay Sub Area states that within this area the north bank of the River Tyne will provide a location for a range of opportunities for investment and economic development and support growth in advanced engineering, research and development particularly in renewable and marine off-shore manufacturing and sub-sea technologies and it also refers to reducing the impact of intrusive employment uses upon residential amenity in the area.

8.10 The proposal is to erect a modular building on the site to be used for industrial purposes. It can be divided into parts and moved around the site. The proposal complies with the allocation of the site in the Local Plan. The Council's Regeneration & Economic Development Team have advised that they support the proposal as it accords with their wider activity supporting job creation and business growth within the offshore wind sector in North Tyneside.

8.11 The principle of the proposal is therefore considered to be acceptable subject to consideration of the issues set out below.

9.0 Impact on Surrounding Occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 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 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.

9.5 The closest residential properties to the site are located to the north along Alwin Close, Coquet Gardens, Derwent Way, Point Pleasant Terrace and to the north-west along Railway Terrace. The dwellings are located over 180m from the areas indicated as locations for the building (or parts of the building).

9.6 The applicant is seeking to use the building 24 hours a day. The applicant has advised that the building is modular, thereby it can be dismantled and moved around the site. The applicant has submitted a plan to restrict the areas it could be moved to:

- An area to the western part of the site where the existing gantry cranes are located (in Yard C); and
- An area to the eastern part of the site at Yard A.

9.7 The applicant has advised that yard B will not be used as a location for the proposed building. A Noise Impact Assessment has been submitted.

9.8 The Manager of Environmental Health has been consulted and provided comments. She has noted that the site is located in close proximity to residential properties at Railway Terrace, Derwent Way, Alwin Close and Coquet Gardens, with rear gardens of properties overlooking into the yard. She has concerns over the proposed use of a modular building on the site if this resulted in a change to the activities and operations on the site resulting in these activities occurring closer to the sensitive residential receptors. Complaints have been received regarding operational noise from the yard. A statutory notice was served in 2017 on Smulders due to noise issues from the existing work activities occurring at night from the yard predominantly from yard B which faces the residential development known as Hadrian Mews.

9.9 She has reviewed the noise assessment that has considered potential noise impacts arising from the proposed activities within the workshop for 2 locations of the workshop identified on the site plan, the first in Yard A and the second location at the gantry cranes. The noise assessment has considered worst case noise based on all the activities taking place at the same time and this has determined that for location 1 (Yard A) the noise rating level at nearest sensitive receptor was calculated as +1dB during the night period. For location 2 the noise rating level was calculated as +6dB above the background for the night time period at Railway Terrace, which would be considered to be of adverse impact

although not giving rise to significant adverse impacts. The rating level of 40 dB during the night is below the noise limit of 45 dB specified within the statutory notice and is below the ambient night period noise level of 42 dB.

9.10 The Manager of Environmental Health advises that the noise assessment has demonstrated that nearest sensitive receptors will not be subject to noise levels giving rise to significant adverse impacts from the provision of the modular workshop, based on the structure being provided with acoustic doors. A condition would be required to ensure acoustic doors are installed if planning consent was to be given. Conditions are also recommended to restrict the construction and relocation of the modular workshop to daytime hours. It is also recommended that conditions are attached to ensure a noise scheme is provided for fabrication activities within the workshop, to require the acoustic fabric doors to be provided and conditions to address any new external plant installed as part of this development including for any new external lighting.

9.11 It is noted that objections have been received regarding the use of the wider site and the impact this has on residential amenity. Reference is made in the 'Planning History' section to a recent appeal decision against the refusal of planning consent to allow use of the gantry cranes at the site for 24 hours a day Monday to Sunday. The appeal was allowed and the Planning Inspector noted that the appellant's business already operates for 24 hours a day Monday to Sunday and that the proposed use of the cranes would not exceed the existing night time background noise levels. He advised:

"15. It may well be the case, as the Council contend, that there may be activities associated with the operation of the gantry crane through the night that would give rise to the generation of noise. However, the yard is already allowed unrestricted operation through the night and those noises, and others, may and will continue to occur. I am satisfied that it has been adequately demonstrated that the operation of the gantry crane would not exceed overnight background noise levels. Notwithstanding the concerns and misgivings of nearby residents regarding operations more widely at the appeal site, I have not been presented with compelling evidence that the operation of the gantry crane during the hours originally prohibited by disputed condition 5 would be responsible for harm to the living conditions of residential occupiers of nearby properties.

16. ...For the reasons I have set out, I am satisfied that the appellant has demonstrated that the variation of the 2017 permission in the manner sought would not give rise to additional levels of noise above background levels. Noise arising from other activities carried on by the appellant at the appeal site are not within the scope of the appeal proposal and do not alter my conclusion in respect of the main issue.

17.Whilst I sympathise with local residents in terms of the site's 24-hour operation, exposure to activities within the site such as light, noise and particulate matter these are all matters that have, and are currently, being experienced. The dismissal of this appeal, had I been so minded, would not alter many aspects of the neighbour's concerns and these therefore remain matters between residents, the appellant and the Council."

9.12 Members are therefore advised, as set out in the appeal decision, that currently activities can take place across the site without planning restrictions. The addition of the modular building will not give rise to additional noise and will enable certain activities to take place within the building.

9.13 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that subject to conditions the impact would be acceptable and in accordance with Policy DM5.19.

10.0 Impact on the character and appearance of the area

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 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 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.

10.4 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.

10.5 The application site is located within an established industrial area and there are other large industrial buildings in the vicinity of the site. The building measures 38.5m by 99.3m with a height of up to 23.3m. There are different levels across the wider Smulders site, with parts of Yard A and C sitting at a lower level than the housing to the north and north-west. The agent has submitted photomontages to show how the building would look from Davy Bank and from Churchill Playing Fields to the north. In addition the applicant has submitted a plan annotating the heights of certain other buildings on the site and this shows that, taking into account the different levels of the site, it would be in keeping with the heights of other buildings on the site.

10.6 It is noted that the building is modular so it could either be sited as one whole unit, or parts of it could be split up and located on different parts of the areas indicated at the same time.

10.7 In terms of the proposed locations for the building, one of the areas would be under the gantry cranes to the west of the site. The gantry cranes are 44.6m in height. This area is visible from Davy Bank and Railway Terrace and to the River Tyne to the south and beyond. There are other large industrial buildings to

the west of this area. Whilst the building would be visible to the neighbouring areas given its height, potential location and size, it is not considered that it would have a detrimental visual impact given it would be set in the context of existing industrial buildings.

10.8 The other area for the building is in Yard A, to the east of the site adjacent to Willington Gut and adjacent to the River Tyne. Depending on which parts of Yard A it would be sited at a particular time, the building would be visible from the housing to the north and north-east, from the units to the east adjacent to Willington Gut and from the A187 to the north-east and also to the south. It would be seen in the context of other industrial buildings on the site therefore it is considered that the siting of the building in Yard A would not have a detrimental visual impact.

10.9 Some levelling of the site is required to enable the building to be set out on a single level. This would be minimal and not have a detrimental impact.

10.10 The applicant has stated that the existing buildings within the site and the belt of trees along the northern boundary will reduce the visual impact of the proposed development when viewed from the north and the nearest residential locations.

10.11 The site is over 600m to the east of the Hadrian's Wall military zone. In considering the application for a 56m high building in 2012, Historic England advised that they had no objections in terms of impact on views for that building. Historic England have been consulted and they have advised that they have no comments to make.

10.12 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and surrounding area. It is officer opinion that the visual impact would be acceptable and in accordance with Policy DM6.1.

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

11.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are take into

account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

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

11.6 The Highways Network Manager has been consulted and advised no objections. He advises that the site has been established for some time and access and parking remain unchanged.

11.7 Members need to consider whether the proposal is acceptable in terms of its impact on the highway network.

12.0 Landscaping and ecology

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

12.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.4 Local Plan Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

12.5 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.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,

e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,

f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

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

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

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

12.8 The application site is located within a designated wildlife corridor and adjacent to the River Tyne Local Wildlife Site (LWS). There are also existing tree groups located along the northern and eastern boundary of the site and adjacent to Willington Gut.

12.9 The Biodiversity Officer has advised that the site is within a designated Wildlife Corridor and there are some areas of boundary planting (trees/scrub) along the northern and eastern boundary adjacent to Willington Gut and there is

also a small area of grassland/scrub to the north of the current application location. There is woodland/tree/scrub habitat along the eastern boundary of the site (adjacent to Willington Gut) and a small area of planting to the north of the current scheme location which could be impacted if workshops are dismantled and moved around the site. In this instance, any existing landscaping should be retained and protected if workshops are moved to a new location. The Biodiversity Officer has advised that any proposal to move the current location of the workshop in the future should also ensure that it is located a safe distance from the River Tyne to avoid any disturbance to the River environment and prevent potential pollutants from entering the watercourse.

12.10 The current scheme will not result in the loss of any habitat as the works are proposed on existing hardstanding areas and the current information submitted confirms that the scheme will not result in any loss of trees or areas of natural habitat. However, the site is within a designated wildlife corridor and adjacent to the River Tyne Local Wildlife Site (LWS), therefore the Biodiversity Officer advises that the scheme should provide measures to contribute to the enhancement of the wildlife corridor. The wildlife corridor extends along the River Tyne and is important for birds, particularly species such as Kittiwakes which nest along key areas of the Tyne. It would, therefore, be beneficial if the applicant could provide measures that would benefit this species, thereby enhancing the wildlife corridor. This could be through the provision of some ledges on appropriate buildings to provide nesting areas for this species in the key breeding season.

