



North Tyneside Council

Planning Committee

1 April 2022

To be held on **Tuesday, 12 April 2022** 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 15 March 2022.	5 - 6

Members of the public are welcome to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information please call 0191 643 5359.

Agenda Item		Page
5.	Planning Officer Reports	7 - 12
	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.	21/01803/FUL, Tennis Courts at Beverley Park Lawn Tennis Club, Whitley Bay	13 - 40
	To determine a full planning application from Beverley Park Lawn Tennis Club for the installation of new low level LED floodlighting to two existing outdoor tennis courts no.s 2 and 3 via 9no. 6m high lighting columns with LED box type fittings.	
7.	22/00286/FULH, 5 Oakhurst Terrace, Benton	41 - 50
	To determine a householder planning application from Mr John Wellwood, who is related to a member of the planning team, for provision of single storey rear ground floor utility room extension with w.c including alterations to existing garden room. Provision of new dormer to replace existing rooflight to rear of existing attic of property.	

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

This page is intentionally left blank

Planning Committee

Tuesday, 15 March 2022

Present: T Brady (in the Chair)
Councillors K Barrie, J Cruddas, M Green, John Hunter,
C Johnston, T Mulvenna, J O'Shea and P Richardson

Apologies: Councillors M Hall and W Samuel

PQ76/21 Appointment of substitutes

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

Councillor T Mulvenna for Councillor Councillor M Hall

PQ77/21 Declarations of Interest

There were no declarations of interest or dispensations reported.

PQ78/21 Minutes

Resolved that the minutes of the meeting held on 15 February 2022 be confirmed and signed by the Chair.

PQ79/21 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.

PQ80/21 21/01271/FUL, St Johns Church, Killingworth

The Committee considered a report from the planning officers, together with an addendum circulated at the meeting, in relation to a full planning application from St John's Church for an extension to provide new accessible entrance and toilets.

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

In accordance with the Committee's Speaking Rights Scheme Maureen McKeown of Killingworth Village had been granted permission to speak to the Committee. With the aid of various photographs and plans circulated at the meeting she outlined her objections to the application on the grounds that the proposed access to the church from the adopted highway and bridleway to the north of the church would compromise safety, accessibility and car parking.

Peter Nugent of Ainsworth Spark Associates addressed the Committee to respond to the speakers' comments. He outlined the purpose of the proposed extension to provide improved access, storage, toilets and tea making facilities. The development also sought to improve the rendered appearance of the northern elevation of the church, transfer access for ceremonial vehicles from the dangerous West Lane and provide a more valuable asset to the local community for the future.

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

- a) the proposal to re-render the northern elevation of the church with materials to be submitted to and approved by the Authority;
- b) the extent and status of the adopted highway and bridleway to the north of the church, the Council's maintenance programmes in relation to both and the limited options to improve access via the lane; and
- c) the proposed condition which would require the applicant to submit details of the stone to be used for the external walls to be approved by the Authority prior to the commencement of works to ensure that the significance of the listed building is protected.

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

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of its impact on the Grade II Listed Building and the character and appearance of the conservation area, the residential amenity of neighbouring residents, highway safety, biodiversity and trees.)

PLANNING COMMITTEE

Date: 12 April 2022

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 21/01803/FUL

**Monkseaton
South**

**Tennis Courts At Beverley Park Lawn Tennis Club Beverley Park
Whitley Bay Tyne And Wear**

Speaking rights granted to:

Lichfields, The St Nicholas Building, St Nicholas Street, Newcastle

Douglas Gibson of Beverley Road Whitley Bay

Tom Lowenstein of Beverley Park Whitley Bay

Christopher Potts of Beverley Park Whitley Bay

Gillian Potts of Beverley Park Whitley Bay

7 22/00286/FULH

Benton

5 Oakhurst Terrace Benton NEWCASTLE UPON TYNE NE12 9NY

This page is intentionally left blank

Application No: 21/01803/FUL Author: Julia Dawson
Date valid: 6 September 2021 ☎: 0191 643 6314
Target: 1 November 2021 Ward: Monkseaton South
decision date:

Application type: full planning application

Location: Tennis Courts At Beverley Park Lawn Tennis Club, Beverley Park, Whitley Bay, Tyne And Wear

Proposal: Installation of new low level LED floodlighting to two existing outdoor tennis court Numbers 2 and 3 via 9no. 6m high lighting columns with LED 'box' type fittings

Applicant: Beverley Park Lawn Tennis Club, Ms Lauri Chandler Beverley Road Monkseaton Whitley Bay NE25 8JH

Agent: S.F.P.A.D. Limited, Mr Lee West 39 Hemwood Road Windsor SL4 4YX

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

The main issues in this case are;

- The principle of the proposed development;
- The impact upon residential amenity;
- The impact on the character and appearance of the site and the surrounding area;
- The impact on the highway; and
- The impact on biodiversity.

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

2.0 Description of the Site

2.1 The site to which the application relates is Beverley Park Lawn Tennis Club in Monkseaton. The application site is bordered to the east by Beverley Road and to the north, west and south by Beverley Park. Residential dwellings face towards the courts from all directions. The application site has four tennis courts and is largely enclosed by high level open style mesh fencing with low boundary walls and hedgerows and a gate which provides access within the northern boundary, adjacent to the single storey clubhouse, which is located within the

north eastern curtilage of the site. The application site currently has no floodlighting.

2.2 The application site is located within Monkseaton Conservation Area, designated Open Space and a Wildlife Corridor (Local Plan 2017). The Council's Green Space Strategy identifies the site as an Outdoor Sports Facility of high quality and medium value with access via formal agreement.

2.0 Description of the Proposed Development

2.1 The proposal relates to the installation of 9no. 6m high floodlights to the two central courts (courts no.2 and 3). The floodlights are proposed to be in operation at the following times:

- Summer (April to October) up to 22:00 hours weekdays and 20:00 hours weekends
- Winter (November to March) up to 20:00 hours weekdays and 19:00 hours weekends.

3.0 Relevant Planning History

3.1 05/00034/FUL - Replacement windows and fascia. Construction of new entrance ramp and repositioning door entrance – Approved 10.03.2005

4.0 Development Plan

4.1 North Tyneside Local Plan (2017)

5.0 Government Policy

5.1 National Planning Policy Framework (NPPF) (July 2021)

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

5.3 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

6.0 Main Issues

6.1 The main issues in this case are;

- The principle of the proposed development;
- The impact upon residential amenity;
- The impact on the character and appearance of the site and the surrounding area;
- The impact on the highway; and
- The impact on biodiversity.

7.0 Principle

7.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 219 of the NPPF that "... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The Council considers that the LP policies set out in this report are consistent with the NPPF and can be afforded significant weight.

7.2 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.

7.3 Paragraph 98 of NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.

7.4 Paragraph 99 of NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

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

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

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

7.8 Policy S7.10 states that the Council will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve. Specifically, it advises that opportunities to widen the cultural, sport and recreation offer will be supported, and the quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced.

7.9 The application site is an existing tennis club with four courts, identified as being open space by the Local Plan 2017 and as an 'Outdoor Sports Facility' by the Council's Green Space Strategy. The applicant has advised that as a member of the LTA (Lawn Tennis Association) Beverly Lawn Tennis Club has a "Growing our Membership" plan to make tennis playing available to a larger number of people. They have identified a growing demand for their facilities for all year around tennis playing, particularly in the evenings, which can only be achieved by the proposed floodlighting.

