



North Tyneside Council

# Planning Committee

28 April 2022

To be held on **Tuesday, 10 May 2022** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY commencing at **10.00 am**.

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>  To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>  To be informed of the appointment of any substitute members for the meeting.	
<b>3. Declarations of Interest</b>  You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.  You are also requested to complete 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.	
<b>4. Minutes</b>  To confirm the minutes of the previous meeting held on 12 April 2022.	<b>5 - 8</b>

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<b>Agenda Item</b>		<b>Page</b>
5.	<b>Planning Officer Reports</b>	<b>9 - 14</b>
	To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.	
6.	<b>21/02500/FUL, Avant Homes Development Site, Killingworth Way</b>	<b>15 - 40</b>
	To determine a full planning application from Avant Homes for residential development for the addition of 13no dwellings including associated reconfiguration of site layout to previously approved 16/01889/FUL.	

**Circulation overleaf ...**

**Members of the Planning Committee:**

Councillor Ken Barrie  
Councillor Muriel Green  
Councillor John Hunter  
Councillor Frank Lott  
Councillor Paul Richardson

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

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## Planning Committee

**Tuesday, 12 April 2022**

Present: Councillor W Samuel (Chair)  
Councillors T Brady, J Cruddas, M Green, M Hall,  
John Hunter, C Johnston and P Richardson

Apologies: Councillors K Barrie, F Lott and J O'Shea

### **PQ81/22 Appointment of substitutes**

There were no substitute members appointed.

### **PQ82/22 Declarations of Interest**

There were no declarations of interest or dispensations reported.

Councillor P Richardson stated that he lived within Monkseaton South ward and he was familiar with the location of the Tennis Club and its surroundings but he did not live close enough to be directly affected by the proposal and he had an open mind to the arguments to be presented at the meeting.

### **PQ83/22 Minutes**

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

### **PQ84/22 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.

### **PQ85/22 21/01803/FUL, Tennis Courts at Beverley Park Lawn Tennis Club, Whitley Bay**

The Committee considered a report from the planning officers, together with three separate addendums circulated prior to the meeting, in relation to 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 numbers 2 and 3 via 9no. 6m high lighting columns with LED box type fittings.

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 the following people had been granted permission to speak to the Committee:

Lichfields Planning and Development Consultancy  
Douglas Gibson of Beverley Road  
Tom Lowenstein of Beverley Park  
Christopher Potts of Beverley Park  
Gillian Potts of Beverley Park  
Jean Ridley of Beverley Park

On behalf of this group, Chris Potts and Tom Lowenstein addressed the Committee. They were supportive of the tennis club's operation, which was a valued asset for the local community, but they expressed their concerns regarding the proposed installation of LED lighting. They made reference to decisions to refuse similar planning applications in Manchester and Tynemouth to illustrate that the proposed lighting scheme would neither protect or enhance the Monkseaton Conservation Area and the noise and glare likely to be generated by the scheme would be detrimental to the amenity of those living around the site. The concerns of neighbouring residents in relation to noise, parking, illumination and amenity had been ignored, elements of the application had been flawed and untruthful and the proposed conditions were not sufficiently detailed to provide clarity on the proposed operation of floodlit tennis and its likely impact. Residents were concerned that if coaching sessions were to take place this would create more noise than social tennis activities. The overspill from the LED lighting was likely to have a detrimental effect on the health & wellbeing of neighbouring residents, particularly for one child. It was stated that there were alternative floodlit tennis facilities in the area, residents were disappointed that the Committee had not undertaken a site visit and if an application for tennis courts at this site were submitted today, it would be rejected.

Lauri Chandler and Jon Pope of Beverley Park Lawn Tennis Club addressed the Committee to respond to the speakers' comments. They thanked the Council and the planning officers for their co-operation in processing the application. The Club had sought the support and advice of expert professionals in preparing the application but the agent had made too many assumptions in the process which had led to anxiety and concerns, despite these being corrected at the earliest opportunity. Lauri gave an insight into the vision and values of the club and its committee and she described the range of programmes delivered by the club to provide diverse sections of the community with opportunities to play tennis. She confirmed that the club's four courts were open between 8am on weekdays and 9pm at weekends until 10pm. The club did not intend to deliver coaching sessions after 6pm. After this time only social tennis among club members would be permitted with a limit of 4 players per court.