12.11 Pollution impacts will need to be addressed through the provision of a detailed Construction Management Plan (CEMP) that sets out how construction and operation of the workshop will be managed to ensure pollution impacts to the River Tyne are prevented and what measures will be in place to mitigate any potential impacts.

12.12 The Biodiversity Officer has advised that the modular building should not be located in close proximity to the River Tyne, and a distance of 30m is suggested to ensure it does not have any impact in terms of pollution. The applicant has advised that they will amend the Site Layout plan to reduce the area in which the building could be located in yard A. This amended plan will be reported to planning committee but a condition is recommended to ensure this is the case.

12.13 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity. It is officer advice that subject to conditions the proposal will not have a detrimental impact on biodiversity or landscaping.

13.0 Other issues

13.1 Contaminated Land

13.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

13.3 Policy DM5.18 'Contaminated and Unstable Land'; states that where the future users or occupiers of a development would be affected by contamination

or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

13.4 The site lies within the Contaminated Land Buffer Zone.

13.5 The Manager of Environmental Health (Contaminated Land) has provided comments. She recommends conditions to address the potential contamination and gas risk.

13.6 The applicant has submitted a Coal Mining Assessment. The Coal Authority have been consulted and their comments are awaited.

13.7 Flooding

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

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

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

13.11 Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems.

13.12 The application site is located within Flood Zones 1, 2 and 3. A Flood Risk Assessment, including a Sequential Test, has been submitted. The report notes that the proposed development is inextricably linked to the current operations of Hadrian Yard and can only be located on land owned by Smulders. The report notes that the other sites are partly in flood zones 2 and 3. The Flood Risk Assessment advises that all proposed development within the Flood Zone 2 area will have finished floor levels set at a minimum of 4.23mAOD or above to ensure that the proposed building is not at risk of flooding and is set at a level placing the structure in a Flood Zone 1 area.

13.13 The Environment Agency have responded with reference to their standard advice. The Local Lead Flood Authority have commented and advised no objections as the applicant has undertaken a sequential test and has established there are no suitable alternate sites. In order to mitigate against the current flood

risk within the site the applicant is proposing to set all plot levels to a minimum level of 4.23mAOD which is equivalent to the Flood Zone 1 level. He recommends a condition to require a flood evacuation plan to be produced for the development.

13.14 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that subject to a condition, the proposed development accords with the relevant national and local planning policies.

13.15 Archaeology

13.16 The Tyne and Wear Archaeology Officer has been consulted and she has advised the construction of the proposed building will not involve the excavation of foundations, but some levelling of the site will be required, however the site has previously been surfaced with concrete therefore she considers that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

13.17 S106 obligations and CIL

13.18 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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

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

13.20 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.

13.21 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.

13.22 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.

13.23 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.

13.24 Following consultation with service providers a contribution towards employment and training initiatives within the borough has been requested. The exact amount is being agreed with the relevant service area and the applicant and this will be reported to committee.

13.25 A CIL payment will not be required for this development.

13.26 Local Financial Considerations

13.27 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).

13.28 The proposal supports an existing business in the borough.

14.0 Conclusion

14.1 The proposal accords with the allocation of the site and would secure economic development in accordance with the NPPF. In officer opinion the principle of development is acceptable.

14.2 It is officer advice that the proposed development is acceptable in terms of its impact on nearby residents and businesses, on visual amenity, on ecology and the impact on the highway network.

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to expiry of consultation with the Coal Authority and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure a financial contribution for employment and training, towards employment initiatives within the borough.**

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
- Site location plan
- Proposed Site Plan 8513-1002-01-E-02
- Proposed Floor Plans 8513-1004-01-E-01
- Elevations 8513-1003-01-E-01
- Proposed Section showing site levels 8513-1005-01-E-01
- Temporary Workshop Grillage Location 8513-0102-01-E-01

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. The dismantling and erection of the modular unit must not be carried out outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no such working on Sundays or Bank Holidays. In addition there shall be no deliveries to, from or vehicle movements associated with the construction and dismantling within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays.

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. Construction Method Statement - Minor SIT006 *

5. The location of the modular workshop shall be restricted to the areas indicated in Yard A or the location identified as the area of the Gantry Cranes, as shown on site layout plan drawing no. 8513-1002-01-E-02. The modular workshop is not permitted to be relocated for use in any other area of the site without the prior consent of the local planning authority. In addition it shall not be located within 30m of the River Tyne.

Reason: In the interest of residential amenity and ecology with regards to policies DM5.19 and DM5.5 of the North Tyneside Local Plan 2017.

6. Prior to operational activities taking place within the workshop, acoustic fabric doors must be installed. These shall thereafter be retained and the workshop doors of the modular unit must be kept closed whenever fabrication activities take place, except for access, egress and in case of an emergency.

Reason: In the interest of residential amenity with regards to policy DM5.19 of the North Tyneside Local Plan 2017.

7. Prior to the installation of the modular unit a noise management plan must be produced, submitted to and approved in writing by the local planning authority and implemented thereafter. The noise management plan must be reviewed

annually or whenever the modular unit is relocated to another part of the site. The noise management plan must be considered with regard to guidance provided by the Environment Agency Horizontal Guidance Note IPPC H3 (part 2) with particular regard to reviewing the impact of noisy activity upon closest residential premises.

Reason: In the interest of residential amenity with regards to policy DM5.19 of the North Tyneside Local Plan 2017.

8. Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for day and night time arising from the site. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintained in working order.

Reason: In the interest of residential amenity with regards to policy DM5.19 of the North Tyneside Local Plan 2017.

9. Flood Lighting Scheme Details LIG001 *

10. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated from the building hereby approved.

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. No development shall take place until details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

12. No development shall take place until details of the air ventilation systems have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

13. There shall be no visible airborne emission of dust beyond the site boundary, from any external vent fitted to the modular building. If emissions are visible, monitoring to identify the origin of a visible emission shall be undertaken. All emissions to air shall be free from droplets.

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).

14. A flood evacuation plan shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the use of the building. The operation of the unit shall be carried out in accordance with the approved plan.

Reason: To prevent any impact from flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

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

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

16. One wildlife ledge shall be provided for nesting habitat for Kittiwakes in a suitable location (building) within the site. Details of the location and specification of the ledge shall be submitted to the Local Planning Authority for approval within 4 weeks of works commencing on site. Thereafter, these agreed details shall be installed prior to the occupation of the workshop building and permanently retained.

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

17. A Construction Method Statement/Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and will include details of the storage of equipment, materials etc. and measures to prevent contamination of the watercourse. The development shall be carried out in accordance with the agreed details.

Reason: This is required prior to the commencement of development in order to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

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

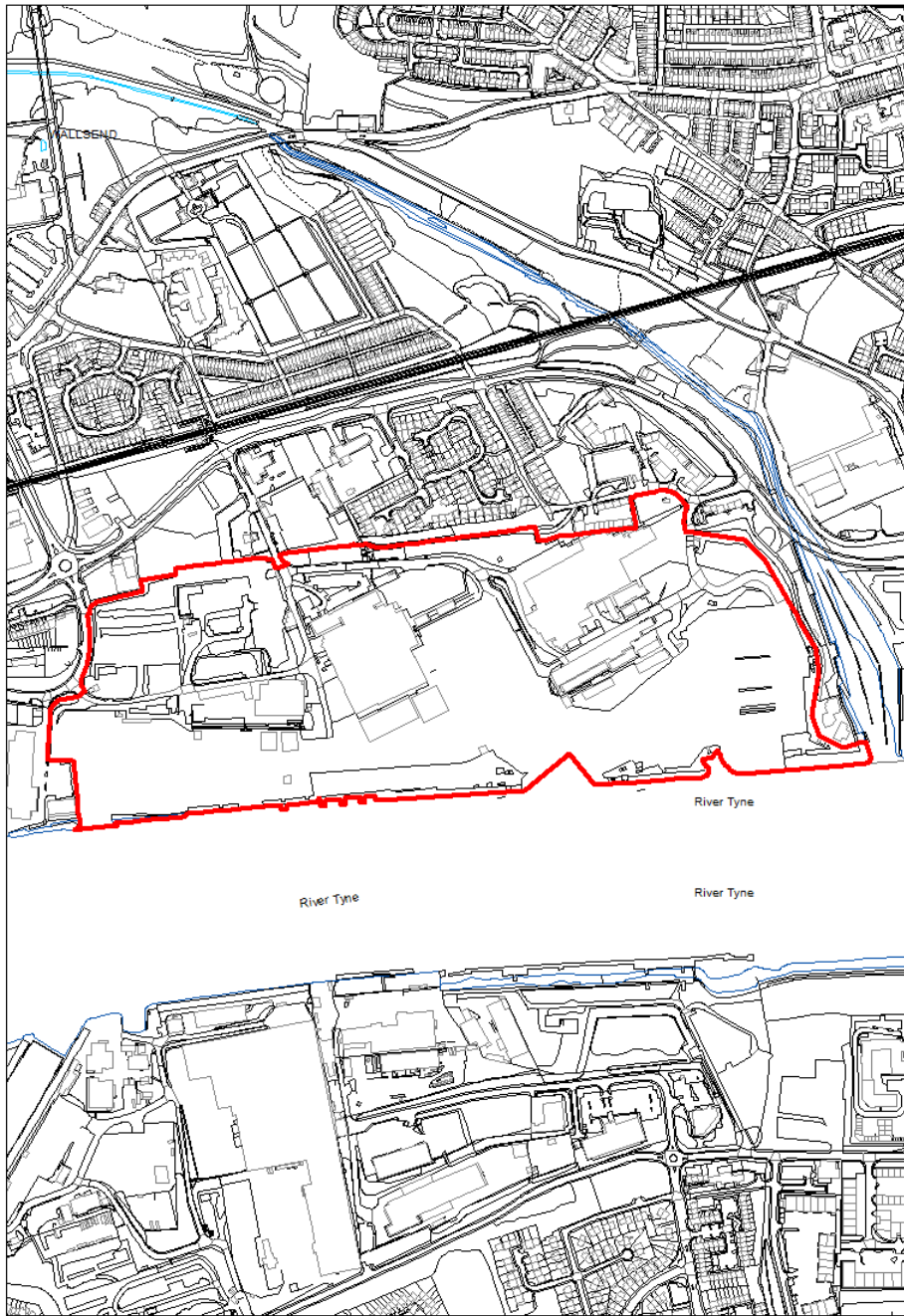
The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord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