7.10 The proposed development will provide an enhanced opportunity for sport and physical activity and will not result in any loss of existing open space, sports and recreational buildings or land and therefore does not conflict with the objectives of policy DM5.3 of the Local Plan or paragraphs 98 and 99 of the NPPF.

7.11 Given the existing use of the site as an outdoor sports facility and the fact that the proposed floodlights will improve and enhance the existing facilities, the principle of the proposed works is considered to be in accordance with policy S7.10 and the objectives of the NPPF.

7.12 Members are advised that the principle of the proposed development is acceptable and in accordance with the NPPF and aforementioned Local Plan policies, subject to consideration of the following matters:

8.0 Residential Amenity

8.1 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.

8.2 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.

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

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

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

8.6 Significant objection has been raised by local residents with regard to the impact of the proposed floodlights on their residential amenity in terms of noise disturbance and light pollution as a result of extended use of the courts during hours of darkness. Concerns have also been raised with regard to the accuracy of both the noise and lighting assessments. These concerns are noted.

8.7 The Environmental Officer (EHO) originally raised concerns with regard to potential noise impacts arising from the extended use of the courts through the provision of the flood lighting and requested a noise assessment to consider the impact of the lighting on the intensification of use provided and consider mitigation measures to reduce the impact of extended hours. The applicant subsequently submitted a Noise Impact Assessment. The EHO reviewed this. She noted that noise monitoring indicated that the activity would cause no adverse impact on residents when comparing ambient noise levels without the tennis courts in use against their use. She also noted that objectors have raised concerns over the measured noise levels suggesting that the coaching was not representative of the usual noise levels experienced, with comments that coaches will shout across the courts.

8.8 However, she has advised that this would suggest that good noise management plan can address poor practices such as shouting across the courts. She concluded that extended use of the tennis courts would not result in significant adverse impacts based on typical noise levels arising from similar sports facilities. The NPPF paragraph 185 outlines that development should avoid having significant adverse impacts on the health and quality of life and she considers that the use of the tennis courts during the extended period arising from the provision of the flood lighting would not result in such impacts. However, she has advised that the floodlighting should be restricted to no later than 21:00 hours during weekdays, as this is considered a sensitive time for families allowing young children to go to sleep.

8.9 On behalf of Beverley Leisure Limited (residents), Lichfields submitted a detailed objection. The EHO reviewed this, and subsequent submissions in respect of the noise assessment, as well as responses from the applicant, and has concluded that the extended use of the tennis courts would not result in significant adverse impacts based on typical noises levels arising from similar sports facilities as outlined in her original comments.

8.10 The EHO also reviewed the lighting assessment submitted by the applicant, and the additional objection/report submitted by Lichfields, along with the applicant's responses. She has advised that the applicant has demonstrated that the lighting levels from the lighting columns will comply with the Institute of Lighting Engineers guidance for the reduction of obtrusive light as the assessed light levels at all residential properties are below the before curfew level of 10 lux for an area of medium district brightness. She has raised no objection to the proposed floodlighting and has advised that a condition can be attached to require a verification assessment within 1 month of installation to ensure lighting levels comply with the applicant's lighting plan

8.11 Several conditions are recommended, including restricting the hours of use to no later than 21:00 hours Monday to Friday and 20:00 hours Saturdays and Sundays (April to October) and 20:00 hours Mondays to Friday and 19:00 hours Saturdays and Sundays (November to March).

8.12 Members need to consider whether the impact on the amenity of the occupiers of nearby residential dwellings is acceptable. It is officer advice that the impact on amenity is acceptable subject to the suggested conditions.

9.0 Character and Appearance/Impact on Conservation Area

9.1 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.

9.2 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).

9.3 Para.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.4 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.

9.5 The Council's Design Quality SPD states that innovative design and layout will be encouraged, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated.

9.6 The Monkseaton Conservation Area Character Appraisal refers to the application site as follows:

"A small square out of the already generous development pattern in this part of the conservation area, the Beverley Park tennis courts are a neat, self-contained, well-used open space. The courts are 'loud' artificial grass and the mesh railings appear quite prominent because, unlike those at Souter Park, they are not disguised by tree cover or tall hedge boundaries. However, a short boundary hedge and wall do make a contribution and, overall, this space is a positive break in the street layout"

9.7 Concerns have been raised by local residents with regard to the impact of the proposed floodlighting on the character and appearance of the designated Monkseaton Conservation Area. These concerns are noted.

9.8 The Council's Design Officer originally raised concerns with regard to the appearance of the lighting columns (alignment with fence posts, diameter of columns, light spillage onto adjacent roadways and footpaths, reflected obtrusive light, light glow above the courts) and subsequently requested additional information mitigation to address these concerns.

9.9 The applicant subsequently submitted revised and additional information which reduces the visual impact of the lighting columns by ensuring the diameter is as small as possible, choosing a sensitive colour and aligning their location with the fence posts. This mitigates the harm of the lighting. Plans have been submitted to show the level of illumination and these demonstrate that light spillage is mainly contained to the tennis courts and to a lesser extent on the surrounding road. Further information has been submitted which shows that the upward light ratio and upward flux ratio levels are within the maximum values based on an E3 Environmental Zone. He has noted that as all lights will be fitted with a four-sided external louvre, this will reduce glare and spillage. While this will differ from other light sources in the surrounding area, based on the information submitted, it is unlikely to be a dominant feature in the night sky. He has concluded that whilst the lighting columns and associated illumination would result in some harm to the character and appearance of the conservation area, opportunities have been taken to mitigate some of this harm, which is now considered to be less than substantial.

9.10 The NPPF states that where there is harm there should be clear and convincing justification for this and that a balanced judgment must be made as to whether the public benefits outweigh the harm and that such public benefits must flow from the development and must be of a nature or scale that would benefit the public at large. The applicant has set out wide ranging and detailed public benefits associated with the proposal which would improve sport and recreation opportunities for members and the wider community. Overall, it is considered

that the expanded availability of sport and recreation time associated with the proposal outweighs the less than substantial harm caused by the lighting.

9.11 Members need to consider whether the proposed floodlighting is acceptable or whether it would harm the character and appearance of the Conservation Area. It is officer advice that, on balance, the proposal is acceptable in terms of its appearance and relationship with the surrounding area.

10.0 Highway Impact

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

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

10.3 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.

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

10.5 The Transport and Highways SPD set out the parking standards for new development.

10.6 Significant objections have been received from local residents with regard to the impact of the proposed floodlighting on the highway. Specifically, with regard to exacerbating and extending existing parking problems, highway safety issues and congestion. These are noted.

10.7 The Highway Network Manager has noted the objections on highway safety grounds and reviewed these along with the further report commissioned by the applicant which was undertaken by a qualified lighting engineer. The report acknowledges that there may be some overspill lighting and has suggested additional mitigation to minimise the impact of this. As such, whilst raising no objection to the proposed lighting, he has recommended that a condition be attached to the planning permission to require the submission and approval of a scheme to minimise overspill lighting onto the adjacent highway prior to the floodlights being brought into use. Such a scheme could include the installation of baffles.

10.8 The Highway Network Manager has also noted the concerns raised by residents with regard to parking associated with the club. However, he has advised that the proposed floodlights are not the root cause of this and that whilst the use of the floodlights may extend the time when on-street parking occurs to later in the evenings, this will be outside of the network peaks for the majority of the year. In addition, there have been no reported injury accidents in the vicinity of the site in the last five years. Nonetheless, the council's Traffic Team are aware of parking issues in the area and are working with ward members and the club to try and resolve the existing issues.

10.9 He has advised that the club is encouraged to explore and build on any existing measures such as car sharing, use of public transport and promoting walking and cycling where practicably possible in order to reduce the amount of single occupancy car journeys associated with the venue.