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

- a) the nature and extent of parking congestion on Beverley Road;
- b) the assessment undertaken of the levels of light from the proposed columns at neighbouring residential properties;
- c) the reasons why the Biodiversity Officer had not considered it necessary to request that a bat transect survey be carried out;
- d) the details and relevance of a decision to refuse tennis court floodlighting in Tynemouth in 1988, referenced by the speaker;
- e) the degree to which the proposed development would cause harm to the conservation area;
- f) the timing and nature of hospitality and social functions occurring at the clubhouse during and after tennis matches;

- g) the capacity of two floodlit tennis courts to accommodate competitive league tennis;
- h) the different styles of coaching activities delivered at the club and their impact on neighbouring residents in terms of noise generated;
- i) the club's intention to provide floodlit coaching sessions for children between 4pm and 6pm one day per week during the winter months;
- j) the reasons for not proposing to install lights on courts 1 and 4;
- k) details of the Clubspark system used for court bookings which could be linked to, and could control, the lighting system; and
- l) the dependence of the club's community programmes on the installation of the lighting.

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

1. The proposed development would result in harm to the residential amenity of surrounding occupiers; contrary to the National Planning Policy Framework and Policies S1.4 and DM5.19 of the North Tyneside Local Plan 2017.

2. The proposed development would result in unacceptable harm to the character and appearance of the conservation area and is therefore contrary to the National Planning Policy Framework, policies DM6.1, S6.5, DM6.6 of the North Tyneside Local Plan 2017, the Design Quality Supplementary Planning Document and the Monkseaton Conservation Area Character Appraisal.

**PQ86/22      22/00286/FULH, 5 Oakhurst Terrace, Benton**

The Committee considered a report from the planning officers in relation to a full planning application from Mr John Paul Wellwood 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.

The application was presented to the Committee for determination because the applicant was a parent of a member of the planning team.

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

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

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## PLANNING COMMITTEE

Date: 10 May 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 21/02500/FUL**

**Weetslade**

**Avant Homes Development Site Killingworth Way Killingworth  
NEWCASTLE UPON TYNE**

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**Application No:** 21/02500/FUL Author: Maxine Ingram  
Date valid: 17 December 2021 ☎: 0191 643 6322  
Target: 18 March 2022 Ward: Weetslade  
decision date:

Application type: full planning application

**Location: Avant Homes Development Site, Killingworth Way, Killingworth, NEWCASTLE UPON TYNE**

**Proposal: Residential development for the addition of 13no dwellings including associated reconfiguration of site layout to previously approved 16/01889/FUL**

Applicant: Avant Homes, Amy McFaulds Investor House Colima Avenue  
Sunderland Enterprise Park Sunderland SR5 3XB

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to an agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and
- b) grant delegated authority to the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure the following:
  - Affordable housing provision
  - Ecology and Biodiversity £2,535
  - Parks and Greenspace £6,920
  - Primary Education £37,500
  - Coastal mitigation £1,963

## **INFORMATION**

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

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

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

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

## 2.0 Background Information

2.1 The site, subject of this application, was granted planning permission for 200 units on the 27<sup>th</sup> April 2017. Members are advised that works have already commenced on the delivery of the 200 residential units.

2.2 This proposal is to increase the number of residential dwellings from 200 to 213; an increase of 13 units. To achieve the additional units' further plots have been added and the house types have been amended to provide a mix of 2, 3 and 4 bed dwellings.

2.3 The applicant has advised that the reason for the application is to respond to market demand for a greater choice of different house types.

## 3.0 Description of the site

3.1 The application site measures approximately 8.44 ha of former arable land. Works relating to the committed development have commenced on site, including site access and drainage.

3.2 The site is bounded by a Public Right of Way (PRoW) and cycle route to the east which runs north-south, adjacent to this is the East Coast Mainline. To the east of the site beyond the East Coast Mainline is Camperdown Industrial Estate. The A1056 (Killingworth Way) lies to the south of the site, beyond which is the new residential estate known as Moorfields. The A189 (Salter's Lane) bounds the site to the west. To the north the boundary is formed by an open drainage ditch beyond which is a small area of vacant grassland which is in turn bounded by the Seaton Burn Wagonway (Reivers Cycle Route – National Cycle Network Route 10).

## 4.0 Description of the Proposal

4.1 Planning permission is sought for a residential development for the addition of 13no. dwellings including associated reconfiguration of site layout to previously approved 16/01889/FUL.