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)



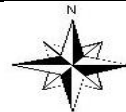
Application reference: 21/02188/FUL

Location: Hadrian Yard A B And C, Hadrian Way, Wallsend, Tyne And Wear
Proposal: Erection of a modular workshop building to provide a flexible indoor work area

Not to scale

Date: 02.12.2021

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Consultations/representations

1.0 Internal Consultees

2.0 Environmental Health (Pollution)

2.1. Thank you for consulting Pollution with regard to this application for the erection of new modular workshop building to provide a flexible indoor work area. The site is located in close proximity to residential properties at Railway Terrace, Derwent Way, Alwin Close and Coquet Gardens, with rear gardens of properties overlooking into the yard. I have concerns over the proposed use of a modular building on the site if this resulted in a change to the activities and operations on the site resulting in these activities occurring closer to the sensitive residential receptors. Historically, complaints have been received regarding operational noise from the yard. A statutory notice was served in 2017 on Smulders due to noise issues from the existing work activities occurring at night from the yard predominantly from yard B which faces the residential development known as Hadrian Mews.

2.2 I have reviewed the noise assessment that has considered potential noise impacts arising from the proposed activities within the workshop for 2 locations of the workshop identified on the site, the first in Yard A and the second location at the gantry cranes. The noise assessment has considered worst case noise based on all the activities taking place at the same time, this has determined that for location 1 Yard A the noise rating level at nearest sensitive receptor was calculated as +1 during the night period. For location 2 the noise rating level was calculated as +6 above the LA90 background for the night period at Railway Terrace, which would be considered to be of adverse impact although not giving rise to significant adverse impacts. The rating level of 40 dB during the night is below the noise limit of 45 dB specified within the statutory notice and is below the ambient night period noise level of 42 dB. Internal noise levels for bedrooms would be in the region of 25 dB LAeq during the night period, based on an open window.

2.3 The NPPF Paragraph 185 states that "planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life". The noise assessment has demonstrated that nearest sensitive receptors will not be subject to noise levels giving rise to significant adverse impacts from the provision of the modular workshop, based on the structure being provided with acoustic doors. A condition would be required to ensure acoustic doors are installed if planning consent was to be given. Conditions are also recommended to restrict the construction and relocation of the modular workshop to daytime hours. It is also recommended that conditions are attached to ensure a noise scheme is provided for fabrication activities within the workshop, to require the acoustic fabric doors

to be provided and conditions to address any new external plant installed as part of this development including for any new external lighting.

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

The dismantling and erection of the modular unit must only be carried out between 08:00 to 18:00 hours Monday to Saturday.

The location of the modular workshop shall be restricted for use to Yard A or the location identified as the area of the Gantry Cranes, as shown on site layout plan drawing no. 8513-1002-01-E-02. The modular workshop is not permitted to be relocated for use in any other area of the site without written agreement of the local planning authority.

Prior to operational activities taking place within the workshop, acoustic fabric doors must be installed. The workshop doors of the modular unit must be kept closed whenever fabrication activities take place, except for access, egress and in case of an emergency.

Prior to the installation of the modular unit a noise management plan must be produced, submitted for written approval to the local planning authority and implemented thereafter. The noise management plan must be reviewed annually or whenever the modular unit is relocated to another part of the site. The noise management plan must be considered with regard to guidance provided by the Environment Agency Horizontal Guidance Note IPPC H3 (part 2) with particular regard to reviewing the impact of noisy activity upon closest residential premises.

Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for day and night time arising from the site. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintained in working order.

NOI02 for the modular unit

EPL01 for any external vents and chimneys

EPL02

There shall be no visible airborne emission of dust beyond the site boundary, from any external vent fitted to the modular building. If emissions are visible, monitoring to identify the origin of a visible emission shall be undertaken. All emissions to air shall be free from droplets.

HOU05

SIT03

LIG01 for any new external lighting

3.0 Highways Network Manager

3.1 This application is for the erection of a modular workshop building to provide a flexible indoor work area. The site has been established for some time and access & parking remain unchanged. The proposal enhances the existing operation of the site and conditional approval is recommended.

Conditions:

SIT06 - Construction Method Statement (Minor)

Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

4.0 Regeneration & Economic Development

4.1 This planning application is supported which accords with our wider activity supporting job creation and business growth within the offshore wind sector in North Tyneside.

5.0 Local Lead Flood Authority

5.1 I have carried out a review of the proposals and I can confirm I have no objections. The applicant has undertaken a sequential test as the site falls within flood zones 2 & 3 and has established there are no suitable alternate sites. In order to mitigate against the current flood risk within the site the applicant is proposing to set all plot levels to a minimum level of 4.23mAOD which is equivalent to the Flood Zone 1 level. The surface water drainage from the site is proposed to utilise the existing drainage system which drains into the adjacent River Tyne.

5.2 I would recommend a condition is placed on the application requiring a flood evacuation plan to be produced for the development which should be submitted to LLFA for approval before the building comes into operation.

6.0 Biodiversity Officer

6.1 The above application is for the 'Erection of a modular workshop building to provide a flexible indoor work area' at Hadrian yard in Wallsend. The site is within a designated Employment Area and also within a designated Wildlife Corridor as shown on the Local Plan Policies Map (2017).

6.2 Site Description

6.3 The proposed development area is located within an existing industrial site (approx. 18 ha) used for Offshore Wind & Renewables construction, which is owned and operated by Smulders. The wider site is accessed off Hadrian Road, Wallsend and sits between existing residential development to the north at Hadrian Mews and the River Tyne to the south. The site is bound to the east by Willington Gut. Other light industrial and commercial developments are located to the north and west of the site. The proposed development area lies to the south of existing buildings and structures within the site that are used for offices and fabrication works.

6.4 There are some areas of boundary planting (trees/scrub) along the northern and eastern boundary adjacent to Willington Gut and there is also a small area of grassland/scrub to the north of the current application location.

6.5 The proposed site plan supporting the application shows the intended location of the proposed workshop building at the eastern end of Hadrian Yard (Yard A). The Planning Statement indicates that the workshop would be located in Yard A for at least the first two years of the workshop being operational. The areas shaded blue indicate other locations within the yard where the proposed building (in part or full) may also be located.

6.6 Proposed areas for the temporary workshop indicates two zones (hatched blue) as possible areas for the temporary/mobile work shop with the aim that it can be dismantled and moved around the site when a new project arises. There is woodland/tree/scrub habitat along the eastern boundary of the site (adjacent to Willington Gut) and a small area of planting to the north of the current scheme location which could be impacted if workshops are dismantled and moved around the site. In this instance, any existing landscaping should be retained and protected if workshops are moved to a new location. The second location indicated on the plans is identified 'under the gantry cranes' which is closer in location to the River Tyne. Any proposal to move the current location of the workshop in the future should also ensure that it is located a safe distance from the River Tyne to avoid any disturbance to the River environment and prevent potential pollutants from entering the watercourse.

6.7 The current scheme will not result in the loss of any habitat as the works are proposed on existing hardstanding areas and the current information submitted confirms that the scheme will not result in any loss of trees or areas of natural habitat. However, the site is within a designated wildlife corridor and adjacent to the River Tyne Local Wildlife Site (LWS), therefore, in line with Planning Policy DM5.7, the scheme should provide measures to contribute to the enhancement of the wildlife corridor. The wildlife corridor extends along the River Tyne and is important for birds, particularly species such as Kittiwakes which nest along key areas of the Tyne. It would, therefore, be beneficial if the applicant could provide measures that would benefit this species, thereby enhancing the wildlife corridor. This could be through the provision of some ledges on appropriate buildings to provide nesting areas for this species in the key breeding season. I would be happy to discuss potential locations within the site with the applicant to deliver this.

6.8 Pollution impacts will need to be addressed through the provision of a detailed CEMP that sets out how construction and operation of the workshop will be managed to ensure pollution impacts to the River Tyne are prevented and what measures will be in place to mitigate any potential impacts.

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

Conditions

- No vegetation removal or works to features that could support nesting birds will take place during the bird nesting season (March-August inclusive) unless a

survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing on site.

- Any change in location of the Temporary Workshop from the location indicated on the 'Proposed Site Plan' will require prior consent from the LPA.
- 1 no. wildlife ledge to provide nesting habitat for Kittiwakes will be provided in a suitable location (building) within the site. Details of the location and specification of the ledge will be submitted to the LPA for approval within 4 weeks of works commencing on site. Thereafter, these agreed details shall be installed prior to the occupation of the workshop building and permanently retained.
- A Construction Method Statement/Construction Environmental Management Plan (CEMP) will be submitted to the Local Planning Authority for approval prior to development commencing and will include details of the storage of equipment, materials etc and measures to prevent contamination of the watercourse.