10.10 Members need to determine whether the proposed development is acceptable in terms of parking provision and the impact on highway safety. Subject to the suggested condition, it is officer advice that it is.

11.0 Impact on Biodiversity

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment 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 DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

11.5 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.

11.6 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.

11.7 The site is within a designated Wildlife Corridor. Objections have submitted in relation to the harmful impact on wildlife, with particular reference to bats. The applicant has submitted a Bat Risk Assessment.

11.8 The Council's Biodiversity Officer advised that based on the information submitted, the scheme will not have an adverse impact on a protected species or the wildlife corridor and is, therefore, in accordance with biodiversity planning policies, subject to the attachment of conditions requiring the provision of bird and bat boxes and that all lighting is installed in accordance with the lighting plan.

11.9 Lichfields, on behalf of Beverley Leisure Limited, provided a further report in response to the Biodiversity Officer's comments and the Bat Risk Assessment, which set out a number of factors that had not been taken into account in the original Lighting Strategy document submitted by the applicant. The Biodiversity Officer reviewed the report and advised that it does not provide any evidence or suggestion that the issues set out in the report would significantly alter the conclusions in relation to bats. However, she did advise that Section 6.4 of the 'Tennis Court Lighting Report' relating to the lighting curfew concludes that an earlier summer weekday lighting curfew would be more appropriate considering the proximity of residential properties. From an ecological perspective, an earlier curfew would also be recommended over the summer period to ensure any potential impacts on foraging/commuting bats in the bat activity season are minimised. The curfew is, therefore, recommended to be reduced from 10pm over the summer period to 9pm.

11.10 The Council's Landscape Officer has also commented on the application. She has noted that the hedgerow is an important landscape feature, which should be protected and retained (Local Plan policy DM5.9). Therefore, any excavation works for the installation of cables should not impact on the hedgerow. The works should be undertaken in accordance with BS5837:2012 and, as such, the work should not impact on the existing hedgerow and a condition to this effect should be applied.

11.11 Members must determine whether the proposed works are acceptable in terms of their impact biodiversity. Officer advice is that the proposed works are acceptable in this respect, subject to the suggested conditions.

12.0 Local Financial Considerations

12.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL).

12.1 There are no local financial considerations.

13.0 Conclusion

13.1 The principle of the proposed development is in accordance with the existing use of the application site as an outdoor sports facility. It will enhance the facilities on offer at the site and enable longer use of the courts resulting in increased physical activity for users of the site. This is in accordance with local development plan policies.

13.2 In officer opinion, on balance, proposed development is therefore acceptable along with its impact on the environment, local amenity and the highway network. It complies with national and local planning policy.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application Form
- Location Plan, 2020 CAS 074 010 A, rev.A, 28.07.21
- Block Plan, 2020 CAS 074 011 A, rev.A, 28.07.21
- Proposed Elevations, 2020 CAS 074 015 B, rev.B, 19.10.22
- Proposed Layout, 2020 CAS 074 013 A, 28.07.21
- Bat Risk Assessment, FE-124-001-400-R-01-V1, 03.09.21
- Noise Impact Assessment, NIA/10056/21/10190/v1/BPLTC, 19.11.21
- Direct Lux Vertical Grid 2m x 2m About Court Metre Perpendicular to

Ground, pg19 of 22, 17.06.21

- Independent Review of Floodlighting Proposal, DN156 - C22018, 24.02.22
- Lighting Design P.A. 08, 17.06.21
- Proposed Floodlighting Report Beverley Park
- Obtrusive Light - Compliance Report, BEVERLEY PARK TENNIS CLUB

LIGHTING DESIGN PA 09 V20.6 LPLS 22/12/2021

- Management Plan

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 floodlighting shall be extinguished at all times outside of the following hours:

- 16:00 to 21:00 hours Monday to Friday (April to October)
- 16:00 to 20:00 hours Saturdays and Sundays (April to October)
- 16:00 to 20:00 hours Mondays to Friday (November to March)
- 16:00 to 19:00 hours Saturdays and Sundays (November to March).

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. Prior to operational use of the flood lighting, details of the flood lighting controls shall be submitted to and approved in by the Local Planning Authority.

The controls shall include for automatic switching off of the lighting columns at the curfew time and independent lighting of tennis courts 2 and 3.

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.

5. Prior to operational use of the flood lighting a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The noise management plan must detail all measures to be taken to minimise noise from play and coaching. Thereafter, the floodlighting shall only be operational whilst the management plan is implemented and maintained.

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

6. The floodlighting must be installed in accordance with approved drawing 'Lighting Design P.A. 08, 17.06.21'. Thereafter, the lighting may only be operated in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.19 and DM5.5 of the North Tyneside Local Plan.

7. Within one month of the installation of the approved floodlighting a lighting assessment must be undertaken to verify that the illuminance levels comply with approved drawing 'Lighting Design P.A. 08, 17.06.21' and submitted to and approved in writing by the Local Planning Authority. Thereafter, the floodlighting must be operated in accordance with the approved details and maintained in working order.

Reason: In the interests of visual amenity and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.19 and DM5.5 of the North Tyneside Local Plan.

8. Notwithstanding the approved details, the floodlights shall not become operational until a scheme to minimise overspill lighting onto the adjacent highway has been submitted to and approved by in writing the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and to implement any reasonable remedial measures if required having regard to NPPF.

9. Notwithstanding the approved details, the floodlights shall not become operational until details of a monitoring process has been submitted to and approved by in writing the Local Planning Authority. This monitoring process, which shall commence upon first operation of the floodlights and continue for a period of 12 months, will include a review of accident data from this period, which shall be submitted to the LPA within 18 months of first operation. Any further mitigation measures required by the Local Planning Authority as a result of the monitoring process shall be implemented within 6 months of the submission of the report.

Reason: In the interests of highway safety and to implement any reasonable remedial measures if required having regard to NPPF.

10. Prior to operation of the approved floodlighting bird and bat boxes shall be installed in accordance with Section 5 of the Bat Survey Report (Falco Ecology Sept 2021). Any boxes installed on Council land will require prior consent from the LPA. The bird and bat boxes shall be retained thereafter.

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

11. Hedgerows, outside and surrounding the application site are to be retained and shall not be uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or with the prior written consent of the Local Planning Authority.

Reason: To protect trees in accordance with policy DM5.9 of the North Tyneside Local Plan 2017.

12. All excavation and installation works shall be carried out in accordance with the guidelines contained within BS5837:2012 and NJUG Volume 4.

Reason: To protect trees in accordance with policy DM5.9 of the North Tyneside Local Plan 2017

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

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

Informatives

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 they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information.

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

The applicant is advised that this grant of planning permission relates solely to the installation of 9no. 6m high floodlights as shown on the approved plans and does not grant permission for any other works within the application site, i.e installation of alteration of any existing boundary treatments or access gates.