## 5.0 Relevant Planning History

16/01889/FUL - Residential development of 200 new homes (including 50 new affordable homes, access, gardens, car parking, landscaping and amenity space and associated infrastructure) – Permitted 27.04.2017

18/01637/AMEND – Non material amendment of planning approval  
16/01889/FUL – amendment to house type names and elevations – Permitted  
14.12.2018

19/00442/AMEND – Non material amendment of planning approval  
16/01889/FUL - minor amendment, Kelham (5 bed) and Beckford (2 bed) added,



Holbury removed, Welbury removed. House types moved around on layout – Permitted 29.04.2019

19/01278/AMEND - Minor Amendment of house types locations: plot 196 changes to Overbury, plot 197 changed to Melton, plot 198 changed to Lorton, plot 15 changed to Sudbury. Modified elevations on Ashton and Cranford house types to suit village range theme on site – Permitted 16.10.2019

20/01384/AMEND - Non material amendment of planning approval  
16/01889/FUL - reposition plots 16, 17, 20 and 21. Replace house types to plots 4, 11 and 38 (Amended description) – Permitted 26.10.2020

21/00366/AMEND - Non material amendment of planning approval  
16/01899/FUL - substitution of house types on plots 34, 113, 114, 137, 138 and 139 and updated boundary treatment plan - Permitted 09.03.2021

21/01520/AMEND - Non material amendment of planning approval  
16/01889/FUL - change window and door colour to plots 39 - 142 (inclusive) – Permitted 08.07.2021

## 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 Main Issues

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

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

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

## 9.0 Principle of development

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

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

9.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This is known as the 'titled balance.'

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

9.5 Paragraph 74 of the NPPF requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing needs where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

9.6 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

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

9.8 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to

meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing.

9.9 LP Policy S4.3 'Distribution of Housing Development Sites' states: "The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes.

9.10 LP Policy DM1.3 'Presumption in Favour of Sustainable Development' states: "The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area...."

Members are advised that the site, subject of this application, is not identified for any purpose in the LP. Therefore, policy DM4.5 is considered to be relevant when assessing this application.

9.11 LP Policy S1.7 'Safeguarded Land' states: "An area of safeguarded land between the Green Belt and the main urban area that is not required for development within this Local Plan period is identified on the Policies Map. These strategic areas of land will be maintained in an open state for at least the plan period."

9.12 LP Policy DM1.8 'Development within the Safeguarded Land' states: "Proposals for development within the area defined as safeguarded land will only be permitted where it:

- a. Preserves the open nature of the area especially where this forms important open breaks between or within built up area; and,
- b. Does not cause significant visual intrusion; and,
- c. Does not adversely affect access for recreation; and,
- d. Will not adversely affect important landscape features; and,
- e. Will not cause significant harm to agricultural or forestry operations; and,
- f. No alternative site is reasonably available".

9.13 The principle of the development of this parcel of safeguarded land has already been accepted by planning approval 16/01889/FUL, which allows for the construction of 200 residential dwellings. Members are advised that works have commenced on site, including the construction of the site access, drainage and a number of the residential dwellings. Members only need to consider whether an additional 13 units on this site is acceptable.

9.14 The site is located on the borders of existing settlements. Gosforth Park and the Weetslade Country Park are located close to the site. The site is also well connected to the local and wider road network. The proposed additional 13 units will be contained within the previously agreed built parameters of the wider committed development. The wider committed development also includes provision for connections to the PRow and cycle network.

9.15 Given that the principle of residential development on this site has already been accepted, it is officer advice that a further 13 residential units on this site is acceptable subject to all other material considerations being addressed which will

be assessed in the latter parts of this report being acceptable. The principle is not considered to conflict with LP Policies S7.1 and DM1.8. This proposal for new housing accords with the Government's objectives, as set out in the NPPF, and should be considered based on the presumption in favour of sustainable development.

#### 10.0 North Tyneside Council Housing Land Supply

10.1 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). It is officer opinion that the proposed 13no. dwellings will make a small but valuable contribution towards the borough achieving a five-year housing land supply.

#### 11.0 Impact on character and appearance of the site and the surrounding area

11.1 Paragraph 126 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

11.2 Paragraph 130 of the NPPF states "Decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

11.3 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green

infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

11.4 Paragraph 131 of the NPPF states, “Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change.” It goes on to state that decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). Opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

11.5 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

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

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

11.7 LP Policy DM4.6 ‘Range of Housing Types and Sizes’ seeks to ensure that new residential development provides a mix of homes to meet current and future demand, and to create sustainable communities.

11.8 LP Policy DM4.9 ‘Housing Standards’ states that the Council will require that new homes provide quality living environments for residents both now and in the future. All new homes, both market and affordable, are to meet the Government’s Nationally Described Space Standards (NDSS).

11.9 The Council has produced an SPD on Design Quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. It also states that all new

buildings should be proportioned to have a well-balanced and attractive external appearance.