7.0 Representations

4 objections on the following grounds:

- Adverse effect on wildlife
- Impact on landscape
- Inappropriate materials
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Will result in visual intrusion
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Out of keeping with surroundings
- Pollution of watercourse
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- I find it hard to take in, once again, this ugly beast has woken up again. This should not go ahead because of the problems we have had with this company in the past.
- Query amount of foreign labour employed rather than local labour.
- Current noise levels are breached pre 8am with work starting before this time. The noise levels when the site is in full operation are abysmal due to loud music from staff and general car noise - 2am. I can't foresee adding this will dampen or assist in the noise and light pollution from welding not to mention help with the spray of metal particulate matter that are currently embedded on the houses (see any of the windowsills/cars which are covered in rust). I can only see this leading to further disturbance.
- I wish to object to the planned modular workshop as it will create even further stress, combatting the fatiguing effects of noise, light and environmental pollution for those residents on the Hadrian Mews residential estate. As a resident whose dwelling backs right onto the Hadrian yard, I am very concerned over the following aspects of the plan which will diminish the quality of life.
- Noise Pollution - With reference to planning document "NOISE_ASSESSMENT-785361.pdf":

Section 6, Page 13, Table 6-2 states for receptors 2,3 and 4, and I quote “It is not expected that noise from the mobile fabrication workshop would not be audible above the ambient sound climate due to the distance between source and receptor and also the intervening existing buildings.” The above statement due to the use of a double negative in the same sentence, means noise from the workshop would be heard above the ambient sound climate. This is of grave concern.

- Section 2, page 2 states, and I quote “Workshop doors of the modular unit must be kept closed whenever noisy work activities occurs at the site, except for access, egress and in case of an emergency.” The statement “noisy work activities” is not quantifiable and is purely subjective. What is noisy? How is noisy measured? Does that mean the workshop will be less noisy in the summer, when the days are hotter and the nights warmer and someone makes the call it’s ok to open the doors, because they think it’s not noisy? In essence the above gives Smulders carte blanche to have the doors open whenever they like. Any number of excuses can be brought into play, for example. “It’s noisy” is subjective, so anyone can claim it to be anything. The excuse the doors are open for access and egress has no bounds either. Doors could be deliberately left open longer than they need be, the excuse that materials or components are coming and going through the doors hence they are open for that reason. One small palette of materials once per hour would provide an excuse.

- The exiting workshop in Yard B has doors which are left open at night in the summer, despite an agreement with North Tyneside Council that they should be kept closed. Given Smulders track record of just doing what they like anyway, this places an undue burden on the nearby residents to police the use of the proposed new workshop. It doesn’t matter how good the doors are at sound insulation, if they can be left open to suit whatever Smulders motives may be, the doors might as well not exist. What restrictions are in place to limit noise during night-time operation if the doors to the workshop can be opened at any time?

- Finally, the yard has a platform that was specifically constructed to act a noise monitoring station and was operational 24/7 when previous owners OGN owned the yard. Why can’t a permanent tamper-proof, noise monitoring to British Standard BS4142:2014+A1:2019 be reinstated to provide round the clock noise monitoring and recording as a matter of record?

- Light Pollution - At the time of writing, Smulders are not engaged in any night-time activity. Even so, the level of light pollution from the yard is significant. After sunset gardens are in permanent twilight due to the powerful floodlights used to illuminate the yard. This gets worse when night-time working resumes. You cannot see the stars in the sky, inside our homes, heavy curtains/blinds are needed to shut out the light. How will the workshop attempt to eliminate even more light pollution?

- Air Pollution - Will the extraction fans in the workshop filter the extracted air for airborne particles? One of the issues facing residents, is the welding and shot blasting activities in the yard generate large amounts of airborne rust particles. If the wind direction is southerly these rust particles contaminate cars, uPVC windows and door frames, garden furniture, and clothes on washing lines. Smulders answer to this problem is to supply any resident who complains loudly enough about it, cans/aerosol sprays of decontaminant designed to remove the rust. This is an inadequate response to the problem. I shouldn’t have to invest

my time and energy to remedy a property damaging issue resulting from Smulders industrial endeavours.

- Visual Impact - Why are there no 3D generated images showing the visual impact of the workshop in any of the various locations within the yard where it may be located?

As the workshop is designed to be semi-portable, what effect will its construction and dis-assembly/reconstruction have when it is moved on the residents?

- The applicant's Noise Impact Assessment states that the workshop will be located in 'A' Yard '...for at least the first two years of the workshop being operational'. I'm therefore concerned this a 'Trojan Horse' application with the purpose of establishing the workshop, before relocation to 'B' Yard in 2 years' time. This will have a detrimental impact on a greater number of residents, given the close proximity of the Hadrian Mews development. This could however be controlled via a condition restricting the workshop to 'A' Yard only.

- I note the submitted plans however the scale and extent would be far better shown and understood by 3-D images. To date however, these have not been provided by the applicant - this is surely not beyond the applicant's budget with CAD being software being widely available.

8.0 External Consultees

9.0 Port of Tyne

No comments.

10.0 Northumbrian Water

10.1 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site.

Should you require further information, please visit

<https://www.nwl.co.uk/services/developers/>

10.2 For information only: We can inform you that two combined 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/services/developers/>.

11.0 Environment Agency

11.1 Response given referring to the Environment Agency's 'Standard Response'. This refers to the issues the Environment Agency recommends Local Planning Authorities should consider when determining applications for development in Flood Zone 3. This refers to safe access and floor levels.

12.0 Newcastle International Airport

No comments.

13.0 Tyne and Wear Archaeology Officer

13.1 An archaeological desk-based assessment for the western part of the site was carried out in 2012 by Archaeological Services Durham University (event 3749 report 2012/53). This concluded that evidence for mid to late 19th century wagonways and associated structures and other industrial structures and rail lines may survive across the site. The HER and historic maps show that the eastern part of the site where the temporary workshop will initially be located is broadly similar in nature, having been reclaimed in the later 19th century and developed as a shipyard (HER2210 <http://www.twsitelines.info/SMR/2210>). The site therefore has some archaeological potential for below ground structural remains of the Wallsend Slipway site.

13.2 The construction of the proposed building will not involve the excavation of foundations, but some levelling of the site will be required, however the site has previously been surfaced with concrete. Overall I consider that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

14.0 Historic England

On the basis of the information available to date, we do not wish to offer any comments.

15.0 South Tyneside Council

No objections.

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Application No: 21/02151/FUL Author: Rebecca Andison
Date valid: 6 October 2021 ☎: 0191 643 6321
Target: 1 December 2021 Ward: Chirton
decision date:

Application type: full planning application

Location: 02 17774 Telecommunication Mast, Front Street, Chirton, North Shields, Tyne And Wear

Proposal: Removal of the existing 15m monopole and 1no. equipment cabinet and the installation of a replacement 20m monopole supporting 6 no. antennas, 2no. replacement equipment cabinets, and ancillary development thereto including 3no. Ericsson Radio Systems (ERSs) and 1 no. GPS module

Applicant: Cornerstone, C/o Agent

Agent: Pegasus Planning Group Ltd, FAO Mr Archie Roberts First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issue for Members to consider in this case is whether the proposal is acceptable in terms of the impact of the visual amenity of surrounding occupiers and the character of the area.

2.0 Description of the site

2.1 The application relates to an existing 15m high monopole and associated equipment cabinets located on Front Street, Chirton.

2.2 The site is located to the south of a car park beyond which are residential properties on Simpson Street. On the opposite side of Front Street is a petrol filling station.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to replace the existing monopole and equipment cabinet with a 20m high monopole, 2no. equipment cabinets and associated equipment.

4.0 Relevant Planning History

4.1 Planning history for the application site:

07/03932/TELGDO - Installation of a radio based station comprising a streetworks column and 3 no. antennas no greater than 15m in height with 2 No. ground based equipment cabinets for the purpose of telecommunications – Refused 18.02.2008

The decision notice for this application was sent out a day past the deadline, resulting in the operator gaining deemed consent.

13/00703/TELGDO - Replace existing 15m high monopole with a new 15m high monopole and 2no RBS6102 equipment cabinets – Permitted 14.06.2013

4.2 Other relevant planning history:

Land adjacent to 98 Benton Lane

21/01503/TELGDO - Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works
Refused 03.08.2021

APP/W4515/W/21/3281647 – appeal allowed.

Land adjacent to 1 to 6 Beaumont Drive

21/01272/TELGDO - Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works (revised plans and description submitted 24.06.21)

Refused 07.07.2021

APP/W4515/W/21/3280718 – Appeal allowed

5.0 Development Plan

North Tyneside Local Plan (2017)

6.0 Government Policy

National Planning Policy Framework (NPPF) (July 2021)

National Planning Practice Guidance (NPPG) (As amended)

The Town and Country (General Permitted Development) (England) Order 2015 (as amended)

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issue for Members to consider in this case is whether the proposal is acceptable in terms of the impact of the visual amenity of surrounding occupiers and the character of the area.

7.2 The National Planning Policy Framework states that advanced, high quality communications infrastructure is essential for economic growth and social well-being. It goes on to state that planning decisions should support the expansion of electronic communication networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

7.3 Paragraph 115 of the NPPF clearly states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

7.4 Paragraph 117 of the NPPF sets out the requirements for application for electronic communications development. Applications for electronic communications development (including for prior approval under Part 16 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines.