Application reference: 21/01803/FUL

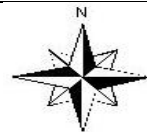
Location: Tennis Courts At Beverley Park Lawn Tennis Club, Beverley Park, Whitley Bay, Tyne And Wear

Proposal: Installation of new low level LED floodlighting to two existing outdoor tennis court Numbers 2 and 3 via 9no. 6m high lighting columns with LED 'box' type fittings

Not to scale

Date: 01.04.2022

© Crown Copyright and database right
2011. Ordnance Survey Licence
Number 0100016801



Consultations/representations

1.0 Representations

1.1 There have been 201no. individual responses to the public consultation from local residents. These are broken down into 53no. objections, 146no. support and 2no. representations. The support and objections are summarised below:

1.2 Objections:

1.3 Amenity

- Increase in noise and disturbance for local residents, will exacerbate existing problems with tennis courts.
- Existing problems with noise from tennis courts, complaints have been made to Environmental Health previously.
- Light pollution. Obtrusive glare from lighting will result in harm to/affect surrounding properties, shining into property's windows.
- Stadium effect of lighting.
- Harmful impact on health of child with medical condition as a result of noise and light impact on bedroom at front of property facing onto site (objection supported by several confidential medical letters)
- Not appropriate in a quiet residential area with no existing floodlighting.
- Detrimental to health and wellbeing of local residents.
- Development should not take place in face of such high levels of local objection.
- Noise assessment is inaccurate and misleading.
- Lighting assessment is inaccurate and misleading.
- Similar proposals have previously been refused planning permission on other sites.

1.4 Highways Issues

- Exacerbation of existing parking and traffic problems on Beverley Road and Beverley Park
- Glare from lighting will overspill onto adjacent highways causing a danger.
- Driver distraction.
- Increase in traffic will result in danger to pedestrians.

1.5 Impact on Conservation Area

- Harmful impact on character and appearance of conservation area.
- Design of poles and fittings not in keeping with conservation area.
- Peace and tranquillity of conservation area will be harmed.

1.6 Biodiversity

- Harm to bats and wildlife in the area.

1.7 Other

- Errors and inconsistencies with submission.
- The floodlighting is not required, there are other venues in the borough for people who wish to play tennis out of daylight hours.
- The courts are rarely fully populated even in summer, lighting is not needed.
- The club has outgrown the site and it cannot accommodate their needs.

1.8 Support

- Floodlights will provide this club with accessible facilities for people to play tennis in the winter months.
- Modern lighting technology enables light to be directed far more effectively ensuring sufficient illumination of the courts without intrusion into the surrounding properties.
- Beneficial to mental health and wellbeing via increased ability to play sport all year round.
- Physical and social benefits.
- Low level lights will cause minimum light disruption if any to residents in the immediate area.
- Benefit will outweigh negative impact environmentally.
- Much needed enhancement.
- Similar clubs have floodlighting, e.g. Cullercoats.
- Proposal will allow the club to continue to play vital role in community.

1.9 Internal Consultees

1.10 Environmental Health (Pollution) (final comments 18.03.22)

1.11 I have reviewed the applicants response dated 9th February 2022 regarding the noise arising from the use of the two courts. I note that the applicant states that the use of the courts would be for matches to conclude on an evening and that the provision of flood lighting on two of the courts is not to extend the coaching sessions and therefore only 4 players would be using the two courts. However, if planning consent is provided there is no provision to prevent coaching sessions during the late evening period.

1.12 I consider that the extended use of the tennis courts would not result in significant adverse impacts based on typical noises levels arising from similar sports facilities as outlined in my comments dated 4th October 2021, but I would continue to object to the proposed times until 10pm weekdays for the flood lighting during the summer months. I consider that the floodlighting should be restricted to no later than 9pm during weekdays, as this is considered a sensitive time for families allowing young children to go to sleep. The main annoyance will arise from voices from coaching and for that purpose it is considered that the restriction on floodlighting use will restrict late evening use of courts when intermittent shouting may cause amenity issues as voices are not anonymous and will cause potentially more annoyance than general traffic noise to which the community noise levels in gardens are derived.

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

1.14 HOU03 16:00 and 21:00 hours Monday to Friday and 16:00 -20:00 hours Saturdays and Sundays (April to October) and 16:00hrs and 20:00 hours Mondays to Friday and 16:00 - 19:00 hours Saturdays and Sundays (November to March).

1.15 Prior to operational use of the flood lighting, details of the flood lighting controls shall be submitted in writing for approval by the planning authority. The

controls shall include for automatic switching off of the lighting columns at the curfew time and independent lighting of tennis courts 2 and 3.

1.16 Prior to the operational use of the flood lighting a noise management plan shall be submitted in writing for approval by the planning authority that details measures to be taken to minimise noise from play and coaching and thereafter implemented and maintained.

1.17 LIG01 in accordance to lighting plan PA-08

It will be necessary following installation of the flood lights that a lighting assessment is undertaken to verify that the illuminance levels comply with the lighting plan PA-08 within one month of its installation and submitted for written approval prior to the operation of the floodlights and thereafter maintain in working order.

1.18 HOU04

1.19 Comments dated 07.12.21, 22.10.21, 20.10.21, and 04.10.21:

1.20 The following is a summary of the previous comments:

- Noise assessment required to address the potential noise impacts arising from the extended use of the courts through the provision of the flood lighting.
- Extent of glare arising from the new lighting columns has not been considered. Mitigation potentially required to minimise any potential glare.
- Lighting levels at the nearest sensitive receptor will comply with the Institute of Lighting Engineers guidance for the reduction of obtrusive light as the assessed light levels at all residential properties are below the pre-curfew level of 10 lux for an area of medium district brightness. A condition can be attached to require a verification assessment within 1 month of installation to ensure lighting levels comply with the applicants lighting plan.
- Typical noise levels arising from different sports pitches would suggest that the noise from the coaching in the evening will be slightly higher than the monitored noise level within the applicants' noise report, but the extended use of the tennis courts would not result in significant adverse impacts based on typical noises levels arising from similar sports facilities

1.20 Highway Network Manager (final comments dated 23.03.22)

1.21 This application is for the installation of new low-level LED floodlighting to two existing outdoor tennis courts (numbers 2 & 3) via nine 6.0m high lighting columns with LED 'box' type fittings.

1.22 The applicant initially advised that the type of lighting proposed minimises light spilling onto the adjacent highway and this would not result in any direct glare from the floodlights at the eye level of motorists. However, following objections on highway safety grounds, they commissioned a further report by a qualified lighting engineer that acknowledged some overspill lighting and suggested additional mitigation to minimise the impact.

1.23 Concerns have also been raised by residents regarding parking associated with the club and whilst it is acknowledged that will have increased as car ownership has increased over the decades, the proposed floodlights are not the root cause of this. The use of the floodlights may extend the time when on-street parking occurs to later in the evenings but this will be outside of the network peaks for the majority of the year and there have been no reported injury accidents in the vicinity of the site in the last 5 years. Nonetheless, the council's Traffic Team are aware of parking issues in the area and are working with ward members and the club to try and resolve the existing issues.

1.24 Whilst it would not be justifiable to attach a condition requiring a Travel Plan as part of this application, the club is encouraged to explore and build on any existing measures such as car sharing, use of public transport and promoting walking & cycling where practicably possible in order to reduce the amount of single occupancy car journeys associated with the venue.

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

1.26 Conditions:

1.27 Notwithstanding the details submitted, the floodlights shall not become operational until a scheme to minimise overspill lighting onto the adjacent highway has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and to implement any reasonable remedial measures if required having regard to NPPF.

1.28 Notwithstanding the details submitted, the floodlights shall not become operational until details of a monitoring process has been submitted to and approved by in writing the Local Planning Authority. This monitoring process shall commence upon first operation for a period of 12 months, will include a review of accident data from this period and shall be submitted with 18 months of first operation. Any further mitigation measures required by the Local Planning Authority as a result of the monitoring process shall be implemented within 6 months of the submission of the report.

Reason: In the interests of highway safety and to implement any reasonable remedial measures if required having regard to NPPF.

1.29 Informatives:

1.30 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.