11.10 The parcels of land, subject of this application, are sited within a committed residential development. The additional units proposed are to be constructed within the built parameters of the layout previously agreed under 16/01889/FUL. The additional units do not affect the previously agreed site access or internal road layout, they do not affect the location of the Sustainable Urban Drainage System (SuDS) or affect previously agreed pockets of public open space or landscape features.

11.11 The increase in the number of units results in amending the size of some of the previously agreed plots to enable a further 13no. units to be accommodated within the existing built parameters. The design comments are noted. Members are advised that the additional units follow the principles of the previously agreed layout in terms of orientation and positioning of garden areas. Albeit some rear gardens may be smaller than the previously agreed layout, it is not considered that the additional units result in an overdevelopment of the site or an unacceptable layout for future occupants. Each unit has its own rear garden, allocated off street parking provision and refuse provision.

11.12 The proposed revisions to the previously agreed layout will accommodate the following housing mix: 8no. 2 bedroom houses, 17no. 3 bedroom houses, 3no. 4 bedroom houses. The revisions to the layout will provide short terraces, semi-detached and detached properties. All houses are two storeys and are considered to be of a commensurate height and design to the committed development.

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

11.14 The Council's Landscape Architect has been consulted. She has confirmed that the increase in the number of units has not resulted in the loss of any areas of public open space or affect the overall landscape strategy.

11.15 LP Policy DM7.9 'New Development and Waste' states "All developments are expected to:

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

11.16 The proposed layout demonstrates that bin storage is provided on a plot-by-plot basis for housing.

11.17 Members need to consider whether the revisions to the layout are appropriate and whether this complies with current policy. Officer advice is that the proposed additional number of units' can be accommodated within the site

without a significant adverse impact on the character and appearance of the area. Subject to the imposition of the suggested conditions, it is officer opinion that the site is capable of being developed in a manner which will comply with the relevant national and local planning policies.

#### 12.0 Impact upon future occupants and existing occupants

12.1 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

12.2 LP 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.

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

12.4 LP 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. Policy DM 4.9 sets out housing and accessibility standards.

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

12.6 The site is located adjacent to several different noise sources (road, rail, industrial noise). Members are advised that the potential impacts from the adjacent noise sources have already been accepted under the previous grant of planning permission. The applicant has advised that the bespoke house types to address noise located to the northern and eastern boundaries of the site remain unchanged.

12.7 The Manager of Environmental Health (Pollution) has been consulted. She has not raised any objections to the principle of this application as the applicant has referenced the noise mitigation measures to be provided will comply with the previously imposed noise conditions. She has advised that the compliance conditions are attached to any approval to ensure that the appropriate mitigation measures are secured. She has also recommended further conditions to control the hours of construction and dust mitigation measures.

12.8 Paragraph 187 advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. It goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

12.9 It is clear from the Environmental Health comments that subject to the conditions, that the amenity of future occupants can be adequately protected without impacting on existing businesses and facilities.

12.10 It is noted that an objection has been received from Plot 176. Plot 213, subject of this application, is located to the north of this existing property. They are separated by an estate road. It is noted that the revisions to this plot include an amended house type (Thornton) and relocation of the property within the site. The property has been repositioned, so the building line aligns with the properties to the north of the plot. A single garage is proposed to the northwest corner of this plot. Plot 176 will afford views of the gable of Plot 213. However, due to the orientation and the separation distance that will exist, it is not considered that the revisions to this plot will significantly affect the residential amenity of Plot 176 to such an extent that will sustain a recommendation of refusal.

12.11 The garage and parking provision serving Plot 213 will be sited adjacent to the shared boundary with Plot 134. The proposed garage will be sited adjacent to the gable of Plot 134 and it will not project beyond its front building line. On balance, it is not considered that the revisions to Plot 213 will significantly affect the residential amenity of Plot 134 in terms of loss of outlook.

12.12 The revisions to the previously agreed layout demonstrates that appropriate privacy distances can be achieved within the site for both existing and future occupants. The layout also achieves acceptable impacts in terms of outlook and light between the proposed revisions and the existing plots. Each house has its own outdoor amenity space, refuse store and parking. A condition is recommended to ensure that all dwellings comply with Policy DM4.9.

12.13 Members need to consider whether the proposal will have an adverse impact on residential amenity. It is officer advice that subject to conditions, the impacts on residential amenity are acceptable. As such, the proposed development is considered to comply with the relevant national and local planning policies.

### 13.0 Highways

13.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

13.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.



13.3 The NPPF paragraph 113 sets out guidance on sustainability and connectivity.

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

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

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

13.7 An objection has been received regarding an increase in additional traffic and construction traffic. This objection is noted.