7.5 Paragraph 118 of the NPPF makes it clear that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for exposure.

7.6 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

7.7 Local Plan Policy DM7.11 states that the Council supports the development and extension of telecommunications services. Proposals for new homes or employment development will be encouraged to consider and make provision for high-speed broadband connectivity. Specific proposals for telecommunications development (including radio masts), equipment and installations will be permitted if:

- a. When proposing a new mast, evidence should demonstrate that no reasonable possibilities exist of erecting apparatus on existing buildings, masts or other structures.
- b. The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity and respect the character or appearance of the surrounding area.
- c. When sited on a building, the apparatus and associated structures are sited and designed in order to seek to minimise impact to the external appearance of the host building.
- d. The development would not have an unacceptable adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest. When considering applications for telecommunications development, the Council will have regard to the operational requirements of telecommunications networks.
- e. There are no more satisfactory alternative sites for telecommunications available.
- f. There is a justifiable need for a new site.

g. Proposals subject to government guidelines on non-ionising radiation protection are accompanied by an International Commission on Non-Ionizing Radiation Protection certificate.

7.8 The proposed monopole is 20m high and would be located on the pavement close to the junction of Front Street and Chirton Lane. The surrounding area is predominantly residential in character and there are residential properties to the north, west, south west and east. There is also a petrol filling station and social club to the south.

7.9 There is an existing 15m high mast on the site. This projects 2.5m above the nearby lamp posts and is relatively slender with shrouded antennas. The proposed mast is 5m higher and the antennas are wider, which increases its prominence. The mast would be visible from residential properties to the north and south west and would also be seen from the south west facing windows of Collingwood Court, which lies to the east on the opposite side of Chirton Lane.

7.10 In assessing this application, it is appropriate to consider two recent appeal decisions made in respect of telecommunications masts which are set out in the Planning History section above.

7.11 In the case of application 21/01503/TELGO an 18m high mast was allowed on Benton Lane, Forest Hall. The Inspector's decision refers to the urban character of the area and the presence of existing street furniture. He states:

'Although the mast would be taller than the street lighting columns, trees, and houses in the vicinity, it would have a fairly slim and uncomplicated profile, which in the context of this wide urban road and the plethora of other street furniture, would not be overly dominant or visually obtrusive in the street scene.'

7.12 The Inspector also noted that the mast would be visible in a residential context, but he considered that it would not be dissimilar to the lamp posts and telegraph poles and would not be visually obtrusive or over dominant. With regards to the impact on views from nearby residential properties the Inspector states 'the mast would not be unacceptably overbearing or intrusive when viewed from the nearby properties'. He has regard to the separation distance, the siting of the mast in a gap between the houses and the slim profile.

7.13 The mast allowed on Beaumont Drive (21/01272/TELGDO) was only 15m in height so is not directly comparable. However, certain aspects of the appeal decision are of note. The Inspector has regard to the location of the mast in a gap between houses, its location close to existing street lights and trees and the ability to reduce its prominence by using an appropriate colour treatment. The Inspector assesses the impact of the wider shroud but does not consider that this results in the mast appearing unacceptably overbearing or intrusive in the outlook from nearby properties.

7.14 Like the approved mast on Benton Lane, the application site is an 'A' road where there is existing street furniture, including the existing mast. The mast proposed under the current application is 2m higher than the one allowed on Benton Lane, but the design and width of the antennas is similar. The mast

would be coloured grey which will help it blend in with the predominantly cloudy British skyline. It is also located adjacent to a gap in the housing adjacent to a small car park.

7.15 It is officer opinion that the proposed mast would have some additional impact to the streetscene and the visual amenity of nearby residents when compared to the existing mast. However, when taking into account the character of the area, the location of the mast and the appeal decisions set out above it is officer opinion that this impact would not be significant enough to warrant refusal of the application.

7.16 In order to fulfil its obligations as a code system operator the applicant has identified a need to provide improved coverage for the network in relation to 5G services. They have advised that the proposed 20m height is essential in order to provide the required equipment to cover the target area. They also state that the antennas cannot be shrouded but have been designed to be as tight as possible to the column to minimise their appearance. No alternative sites have been considered. The applicant states that this is because utilising an existing radio base station is preferable to installing a second base station within the immediate vicinity and that given the makeup of the area it was established that the upgrading of facilities would be the most viable solution.

7.17 An objection has been received which raises concern regarding the impact of radiation on the health of nearby occupiers. The NPPF (par. 118) states that Local planning authorities must determine applications on planning grounds only and should not set health safeguards different from the International Commission guidelines for public exposure.

7.18 A statement of conformity with ICNIRP Public Exposure Guidelines has been submitted. Members are therefore advised that the impact on health would not be grounds on which to refuse the application.

7.19 The mast and cabinets would leave a sufficient pavement width and the Highway Network Manager has confirmed that he has no objections to the proposal.

8.0 Local Financial Considerations

8.1 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). It is not considered that the proposal results in any local financial considerations.

9.0 Conclusion

9.1 The proposal is required to provide improved network coverage for the surrounding area, and on balance for the reasons set out above, the impact on the amenity of nearby residents, the streetscene and highway safety is considered to be acceptable. The application is therefore recommended for approval.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application form
- Site location maps 100 Rev.A
- Proposed site plan 201 Rev.B
- Proposed site elevation 301 Rev.B
- Supplementary Information

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

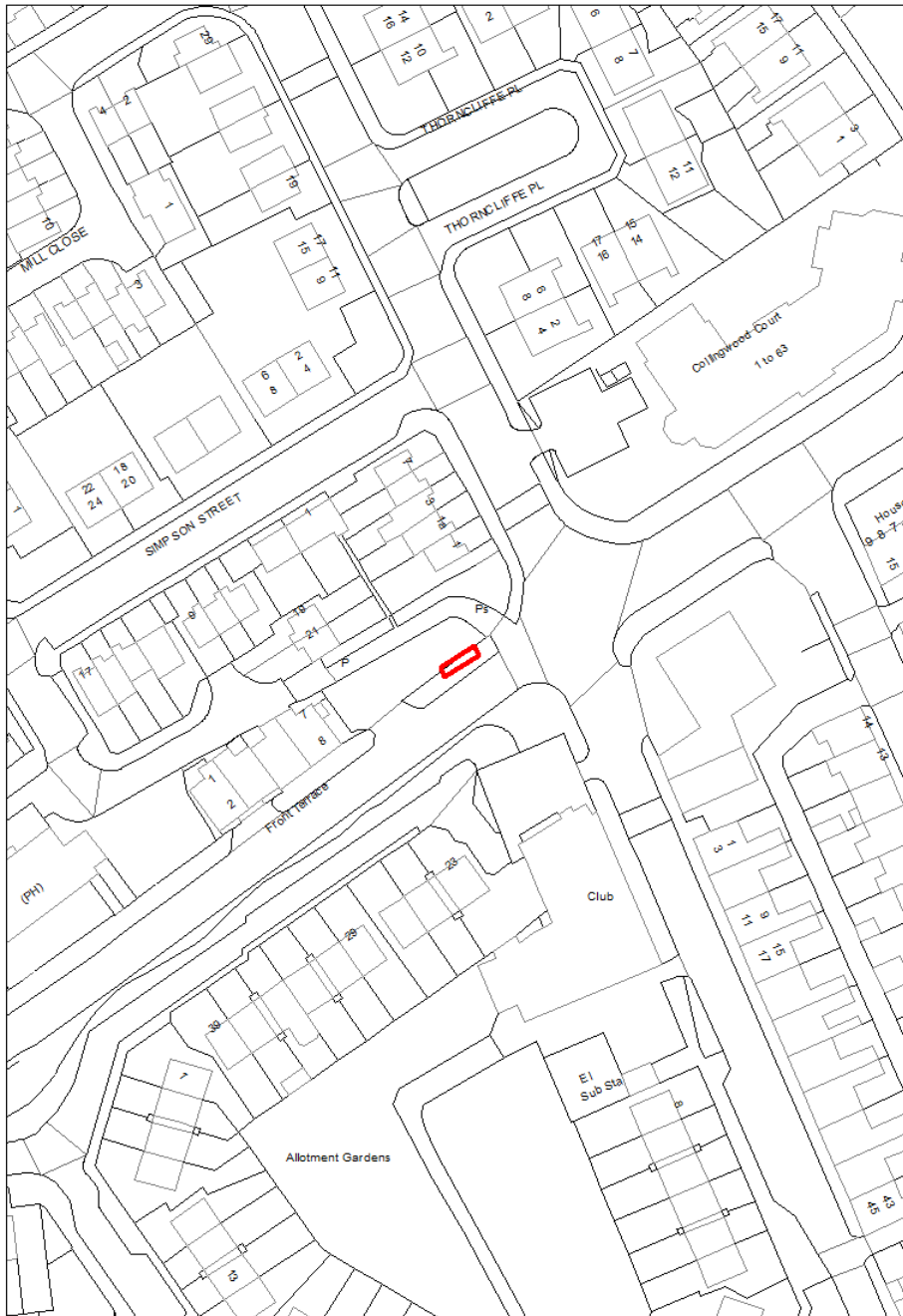
2. Standard Time Limit 3 Years FUL MAN02 *

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

All works must be RASWA/Chapter 8 compliant. For any further information on temporary highway closure and RASWA applicant can contact streetworks@northtyneside.gov.uk - Tel. (0191) 643 6131



Application reference: 21/02151/FUL

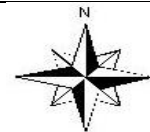
Location: 02 17774 Telecommunication Mast, Front Street, Chirton

Proposal: Removal of the existing 15m monopole and 1no. equipment cabinet and the installation of a replacement 20m monopole supporting 6 no. antennas, 2no. replacement equipment cabinets, and ancillary development thereto including 3no. Ericsson Radio Systems (ERSs) and 1 no. GPS module

Not to scale

Date: 02.12.2021

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 No objections in principle to this proposal.