1.31 The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for

costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information

1.32 The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

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

1.34 Design Officer (Heritage Comments) final comments dates 30.03.22

1.35 Following previous comments (dated 25th November 2021 and 5th January 2022) that raised some concerns with the application, further information has been submitted.

1.35 From a heritage perspective, the key issue to consider is the impact of the lighting on the character and appearance of the conservation area. The proposed lighting would be taller than the existing mesh fencing and although seen in the context of a sports facility, it would still be prominent within the street scene. The applicant has reduced the visual impact of the lighting columns by ensuring the diameter is as small as possible, choosing a sensitive colour and aligning their location with the fence posts. This mitigates rather than removes the harm of the lighting.

1.36 Plans have been submitted to show the level of illumination which demonstrate that light spillage is mainly contained to the tennis courts and to a lesser extent on the surrounding road. Further information has been submitted which shows that the upward light ratio and upward flux ratio levels are within the maximum values based on an E3 Environmental Zone. It is still not completely clear exactly how high above the courts a sky glow from the lighting will be seen. However, as all lights will be fitted with a four sided external louvre, this will reduce glare and spillage. While this will differ from other light sources in the surrounding area, based on the information submitted, it is unlikely to be a dominant feature in the night sky.

1.37 Overall, the lighting columns and associated illumination would result in some harm to the character and appearance of the conservation area. Opportunities to mitigate some of this harm have been taken. The level of harm is considered to be less than substantial. In accordance with NPPF, where there is harm, there should be clear and convincing justification for that harm and a balanced judgment must be made as to whether the public benefits would outweigh that harm. Public benefits must flow from the development and must be of a nature or scale that would benefit the public at large. The applicant has set out wide ranging and detailed public benefits associated with the proposal which would improve sport and recreation opportunities for members and the wider community. Some of the benefits would continue with or without the proposed lighting and some are delivered off site and are therefore not applicable. However, with the lighting, it is acknowledged that the current events which happen in the summer period could be expanded all year round. The applicant

has set out that there is a demand to play tennis throughout the winter at the club and this would benefit community groups and schools. Pay as you play options also allow the wider community to use the courts without membership and the benefits associated with this would also increase with more available playing hours. Overall, it is considered that the expanded availability of sport and recreation time associated with the proposal outweighs the less than substantial harm caused by the lighting.

1.38 Summary of previous comments dated 25.11.21, 01.10.21 and 05.01.22:

- Concerns raised with regard to the impact on the character and appearance of the conservation areas.
- Mitigation measures required to reduce the visual impact of the lighting columns.
- Further information required to show how high above the courts a glow from the lighting will be seen.
- The applicant needs to set out the public benefits so that a balanced judgement can be made as to whether the benefits will outweigh the harm to the character and appearance of the conservation area.

1.39 Biodiversity Officer (final comments dated 24.11.21)

1.40 Please find attached my comments in relation to the Lichfields objection:

1.41 Response in relation to Bats

1.42 The information submitted to support the application (Bat Risk Assessment of the area surrounding the tennis courts and the associated Lighting Strategy) has demonstrated that even if a bat roost was present in one of the adjacent houses (which there is no current evidence of), the light spill from the floodlighting would be at such a minimal level once it reaches the front gardens of the houses that it would not impact a bat roost or impact bats in relation to foraging and commuting. The BRA has assessed the general area and states that due to the lack of good quality foraging and commuting habitat within the immediate vicinity of the tennis courts (which are surrounded by housing and roads), the most valuable foraging and commuting areas for bats would be along the connected back gardens behind Beverley Road and Vernon Drive, which is over 30m from the tennis courts.

1.43 Given the Lighting Strategy results submitted to the LPA which included light spill plans showing less than 1 lux of light spill to the front of the properties and the poor foraging and commuting habitat offered for bats directly adjacent to the tennis courts, it is considered that the information submitted to date is acceptable and adequately assesses the impacts of the flood lighting in the immediate vicinity of the tennis courts. If a bat roost were to be located in one of the adjacent buildings, there is no indication from the information submitted by the applicant that the scheme would have a detrimental impact on a bat roost. In terms of adequate survey work, given the built up nature of the area and the lack of commuting and foraging habitat for bats, it was not considered appropriate to request a bat transect survey, which would have delayed the application until Spring/summer 2022, which is the activity period for bats.

1.44 Transect surveys' are usually requested where good quality habitats suitable for supporting bat foraging and commuting are at risk of being lost or impacted and the LPA needs to ascertain what the impacts will be from this habitat loss on the bat population. This is not the case with this particular application. No habitat is being lost, the area is built up and already subjected to a degree of street lighting and the lighting proposals demonstrate that light spill is at such a low level once it reaches the adjacent houses to be insignificant. The additional lighting survey provides no additional information that alters the findings of the above and there is no additional information submitted to suggest that there is a bat roost or high levels of bat foraging and commuting in this area that would be significantly impacted by the proposed scheme. For this reason, based on the information submitted to date, the biodiversity comments in relation to the scheme remain unchanged (with the exception of curfew recommendations set out below) unless further information/evidence is submitted to the LPA for consideration that would change these conclusions. If further independent survey information is submitted to the LPA with regard to impacts of lighting on bats, I would be happy to review this and amend comments accordingly if appropriate. However, based on the information submitted to date, it is considered that based on the nature of the scheme, the surrounding area and the information submitted within the Bat RA and Lighting Strategy, that the potential impact of the scheme on bats has been adequately assessed in accordance with Planning Policy.

1.45 Tennis Court Lighting Report (Lichfields)

1.46 An additional 'Tennis Court Lighting Report' has been submitted by Lichfields, undertaken by Stainton Lighting on behalf of Beverley Leisure Ltd. This report sets out a number of factors that have not been taken into account in the original Lighting Strategy document submitted by the applicant, which includes factors such as lighting conflicts with existing residential lighting, light aura/haze and light glare. The Report states that "proposed floodlighting would interact negatively with the existing street lighting in a number of ways. This includes a reduction in the ability to see essential information / objects which would result in vehicle incidents and pedestrian trip / fall type incidents". The document reviews these factors and raises potential issues relating to highways, pedestrian use and residential living conditions and it is assumed that relevant officers within the Council will pick these issues up and provide further advice or request further information if required.

1.47 There is no evidence or suggestion that these issues would significantly alter the conclusions in relation to bats, however, it is recommended that the original Lighting Strategy submitted by the applicant should be reviewed and updated to take into account the factors identified by Stainton Lighting as being omitted from the original report, to ensure a robust Lighting Strategy covering all key areas has been submitted to the LPA (*Case Officer Note: the Biodiversity Officer has confirmed that she does not require the report to be updated and she is satisfied from a biodiversity point of view, this point is only with reference to separate matters covered by separate consultees if they consider additional information is necessary, which they do not*).

1.48 Curfew

1.49 Section 6.4 of the 'Tennis Court Lighting Report' relating to the lighting curfew concludes that an earlier summer weekday lighting curfew would be more appropriate considering the proximity of residential properties. From an ecological perspective, an earlier curfew would also be recommended over the summer period to ensure any potential impacts on foraging/commuting bats in the bat activity season are minimised. The curfew is, therefore, recommended to be reduced from 10pm over the summer period to 9pm.

1.50 Comments dated 14.09.21

1.52 The site is surrounded by residential housing and roads and is within a designated wildlife corridor and shown as open space on the Local Plan Policies Map (2017).