13.8 The previous grant of planning permission was accompanied by a Transport Assessment (TA). The TA assessed the local highway network and was also tested in the council's Micro-simulation Transport Model. The TA concluded that the impacts on the highway network were not severe given the various improvements already committed along the A1056 corridor and as such, no wider off-site highway mitigation was required other than the site access. The TA has been updated and the impact of the additional trips associated with the additional dwellings is acceptable.

13.9 The previous grant of planning permission included improvements to public transport by introducing bus stops and lay-bys on the A1056 as well as improvements to the PRow network serving the site and surrounding areas. The additional dwellings do not require any additional improvements.

13.10 A Framework Travel Plan (TP) accompanied the previous grant of planning permission. The TP sought to reduce car usage associated with the site by various measures. The TP will be amended to include residents occupying the new dwellings.

13.11 Parking has been provided in accordance with the standards set out in LDD12 for both the original and amended proposals and the original site layout is not impacted by the additional dwellings.

13.12 The NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual impacts on the road network would be severe. In this case, it is clear from the Highway Network Managers comment that, in their opinion, the proposed development would not result in any unacceptable or severe impacts.

13.13 No objections have been raised by Sustainable Transport, Network Rail or Nexus.

13.14 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable. As such, the proposed development is considered to accord with both national and local planning policy.

#### 14.0 Biodiversity

14.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

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

14.3 Paragraph 179 of the NPPF states that when determining planning applications LPAs should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 180 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

14.4 LP Policy S5.4 'Biodiversity and Geodiversity' seeks to protect, create, enhance and manage sites within the borough relative to their significance.

14.5 LP Policy DM5.6 'Management of International Sites' seeks to protect internationally protected sites.

14.6 The Council's Ecologist has been consulted. She has advised that there is no objection from an ecological perspective from the proposed amendments.

14.7 The application site is located beyond the 6km buffer of the Northumbria Coast Special Protection Area (SPA). However, it will still have an impact on the coast as a result of an increase in recreational disturbance. This development will need to comply with the Coastal Mitigation SPD, which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. This development is required to pay the lower tariff (J151.00 per dwelling). The applicant has agreed to pay this financial contribution, which will be secured via a legal agreement.

14.8 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that subject to that it is.

## 15.0 Other issues

### 15.1 Flooding

15.2 Paragraph 167 of the NPPF states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment....”

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

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

15.5 The Lead Local Flood Authority (LLFA) has advised that they have no objections to the revisions to the layout as they will not lead to a significant increase in the overall area of impermeability within the site, this will mean the developments previously agreed sustainable drainage system can remain unaltered.

15.6 Northumbrian Water have been consulted. They have raised no objection to the proposed development, provided it is approved and carried out within strict accordance with the submitted document entitled Flood Risk Assessment. This confirms that additional surface water will be discharged to the local watercourse. The foul flows from the additional units will be agreed through Northumbrian Water adoption processes.

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

### 15.8 Contaminated Land and ground conditions

15.9 Paragraph 183 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

15.10 Paragraph 184 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

15.11 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance

(2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

15.12 LP Policy DM5.18 'Contaminated and Unstable' Land sets out the policy requirements for development that would be affected by contaminated or stability issues.

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

15.14 The Coal Authority has raised no objection to the proposed development.

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

#### 15.16 Archaeology

15.17 Paragraph 205 of the NPPF states "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

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

15.19 The Tyne and Wear Archaeology Officer has been consulted. She has advised no further archaeological works are required.

#### 15.20 North West Villages Sub Area

15.21 The application site is located in an area identified as being within the North West Sub Area. The proposed development would not prevent the aims of Policy AS8.24.

#### 16.0 S106 Contributions

16.1 Paragraph 55 of NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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

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

16.3 LP Policy S7.1 'General Infrastructure and Funding Statement' states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

16.4 LP Policy DM7.2 'Development Viability' states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

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

16.6 LP Policy DM4.7 'Affordable Housing' sets out that to meet the Borough wide housing target, the Council will seek provision of 25% affordable homes on new housing developments.

16.7 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

16.8 The applicant has confirmed that they are agreeable to the following financial contributions and off-site mitigation requested by service areas:

- Affordable housing provision
- Ecology and Biodiversity J2,535.00
- Parks and Greenspace J6,920.00
- Primary Education J37,500.00
- Coastal mitigation J1,963.00

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

16.10 A CIL payment will be required in respect of this development.

#### 17.0 Local Financial Considerations

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

17.2 The proposal involves the creation of 13 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

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

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

### 18.0 Conclusions

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

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

18.3 The site forms part of a committed residential development and it would make a positive contribution towards the Borough's identified housing needs.