1.3 All works must be RASWA/Chapter 8 compliant. For any further information on temporary highway closure and RASWA applicant can contact streetworks@northtyneside.gov.uk - Tel. (0191) 643 6131

1.4 Manager of Environmental Health

1.5 No objection in principle to this application.

2.0 Representations

2.1 1no. objection has been received. The concerns raised are summarised below.

- Adverse effect on wildlife.
- Inappropriate design.
- Inappropriate materials.
- Loss of visual amenity.
- Nuisance – noise.
- Will result in visual intrusion.
- I have been trying to get the original mast removed as I believe it is too close to my house and is causing me health problems.
- The existing mast is about 10 metres from my kitchen and as well as being an eyesore, it emits a painful frequency that gives me headaches and a high pitched buzzing/ringing sound in my head.
- I imagine that the new mast, whilst being larger will also emit a stronger frequency.
- I believe there are other places the new mast could be located which won't impact people's health.

Application No: 21/01736/FUL Author: Rebecca Andison
Date valid: 19 August 2021 ☎: 0191 643 6321
Target: 14 October 2021 Ward: Riverside
decision date:

Application type: full planning application

Location: Land To The Rear Of The Former Bogie Chain, Western Road, Wallsend, Tyne And Wear

Proposal: 3no two bed new build bungalows in a terrace form, with new parking, garden and ancillary spaces

Applicant: Woodacre Developments, Mr S Frith 950 Shields Road Newcastle Upon Tyne NE6 4QQ

Agent: Beautiful Pigeon Architecture, Mr Jason Gibbons Unit 17 The Clothworks Industry Road NE6 5XB

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to approve the application subject to a unilateral undertaking in respect of a contributions of £1,011 towards the Coastal mitigation Scheme; and**
- b) authorise the Director of Environment, Housing and Leisure to determine the application subject to the conditions listed below and to the addition, omission or amendment of any conditions considered necessary, providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

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

2.0 Description of the Site

2.1 The application site is located between Western Road and Rosehill Road, Wallsend. It is located to the north east of a recently built housing development.

2.2 The site has an area of approximately 973 sqm and is currently vacant. To the north west a belt of mature trees separates the site from the Metro Line and to the south east is open space, with residential properties beyond.

2.3 The site has no allocation within the North Tyneside Local Plan.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for 3no. single storey 2-bedroom residential dwellings.

3.3 The development would be accessed via an extension of the existing access road from Western Road. This results in the loss of 2no. parking spaces from the adjacent residential development to the south.

4.0 Relevant Planning History

18/00426/FUL - Development of 10 new residential units, 4 bed dwellings in 2.5 storey townhouse blocks with ancillary parking, refuse and landscaped areas (AMENDED PLANS) – Permitted 09.07.2019

19/01583/FUL - Construction of 2no. 4 bed residential dwellings, in a semi detached form, with ancillary parking and external space – Permitted 02.04.2020

5.0 Development Plan

North Tyneside Local Plan (2017)

6.0 Government Policy

National Planning Policy Framework (July 2021)

National Planning Practice Guidance (As Amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

The main issues in this case are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;

- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

8.0 Principle

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

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

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.4 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.

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

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

8.7 Policy S4.3 specifically allocates sites to meet the overall housing needs. The application site is not allocated for housing in the Local Plan.

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

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

8.9 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and point (a) of Policy DM4.5. It is located in a sustainable location close to public transport links, shops and services.

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

9.0 North Tyneside Council Housing Land Supply

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

9.2 The most up to date assessment of housing land supply informed by the five year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4 year supply of housing land. It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. The proposed 3no. dwellings will make a valuable contribution towards the borough achieving a five year housing land supply.

10.0 Impact on the amenity of existing and future occupiers

10.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

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

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

10.5 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to

incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

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

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

Accessibility of homes:

Market Housing

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

Affordable Housing

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

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

Internal Space in a Home:

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

10.8 Impact on existing residents –

The proposed dwellings are single storey and located approximately 24.3m from the closest dwelling on Woodacre Mews to the south. The north elevation of this property contains only non-habitable windows.

10.9 Residential properties to the north east on Rosehill Road are located over 60m from the site and do not directly face the proposed dwellings. To the south east, residential properties on Marina View are located approximately 80m from the application site.

10.10 Having regard to the above the impact on the living conditions of existing residents is considered to be acceptable.

10.11 Impact on future occupiers –

The site is located to the south of the Metro line and there are industrial premises to the south on the opposite side of Western Road. A noise assessment has been submitted as part of the application.

10.12 The Manager of Environmental Health has been consulted and provided comments. She notes that the impact of noise on future occupiers was assessed under application 18/00426/FUL and recommends that the same conditions, requiring the provision of noise and ventilation schemes, are imposed.

10.13 Subject to these conditions the impact of noise on future occupiers is considered to be acceptable.

10.14 The layout of the development is also considered to be acceptable in terms of the standard of living accommodation provided for future occupiers. Each dwelling would be provided with a front and rear garden and the dwellings have adequate windows to provide good levels of light, outlook and privacy. The Government's Nationally Described Space Standard (NDSS) require the properties to measure at least 61 sq m. They have a floor area of approximately 64.3 sq m.

10.15 It is officer opinion that, subject to the conditions discussed above, the development would provide an acceptable living conditions for future occupiers and avoids having an adverse impact on existing residents. Members need to consider whether they agree.

11.0 Impact on Character and Appearance

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

11.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

11.3 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.

11.4 The Council has produced an SPD on Design Quality, which seeks to encourage innovative design and layout and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and

enhance the quality and character of the area and contribute towards creating local distinctiveness.

11.5 There are a variety of property style in the surrounding area. The closest properties on Rosehill Road are 2-storey terraces, while further east there are 3-story flats and 2-storey detached and semi-detached dwellings. The new residential development immediately to the south west comprises 2.5-storey town houses.

11.6 The proposed development comprises a terrace of 3no. bungalows arranged across the site. They are traditional in design and would be constructed from red brick with stone lintels and cills and timber doors.

11.7 The proposed dwellings are located at the top of a steep embankment and are set above the existing development to the south. They are well distanced from Rosehill Road. While there are no other single storey properties within the immediate area it is not considered that the height would appear out of keeping or result in harm to the streetscene due to their elevated position and set back from the highway.

11.8 The design and layout of the proposed development is considered to be acceptable and in accordance with the NPPF and Policy DM6.1 of the Local Plan.

12.0 Landscaping and ecology

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

12.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.4 Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance.

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

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

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

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

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

12.6 Policy 5.7 states that development proposals within a wildlife corridor must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

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

12.8 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution

towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

12.9 The site is located within a wildlife corridor and lies adjacent to a large area of open space to the east. The sloping land between the proposed dwellings and the new residential dwellings to the south west is an 'Eco-buffer' area that was provided to mitigate and enhance the impacts of the housing development. The proposed access runs through this area and would result in the loss of planting. There would also be a loss of grassland from within the site.

12.10 To mitigate for the lost habitat, it is proposed create areas of neutral and modified grassland and mixed scrub within the site. A Planting and Management Plan and a Biodiversity Net Gain (BNG) Assessment have been submitted.

12.11 The Landscape Architect and Biodiversity Officer have been consulted and provided comments. They state that the proposal is acceptable subject to conditions.

12.12 Along the north west boundary of the site is a 2m high fence enclosing a large group of mature trees which extend towards the Metro line. This tree group provides screening and habitat for wildlife. The northernmost dwelling would be located approximately 1.1m from the fence line and could therefore be affected by the trees. However, the gardens would be positioned in full sun for the majority of the day and the impact on light is therefore considered to be acceptable. The Biodiversity Officer and Landscape Architect state that the proximity of the trees could result in future pressure to remove or prune them but note that they are not protected and that issues could be dealt with through regular maintenance.

12.13 The BNG Assessment indicates that with the proposed planting scheme a net gain in biodiversity would be achieved. Some amendments have been requested to the planting scheme and the applicant has agreed to this request. They have also agreed to omit the fencing which is currently shown along the boundary of the northern landscape mitigation area and to include gaps in the eastern boundary fence on the embankment. A condition is recommended requiring that revised plans are submitted to show these changes.

12.14 The development lies within 6km of the coast and therefore has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. To mitigate this impact, in accordance with the Coastal Mitigation SPD, the developer has agreed to make a contribution of J337 per dwelling towards coastal mitigation.

14.15 Having regard to the above it is considered that the impact on trees and ecology is acceptable and in accordance with policies DM5.5, DM5.7 and DM5.9.

13.0 Whether there is sufficient car parking and access provided

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

13.2 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.

13.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

13.4 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.

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

13.6 3no. parking spaces plus 1no visitor bay are proposed for the 3no. dwellings. The proposed access road results in the loss of 2no. parking spaces from the adjacent development. A statement has been submitted to justify this loss. The statement explains that it would be possible to replace the spaces in another part of the site but considers this to be unnecessary given that the existing parking spaces are under utilised.

13.7 The Highway Network Manager has been consulted and raises no objection to the application. He advises that an appropriate level of parking would be provided for the development and that the removal of the existing spaces is unlikely to have a severe impact in terms of highway safety.

13.8 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, it is considered that the proposal complies with the advice in NPPF, policy DM7.4 and the Transport and Highways SPD.

14.0 Conclusion

14.1 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.