1.53 Given the potential lighting impacts from the floodlighting on adjacent properties that have the potential to support bat roosts, a Bat Risk Assessment and Lighting Design Report was requested to support the planning application. The following reports have therefore been submitted:-

- Bat Risk Assessment (Sept 2021)
- Lighting Design Report (June 2021)

1.54 Bat Risk Assessment

1.55 The BRA Report states that the Site was is predominantly Astroturf and providing extremely poor habitat for foraging or commuting bats. No bat roosts were identified within the Site. The rear gardens of the adjacent residential buildings formed foraging and commuting habitat for common and soprano pipistrelles; however, the front gardens were limited in vegetation and therefore provided low value foraging habitats or commuting routes for bats. The adjacent residential buildings have suitability to support roosting bats and it is plausible that common or soprano pipistrelle roosts are present within these buildings. The Report states that the proposed lighting scheme will have a four-sided louvre to reduce glare and light spillage, therefore, these will produce minimal additional artificial lighting over the existing streetlighting with a maximum additional 0.8 Lux (Sports facility Planning & Design 2021 – pp.5-9) on the adjacent residential buildings. The report concludes that the additional artificial light spill on adjacent residential buildings of <1 Lux will not affect Urban bat species including common and soprano pipistrelles, which are not particularly light sensitive. Furthermore, the proposed development will be restricted to certain times which are during the summer (April to October) up to 22:00 on weekdays and 20:00 on weekends and during the winter (November to March) up to 20:00 on weekdays and 19:00 on weekends. As such the proposed development makes an extremely small impact to the existing street lighting which is on all night.

1.56 The impact assessment concludes that the additional artificial lighting from the proposed development on the adjacent residential buildings will have a negligible impact on emerging or re-entering roosting bats. The majority of potential bat activity from foraging and commuting will most likely be within the rear gardens of the adjacent residential buildings, therefore, the impact of the proposed development on foraging and commuting bats is also considered to be negligible.

1.57 The Report recommends bird and bat boxes (Section 5) to provide mitigation/enhancement within the wildlife corridor.

1.59 Lighting Design

1.60 The Lighting Design report shows that light spill beyond the tennis courts on adjacent residential buildings will be less than 1 lux to all boundaries.

1.61 Conclusion

1.62 The Lighting Design report shows that light spill from the new floodlighting associated with the tennis courts, will be less than 1 lux on adjacent properties and whilst there is potential for bat roosts within some of these properties (as identified within the Bat Risk Assessment Report), this is likely to be for common and soprano pipistrelle bats, which are unlikely to be impacted by such low lux levels. In addition, floodlighting will be restricted during the summer and winter and the BRA report concludes that the proposed scheme will therefore make an extremely small impact to the existing street lighting which is on all night. The BRA has also recommended bird and bat boxes to be installed close to the tennis courts to provide some enhancement within the wildlife corridor. It is concluded, based on the information submitted, that the scheme will not have an adverse impact on a protected species or the wildlife corridor and is, therefore, in accordance with biodiversity planning policies. The following conditions should be attached to the application:

1.63 Conditions

- Bird and bat boxes will be installed within 4 weeks of development commencing on site in accordance with the recommendations set out in Section 5 of the Bat Survey Report (Falco Ecology Sept 2021). Any boxes installed on Council land will require prior consent from the LPA.
- All lighting will be implemented in accordance with the Lighting Design Plan (June 2021)

1.64 Manager of Sports and Leisure

1.65 I support the general principle of providing floodlight facilities which would extend existing opportunities to play tennis. However I do recognise that there are wider planning issues which have to be considered particularly in relation to concerns about light spillage and noise. In previous circumstances where floodlights have been installed at other sports facilities some of these concerns have been mitigated by a tight curfew restriction for usage. I note that scheme proposes that the LTA ClubSpark smart gate access system is used which can be used to restrict access and turn off lights at a predetermined time.

1.66 Landscape Architect

1.67 The site is surrounded by residential housing and roads and is within a designated wildlife corridor and shown as open space on the Local Plan Policies Map (2017). The application site is also located within Monkseaton Conservation Area.

1.68 There is a well maintained mixed species hedgerow outside the existing fence line to the southern and western boundaries which extends partially along the northern boundary, contrary to that noted in the application form. In terms of this hedgerow, it appears from the information submitted that it is to be retained

with the lighting columns located (and their connections) within the fence line. It is not sure at this stage where the supply connection is or if the proposal will impact on the existing hedgerow. The hedgerow is an important landscape feature and should be protected and retained (Local Plan policy DM5.9) therefore any excavation works for the installation of cables should not impact on the hedgerow. However, if the works are undertaken in accordance with BS5837:2012 the work should not impact on the existing hedgerow and a condition to this effect should be applied.

- No hedgerows, outside and surrounding the application site are to be retained and not uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority.

- All excavation and installation works to be carried out in accordance with the guidelines contained within BS5837:2012 and NJUG Volume 4.

1.69 Ward Councillors

1.70 Councillor Davey Drummond (comments dated 31.03.22)

1.71 Could I just say how disappointed I am with the decision of the Chair to not uphold my request for a site visit. I feel that the committee cannot appreciate the proximity of the proposals to residential properties and how this would potentially affect the lives of resident an arm's length from the tennis court.

1.72 I will reiterate my objection to this plan going ahead as it doesn't fit in to a conservation area and will continue to disrupt the lives of residents. If an application to build the courts was submitted today it would undoubtedly be rejected.

1.73 Unfortunately I will be unable to attend, however I would like it put on record that I fully support the resident who have objected.

1.74 Comments dated 10.10.21

1.75 Following my initial email on 23rd September with regard to this planning application and my request for this application to be heard by the Planning Committee, on the basis of the strength of feeling of local residents would it also be possible to request that the planning committee visit the site? The reason being the proximity of this application to residential properties, the volume of residents who have signed a petition and display visual "for sale style" boards at the majority of properties surrounding the tennis courts and concerns I would like to raise set out below.

1.76 Conservation Area:- As you will be aware this application would be in Monkseaton Conservation area. I have doubts whether this application is in keeping with the character of the conservation area as I am not aware that these tennis courts have ever been lit. Lighting poles would have a negative impact on the landscape of a conservation area. I'm concerned that the 6 metre poles would be placed on an already elevated position on which the courts sit. The application proposes LED lighting, I am aware of a shop in the conservation area that was told to turn them off. I am concerned with the 3D drawings in the application, due to the colouring used in the CAD drawings appear to blend in to

the surrounding houses, giving a potential misleading appearance of the impact the could have.

1.77 Noise nuisance, disturbance :- I have several open Members enquiries with regard to ASB The application would increase the hours that the courts are open during the winter months having a negative impact on residents in the area and loss of privacy. The hours advertised are 8am until 10pm leaving little respite for residents, long after sunset in the winter months. The tennis club is approximately 13.5m (approx. 5m boundary to boundary) from windows on Beverley Park and 16.5m (approx. 11.5m boundary to boundary) from residential properties. The tennis courts are in an elevated position above road level as stated above, this could extending the throw of light. One of the residents that lives in very close proximity to the tennis courts is a severely disabled girl who has a hugely adapted room to suit her needs that overlooks the tennis courts. I have serious concerns over her continued health and wellbeing and have had sight of several letters from several medical professionals and bodies warning of the impact such an application would have.

1.78 Road Safety, traffic and parking:- I have numerous Members Enquiries relating to congestion and double parking/parking issues in the area/alleged altercations due to inconsiderate parking with tennis club patrons. The tennis club has inadequate parking provision on site and makes no provision for its patrons. Lighting may impact on road safety due to the proximity to a busy thoroughfare between Monkseaton and Hillheads Rd possibly causing distraction to drivers and pedestrians alike, being brighter than surrounding street lighting.