18.4 This proposal would make a small but valuable contribution towards the requirement for the council to have a 5-year supply of deliverable housing sites. This is a material consideration of significant weight in favour of the proposal.

18.5 The design and layout of the proposal would not have an adverse impact upon the character and appearance of the site.

18.6 The proposal would ensure sufficient separation distances to neighbouring properties so as to not adversely affect their privacy or amenity.

18.7 The proposal would provide parking in accordance with the Council adopted standards and would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

18.8 No further archaeological works are required.

18.9 No further drainage works are required.

18.10 The applicant has agreed to provide planning obligations in accordance with what the Council is seeking.

18.11 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officer's, the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to an agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) grant delegated authority to the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**
  - Affordable housing provision**
  - Ecology and Biodiversity £2,535**
  - Parks and Greenspace £6,920**
  - Primary Education £37,500**
  - Coastal mitigation £1,963**

## **Conditions/Reasons**

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

- Location plan Dwg No. 5166:SL:RP:01
  - Replan Dwg No. 5166:SL:RP:02 Rev B
  - Boundary treatment and Material Layout Dwg No. 5166/RP/MP/01 Rev A
  - Asken End Dwg No. AV22/ASK/0-002 B
  - Asken End Dwg No. AV22/ASK/0-001 B
  - Oakwood Semi Dwg No. AV22/OAK/0-001 B
  - Oakwood Semi Dwg No. AV22/OAK/0-002 B
  - Ripon Elevation Dwg No. AV22/RIP/0-002 B
  - Ripon End Dwg No. AV22/RIP/0-001 B
  - Thornton Ground Floor Compliance Plan Dwg No. AV22/THO/6-001 A
  - Thornton First Floor Compliance Plan Dwg No. AV22/THO/6-002 A
  - Thornton Elevation Dwg No. AV22/THO/0-002 C
  - Thornton Detached Dwg No. AV22/THO/0-001 C
  - Wentridge Ground Floor Compliance Plan Dwg No. AV22/WEN/6-001 A
  - Wentridge First Floor Compliance Plan Dwg No. AV22/WEN/6-002 A
  - Wentridge Detached Dwg No. AV22/WEN/0-001 B
  - Wentridge Elevations Dwg No. AV22/WEN/0-002 B
  - Detailed planting plan Sheet 1 of 3 Dwg No. N903-ONE-00-XX-DR-L-0201
- P04
- Detailed planting plan Sheet 2 of 3 Dwg No. N903-ONE-00-XX-DR-L-0202
- P04

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

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

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

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

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

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

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

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

7. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

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.

8. The development hereby approved shall be carried out in full accordance with the mitigation measures regarding noise and ventilation agreed under 20/01151/COND.



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

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

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

10. Notwithstanding Condition 1, the development hereby approved shall be implemented in full accordance with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated November 2021 (R0/FRA/15101.100).

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

11. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details. Reason: This needs to be pre-commencement condition to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

12. Notwithstanding Condition 1, the proposed dwellings must comply with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To ensure appropriate living conditions for future occupiers are provided in accordance with Policy DM4.9 of the North Tyneside Local Plan (2017).