14.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.3 The proposal would provide 3no. residential units, which would make a small but valuable contribution towards the 5-year housing land supply. The site lies in a sustainable location, close to shops, services and transport links. It is therefore officer advice that the principle of residential development on this site is acceptable.

14.4 It is officer advice that the development is acceptable in terms of its impact on residential amenity, the highway network, existing landscape features and biodiversity and in terms of its overall design and appearance.

14.5 Approval is recommended, subject to conditions and a Unilateral Undertaking in respect of a contribution towards the coastal mitigation.

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to approve the application subject to a unilateral undertaking in respect of a contributions of £1,011 towards the Coastal mitigation Scheme; and**
- b) authorise the Director of Environment, Housing and Leisure to determine the application subject to the conditions listed below and to the addition, omission or amendment of any conditions considered necessary, providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.
 - Application form
 - Location plan
 - Proposed site plan BPA-00-ZZ-DR-A-10012
 - Sections BPA-00-ZZ-DR-A-30001
 - Proposed floor plans BPA-00-ZZ-DR-A-10013
 - Proposed drainage plan BPA-00-ZZ-DR-A-10016
 - Planting and management plan 910-01 AReason: To ensure that the development as carried out does not vary from the approved plans.
2. Standard Time Limit 3 Years FUL MAN02 *
3. No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).
4. The scheme for cars to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

5. The scheme for parking shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

6. The scheme for storage of refuse, recycling and garden waste bins shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.

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

7. The scheme for the for storage of cycles shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.

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

8. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc), materials used in constructing the development, fuels and waste as well concrete mixing and use of fires; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. It must also include tree protection measures for the trees to be retained. Cabins, storage of plant and materials and parking must not be located within the RPA of the retained trees.

Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the agreed wheel washing/road cleaning measures are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and/or mechanical sweepers to prevent

mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. Desk Study and Method Statement	CON003	*	
11. Site Investigation	CON004	*	
12. Remediation Method Statement	CON005		*
13. Validation Report	CON006	*	
14. Unexpected Hotspots	CON007	*	
15. Gas Investigate no Development	GAS006	*	

16. Prior to occupation of the development a noise scheme for the acoustic glazing scheme in accordance with noise report no. BPMD/BC/001 shall be submitted to and approved in writing by the Local Planning Authority. Details of the acoustic glazing to be provided must be in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved. The scheme shall be implemented in accordance with the agreed details and thereafter retained.

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

17. Prior to occupation of the development a ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure an appropriate standard of comfort to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night, namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours) and maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort to reduce the need to open windows, unless an

overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried out by a qualified engineer. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance.

The scheme shall be implemented in accordance with the agreed details and thereafter retained.

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

18. Restrict Hours No Construction Sun BH HOU004 *

19. Notwithstanding condition 1, within 1 month of development commencing details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. The northern triangular area is to be left open with no fence enclosing it. The boundary fence is to return along the rear garden areas. The boundary fence to the eastern boundary, where it meets the eco area on the embankment, must include a number of gaps at ground level to allow small mammals through.

Reason: To ensure a satisfactory environment within the development and to protect wildlife; having regard to policies DM5.5 and DM6.1 of the North Tyneside Local Plan 2017.

20. Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the construction and surfacing materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Council Local Plan 2017.

21. All works within the RPA of the retained trees on adjacent land that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees'.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

22. Within one month from the start on site of any development commencing, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed specification including timescales, ground preparation and full details of the species and sizes. The landscape plan is to include the following:

- The northern triangular area set aside as new species rich grassland is to be altered to a mixed native scrub mix.

- The central landscaped area to the larger embankment (directly to the south west of plots 1 to 3) is to be planted with a mixed native scrub mix that includes a number of standard trees with a wildflower verge to the public footpaths.

- The smaller landscaped area, adjacent to north east of the car parking area of the previous application, is to be all planted with mixed native scrub with a 1.0m wide wildflower verge along the road edge.

- All standard trees to be a minimum 12-14cm girth.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

23. Within 4 weeks of any of development commencing, the Biodiversity Net Gain (BNG) Assessment must be updated in accordance with the revised and approved Landscape Plan required by condition 22 and shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of landscaping and in the interests of biodiversity; having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

24. Within 4 weeks of development commencing, a 'Landscape Management and Monitoring Plan' shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the approved Biodiversity Net Gain Assessment and Landscape Plan and shall be implemented on site on the completion of landscape works and thereafter for a minimum period of 30 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping/ ecological habitats within the site for a minimum period of 30 years. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

25. All internal and external fencing associated within the scheme must include wildlife gaps measuring 13cm x 13cm to allow free access to hedgehogs throughout the site.

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

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

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

27. Within 1 month of development commencing, details of 2no. bird boxes and 2 no. bat boxes to be installed on trees or buildings within the site, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the first occupation of the dwelling(s) and permanently retained.

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

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

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

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

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

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.

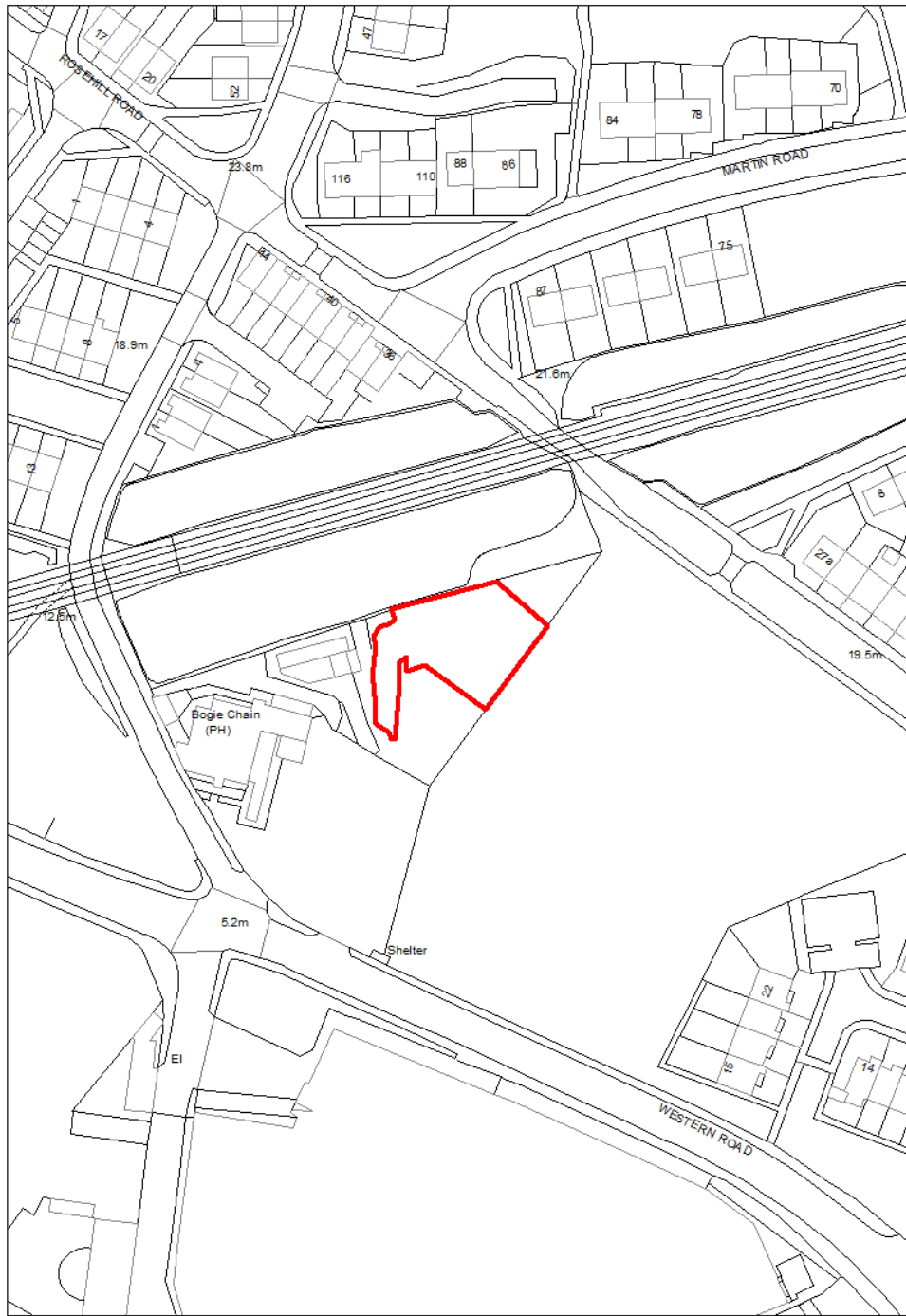
Informatives

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to

pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

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

Building Regulations Required (I03)

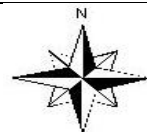


Application reference: 21/01736/FUL
Location: Land To The Rear Of The Former Bogie Chain, Western Road, Wallsend, Tyne And Wear
Proposal: 3no two bed new build bungalows in a terrace form, with new parking, garden and ancillary spaces

Not to scale

Date: 02.12.2021

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for 3 two-bed new build bungalows in a terrace form, with new parking, garden and ancillary spaces. The site is an extension of existing developments of 10 dwellings which was granted in 2019 (18/00426/FUL) and an additional two dwellings (19/01583/FUL) and are accessed from Western Road.

1.3 Parking will be provided in accordance with current standards for the new build and whilst two parking spaces will be removed from the previous layout, the applicant has provided a parking report that demonstrates that the removal of these spaces is unlikely to have a severe impact in terms of highway safety. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for family cars to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for storage of refuse, recycling & garden waste bins shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for storage of cycles shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and/or mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

1.6 Informatives:

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

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

1.7 Manager of Environmental Health (Contaminated Land)

1.8 I note from the application form that the site has been identified as land which is known to be contaminated and land where contamination is suspected for all or part of the site.