1.79 I have spoken to both parties and have no doubt that exercise is a huge benefit for physical and mental wellbeing, however this could be offset by the negative impact this may have on residents close by. Residents aren't against the tennis court, many are members and have purchased properties knowing the tennis courts are located adjacent to their property. The tennis courts currently are allowed to operate 365 day a year, the winter months offer respite for residents offsetting the disturbance during summer.

1.80 I am confused that, within the application, the Tennis club is stating that there are no facilities close by. In reality there are floodlit courts very close by at Marden Bridge and Cullercoats.

1.81 I can also see many supporting arguments for the floodlighting. It is difficult to see where these supporters live. Residents have pointed out some alleged anomalies with the application, in particular some alleged supporting comments that have later been withdrawn because there was no consent given to do so, are there any more of these? I've had sight of an email from Northumbria Police in which they state they know nothing about their name being in a supporting document.

1.82 In conclusion, I would be grateful if colleagues, as I'm sure they will, are very careful when making a decision with this application and the effect this would have on surrounding residents. At the very least this application is not in keeping nor does it blend in with the conservation area of Monkseaton.

1.83 Councillor Sean Brockbank

1.84 As a ward Councillor, I have been approached by many residents on both sides of the argument and wish to request a public meeting with residents being allowed to speak.

This page is intentionally left blank

Application No: 22/00286/FULH Author: Maxine Ingram
Date valid: 23 February 2022 ☎: 0191 643 6322
Target: 20 April 2022 Ward: Benton
decision date:

Application type: Householder Full application

Location: 5 Oakhurst Terrace, Benton, NEWCASTLE UPON TYNE, NE12 9NY

Proposal: Provision of single storey rear ground floor utility room extension with w.c including alterations to existing garden room. Provision of new dormer to replace existing rooflight to rear of existing attic of property

Applicant: Mr John Paul Wellwood, 5 Oakhurst Terrace Benton NEWCASTLE UPON TYNE NE12 9NY

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Introduction

1.1 Members are advised that this application is being referred to Planning Committee as the applicant is a parent of a member of the planning team.

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

- The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact of the proposal upon the character and appearance of the surrounding area, including the Benton Conservation Area.

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

3.0 Description of the Site

3.1 The site to which the application relates is a west facing, mid-terraced property located in Benton Conservation Area. To the rear of the property there is an existing two storey rear projection, single storey rear projection and a hipped roof single storey rear extension. The rear garden is enclosed by a brick wall. To the rear of the property there is a lane.

3.2 To the rear of Oakhurst Terrace the street scene is characterised by a range of single storey extensions and detached structures. These existing structures/extensions vary in design and size. It is noted that dormer windows are present in the street scene.

4.0 Description of the Proposed Development

4.1 The development proposed is to construct a single storey rear ground floor to accommodate a utility room with w/c, alterations to the existing garden room and a new dormer to rear to replace the existing roof light.

4.2 Members are advised that the applicant has amended the design of the dormer window to accommodate a hipped roof rather than a flat roof.

5.0 Relevant Planning History

12/01079/CLPROP - Proposed development of solar panel installation – Permitted 29.08.2012

6.0 Development Plan

6.1 North Tyneside Local Plan (2017)

7.0 Government Policy

7.1 National Planning Policy Framework (NPPF) (July 2021)

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

7.3 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

8.0 Detailed Planning Considerations

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

- The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact of the proposal upon the character and appearance of the surrounding area, including the Benton Conservation Area.

8.2 Members are advised that no representations have been received as a result of the consultation process.

9.0 Relevant Planning Policy

9.1 NPPF

9.2 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.

9.3 Local Plan (2017) - Policies

9.4 Policy S1.4 sets out general development principles. Amongst other matters, this states that development should be acceptable in terms of its impacts on local amenity for existing residents and adjoining premises.

9.5 Policy DM6.1 sets out guidance on the design of development. This policy 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 of the characteristics of the site, its wider context and the surrounding area.”

9.6 Policy DM6.1 states, amongst other matters, that proposals are expected to demonstrate:

- b. A positive relationship to neighbouring buildings and spaces;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

9.7 Policy DM6.2 sets out guidance on extending existing buildings. It states that:

“Extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.”

9.8 Policy DM6.2 states that, amongst other matters, when assessing applications for extending buildings the Council will consider:

- b. The location of the extension in relation to the street scene;
- c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;
- e. The effect that the extension will have on the existing property and whether it enhances the overall design; and
- f. The form, scale and layout of existing built structures near the site.

9.9 Policy DM6.6 sets out guidance on the protection, preservation and enhancement of heritage assets. It states that: “Proposals that affect heritage assets or their settings will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.” It goes on to state that: “Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.”

9.10 Policy DM6.6 states that, amongst other matters, when assessing applications for developments within heritage assets, the Council will consider:

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

- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;

9.11 Policy DM5.18 sets out guidance and policies requirements relating to contaminated and unstable land.

9.12 Supplementary Planning Documents (SPD's)

9.13 The Council's 'Design Quality' SPD (May 2018) applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

9.14 The Design Quality SPD 'Single Storey Rear Extensions' states:
"The depth of the extension should be carefully considered, especially when adjacent to a shared boundary. When positioned along the boundary, the impacts on neighbours' habitable windows and gardens will be taken into account.....Windows facing boundaries are not normally acceptable but consideration will be given to existing boundary treatments and the use of obscure glazing."

9.15 The Design Quality SPD 'Dormer Windows and Roof Alterations' states:
"Any dormer windows should therefore be of an appropriate scale and design, taking into account the design of the dwelling and the character of the area. They should always appear visually subordinate.

In all cases it is therefore important to ensure that a top heavy design is avoided and that the majority of the original roof slope is retained. To achieve this, dormer windows should be set in from external walls or boundaries and always positioned below the ridge line and above the eaves.....Where there are no dormer windows present in the street, all proposals will be assessed on a case by case basis taking into account the character of the wider area. The design should be in keeping with the character of the street scene".

9.16 Conservation Area Character Appraisal

9.17 Longbenton and Benton Conservation Area Character Appraisal (October 2007) is a material planning consideration when assessing any development within these designated conservation areas.

10.0 The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy

10.1 New sliding doors will replace the existing doors to the east elevation of the existing garden room. A flue is proposed to serve the wood burner. It is the view of officers that these alterations to the existing garden room will not significantly affect the residential amenity of Nos. 4 and 6 Oakhurst Terrace in terms of loss of privacy or outlook.

10.2 A single storey flat roof extension will connect to the two-storey rear projection, and it will back onto the western side of the existing garden room. It will be constructed using western red cedar timber cladding. No windows are proposed to its south elevation. A narrow floor to ceiling window is proposed to its western elevation. It will be located to the north of No. 6 Oakhurst Terrace, and it will be sited approximately 1.1m from this shared boundary. Based on the plans provided, it will be screened from this neighbouring property by the existing boundary treatment. It is the view of officers that this extension, by virtue of its siting, design, positioning of windows and the existing boundary treatment, will not significantly affect the residential amenity of this neighbouring property in terms of loss of light, outlook or privacy.

10.3 A flat roof garden store is proposed to the rear of the existing garden room. It will be sited adjacent to the shared boundary with No. 4 Oakhurst Terrace. Based on the plans provided, it will be screened from this neighbouring property by the existing boundary treatment. It is the view of officers that the garden store will not significantly affect the residential amenity of this neighbouring property in terms of loss of light or outlook.

10.4 The proposed dormer window will accommodate a bedroom. Views over neighbouring gardens will be afforded from this window. However, it is not uncommon for rear bedroom windows to afford views over neighbouring gardens, and it would be no worse than the existing first floor windows. It is the view of officers that the dormer window will not significantly affect the residential amenity of immediate neighbouring properties in terms of privacy and overlooking to such an extent that will sustain a recommendation of refusal.

10.5 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties. It is officer advice that it is. As such, it is officer advice that the proposed development accords with the LP policies DM6.1(a) and DM6.2(c).

11.0 The impact of the proposal upon the character and appearance of the surrounding area, including the Benton Conservation Area

11.1 The NPPF advises that any harm to the significance of a designated heritage asset should require clear and convincing justification.

11.2 Conservation areas are particularly attractive and sensitive areas of the borough where the Council has responsibilities to ensure that the environmental character is preserved or enhanced. Accordingly, all development proposals will be expected to be of the highest quality of design, should respect the existing scale and character of the area and be constructed in appropriate traditional materials.

11.3 Oakhurst Terrace is located within the Benton Conservation Area. To the rear of this row of terraced properties the street scene has been altered by extensions of varying designs and sizes. The existing boundary treatment screens a large proportion of the single storey extensions from public view. The siting and design of the proposed utility and w/c extension and a garden store will not be visible from outside of the application site. It is officer advice that these

parts of the proposed development and the external alterations to the existing garden room will not significantly affect the character and appearance of this part of the conservation area.

11.4 The flat roof design of both the utility and w/c extension and the garden store are contemporary additions. The use of western red cedar timber cladding provides a clear distinction between the main dwelling and these new additions. It is officer advice that the chosen design approach and materials complement the main dwelling. They are also considered to be of an appropriate scale and mass to the main dwelling.

11.5 The proposed dormer will be more visually prominent within the conservation area. Its design follows the principles set out in the Design Quality SPD as it is set out in from the external walls, it is set back from the eaves, it is subservient to the main ridge, and it does not dominate the roof slope. The hipped roof is consistent with the design of a dormer window at No. 1 Oakhurst Terrace. It will accommodate a natural slate roof to match the main dwelling and the sides of the dormer will be sarnafil. The window will be aluminium. It is officer advice that the chosen materials and design of the dormer will not significantly detract from the character and appearance of the main dwelling or this part of the conservation area to such an extent that will sustain a recommendation of refusal.

11.6 The replacement door to the south elevation of the existing two storey rear projection and landscape alterations (hard and soft landscaping) to the rear garden are considered to be acceptable.

11.7 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance of the main dwelling and this part of the Benton Conservation Area. As such, it is officer advice that the proposed development accords with the advice in LP policy DM6.1 and DM6.6.

12.0 Other Issues

12.1 The Contaminated Land constraint for this site has been identified. An informative is recommended to advise the applicant that a gas resistant barrier across the footprint of the development to prevent the ingress of land gases may be required.

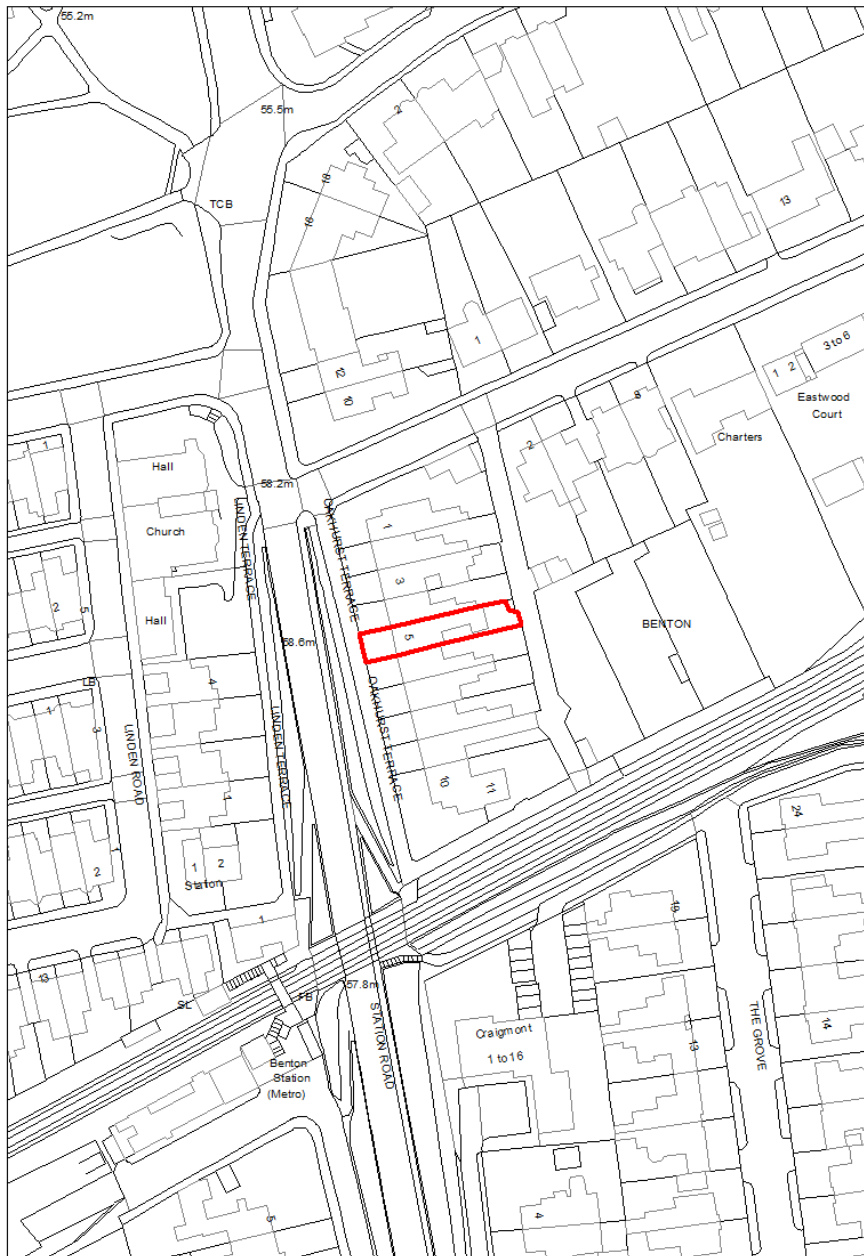
13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received or will or could receive in payment of the Community Infrastructure Levy (CIL). It is not considered that the proposal results in any local financial considerations.

14.0 Conclusion

14.1 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity and its impact on the character and appearance of the Benton Conservation Area. It is the view of officers that the proposed development is acceptable. As such, officers consider

The proposed development lies within an area that falls within an area of contaminated land. You are advised that gas protection measures may need to be provided. Such measures could comprise the use of a gas membrane. If a gas membrane is to be used it will need to be to the highest specification to mitigate against carbon dioxide and methane ingress, unless a site investigation is carried out which demonstrates that the highest specification is not required.



Application reference: 22/00286/FULH

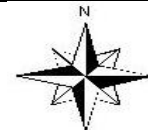
Location: 5 Oakhurst Terrace, Benton, NEWCASTLE UPON TYNE, NE12 9NY

Proposal: Provision of single storey rear ground floor utility room extension with w.c including alterations to existing garden room. Provision of new dormer to replace existing rooflight to rear of existing attic of property

Not to scale

Date: 31.03.2022

© Crown Copyright and database right
2011. Ordnance Survey Licence
Number 0100016801



**Appendix 1 – 22/00286/FULH
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 None

2.0 Representations

2.1 None

3.0 External Consultees

3.1 None