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

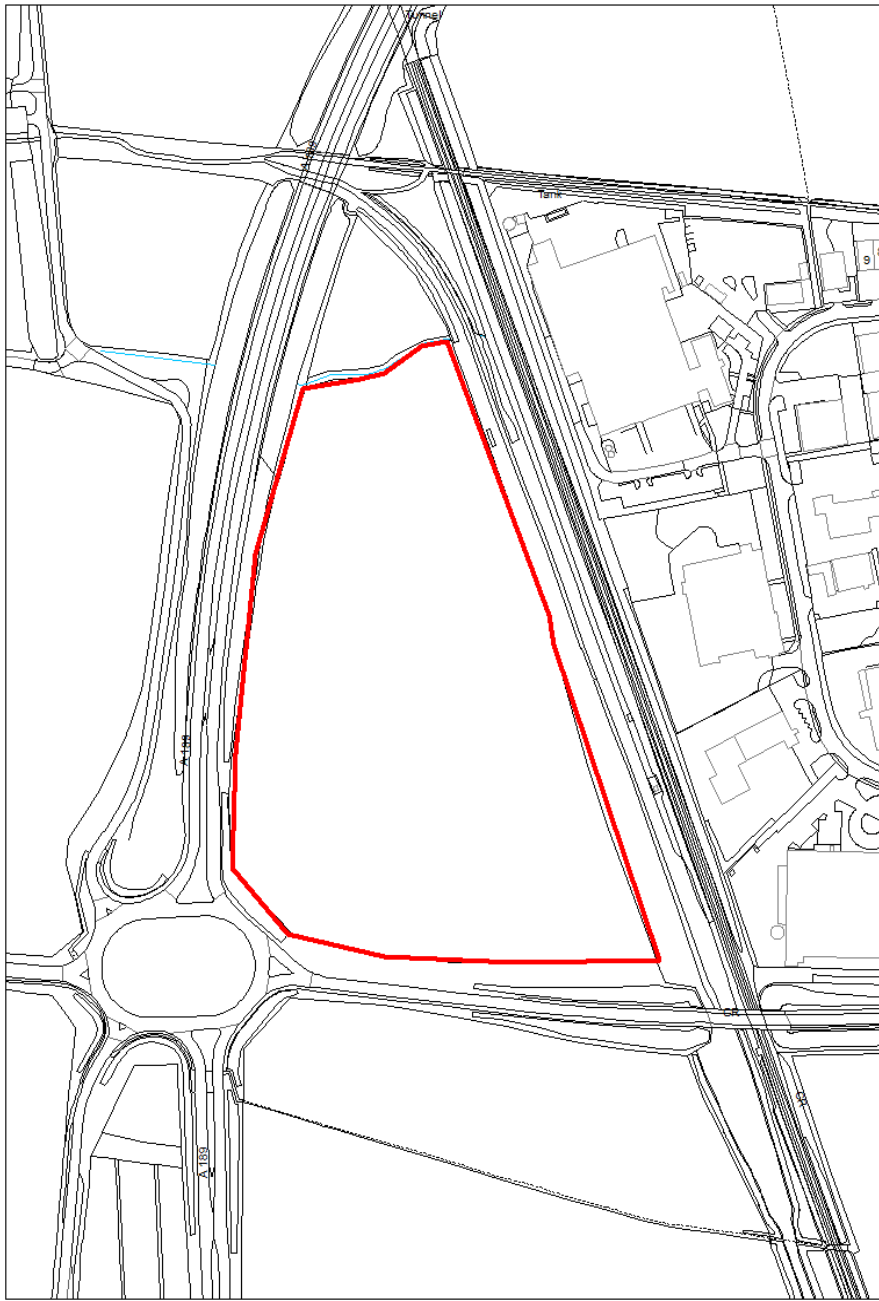
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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

**Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

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



**Application reference: 21/02500/FUL**

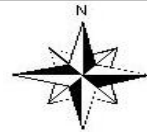
**Location: Avant Homes Development Site, Killingworth Way, Killingworth**

**Proposal: Residential development for the addition of 13no dwellings including associated reconfiguration of site layout to previously approved 16/01889/FUL**

Not to scale

Date: 28.04.2022

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for a residential development for the addition of 13 dwellings, including associated reconfiguration of the site layout to the previously approved application - 16/01889/FUL. The original application included 200 dwellings, making an amended total of 213 dwellings.

1.3 A Transport Assessment (TA) was included as part of the original application that assessed the local highway network and was also tested in the council's Micro-simulation Transport Model. It was considered that impact of the development on the highway network was not severe given the various improvements already committed along the A1056 corridor and as such, no wider off-site highway mitigation was required other than the site access, which was secured via a S278 Agreement. The TA was updated for the current application and the impact of the additional trips associated with 13 additional dwellings is acceptable.

1.4 The previous application included improvements to public transport by introducing bus stops and lay-bys on the A1056 outside the site as well as improvements to Public Rights of Way network serving the site and surrounding areas. These measures will improve connectivity to shops, schools and employment areas and were secured via a S106 Agreement.

1.5 A Framework Travel Plan (TP) was also been included as part of the original application, which sought to reduce car usage associated with the site by various measures. The TP will be amended to include residents occupying the new dwellings.

1.6 Parking has been provided in accordance with the standards set out in LDD12 for both the original and amended proposals and the original site layout is not impacted by the additional dwellings. Conditional approval is recommended.

1.7 Recommendation - Conditional Approval

1.8 Conditions:

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

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

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

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

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

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

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

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

#### 1.9 Manager for Environmental Health (Contaminated Land)

1.10 The information submitted for application 18/01615/COND stated:

“No shallow mine workings have been encountered in the southern section of the site. As such, no special precautions against hazardous gas are required on this site. The site has not previously been developed and appears to have remained in agricultural use. There are no known sources of contamination at the site and no evidence of contamination was identified within samples of topsoil analysed in the laboratory.