1.9 The proposed use would be particularly vulnerable to the presence of contamination and no appropriate contamination assessment has been received with your application.

The site lies within 250m of an area of unknown filled ground. Due to the proposed sensitive end use and based on the above comments the following conditions must be applied:

Con 003
Con 004
Con 005
Con 006
Con 007
Gas 006

1.10 Manager of Environmental Health (Pollution)

1.11 The site is located in close proximity to the metro rail line and is adjacent to Bridon Ropery. Historically complaints have been received regarding tonal vibration noises from Bridon Ropery. The factory has historically had 24 hour operations, but operations are based on demand and they therefore do not always have weekend and night time working. Noise was considered for the development of the new housing on this site and therefore will need to be taken into account for these additional properties. I would recommend that the original planning conditions to address the glazing and ventilation scheme are attached to any approval.

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

Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme for the acoustic glazing scheme in accordance to noise report no. BPMD/BC/001. Details of the acoustic glazing to be provided must be in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of comfort

to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours) and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried out by a qualified engineer. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance.

SIT03

HOU04

1.13 Landscape Architect and Biodiversity Officer

1.14 The site is an area of open space in Willington Gut on the banks of the Tyne which is currently vacant. It lies on a hill slope which falls to the south and close to the River Tyne. Willington Gut and Wallsend Burn are located close to the south west of the site and form part of Wallsend Parks.

1.15 A site to the south-west of this land has been granted planning permission for the construction of 10 new residential units (18/00426/FUL). As part of this approval an area of land to the north east was retained with an 'eco buffer' to the north eastern boundary of the site to provide mitigation and enhancement for the scheme.

1.16 The proposed application is for the construction of 3no new build bungalows with new parking, garden and ancillary spaces to land to the north west of the former Bogie Chain PH. The land associated with this application is not designated open space but is located within a wildlife corridor as defined by the Local Plan and is directly adjacent to open space to the south within the wildlife corridor. The site is not allocated for housing on the North Tyneside Local Plan Policies Map (2017). This new application provides access to the 3 new units via a new road extending from a cul-de-sac/parking area of the original development and will be partly constructed on land approved as an 'Eco-buffer' area that was provided to mitigate and enhance the impacts of the housing development to the south-west (application 18/00426/FUL). The construction of a road and path through this eco buffer area to accommodate the new housing would result in the loss of a small area of native scrub, trees and species rich grassland provided to mitigate and enhance the wildlife corridor and provide connectivity for wildlife. The housing and gardens proposed for the scheme are within a triangular area of land between open space to the south and the railway line to the north. This area was previously shown as supporting amenity grassland.

The direct and indirect impacts associated with this scheme include: -

- Impacts to a designated wildlife corridor as result of habitat loss and associated wildlife impacts.
- Loss of land associated with an approved 'Eco-buffer' area forming a habitat mitigation and enhancement area for application 18/00426/FUL

1.18 The following Local Plan policies apply to this site:

Policy S5.4 Biodiversity and Geodiversity
 Policy DM5.5 Managing Effects on Biodiversity and Geodiversity
 Policy DM5.7 Wildlife Corridors
 Policy DM 5.9 Trees, woodland and hedgerows

1.19 Concerns have been raised that the proposed development would result in the loss of land and some habitat (approved eco-buffer) within a wildlife corridor. This has resulted in dialogue with the applicant to include alterations to the scheme that would address these issues.

The following has been agreed with the applicant:

- The northern triangular area set aside as new species rich grassland is to be altered to a mixed native scrub mix.
- The central landscaped area to the larger embankment (directly to the south west of plots 1 to 3) is to be planted with a mixed native scrub mix that includes a number of standard trees with a wildflower verge to the public footpaths.
- The smaller landscaped area, adjacent to north east of the car parking area of the previous application, is to be all planted with mixed native scrub with a 1.0m wide wildflower verge along the road edge.
- The northern triangular area (scrub mix) is to be left open with no fence enclosing it. The boundary fence is to return along the rear garden area as proposed.
- The boundary fence to the eastern boundary that extends the full length of the remaining site, where it meets the eco area on the embankment, is to include gaps at ground level to allow small mammals through (but not dogs).

1.21 Along the north western boundary of the site is a 2m high fence enclosing a large group of mature trees which extend up towards the metro line. The tree group comprises primarily of sycamore (*Acer pseudoplatanus*), cherry (*Prunus*) spp. and silver birch (*Betula pendula*). Their height and dominance is increased by their position on a steep embankment. This tree group is important in that it provides screening, acts as a buffer from any noise from the Metro line and contributes to the wildlife corridor in terms of wildlife and biodiversity. Therefore, it is important that this tree group is protected and retained. The site layout plan shows one unit located approximately 1.1m from the fence line and the tree group with a very small garden space. Both the unit and the garden will be directly adjacent to or even underneath the canopy of the trees. Whilst the gardens to this area will be positioned in full sun for the majority of the day, the trees which have been previously considered suitable for their location and established in their landscape setting, will now become a concern. Their perceived dominance and physical size in relation to garden areas will give rise to issues about safety and incite objections about falling leaves and debris. This is usually resolved by detrimental long-term pruning pressures and /or removal of trees which would in turn impact the wildlife corridor. However, these trees are

not protected by a TPO and any issues can be addressed through regular management and maintenance.

1.22 A Biodiversity Net Gain Assessment has been undertaken for the scheme, which takes into consideration the loss of a small area of eco-buffer planting approved under 18/00426/FUL. This is accompanied by a 'Planting and Management Plan' (DWG No. 910-01 A) which indicates that an area of land to the north east of the site will be planted along with some changes to the eco-buffer area. The plan as submitted is shown to achieve a biodiversity net gain in accordance with planning policy. However, officers have requested some landscape changes to incorporate more native scrub planting to the eco-buffer area and the mitigation area to the north-east of the site, which the applicant has agreed to. The applicant has also agreed to keep the north-east area unfenced to allow wildlife to move unhindered through this part of the wildlife corridor.

1.23 The scheme proposes 3 new dwellings and is, therefore, also likely to impact coastal designated sites as a result of the cumulative effects of recreational disturbance. The applicant has agreed to pay a financial contribution towards a coastal mitigation service in accordance with the Council's Coastal Mitigation SPD.

1.24 Conclusion

The scheme is acceptable in principle subject to detailed conditions being applied, particularly in relation to landscaping and fencing.

1.25 Conditions:

Tree Protection

All works within the RPA of the retained trees on adjacent land that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

CMS

The contractor's construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and not located on existing areas of landscape that is new or to be retained. Cabins, storage of plant and materials and parking are not to be located within the RPA of the retained trees on the adjacent site.

Landscaping

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed

specification including timescales, ground preparation and full details of the species and sizes. The landscape plan is to include the following:

The northern triangular area set aside as new species rich grassland is to be altered to a mixed native scrub mix.

The central landscaped area to the larger embankment (directly to the south west of plots 1 to 3) is to be planted with a mixed native scrub mix that includes a number of standard trees with a wildflower verge to the public footpaths.

The smaller landscaped area, adjacent to north east of the car parking area of the previous application, is to be all planted with mixed native scrub with a 1.0m wide wildflower verge along the road edge.

All standard trees to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details

Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Biodiversity Net Gain Assessment

Within 4 weeks of any of the development hereby approved commencing on site, the Biodiversity Net Gain (BNG) Assessment will be updated in accordance with the revised and approved Landscape Plan and shall be submitted to and approved in writing by the Local Planning Authority.

Landscape Management & Monitoring Plan

Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Management & Monitoring Plan' shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the approved Biodiversity Net Gain Assessment and Landscape Plan and shall be implemented on site on the completion of landscape works and thereafter for a minimum period of 30 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping/ ecological habitats within the site for a minimum period of 30 years. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Boundary Treatment

A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority within one month of work starting on site. The plan is to include the following:

The northern triangular area (scrub mix) is to be left open with no fence enclosing it. The boundary fence is return along the rear garden areas.

The boundary fence to the eastern boundary, where it meets the eco area on the embankment, is to include a number of gaps at ground level to allow small mammals through.

Hedgehogs

All internal and external fencing associated with the scheme will include wildlife gaps measuring 13cm x 13cm to allow free access to hedgehogs throughout the site. Details of fencing to be submitted to the Local Authority for approval within 4 weeks of works commencing on site.

Birds & Bat Boxes

Prior to the commencement of any part of the development hereby approved, details of 2no. bird boxes and 2 no. bat boxes to be installed on trees or buildings within the site, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the first occupation of the dwelling(s) and permanently retained.

Bird Protection

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

Lighting

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

Mammals

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

2.0 Representations

2.1 4no. objections have been received from 3no. properties. The concerns raised are summarised below.

- Adverse effect on wildlife.
- None compliance with approved policy.
- Impact on landscape.
- Inadequate parking provision.
- Inappropriate design.
- Loss of privacy.
- Loss of visual amenity.
- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Traffic congestion.

- Will result in visual intrusion.
- Not earmarked for development and not allocated for housing within the Local Plan.
- Will be partially within the approved 'eco buffer'.
- Impact on biodiversity and wildlife.
- Noise, dirt and disturbance from the temporary access road, which is dangerous.
- Ongoing construction noise and disturbance.
- Visitors are likely to use parking within the existing housing development.
- Access for refuse collection.
- Bungalows are out of character.

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