Conditions 26 and 27 can be discharged.”

1.11 No conditions are required for this application.

#### 1.12 Manager for Environmental Health (Pollution)

1.13 I have no objection in principle to this application and note that the applicant has referenced the noise mitigation measures to be provided to ensure compliance to noise conditions 21 and 22. I would recommend that compliance conditions are attached to any approval to ensure that the mitigation measures outlined within the application are adhered to in accordance to the submitted information for compliance with conditions 21 and 22. In addition dust mitigation measures and construction hours should be reattached to any approval.

HOU04  
SIT03

#### 1.14 Sustainable Transport

1.15 This application is for the amendment of previously approved application 16/01889/FUL. The amendment includes the addition of 13 additional dwellings and reconfiguration to the site layout. Upon checking the latest documents against the previously approved layout I believe the Sustainable Transport requirements are unaffected by the changes.

1.16 Recommendation: Approval

### 1.17 Biodiversity Officer

1.18 The above application is to reconfigure the site layout for the previously approved application 16/01889/FUL to accommodate the addition of 13no. dwellings within the wider development site. The proposal does not appear to impact landscaping and open space indicated on the approved plans (16/01889/FUL) and therefore there is no objection from an ecological perspective from the proposed amendments.

### 1.19 Design

1.20 The proposal is to increase the total number of dwellings on the site by 13. The development areas remain the same. The increase in unit numbers is focused in a small area, rather than being distributed across the whole site. To accommodate the additional units, larger detached units have been replaced by smaller semi-detached units and a small terrace.

1.21 New development should provide good quality private amenity space and the Design Quality SPD specifies that gardens should satisfactorily reflect the size and type of the dwelling proposed. The increase in density of units results in some units having small rear gardens, some of which are also awkwardly shaped which may affect their usability. Some units would have a significantly overshadowed garden, while there would be an overbearing impact on other gardens from the positioning of adjacent units. This is reflective of the site being over developed. The development in its current form is not supported and amendments should be made to the layout to address the above concerns.

### 1.22 Landscape Architect

1.23 The proposal has been checked against the approved plans (16/01889/FUL) and can confirm that no areas of POS have been amended or lost. The overall landscape strategy for the site is unaffected by the proposed amendments.

### 1.24 Lead Local Flood Authority (LLFA)

1.25 I have carried out a review of the proposals to increase the number of houses detailed in planning application 21/02500/FUL.

1.26 I can confirm I have no objections to the proposals as they will not lead to a significant increase in the overall area of impermeability within the site, this will mean the developments previously agreed sustainable drainage system can remain unaltered.

## 2.0 Representations

2.1 One objection has been received. This objection is set out below:

-Increase in number of dwellings will increase the number of traffic on the main road through the estate onto the corner that enters Emperor Way.

-The reduction in the number of 4 bedroom homes could potentially reduce the average price house for the area/estate.

-The submitted plans of building a single garage opposite our property does not align with the current walls being built opposite. Is this going to mean more construction traffic on Emperor Way to change it?

-The submitted plans indicate that the address is Killingworth, but we were advised after purchasing that it is in-fact Camperdown. Can we please have

clarification on this matter?

*2.2 Officer note: Property values are not a material planning consideration. The Local Planning Authority (LPA) do not deal with street naming and numbering.*

*Following a site visit it is noted that the wall that has been partly constructed does not correspond with the revised site layout for Plot 213. However, it is not considered that construction traffic will increase as no further works relating to this plot have commenced so further construction will already be required in this area regardless of whether this planning application is granted planning permission.*

### 3.0 External Consultees

#### 3.1 The Coal Authority

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

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

#### 3.4 Nexus

3.5 No comments to make.

#### 3.6 Network Rail

3.7 In relation to the above application I can confirm that Network Rail has no observations to make.

#### 3.8 Archaeology

3.9 The archaeology on this site has been previously investigated under conditions applied to planning consent 16/01889/FUL. An archaeological excavation recorded an interesting and regionally important Bronze Age barrow site, which will be published in the journal *Archaeologia Aeliana*. Accordingly, no further archaeological work is required.

#### 3.10 Northumbria Police

3.11 We have no objections or comments from a crime prevention viewpoint.

#### 3.12 Northumbrian Water

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

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

3.15 We do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document entitled Flood Risk Assessment. This document confirms that additional surface water will be discharged to the local watercourse. The foul flows from the additional units will be agreed through our S104/S106 adoption processes.

3.16 We request that the Flood Risk Assessment November 2021 forms part of the approved documents list as part of any planning approval and the development is implemented in accordance with this document.

3.17 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards.