



North Tyneside Council

Planning Committee

3 March 2023

To be held on **Tuesday, 14 March 2023** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

Agenda Item	Page
<p>1. Apologies for absence</p> <p>To receive apologies for absence from the meeting.</p>	
<p>2. Appointment of substitutes</p> <p>To be informed of the appointment of any substitute members for the meeting.</p>	
<p>3. Declarations of Interest</p> <p>You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.</p> <p>You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.</p> <p>You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.</p>	
<p>4. Minutes</p> <p>To confirm the minutes of the previous meeting held on 14 February 2023.</p>	5 - 8

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5. Planning Officer Reports	9 - 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. 22/01122/FUL, Land at Centurion Park, Rheydt Avenue, Wallsend	13 - 94
To determine a full planning application from Bellway Homes (North East) for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure.	
Speaking rights have been granted to:	
<ul style="list-style-type: none"> Objectors, Maureen Walsh, Katie McNally, Angela Mciver, Peter Kirkley, Paula Leathers, Martin Collins and Allan Henderson. Councillors Louise Marshall and Gary Madden, Wallsend Ward Councillors A representative of the applicants, Bellway Homes (North East) 	
7. 22/00886/FUL, Site of Former Trinity United Reformed Church, Esplanade Place, Whitley Bay	95 - 122
To determine a full planning application from Fordinghall Ltd for construction of 12no residential two storey terraced dwellings with private parking spaces and associated works.	
Speaking rights granted to:	
<ul style="list-style-type: none"> Local resident, Stephen Overy The applicant, Fordinghall Ltd 	
8. 22/02238/FUL, Beacon Hill School, Rising Sun Cottages, Wallsend	123 - 156
To determine a full planning application from North Tyneside Council for installation of extension of Beacon Hill School to provide 10 additional class bases on site. This is to include associated car park and external landscaping with the intention of future proofing the site for increased student and staff numbers.	
Speaking rights granted to:	
<ul style="list-style-type: none"> Local residents, Jon & Lisa Goodwin The applicant, North Tyneside Council 	

Continued overleaf...

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9.	21/01774/FUL, Land at Former School House, Sandy Lane, Wideopen	157 - 212
	To determine a full application from Mr W Collard for erection of gym with associated parking.	
	Speaking rights granted to:	
	<ul style="list-style-type: none"> • Local residents, Keith & Joy Dowd • Councillor Michelle Fox • The applicant's agents, George F White 	
10.	21/01513/FUL, Land South of Boundary Mills, Park Lane, Shiremoor	213 - 274
	To determine a full planning application from Lidl Great Britain Limited for erection of a new discount foodstore (Use Class E) with access, car parking and landscaping and other associated works.	
	Speaking rights granted to:	
	<ul style="list-style-type: none"> • Local resident, Andrea Knowles • Councillor Brian Burdis • The applicant's agent, Rapleys LLP 	
11.	22/02195/FUL, Land East of Neptune Road, Wallsend	275 - 288
	To determine a full planning application from Offshore Technology Park for use of the site as a combined B2 (General Industrial) / B8 (storage and Distribution) use.	
12.	23/00015/FULH, 23 Monks Way, Tynemouth	289 - 298
	To determine a householder planning application from Mr Nathan Sandy for over garage extension and porch to front elevation. Replacement of timber cladding with white smooth white fibre cement cladding.	

Circulation overleaf ...

Members of the Planning Committee:

Councillor Ken Barrie
Councillor Muriel Green
Councillor John Hunter
Councillor Tommy Mulvenna
Councillor Paul Richardson (Deputy Chair)
Councillor Jane Shaw
Councillor Janet Hunter (Substitute)

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

Planning Committee

Tuesday, 14 February 2023

Present: Councillor W Samuel (Chair)
Councillors K Barrie, J Cruddas, M Hall, John Hunter,
C Johnston, T Mulvenna, J O'Shea and J Shaw

Apologies: Councillors M Green and P Richardson

PQ60/22 Appointment of substitutes

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

Councillor P Earley for Councillor M A Green

PQ61/22 Declarations of Interest

There were no declarations of interest or dispensations reported.

PQ62/22 Minutes

Resolved that the minutes of the meeting held on 17 January 2023 be confirmed and signed by the Chair.

PQ63/22 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.

PQ64/22 21/0304/FUL, Land at Backworth Business Park, Ecclestone Close, Backworth

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Northumberland Estates for construction of 57 residential dwellings (Use Class C3(a)) and 14 no. commercial units totalling 650 sqm (Use Class E(g)), with associated road infrastructure, car parking spaces, open spaces, gardens and landscaping.

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

In accordance with the Committee's Speaking Rights Scheme, Robin Wood of R&K Wood Planning LLP, had been granted permission to speak to the Committee on behalf of Keenan

Processing Ltd. Keenan's were a vegetable processing company located on Ecclestone Close, Backworth, adjacent to the application site. Robin Wood outlined Keenan's concerns that the proposed development would lead to complaints from future occupiers about the noise from its operations, particularly those occurring early in the mornings. Such complaints were likely to lead to restrictions being placed on the business's operations which could be fatal to its viability. In accordance with the terms of the National Planning Policy Framework, the applicant, as the agent of change, was required to provide suitable mitigations where development would have a significant adverse effect on existing businesses. Keenan's had commissioned Apex Acoustics to review the noise assessment undertaken by the applicant. They had identified errors in the process and they disputed its conclusions and the Environmental Health Officer's judgement that the noise levels from Keenan's would not give rise to a significant adverse impact. It was the opinion of the planning officers that, on balance, the development would not result in unreasonable restrictions being placed on existing businesses. Mr Wood contended that a judgement on balance was insufficient as, in determining an earlier appeal, a planning inspector had stated that it ought to be inconceivable that any complaints would arise. Mr Wood referred to previous applications, officer recommendations and appeal decisions and urged the Committee to again refuse planning permission as the issues previously raised had yet to be satisfactorily addressed.

Barry Spall of Northumberland Estates, David Brocklehurst of Cussins and Simon Urquhart of Wardell Armstrong, addressed the Committee to respond to the speakers' comments. Simon Urquhart described how he had worked in conjunction with the Environmental Health Officers to undertake noise assessments in accordance with the relevant standards and guidelines. The assessments had demonstrated that the proposed noise mitigation measures would result in low internal noise levels in compliance with the British Standards. David Brocklehurst commented on how the application to provide much needed quality homes had been refined over the past two years to address its impact on ecology, highways and existing businesses. The application was very different to those previously refused on appeal because the housing had been moved further away from Keenan's and the issues regarding noise had been addressed. If approved, Cussins were in a position to immediately commence works on site and provide much needed homes.

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 location and nature of Keenan's operations and its impact on existing neighbouring residential properties;
- b) the results of the noise assessments undertaken by the applicant, the Environmental Health Officer's opinion of the assessments and the review of the noise assessments undertaken by Apex Acoustics on behalf of Keenan Processing Ltd;
- c) the impact of noise from Keenan's operations on the amenity of future occupiers of the proposed houses;
- d) Policy S4.3 of the Local Plan which designated the wider site for mixed use, the comments contained within the Inspectors Report on the Local Plan which indicated that the Inspector was not persuaded that a subservient element of housing could not be satisfactorily accommodated on the site and the proportions of the site now proposed to be developed for housing and commercial use;
- e) the number, location and nature of affordable homes to be delivered as part of the development;
- f) the impact of the development on the local highway network and access to public transport from the site;
- g) details of the on site mitigation and off site compensation land to be provided for the

- loss of ecology on the site; and
- h) the proposed conditions requiring the applicant to address the risks of unstable and contaminated land and the spread of Japanese Knotweed.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 1 member of the Committee voted for the recommendation and 9 members voted against the recommendation.

Resolved that planning permission be refused on the following grounds:

1. The proposal would adversely impact upon existing business' ability to operate contrary to the advice in National Planning Policy Framework (NPPF) (2021) and policies S1.4 and DM5.19 of the North Tyneside Local Plan (2017).
2. The proposed development would by virtue of increase in traffic on Station Road (B1322) have an unacceptable impact on highway safety contrary to the advice in National Planning Policy Framework (NPPF) (2021) and policy S1.4 of the North Tyneside Local Plan (2017).

PQ65/22 21/01958/FUL, Land West of Mackley Court, Wallsend

The Committee considered a report from the planning officers in relation to a full planning application from Persimmon Homes (North East) for development of 13 residential dwellings (C3 use) with the associated infrastructure and landscaping, Station Road (East), Phase 4.

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, local residents, Ben Reeve and Elaine Armstrong, had been granted permission to speak to the Committee. However, Ben Reeve was unable to attend the meeting.

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

- a) the proposed condition requiring the applicant to submit for approval a landscape and ecological management and monitoring plan which would include details of the landscape design and the types of trees to be planted to ensure that root systems did not have a damaging long term impact on the development; and
- b) the objections of neighbouring residents and in particular their expectation that the site would be developed for a health centre and retail units. Officers confirmed that an application for a retail development had been submitted and that the applicant had made a financial contribution in accordance with the terms of a Section 106 legal agreement towards health services.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 9 members of the Committee voted for the recommendation and none voted against.

Resolved that (1) the Committee is minded to grant the application; and
(2) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:

- i) the conditions set out in the planning officers report;
- ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and
- iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure off-site compensation land, affordable housing provision (3 units) and financial contribution for the following:
 - £2,535 towards ecology and biodiversity.
 - £9,100 towards children's equipped play.
 - £6,918 towards parks and green spaces.
 - £25,000 towards primary education.
 - £3,000 towards employment and training.
 - £1,963 towards coastal mitigation.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development and its impact on the amenity of future and existing occupiers, the character and appearance of the area, the local highway network and biodiversity.)

PQ66/22 22/02024/FUL, Bridon, Ropery Lane, Wallsend

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Bridon Bekaert Ropes Group for extension to the existing building and the erection of no. 2 ancillary lean storage.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 9 members of the Committee voted for the recommendation and 1 member voted against the recommendation.

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

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

PLANNING COMMITTEE

Date: 14 March 2023

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.

Application No: 22/01122/FUL Author: Julia Dawson
Date valid: 23 June 2022 ☎: 0191 643 6314
Target decision date: 22 September 2022 Ward: Northumberland

Application type: full planning application

Location: Land at Centurion Park, Rheydt Avenue, Wallsend, Tyne and Wear

Proposal: Full planning application for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure

Applicant: Bellway Homes (North East)

Agent: Pegasus Group

RECOMMENDATION:

It is recommended that:

- a) the Committee indicates that it is minded to grant the application; and
- b) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:
 - i) the conditions set out in the planning officers report;
 - ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and
 - iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:
 - Affordable housing provision
 - Allotments £21,600.00
 - Ecology and Biodiversity £41,925.00
 - Parks and Greenspace £114,421.00
 - Built Sports Facilities £186,932.00
 - Play/Multi Use Games Area £150,500.00
 - Playing Pitches £162,219.00
 - Primary Education £65,000.00
 - Coastal mitigation £32,465.00
 - Employment and Training £49,000.00
 - Highways £50,000.00
 - Travel Plan Bond £100,000

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 This planning application was originally presented to planning committee on 17th January 2023 where Members were minded to grant permission subject to conditions and a S106 agreement. However, following the committee meeting, a further representation was submitted on behalf of Wallsend Boys Club. This raised a number of issues which are set out within paragraph 1.9 of the Consultations/Representations section of this report. Having reviewed these issues, it was considered appropriate to bring the application back to committee for re-consideration. This report has been updated/amended where necessary and the applicant has submitted an Addendum to the Open Space Assessment and a Planning Note.

Main Issues

1.2 The main issues in this case are;

- The principle of the loss of open space and the proposed residential development;
- The impact upon amenity;
- The impact on character and appearance/design and layout;
- The impact on ecology and trees; and
- The impact on the highway.

1.3 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 application site relates to the Centurion Park Golf Club in Wallsend and comprises approximately 9.6ha of land. A public footpath runs along the northern boundary of the site, beyond which is the Golf Course. Benfield School and associated playing fields are located to the west of the site and beyond the south boundary are the playing fields and car park of Kirkley Park (Wallsend Boys Club). The Golf Course also extends beyond the eastern boundary of the site.

2.2 The Club House, shop and car park are located within the northern part of the application site, adjacent to an area of hardstanding and the Golf Club's driving range. An artificial grass pitch, three multi use games areas (all now disused and derelict) and former playing field are located within the southern part of the application site. A bowling green is also located within the southern part of the site, this is to be retained as part of the proposed development.

2.3 The site is located to the north west of Wallsend town centre. The boundary between Newcastle City and North Tyneside lies to the west/south west of the site. The A1058 Coast Road lies to the north, beyond the Golf Course. Residential properties are located beyond the Golf Course to the east on West Street. Further to the south east of the application site, also beyond the Golf Course, lies Western Community Primary School which has vehicular access off Rutland Road. There are residential properties in Rutland Road to the south east, and Rutland Road gives access to Rheydt Avenue from which the existing

golf clubhouse and Wallsend Boys Club are accessed. The East Coast mainline railway line runs to the west of the existing Golf Course site.

2.3 The (Wallsend Golf Course, Wallsend, Tyne and Wear) Tree Preservation Order, No.2, 2010 covers some of the trees on the site.

2.3 The application site is located within an area of designated Open Space and a Wildlife Corridor (Local Plan 2017). Reflecting its former use it is also identified within the Council's Green Space Strategy as an Outdoor Sports Facility (Wallsend Sports Centre & Wallsend Golf Course).

2.0 Description of the Proposed Development

2.1 The proposal relates to the construction of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure. The proposed development will consist of 62no. two bed dwellings, 50no. three bed dwellings, 87no. four bed dwellings and 16no. five bed dwellings. Six of the two bed dwellings will be bungalows, the rest of the dwellings will be two storey. Vehicular access is to be provided from Rheydt Avenue, which is to be upgraded to adoptable standard.

3.0 Relevant Planning History

01/02454/OUT- Demolition of Wallsend Sports Centre redevelopment of site associated playing fields part of golf course for residential purposes new golf clubhouse, new access to highway, alteration of existing access to highway – Withdrawn

08/02049/FUL - Proposed internal alterations and extension to the rear of the existing golf club. Extension to the driving range and alter the car park and immediate surrounding landscaping. Description amended 27.11.2008 to include closure and diversion of footpath and new additional path through site. Car park layout amended and additional information received 20.03.2009 relating to footpath diversion and new planting on site - Approved 09.04.09

09/03178/FUL - Erection of new hotel and sports injury rehabilitation clinic. Refurbishment of former sports centre including external alteration a new squash court and bar/dining facilities. Proposed 6no all weather pitches, 3no tennis courts, par 3 golf course, adventure course and batting cage. Relocation of groundsman compound. Amended car parking layout to include additional parking. Supplementary information and amended plans received due to repositioning of hotel building – Approved 19.10.11

Land to north and north east:

20/01181/FUL - Construction20/01181/FUL - Construction of a driving range with associated parking, including ancillary sports bar/restaurant, pro shop, golf academy, golf club changing facilities, and function rooms, creation of a new vehicular access and reconfiguration of Wallsend Golf Course – Approved 16.03.2021

Wallsend Boys Club:

17/00194/FUL - Proposed extension to existing boys club, comprising of a first floor extension to the existing facilities to provide meeting spaces, offices and

events areas. Erection of new indoor pitch and new external 4G pitch to replace the existing large pitch – Approved 16.06.2017

22/01659/FUL - Variation of condition 1 (approved plans) of planning approval 17/00194/FUL in order to install pitched roof in lieu of flat roof, solar panel array and alterations to the external elevations. – Approved 05.12.2022

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. At para 11, NPPF requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Where the most important policies for determining the application are out-of-date LPAs should grant permission unless the application of policies set out in the Framework that protect areas of particular importance provides a clear reason to refuse development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In considering applications for housing, one of the circumstances in which policies are regarded as out of date is where a LPA cannot demonstrate a five-year housing land supply. At this time North Tyneside is not able to demonstrate a five-year supply of deliverable housing sites and some policies are therefore regarded as out of date.

PLANNING OFFICERS REPORT

6.0 Main Issues

6.1 The main issues in this case are;

- The principle of the proposed residential development/loss of open space;
- The impact upon amenity;
- The impact on character and appearance/design and layout;
- The impact on ecology and trees; and
- The impact on the highway.

6.2 This planning application was originally presented to planning committee on 17th January 2023 where Members were minded to grant permission subject to conditions and a S106 agreement. However, following the committee meeting, a further representation was submitted on behalf of Wallsend Boys Club. This raised a number of issues which are set out within paragraph 1.9 of the Consultations/Representations section of this report. Having reviewed these issues, it was considered appropriate to bring the application back to committee for re-consideration. This report has been updated/amended where necessary and the applicant has submitted an Addendum to the Open Space Assessment and a Planning Note.

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)". With the exception of housing policies, 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 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

7.3 Paragraph 11 of the NPPF has been referenced above (paragraph 5.3). Development plan policies important to the determination of housing applications will be regarded as out of date because, as explained, the LPA cannot currently demonstrate a five-year supply of deliverable housing sites. What is referred to as the 'tilted balance' principle means there is a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits. As set out in paragraph 5.3, refusal is only justified if the application of NPPF policies which protect areas or assets of particular importance provide a clear reason to do so. This includes, among other designations, policies relating to habitat sites. In terms of the principle of development, this development requires appropriate assessment because it may impact designated habitat at the coast where there are Special Protection Areas (SPA). Paragraph 182 of the NPPF states "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

7.4 Paragraph 12 of the NPPF makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

7.5 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.

7.6 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.

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

7.8 Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing. It 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. 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.

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

7.10 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.

7.11 Policy DM4.5 states that proposals for residential development on sites not identified

on the Policies Map will be considered positively where they can:

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

further infrastructure requirements arise, make appropriate contribution to its provision; and

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

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

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

7.13 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

7.14 Policy DM5.3 'Green Space Provision and Standards' 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.

7.15 Sport England's 'Playing Fields Policy and Guidance' states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions, which are set out as follows:

1. A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

2. The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

3. The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any part of a playing field and any of its playing pitches.

4. The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

5. The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

7.16 The Council's Green Space Strategy 2015 (GSS) identifies a range of green spaces including outdoor recreational facilities. The application site comprises two separate 'Outdoor Sports Facility' sites within the GSS. The Golf Course is identified as an Outdoor Sports Facility of high quality and medium value with members only access. The existing golf facilities within the northern part of the application site are to be relocated on land to the north-east of the existing Golf Course. This relocation was approved under a separate planning application (reference 20/01181/FUL). The area to the north east corner of the application site also includes an area identified for biodiversity net gain enhancements which was required as part of application 20/01181/FUL and this will be retained. This does not form part of the current planning application.

7.17 The site of the former Wallsend Sports Centre is identified within the GSS as being of high quality and medium value with unlimited access. This part of the site consists of a bowling green and pavilion; a disused Artificial Grass Pitch (AGP); 3 disused Multi Use Games Areas (MUGAs); and vacant land which was formerly used as a playing field. This land was last used as part of Wallsend Sports Centre - the AGP has been closed since 2004/2005, the MUGAs and grass pitch to the west have not been used since circa 2000, and the cricket pitch to the east has not been used since circa 2015.

7.18 A significant number of objections have been submitted in respect of the loss of the open space from local residents and Ward Councillors. These concerns are noted. Wallsend Boys Club have also submitted a detailed objection in which they have set out how the proposed development will restrict further investment in the Club and will inhibit the pressing need for expansion of their facilities which they have stated can only be achieved through efficiencies of

the existing grounds or expansion northward using the application site. They consider this to be contrary to Local Plan policies. These objections are noted.

7.19 Firstly, with regard to the loss of the open space, the application site is designated as Open Space within the Local Plan. As such, the applicant has submitted an Open Space Assessment, along with an addendum, in which they have considered the northern and southern parts of the site separately as Parcels 'A' and 'B' respectively. The existing golf facilities within Parcel A will be replaced on land to the north east of the golf course (approved via 20/01181/FUL).

7.20 They have advised that the southern part of the site (parcel B), although currently accessible and used for dog walking etc., is of limited quality given that is not maintained and consists of derelict sporting infrastructure (i.e, the redundant MUGAs and AGP). Whilst the application site is owned by North Tyneside Council, it is subject to a long lease to Keeping Inn Limited who have full responsibility and control of the site and the wider golf course under the letting arrangement. The applicant has noted that all sporting facilities have been previously replaced to the satisfaction of Sport England, who have confirmed that they have no objection to the current application on this basis.

7.21 It is noted that whilst some elements of the open space may be of lesser quality it could be argued that the site as a whole contributes to the overall open space and green infrastructure, providing a recreational resource for the public and that it has value due to its location within a wildlife corridor. It is also acknowledged that the land has been used informally by the community for recreation and dog walking on an informal basis which demonstrates that the land is well regarded by the local community in terms of access and function and therefore still retains some value in this regard.

7.22 The applicant has set out, within the Open Space Assessment Addendum that, excluding the bowling green (which is to be retained) and the areas of derelict sports facilities, the area currently used as informal open space is approximately 4.18ha. The development proposals will result in the creation of an area of 2.3ha of new on-site open space. This will consist of areas of landscaping, habitat creation, informal mown paths and the SuDS. Some areas of landscaping, habitat creation and the SuDS do not have direct public access. However, they will provide other functions (i.e., ecological enhancements) and will act as a visual amenity.

7.23 Annex 2 of the NPPF defines open space as: *"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity."*

7.24 National Planning Policy Guidance states that open space, *"can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure (see National Planning Policy Framework paragraph 171, as*

well as being an important part of the landscape and setting of built development”.

7.25 Chapter 13 of the Green Space Strategy, ‘The Design of Green Spaces’ also sets out how green spaces can be functional and can:

- Deliver biodiversity benefit through integrated habitat areas within the space and its borders to support and allow movement of wildlife; and
- Implement, where appropriate, flood storage or sustainable urban drainage systems (SuDS) to negate flood risk issues.

7.26 As such, with reference to the above, it is not necessary that all open space needs to be publicly accessible to provide a valuable function as open space.

7.27 The loss of informal open space as a result of the proposed development amounts to 1.88ha. The applicant maintains that the proposed open space, although of lesser quantity, will be of better quality through its design and long-term maintenance.

7.28 The Council’s GSS identifies that there is a significant quantity of Green Space within the Northumberland Ward, which is all high/medium quality. Northumberland Ward has a higher-than-average quantity of and accessibility to open space when compared to the borough wide average. Policy DM5.3 states that new development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. It is acknowledged that the GSS has not been updated since 2015, and the Local Plan came into force in 2017. As such, the applicant has noted that some open space in the ward could have been lost in this time and they have therefore undertaken a desk-based study to establish any such loss.

7.29 This study has concluded that two planning applications have been approved which have impacted the open space provision referred to in the GSS and the Local Plan; the GSS identified 0.8ha of open space associated with 14/00897/FUL (69no. dwellings at the former Parkside Special School) and the Local Plan and GSS identified 3.07ha of open space associated with 20/01181/FUL (driving range with associated parking, including ancillary sports bar/restaurant, pro shop, golf academy, golf club changing facilities, and function rooms, creation of a new vehicular access and reconfiguration of Wallsend Golf Course). As a result of these applications, 3.87ha of open space that was reported in the GSS will be lost. This means 145.27ha of open space in the Ward reported in the GSS will remain. In terms of designated open space, these applications have resulted in a loss of 3.07ha. Therefore, 149.41ha of open space designated in the Local Plan remains in the Ward. Overall, the proposed development would result in a loss of 1.26% of designated open space in the Northumberland Ward. It is also noted that new open space has been provided in the Northumberland Ward as part of the East Benton Rise development.

7.30 It is considered that the applicant’s desk-top study has provided a thorough and detailed assessment of the current open space provision within the Northumberland Ward, which it has demonstrated has not significantly changed since the GSS was introduced in 2015, or the Local Plan in 2017. Whilst the proposed development will result in a small reduction in the amount of available

open space, as set out in the GSS 2015, which is contrary to Policy DM5.3, it will provide open space of a better quality within the site for new and existing residents as required by this policy.

7.31 The Council's Biodiversity Officer and Landscape Architect have provided detailed comments in which they have raised concerns with regard to the loss of the designated open space, stating that the site currently contributes positively to the amenity of the area by providing greenery and that the open nature allows for extensive and attractive wide views, but that the proposed development will occupy a large proportion of this space. These concerns are noted.

7.32 it is also acknowledged that the proposed development does not accord with policy DM5.2 (and NPPF 99), which requires alternative provision to be, "equivalent to or better than in terms of its quantity and quality", as less quantity is being provided. However, it is considered that via the removal of the derelict sporting facilities and the provision of open space of an improved quality within the proposed development, albeit of a lesser quantity, the applicant is providing satisfactory mitigation to the community for the loss of the value of the current open space. In addition, whilst it cannot be argued that DM5.2(a) applies (that the site no longer has any value to the community in terms of access and function), it is considered that the exception set out in DM5.2(b) (that the site is not a designated wildlife site or providing important biodiversity value), does apply. The biodiversity impacts are considered further in Section 12 of this report.

7.33 With regard to the loss of the playing fields, a previous planning application for residential development at the application site (01/02454/OUT) resulted in mitigation for their loss by way of replacement facilities being provided at Churchill College between 2001-2003, as well as replacement leisure facilities at Burnside Business and Enterprise College in Wallsend. Wallsend Boys Club have objected to this point, stating that these playing fields already existed and, although possibly slightly improved, they are not an appropriate replacement of green space, but merely met demand elsewhere. Wallsend Boys Club have also questioned Sport England's consultation response.

7.34 Concerns have also been raised with regard to reliance on the Council's Playing Pitch Strategy (PPS), with it being argued that this is now out of date as it was adopted in 2013. The PPS covers the period 2013 – 2023. It is also noted that Sport England have stated that the PPS is now five years out of date and that they have urged the Council to commit to working with Sport England to undertake a new PPS for the Borough.

7.35 It is considered that the previous provision of replacement sports pitches (associated with withdrawn application 01/02454/OUT) and the fact that the application site has not been used as a playing field for over five years, are both material considerations. These are clearly an important factor in the planning history of the application site. Whilst the LPA cannot demonstrate that there is not a shortfall of playing pitches, given the status of the PPS, this does not prevent the LPA from taking into account all material considerations, giving weight to these and determining this planning application. Furthermore, at the

time the PPS was adopted in 2013, the sports facilities at the application site were no longer in use and were not included in assessing provision.

7.36 Sport England have reviewed the proposals and Wallsend Boys Club's objections and have advised that whilst the housing development did not proceed at that point in time (following the withdrawal of the planning application), the agreed playing field replacement did proceed in anticipation of the site being brought forward for development in the future. Sport England accepts that replacement playing field of sufficient quantity was created immediately south of the application site and to the west of Churchill Community College meaning that the quantitative test within playing field policy exception 4 has been met. The LPA agrees with this assessment and would reiterate that the application site has not been used as a playing field for over five years.

7.37 Whilst it is acknowledged that the application site is not allocated for housing within the Local Plan, and that it does not fully comply with local plan policies, as set out above, and thus policy DM4.5(g) in that it cannot be demonstrated that the proposals accord with the policies within this Local Plan, the Council is unable to demonstrate a five-year housing land supply and therefore, in accordance with paragraph 11 of the NPPF, the 'tilted balance' applies meaning that planning permission should be granted unless there are adverse impacts which would significantly and demonstrably outweigh its benefits.

7.38 It is Officer advice that the adverse impacts which would result from the proposed development will not significantly and demonstrably outweigh its benefits. As such, planning permission should be granted.

8.0 North Tyneside Council Housing Land Supply

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

8.18 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, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 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 three-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. However, the 215no. proposed dwellings would make a valuable contribution towards the borough achieving a five-year housing land supply.

9.0 Impact on Amenity

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should

mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

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

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

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

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

9.7 Accessibility of homes:

Market Housing

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

9.8 Affordable Housing

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

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

9.9 Internal Space in a Home:

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

9.10 Existing Occupiers of Surrounding Sites

9.11 Concerns have been raised by local residents and Councillors with regard to the impact of the proposed development on their amenity in terms of a loss of residential amenity, impact on privacy, increase in air pollution and noise and disturbance from construction traffic. Concerns have also been raised by Wallsend Boys Club with regard to the future continued operation of the Boys Club due to noise and activities at the Boys Club and potential noise as a result of the future extension to the Club House (subject of an extant planning permission) being at conflict with the new residential dwellings. The Boys Club also questioned the accuracy of the noise assessment. These points are noted. The Council's Environmental Health Officer (EHO) also originally raised some concerns with regard to the extent of the noise assessment and the potential noise impact and requested further information.

9.12 In response the applicant has provided a response from their Environmental Consultant. The EHO has reviewed this, noting that the updated assessment has modelled the noise based on 6 football pitches being used at Wallsend Boys Club at one time and that noise exposure at the nearest residential properties will be below the World Health Organisation Community Noise guidance level. In addition, noise from the proposed golf driving range is unlikely to give rise to nuisance and likely to be inaudible given the distance to the new residential properties. Noise from the grass cutting at the golf course has been assessed and shown to give noise levels of 44.3 dB LAeq for the activity, some 10 dB below existing background noise levels. The updated assessment also demonstrates that internal noise levels (with windows open) for the new dwellings can be achieved at the application site in accordance with WHO Community noise guidelines.

9.13 With regard to the concerns regarding the impact of future outdoor events associated with the extension to the Boys Club, it is noted that planning approval 17/00194/FUL makes no reference to the future use of the outdoor space associated with the extension for social events. Indeed, the D&A Statement submitted with 17/00194/FUL states that first floor offers a large space which can be used for presentations and events. There is balcony to the first floor, but this is located to the south of the new building a significant distance from the application site and is unlikely to lead to significant disturbance from noise for the new residents. Revisions were made to the plans approved via 17/00194/FUL to change the roof and enlarge the balcony. If the existing external areas are used for social events and these lead to a statutory nuisance, the Council's Environmental Health team would be able to take action under separate legislation. In addition, the dwellings to the south of Wallsend Boys Club, which are closer to the new building approved via 17/00194/FUL would be more directly affected by such external noise. The Boys Club must be mindful of their neighbours when undertaking social events.

9.14 With regard to air quality concerns, the EHO has reviewed the Air Quality Assessment and notes that it has concluded that there will be a negligible increase in both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO₂ and particulates if the development was to occur. Mitigation measures have been recommended within the air quality assessment that includes for transport related measures such as electric vehicle charging infrastructure and travel plans. Construction dusts have also been considered and a condition is recommended to ensure the dust mitigation measures as outlined in appendix D of the report are implemented.

9.15 Additional conditions in relation to the submission of a Construction Method Statement and to control working hours will further assist in alleviating the impact on the amenity of local residents during construction works.

9.16 The nearest dwellings to the application site are located a significant distance to the south on Alderwood Crescent and Appletree Gardens. These properties will not be adversely affected by any loss of outlook, daylight, sunlight or privacy due to this significant distance.

9.16 Future Occupiers of Proposed Dwellings

9.17 As stated within paragraph 9.13 the updated noise assessment has adequately demonstrated that the new dwellings can provide an acceptable standard of accommodation in terms of noise disturbance from existing uses surrounding the site.

9.18 The layout of the development is also considered to be acceptable in terms of the standard of living accommodation provided for future occupiers. Each dwelling would be provided with a front and rear garden and the dwellings have adequate windows to provide good levels of light, outlook and privacy. Each dwelling is in accordance with the Government's Nationally Described Space Standard (NDSS).

9.19 Members need to consider whether the impact the proposed development on the amenity of the existing occupiers of sites is acceptable, and whether it will provide acceptable living conditions for future occupants.

10.0 Character and Appearance

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

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

10.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should

be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.4 The Council'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. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance. The Design Quality SPD makes it clear that boundary treatments can help to contribute towards the character of an area, improve the public realm and contribute towards natural surveillance and safety.

10.5 The applicant has submitted a Design and Access Statement in which they have described how the overall design concept aims to aim to realise the creation of a contextual yet distinctive residential environment that will enhance the profile of the local area by providing a new community which attempts to mesh within the landscape and the surrounding area. The proposed development is organised as a suburban townscape, comprising a mix of detached, semi-detached and terraced house types congruous with the surrounding built environment. Whilst a variety of architectural styles and finishes are proposed, the development is knitted together by traditional building materials and construction techniques. The housing within the scheme allows for a mix of 2-5 bed units, including affordable housing. The main access to the site for vehicles cyclists and pedestrians will be via Rheydt Avenue and the existing pedestrian footpath that runs along the northern boundary will also provide a key pedestrian access point as well.

10.6 The applicant has advised that their Design Team are aware of the ecological value of established green infrastructure and have used these areas as design constraints for development. Housing is set back from key hedgerows and other existing vegetation, which are retained and enhanced to provide a sensitive and considered development proposal. The 'green character' of the scheme is further reinforced by the public open green space central to the development.

10.7 In response to the original consultation on the proposed development, the Council's Design Officer advised that the architectural design of the house types is in general acceptable and that the units are arranged well to provide a distinct arrival point with units overlooking the open space and main road into the site. He also raised a number of concerns. In response to these, the applicant submitted a response to each concern along with additional information. The Design Officer has reviewed these and noted that they largely address his concerns with regard to surface materials and pedestrian connectivity. However, he remains concerned with regard to a narrow section of existing landscaping within the centre of the site, which would be enclosed by rear boundary fences, which he considers is a missed opportunity to create a focal point. He has also noted that there is no amenity grass as part of the layout, and it was recommended that an area with opportunities for recreation and play should be included.

10.8 With regard to the narrow section of existing landscaping within the centre of the site the applicant has advised this has been considered but that it is not

possible to achieve front facing properties along this area of landscaping without losing dwellings and severely impacting the proposed layout which currently achieves a high-quality design. This would lead to issues regarding the overall deliverability of the proposals and the delivery of much needed housing. It should be noted that this area of landscaping will play a key role in breaking up the proposed development from a visual perspective through its tree canopies and to also aid wildlife connectivity through the proposed development from north to south as, supporting the site's function in the wildlife corridor.

10.8 With regard to the amenity grass the applicant has noted that some is provided throughout the development as seen on the proposed Landscape Masterplan. However, other areas have been landscaped to ensure that the site's role within the wider wildlife corridor is protected and that they contribute towards net gains in biodiversity. It is considered that an appropriate balance has been taken to serve both needs of local residents and local wildlife. It should be noted that there are also local areas of recreation and play close to the site.

10.9 Members need to consider whether the design and layout of the proposed development is acceptable and determine whether it would harm the character and appearance of the surrounding area. Officer advice is that the proposed development is acceptable in this regard.

11.0 Highway Impact

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

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

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

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

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

11.6 Significant objection on highways grounds has been submitted and these are noted. Newcastle City Council also originally submitted an objection on highways grounds. However, following the receipt of additional information

submitted by the applicant for the consideration of Newcastle City Council's Highways Officer they have advised that a financial contribution towards the Low Traffic Neighbourhood scheme in the Appletree Gardens area would address these concerns. This will be secured by a S106 agreement.

11.7 A Transport Assessment (TA) has been submitted as part of the planning application.

11.8 The Council's Highway Network Manager has reviewed the Transport Assessment and noted that it has analysed junctions in the vicinity of the site as well as the proposed site accesses and concluded that the impact of the development on the adjacent highway network is not considered to be severe. He has also noted that site will be accessed via Rheydt Avenue, which will be brought up to an adoptable standard along with some improvements at the junction with Rutland Road. Parking will be provided in accordance with current standards and the proposed highway layout is acceptable. The site has reasonable links with public transport and the development will be linked with the existing footpath to the north.

11.9 The Council's Sustainable Transport Team and Public Rights of Way (PROW) Officer have made comments. A Travel Plan and bond is required by condition and S106. The applicant is providing links from the development to the Public Right of Way to the north of the site. Improvements to the right of way will be secured via the land sale agreement.

11.10 It is noted that Newcastle City Council (NCC) originally objected to the proposed development. However, following further discussion and the receipt of additional comments, which have been set out earlier within this report, NCC have withdrawn their objection subject to a financial contribution towards the installation of two model filters which will prevent traffic associated with the development from using residential streets in the City to access the wider network. The applicant has agreed to this contribution and it will be secured by a S106 agreement.

11.11 The Highway Network Manager has raised no objections to the proposed development and has recommended conditional approval.

11.12 Members need to determine whether the proposed development is acceptable in terms of access, parking provision and the impact on highway safety. It is officer advice that it is.

12.0 Impact on Biodiversity and Landscaping

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

12.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing

coherent ecological networks that are more resilient to current and future pressures.

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

12.4 Local Plan Policy DM5.2 relates to proposals which include any loss of any part of the green infrastructure network

12.5 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.

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

12.7 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.

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

12.9 The site is located on land that is designated as open space and within a wildlife corridor. In support of the application has submitted a Bat Survey, Breeding Bird Survey, Ecological Appraisal, an Arboricultural Impact Assessment, Landscape Masterplan and a Biodiversity Net Gains Assessment. The applicant has confirmed that offsite compensation will be provided on a one-hectare area of land in Wideopen which is within their wider land holding. A detailed management plan will be produced and adhered to, to ensure delivery of the target habitats and conditions. Habitat creation, in the form of both 'other neutral grassland' and native mixed scrub is proposed within the off-site compensation area.

12.10 Objections have been received in respect of the impact on the wildlife corridor and trees. The content of these is noted.

12.11 The Northumberland Wildlife Trust (NWT) originally objected to the proposal requesting clarification/additional information on a number of matters.

The applicant provided the requested information. The Council has re-consulted the NWT but has not received any further response.

12.12 Natural England have raised no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites.

12.13 The Council's Biodiversity Officer and Landscape Architect have submitted detailed comments, which raise concerns regarding the impact of the proposed development on wildlife, trees, coastal sites, the limited amenity green space provision within the development, limited buffer planting, loss of hedgerows, disturbance to habitats, and additional pressure on semi-natural green open spaces within the vicinity of the site due to increased recreational activity. These concerns are noted. It is also noted that the applicant and their agent have been in discussion with the LPA throughout the consideration of the application in order to address design concerns and ensure the best possible landscape and ecology solutions for the site.

12.14 To that end, revised and more detailed information has been submitted, including a detailed landscape masterplan and updated Biodiversity Net Gain Assessment. These demonstrate that a BNG net gain of 10.83% will be achieved by way of both on and off-site compensation, and that new and enhanced semi-natural open space areas will be provided within the development site of approximately 2.5ha along with 1.147km (1,147 linear metres) of new native hedgerows and 132 urban trees that are calculated to provide 4.8ha of habitat for net gain. 1ha of land is being provided off-site at Wideopen to deliver net gain (species rich grassland) and to compensate for the loss of open space as a result of the development. The Wideopen land is located within a Wildlife corridor and the enhancement of this area will benefit the wildlife corridor in this location and provide additional habitat for wildlife

12.15 The Biodiversity Officer has also reviewed the submitted Ecological Appraisal and noted that the loss of habitats will be of local value and that there is a low risk of harm/disturbance to bats and amphibians. The concerns regarding nesting birds, water pollution, and bats can also be addressed via the attachment of conditions to the planning approval. Secondary impacts on designated sites in the wider area as a result of increased recreational activity from the housing scheme can be addressed by an appropriate financial contribution.

12.16 It is considered that whilst the application site has ecological value, it has been demonstrated that this can be adequately compensated for by way of on and off-site mitigation as set out within the application. The application site is not located within a designated Local Wildlife Site. Therefore, it is considered that the exceptional circumstance set out in policy DM5.2(b) applies. Alternative provision is to be provided, which will be of an improved quality, and which will maintain and create new green infrastructure connections as well as providing net gains for biodiversity. Whilst the quantity of the provision will be less than the existing, the quality will be better in terms of its ecological/biodiversity value.

12.17 Members must determine whether the proposed development is acceptable in terms of its impact on biodiversity and landscaping. Officer advice

is that, whilst the proposed development does not fully accord with local plan policy, the exception set out in policy DM5.2(b) does apply and that any harm which results from the lesser quantity being provided, is significantly and demonstrably outweighed by the benefits of providing 215no. new homes, in accordance with paragraph 11 of NPPF.

13.0 Other Issues

13.1 Flood Risk and Drainage

13.2 NPPF states that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the Sequential Test.

13.2 Policy DM5.12 Development and Flood Risk states that all new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

13.3 Paragraph 8.51 of the Local Plan advises that whilst increases in flood risk are normally associated with major development proposals, minor developments can cumulatively increase the risks of flooding if left unchecked. The Council will, therefore, encourage small scale proposals to incorporate appropriate sustainable drainage alternatives to offset or minimise the risks of flooding.

13.4 The site falls is located within Flood Zone 1. The applicant has submitted a Flood Risk Assessment and Drainage Strategy with the application which concludes that site has a risk of less than 1 in 1,000 annual probability of river or sea flooding (0.1%) and that the risk of flooding from other sources is considered to be low and/or manageable with mitigation.

13.5 Newcastle City Council originally objected to the proposal on the basis that the site is at high risk of surface water flooding and requested that the applicant submit a flood flow analysis (acceptable to North Tyneside LPA) that shows overland flows from the site are not increased as a result of the proposed development. In response the applicant advised that they consider that a Flood Flow Analysis can be secured via a suitably worded planning condition and that this is a logical approach as they would need to undertake further detailed modelling and design work in order to complete the Flood Flow Analysis which would result in delays to the application and therefore securing this work prior to commencement of development through a planning condition would be a more pragmatic way forward. Newcastle City Council have subsequently advised that they have no further objection on flooding grounds subject to the attachment of an adequately worded condition.

13.6 The Council's Local Lead Flood Authority has reviewed the application documents and advised that they have no objections subject to conditions requiring the Flood Flow Analysis Report, further details of the proposed outfall into the Wallsend Burn, details of Suds features and attenuation basin maintenance regime programme and details on pollution mitigation measures to be employed to ensure there is no detrimental impact to the watercourse during the construction phase.

13.7 Northumbrian Water have provided comments and raise no objections subject to the development being carried out subject to a condition requiring a detailed scheme for the disposal of foul and surface water.

13.8 Members are advised that the proposed development would have an acceptable impact upon flood risk, subject to the suggested conditions.

13.9 Ground Stability

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

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

13.12 The application site is located within a Contaminated Land buffer zone.

13.13 A Phase 1 and Phase 2 Geo-Environmental Site Assessment has been submitted in support of the application.

13.14 The Coal Authority has raised no objection to the development and have recommended that the Coal Authority's Standing Advice should be included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

13.15 The Contaminated Land Officer has reviewed the submitted report and has raised no objections to the proposed development, subject to conditions.

13.16 Members must determine whether the proposed development is acceptable in terms of contamination and ground stability. Officer advice is that the proposal is acceptable in this regard.

13.17 Sustainability

13.18 Section 14 of the NPPF sets out the Government's objectives for the planning system in terms of meeting the challenge of climate change, flooding and coastal change. Para.152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 153 through to 158 set out measures for the planning system to address the climate change challenge, including the planning of green infrastructure, reduction of greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat. A planning application should be approved if its impact is, or can be made, acceptable.

13.9 Policy DM7.6 of the Local Plan states that proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

13.10 Within the submitted Design and Access Statement the applicant has advised that the proposed development has been designed with a 'fabric first' approach which places the greatest emphasis on the thermal performance of the building envelope and is less reliant upon applied renewable technologies. This ensures that thermal performance and sustainability are embedded within the fabric for the lifetime of the building. Some properties will also be installed with solar panels to encourage use of renewable energy. The design proposals for the scheme seek to address the most cost-effective method of improving energy efficiency, reducing energy demand and reducing the long-term carbon emissions of any new development through the optimisation of dwelling orientation aided by good passive solar and thermal design.

13.11 Members need to determine whether the proposed development is acceptable in terms of its provision of renewable and/or low carbon technologies, incorporation of green infrastructure and measures to reduce greenhouse gas emissions in accordance with Policy DM7.6 and the NPPF.

13.12 Archaeological Impact

13.13 The NPPF states that heritage assets are an irreplaceable resource and therefore should be considered in a manner appropriate to its significance.

13.14 Policy DM6.7 states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. Developments that may harm archaeological features will require an archaeological desk-based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.

13.15 The application site is identified in the Local Plan as being of archaeological interest and the applicant has submitted a Desk Based Archaeological Assessment, a report on an Archaeological Geophysical Survey and a Trenching Report.

13.16 The Tyne and Wear Archaeology Officer reviewed the information which was originally submitted and raised no objections to the proposed development subject to the attachment of conditions requiring archaeological excavation and recording, and post excavation reports. Since the comments were provided the applicant has submitted additional information to the Tyne and Wear Archaeology Officer requesting the conditions are phased due to the scale of the site and the phased approach to undertaking the development. The Archaeology Officer has reviewed the additional information (Written Scheme of Investigation (WSI)) and

has provided a list revised conditions which address the phased nature of the development.

13.17 S106 Contributions

13.18 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.

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

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

13.20 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.

13.21 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.

13.22 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.

13.23 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.

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

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

- Affordable housing provision
- Allotments £21,600.00

- Ecology and Biodiversity £41,925.00
- Parks and Greenspace £114,421.00
- Built Sports Facilities £186,932.00
- Play/Multi Use Games Area £150,500.00
- Playing Pitches £162,219.00
- Primary Education £65,000.00
- Coastal mitigation £32,465.00
- Employment and Training £49,000.00
- Highways £50,000.00
- Travel Plan Bond £100,000

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

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

13.28 Local Financial Considerations

13.29 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy.

13.30 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

13.31 Conclusions

13.32 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.

13.33 Specifically, the NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However, NPPF also recognises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. It is officer advice that this development is acceptable, albeit it does not fully comply with Policy DM5.2, which requires the loss of any part of the green infrastructure which meets an exception set out in the policy, to be replaced with alternative provision, equivalent to or better in terms of its quantity and quality. In this case, whilst lesser quantity is being provided, a better quality is being provided and this is acceptable for the reasons set out in this report.

13.34 This proposal would make a 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.

13.35 The design and layout of the proposal conforms with the general design principles and is not considered to have a significant adverse impact upon the character and appearance of the site or its immediate surroundings.

13.36 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 (subject to the legal agreement for highway works within the administrative area of NCC).

13.36 The proposal would not adversely affect the privacy or amenity of surrounding properties.

13.37 The proposed will provide an acceptable standard of residential accommodation for future occupiers.

13.38 The site is of no/low archaeological value.

13.39 Issues to do with flooding and contamination can be dealt with via planning conditions.

13.40 The applicant has agreed to provide planning obligations in accordance with what the Council is seeking. The provision of the policy compliant 25% affordable housing is a particular benefit which weighs in favour of this proposal.

13.41 The 'tilted balance' principle (NPPF paragraph 11) makes a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits. The Council does not have a 5-year supply of deliverable housing sites. Development in locations with a housing shortfall should benefit from the presumption in favour. 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:

It is recommended that:

- c) the Committee indicates that it is minded to grant the application; and**
- d) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:**
 - iii) the conditions set out in the planning officers report;**
 - iv) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and**

- iii) **completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:**
- **Affordable housing provision**
 - **Allotments £21,600.00**
 - **Ecology and Biodiversity £41,925.00**
 - **Parks and Greenspace £114,421.00**
 - **Built Sports Facilities £186,932.00**
 - **Play/Multi Use Games Area £150,500.00**
 - **Playing Pitches £162,219.00**
 - **Primary Education £65,000.00**
 - **Coastal mitigation £32,465.00**
 - **Employment and Training £49,000.00**
 - **Highways £50,000.00**
 - **Travel Plan Bond £100,000**

Conditions/Reasons

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

- Application Form
- Site Location Plan, 001, scale 1:2500
- Site Plan as Proposed, 831-BEL-SD-10.02F
- Planning Phasing Plan, 16-035 E06, 03.01.23
- Adopted Highways, 831-BEL-SD-10.04G
- Surface Treatment Plan, 831-BEL-SD-10.05F
- Site Access Mitigation, 22-069-002 REV E
- Landscape Masterplan, 5962-99-001 REV.L
- Boundary Treatment Plan, 831-BEL-SD-10.03G
- Swept Path Analysis Refuse Vehicle, 22-069-TK01
- Swept Path Analysis Refuse Vehicle & Family Car, 22-069-TK02
- The Chandler Elevations, CH-3B-2S-CB-E
- The Chandler Floor Plans, CH-3B-2S-P1
- The Coiner Elevations, CN-2B-2S-CB-E
- The Coiner Floor Plans, CN-2B-2S-P1
- The Cutler Elevations, CU-4B-2S-CB-E
- The Cutler Floor Plans, CU-4B-2S-P1
- The Draper Elevations, DR-5B-2S-CB-E
- The Draper Floor Plans, DR-5B-2S-P1
- The Faber Elevations, FB-3B-2S-CB-E
- The Faber Floor Plans, FB-3B-2S-P1
- The Harper Elevations, FB-3B-2S-CB-E
- The Hillard Elevations, HI-3B-2S-CB-E
- The Hillard Floor Plans, HI-3B-2S-P1
- The Hooper Elevations, A/790HP/00/CB/02
- The Hooper Floor Plans, HP-3B-2S-P1
- The Lorimer Elevations, LO-4B-2S-CB-E
- The Lorimer Floor Plans, LO-4B-2S-P1
- Bungalow Plans & Elevations, M43-01

- The Parteger Elevations, PG-4B-2S-CB-E
- The Parteger Floor Plans, PG-4B-2S-P1
- The Potter Elevations, PO-2B-2S-CB-E
- The Potter Floor Plans, PO-2B-2S-P1
- The Reedmaker Elevations, RE-4B-2S-CB-E
- The Reedmaker Floor Plans, RE-4B-2S-P1
- The Sawyer Elevations, SY-3B-2S-CB-E
- The Sawyer Floor Plans, SY-3B-2S-P1
- The Mercer Elevations, ME-4B-2S-CB-E
- The Mercer Floor Plans, ME-4B-2S-P1
- The Weaver Elevations, WE-4B-2S-CB-E
- The Weaver Floor Plans, WE-4B-2S-P1
- Plane - M4(2)/NDSS Planning Elevations, A/1796CB/00/CB/02
- Plane - M4(2)/NDSS Planning Floorplans, A/1796CB/00/CB/01
- Double Garage, A/436/00/CB/R1/01
- Single Garage, A/218/00/CB/R1/01
- Design and Access Statement, April 2022
- Planning Statement, P21-2621, R001v2 PL
- Flood Risk Assessment & Drainage Strategy, RWO/FRADS/21198
- Assessment of Noise Levels and Noise Amelioration Measures,

LAE1177.1

- Noise Memo, LAE1220, 08.11.22
- Phase 1 and Phase 2 Geo-Environmental Site Assessment, 18-258-r03
- Remediation and Enabling Works Strategy, 18-258-r04/RevB
- Open Space Assessment, P21-2621, V4, 10.08.22
- Air Quality Assessment, 102822V3
- Bat Survey, 22042, V1
- Bird Strike Assessment, Final, 12.10.22
- Breeding Bird Survey, 22042, V2 (Final)
- Ecological Appraisal, 22042, V4
- Transport and Travel Plan, MTP Ref: 22-069-N, Rev.D
- Archaeological Desk Based Assessment, 403, March 2021
- Archaeological Geophysical Survey, 414, September 2022
- Archaeological Evaluation Phase 1, 418, November 2022
- BNG Measurements Plan, 91-001 REV.F
- Biodiversity Net Gains Assessment, 22042 BNG V9b
- Biodiversity Metric 3.1 V13A

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. Notwithstanding the details submitted and prior to first occupation of the approved development, a programme for the delivery of the following off-site highway works as set out in drawing number 22-069/02 - Revision E, and subject to Technical Approvals and Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority implemented in accordance with the approved timescale and retained thereafter:

Upgrade of roads and footpaths on Rheydt Avenue to an adoptable standard

Alterations to existing access of Rheydt Avenue with Rutland Road
Pedestrian refuge on Rutland Road
Associated drop crossings
Associated highway drainage
Associated street lighting
Associated traffic calming
Associated road markings
Associated signage
Associated legal orders

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 roads, footpaths, internal junctions, shared surfaces, turning areas, traffic calming and visibility splays shall be laid out in accordance with the approved plans. These 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 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).

6. Notwithstanding the details submitted, the scheme for cycling and pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

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

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

8. 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).

9. Notwithstanding the details submitted, no part of the development shall be occupied until a scheme for Electric Vehicle (EV) charging points for each dwelling has been submitted to and approved by in writing the Local Planning

Authority. This scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of promoting sustainable transport in accordance with NPPF.

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

11. The development shall not be occupied until a noise scheme providing details of the acoustic specification of the window glazing to be provided to habitable rooms in accordance with Section 7 of Noise Report LAE1177.1 has been submitted to and approved in writing by the Local Planning Authority. The submitted noise scheme shall ensure that internal noise levels can be achieved to meet BS8233 and the World Health Organisation community noise guidelines. All habitable rooms must meet a noise level of 35 dB LAeq for living rooms and bedrooms and a level of 30 dB LAeq at night, with no exceedances of the maximum noise levels of 45 dB(A). Thereafter the development shall only be carried out in accordance with the approved details.

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

12. Restrict Hours No Construction Sun BH HOU004 *

13. Restrict Hours No Demolition Sun BH HOU005 *

14. Prior to commencement of Phase 3 of the approved development a detailed Site Investigation (Phase II) must be carried out including an interpretative report on potential contamination of the site in relation to the land beneath the clubhouse and driving range. This must be prepared by an appropriately

qualified person and submitted to and approved in writing by the LPA to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and an assessment whether significant risk is likely to arise to the end users and public use of land, building (existing or proposed) or the environment, including adjoining land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) an appraisal of remedial options, and proposal of the preferred option(s).

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
- Results of sampling and monitoring carried out in accordance with sampling strategy, and;
- An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation).

The Site Investigation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

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

15. Prior to commencement of Phase 3 of the approved development a detailed Remediation Method Statement, in relation to the land beneath the clubhouse, shall be submitted to and approved in writing by the Local Planning Authority. The remediation method must include phase 1 and 2 reports in accordance with BS10175 risk assessment pre and post remediation scheme. The method statement must specify remediation for each identified contaminants giving installation or construction methods required to break pathway, or specifying disposal; or in situ treatment as deemed appropriate, the handling and disposal of contaminants to prevent spread of contaminants and the critical control checks required to ensure remediation areas, handling and deposition areas and installation drawings of gas protection scheme must be included.

The design of the remediation strategy should consider the results from the previous two phases of investigation and consider the proposed use/layout of the development.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify

as contaminated land under Part 2A of the Environmental Protections Act 1990 in relation to the intended use of the land after remediation. An options appraisal will only be acceptable upon the inclusion of the recommended preferred option.

The Remediation Method Statement should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management.

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

16. Prior to the first occupation of each phase of the development hereby permitted, a Remediation Validation report for said phase of the approved development must be submitted to and approved in writing by the Local Planning Authority. A Validation report (sometimes referred to as a Verification report) is used to demonstrate remediation completed in accordance with submitted and approved remediation report.

This report must contain the following:

- A summary of site investigation and remediation works undertaken with accompanying site layout identifying source / treatment areas;
- Confirmation of Required Concentration of Reduction Targets, and/or Cover and Break Screens;
- Post Remediation Interpretative report of Sampling to demonstrate compliance with quantitative goals.
- An explanation / discussion of any anomalous results, or failure to meet agreed target values, alongside additional work proposed and actioned;
- Demonstrate via photographic and documentation evidence of remedial measures;
- Post-remediation contaminated land risk assessment profile;
- Cross sectional diagrams for the site and detailed plans of the site.

The Remediation Validation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

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

17. Unexpected Hotspots

CON007 *

18. Prior to the commencement of the approved development, details of the proposed outfall into Wallsend Burn, which shall include energy dissipation measures, must be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: This needs to be pre-commencement to ensure that suitable drainage can be installed in advance of starting works to prevent the increased risk of flooding from any sources in accordance with the NPPF.

19. Within 4 weeks of commencement of the approved development, details of the Suds features (ditches, swales, attenuation ponds, profiles, cross sections and landscape planting) must be submitted to and approved in writing by the Local Planning Authority. The details must include the attenuation basin maintenance regime programme and contact details of the management company. Any ditches, swales or attenuation ponds must be designed to provide ecological benefits, including appropriate native planting. The development shall be carried out in accordance with the agreed details prior to first occupation of the approved dwellings and maintained in accordance with the approved details thereafter.

Reason: To ensure that suitable drainage can be installed to prevent the increased risk of flooding from any sources and to ensure that local wildlife populations are protected in the interest of ecology, in accordance with the NPPF.

20. Prior to the commencement of the approved development, details of pollution mitigation measures/pollution control plan to be employed by the contractor to ensure no detrimental impact to watercourse during construction phase must be submitted to and approved in writing by the Local Planning Authority. These details shall include a timetable for implementation and detailed pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: This needs to be pre-commencement to ensure that there is no pollution of or detrimental impact on the watercourse during construction works in in accordance with the NPPF.

21. Prior to the installation of drainage in connection with the approved development, a Flood Flow Analysis Report must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that suitable drainage can be installed to prevent the increased risk of flooding from any sources in accordance with the NPPF.

22. Prior to the installation of drainage in connection with the approved development, a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

23. Prior to the use of any cranes over 90m in height at the application site a Crane Method Statement for the duration of the construction period must be

submitted to and approved in writing by the Local Planning Authority. The statement shall provide the ground height of the site and stipulate the maximum height of any crane to be used on the site. All cranes over 90m in height must be fitted with 2000 candela steady red obstacle lights at their highest point, the light should be illuminated at all times during low light conditions and the jib shall only be in the raised position during use. The Airport's Air Traffic Control Service must be informed prior to use of the crane or any other construction equipment over 90m in height, which shall also be fitted with red obstacle lights and red steady obstacle lights at the highest point on the structure. The statement should set out at least the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid each time the crane is raised and should be communicated with ATC;
- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD;
- The type of crane/equipment;
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details, and;
- Proposed obstacle lighting to be installed (Low intensity steady red obstacle lights should be used).

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

24. All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

25. Prior to the commencement of the approved works above damp proof course level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- details (specification or samples) of all construction materials and hard surfacing finishes

- Location of flues, vents, utility boxes and any other utility equipment

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that works are carried out in an appropriate manner with the advice in National Planning Policy Framework and Local Plan Policy DM6.1.

26. Prior to the first occupation of any part of the approved development details of the security fencing and golf ball netting (to include dimensions, materials and exact locations) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must be carried out in accordance with the approved details prior to first occupation and retained.

Reason: In order to ensure that works are carried out in an appropriate manner with the advice in National Planning Policy Framework and Local Plan Policy DM6.1.

27. No groundworks or development shall commence in Phase 1 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with the Written Scheme of Investigation for Archaeological Strip and Record Excavation at Centurion Park, Wallsend dated 09 January 2023.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

28. Prior to the occupation of a maximum of 25% of the dwellings within phase 1, an assessment report of the results of the archaeological fieldwork undertaken in pursuance of condition 27 must be submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

29. No groundworks or development shall commence in Phase 3 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with the approved Written Scheme of Investigation for Archaeological Strip and Record Excavation at Centurion Park, Wallsend dated 09 January 2023.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

30. The 150th completed dwelling shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 28 and 30 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

31. The 190th completed dwelling shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and

has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

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

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

33. Prior to any works starting on site, (including demolition and all preparatory work), an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' will be required in order to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The Method Statement is to include a scheme for the protection of the retained trees and woodland, scrub and grassland habitat areas (TTP), in accordance with BS 5837:2012, including the type of protective fencing and signage and details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees. The AMS is to include details for the installation of underground services, carriage way positions, parking areas and driveways, drainage and SuDs features, lighting, fence posts, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage to the retained trees and/or root systems of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details. Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval.

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

34. Prior to the commencement of any site clearance works in connection with the development hereby approved (including demolition/excavation works, tree

works, soil moving, hardstandings, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), all trees within or adjacent to and overhanging the site are to be protected by fencing in accordance with the Tree Protection Plan (TPP) approved via condition no.33. No operational work, site clearance works or the development itself shall commence until the fencing is installed. Cabins, storage of plant and materials, and parking are not to be located within the RPA of the retained trees or woodland areas as defined by the TPP. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

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

35. Prior to works starting on site, details of any changes in ground level, including existing and proposed levels, and any retaining structures required within the root protection area as defined by BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the RPA are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

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

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

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

37. Prior to the removal of each protected tree (protected by a Tree Preservation Order), full details of the replacement for said tree, including a timetable for planting of each tree, shall be submitted to and approved in writing by the Local Planning Authority. Each tree must be replaced on a one for one basis at a minimum 14-16cm girth unless otherwise agreed with the LPA. If within a period of five years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, unless otherwise agreed in writing with the Local Planning Authority.

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

38. Prior to the occupation of any dwelling, all trees on the site shall be subject of a post-construction re-assessment of the trees that documents locations, condition, and any immediate or expected future requirements, to be undertaken to safeguard the TPO on the site.

Reason: In order to establish the condition of all trees on completion of the approved development in order to enable the Local Planning Authority to adequately control the future management of the trees and the amenity of the site and locality, having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

39. Prior to commencement of the approved development an Arboricultural Consultant must be appointed by the developer. The consultant shall advise on tree management for the site and undertake regular supervision visits for the duration of the construction works to oversee the agreed tree protection measures, as well as visiting the site as required to oversee any unexpected works that could affect the trees. The supervision must be undertaken in complete accordance with the approved Arboricultural Method Statement.

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

40. Within one month of the completion of the approved development, written evidence of regular monitoring and compliance with supervision of the Arboricultural Consultant pursuant to condition no.39 of this approval shall be submitted to and approved in writing by the Local Planning Authority.

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

41. Prior to construction of the approved dwellings above damp proof course level, details (to include specifications and locations) of 22no.bird boxes/features shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes/features must include a range of features for various species and be integrated into new buildings and located in suitable habitat locations within the development site. Thereafter the development shall be carried out in accordance with the agreed details and permanently retained.

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.

42. Prior to construction of the approved dwellings above damp proof course level, details (to include specifications and locations) of 15no.bat boxes/features shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes/features must include a range of features for various species and be integrated into new buildings and located in suitable habitat locations within the development site. Thereafter the development shall be carried out in accordance with the agreed details and permanently retained.

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.

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

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

44. Prior to the installation of any new boundary fencing associated with the approved development details of locations and specifications of hedgehog gaps must be submitted to and approved in writing by the Local Planning Authority. The hedgehog gaps (13cm x 13cm) shall thereafter be installed within the new fencing in accordance with the approved details and retained thereafter.

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

45. Prior to works commencing on site a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include Method Statements for protected species (breeding birds, bats, hedgehogs and amphibians), appropriate working methods and details of works that will be overseen by an Ecological Clerk of Works (ECoW). Thereafter, the CEMP shall be implemented in accordance with the approved details for the duration of the development.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

46. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan for on-site landscape mitigation/compensation shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the Biodiversity Net Gain Assessment Report/Biodiversity Metric (OS Ecology January 2023) and shall include a full specification for all new tree, shrub, hedgerow and wildflower planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting. Any amendments to the approved landscape details will require an updated Biodiversity Metric and Net Gain Assessment to be submitted to the LPA for approval to ensure that a biodiversity net gain will be delivered as part of the scheme.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

47. Within 4 weeks of development commencing, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on-site landscape mitigation/habitat creation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. The plan must include details of the following:

- Details on the creation, enhancement and management of all habitats identified within the Net Gain Report/Biodiversity Metric (OS Ecology January 2023) and approved Landscape Plans/Strategies
- Survey and monitoring details for all target habitats identified within the Net Gain Assessment Report (OS Ecology January 2023). Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.
- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

The LEMMP shall be implemented in accordance with the approved details on completion of the landscape scheme and thereafter for a minimum period of 30 years.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

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

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;

- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

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

50. Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the council within two months of surveys being undertaken.

Reason: To accord with Central Government and Local Plan Policy DM7.3 and Transport and Highways SPD.

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 the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

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 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, doors 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 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.

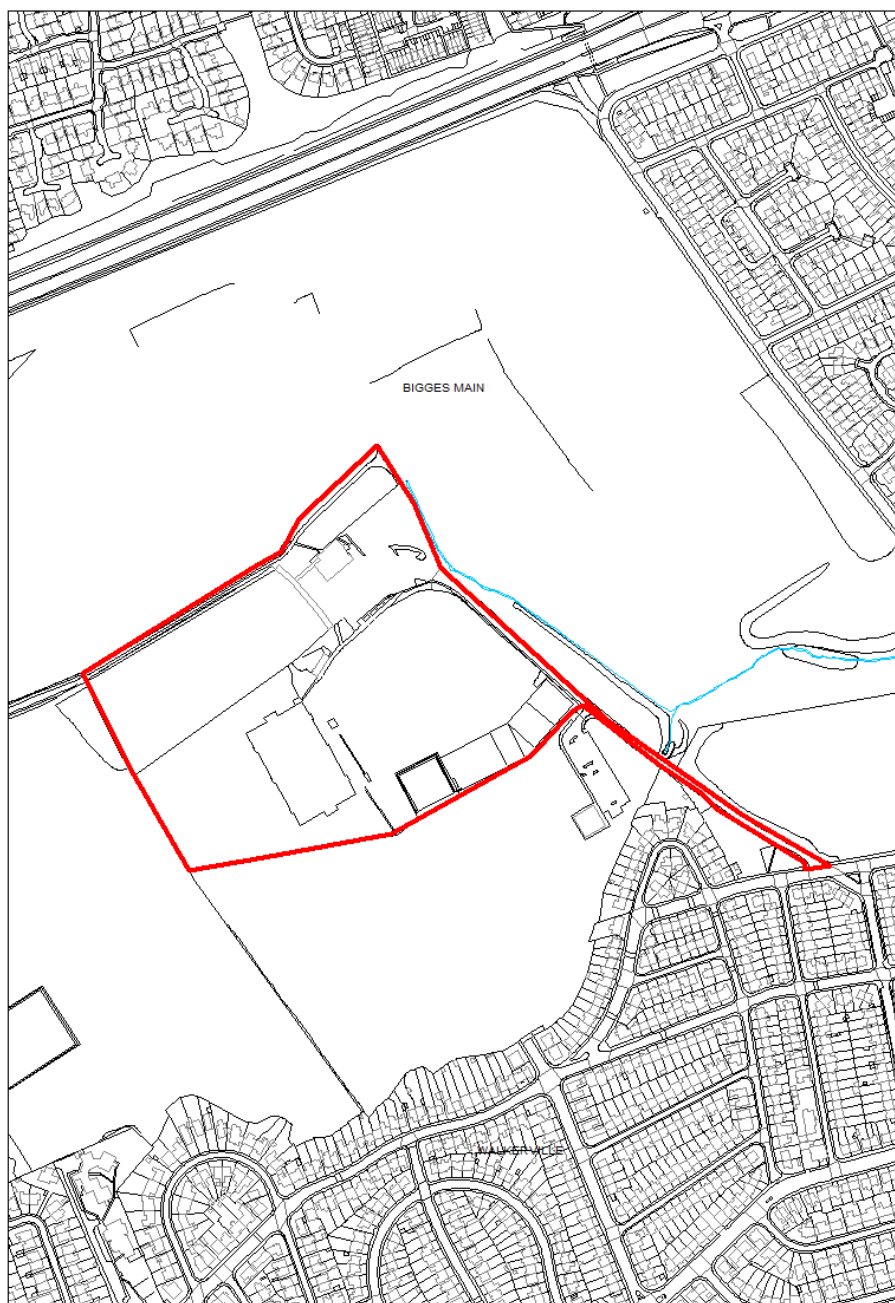
The applicant is advised that requests for Street Naming and Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering &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

The applicant is advised that they may be required to provide waiting restrictions on the access road (Rheydt Avenue) and a residents parking permit scheme within the development to deal with potential overspill parking from adjacent uses. Contact New.Developments@northtyneside.gov.uk for further information.

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

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

Coal Mining Standing Advice (FUL,OUT) (I44)



Application reference: 22/01122/FUL

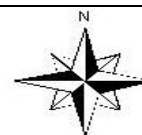
Location: Land At, Centurion Park , Rheydt Avenue, Wallsend

Proposal: Full planning application for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure

Not to scale

Date: 03.03.2023

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Consultations/representations

1.0 Representations

1.1 There have been 376no. individual responses to the public consultation from local residents. These are broken down into 367no. objections, 6no. support and 3no. representations. These are summarised below:

1.2 Support:

- Good for the local area, need more houses.
- Overall the plan looks fairly well thought out with a good mix of house sizes. I am a fan of the water run off pond which will provide areas for dog walking and assist wildlife. The left hand side of the plan could do with a bit of green spreading through it though.
- New estate will be an asset to Wallsend.
- Development would provide much needed larger houses to accommodate families.

1.3 Objections:

1.4 Highways Issues

- Exacerbation of existing major traffic problems due to the boys club.
- Inadequate parking provision.
- Narrow access road.
- Inadequate access for emergency vehicles.

1.5 Amenity

- Loss of residential amenity.
- Loss of accessible open amenity space for residents/dog walkers/children to play.
- Increase in air pollution.
- Danger to health and safety of school children.
- Impact on privacy.
- Noise/disturbance construction traffic.

1.6 Character and Appearance/Design/Layout

- Loss of open space.
- Inappropriate design.
- Out of keeping.
- Overdevelopment.
- Harmful impact on landscape.

1.7 Environment/Greenspace/Biodiversity

- Harm to wildlife.
- Pollution of watercourse.
- Loss of trees.

1.8 Other

- Too much council land being sold off for profit.
- Houses need to be kept affordable.

- Homes could be provided by refurbishment of present buildings at a more acceptable cost to our environment and an economy fit for the future.
- Impact on local infrastructure – schools, doctors, etc.
- Flooding.
- Loss of sporting facilities.
- Negative impact on Wallsend Boys Club.
- Development increases the amount of emissions that would increase the carbon footprint of the Borough, which would likely lead to the Authority missing its Carbon Net-Zero targets for 2030.

1.9 CMS Cameron McKenna Nabarro Olswang LLP on behalf of Wallsend Boys Club (received 17.02.22), summarised below:

- The proposed development is contrary to LP policies DM5.2 and DM5.3, paragraph 99 of the NPPF and does not meet the exceptions set out in Sport England Playing Fields Policy and Guidance.
- The North Tyneside Green Space Strategy 2015 is out of date.
- The Playing Pitch Strategy 2013 is seriously out of date.
- Any attempt by the Council to grant planning permission against this background would be unlawful.
- The Council does not have an up-to-date assessment of need and provision and cannot advise elected members properly regarding the need for and consequences of losing the open space, sports and recreational provision on the application site or to properly advise on compliance with development plan and national policy.
- The applicant's Open Space Assessment is not sufficient.
- Reliance should not be placed on alternative provision which was purportedly made in light of the 2001 application.
- Original purpose of land 'sport and recreation' is not a material planning consideration.
- Simply because the Council is not in a position to demonstrate a 5-year housing land supply does not relieve it of its obligations to act lawfully in granting planning permission.
- The only lawful course of action is that planning permission should be refused for this development.

1.10 Wallsend Boys Club

1.10 A detailed objection has been submitted by Wallsend Boys Club, this is summarised below:

- Proposed development will restrict further investment in the Club and thus have a major impact on our ability to support and sustain the benefits we provide to the wider community.
- Direct conflict with the Local Plan, particularly policy DM5.2.
- Highway and pedestrian safety will be severely compromised.
- Proposal will severely inhibit the continued operation of the Boys Club, given the noise emanating from the club facilities which have not been properly addressed by the applicants.
- The Boys Club has a pressing need for expansion of their facilities which can only be achieved through efficiencies of the existing grounds or expansion northward (application site). This need and demand has failed to be addressed or acknowledged by the applicant, thus the proposal is in direct conflict with DM5.2 (a).

- Fails to accord with DM5.2 (c) as it cannot be said that it is not required to meet the shortfall in provision of green space associated with sports operated at the Boys Club.
- Contrary to policies S1.2, S1.4 and S5.1.
- Direct conflict with policy DM7.4 as it fails to promote sustainable travel and support resident's health and wellbeing.
- Rheydt Avenue is heavily used and barely wide enough to accommodate current users. It cannot be brought up to adoptable standards without the loss of trees or taking land from the edge of the golf course or Boys Club.
- On the days of operational use of the Boys Club parking on Rheydt Avenue prohibits movements north of the Club to single file traffic and pedestrians, including children, travel the length of the road passing between cars to stationary vehicles. Construction traffic and new residents vehicular movements would conflict with existing users.
- The Transport Statement underplays the number of proposed vehicle movements, which will give rise to substantial risk and danger and displace cars onto Rutland Road giving rise to conflict with users and residents.
- Development is not sustainable – distance to bus stops, local services etc.
- The noise survey was not undertaken over a typical 24 hour operational period of the Club, failing to take full account of activities undertaken at the club and the noise generated.
- Noise survey does not assess the impact of the use of the outdoor space associated with the extant approved permission for the extension to the Club House.
- We would question the conclusions which have been extrapolated using base evidence of a typical similar sports pitch. The facilities at the Boys Club are not a typical operational sports pitch by comparison.
- The application fails in any part to address the impact of the Club's flood lighting on the amenity of the future residents.
- We were surprised by the passive nature of Sport England in their consultation document dated 11 August 2022, clear conflict between their conclusion and SE's established policy. SE have not spoken to us and there is no evidence they have consulted with the Northumberland FA.

2.0 Member of Parliament

2.1 Mary Glendon MP for North Tyneside

2.2 I fully concur with the objection letter by Wallsend Boys Club. In particular the restrictions the development would place on the future expansion of the club, which in turn will directly affect the wider local community. I have been contacted by constituents living in the area, who have serious concerns about the increased volume of traffic the housing development will bring and also pedestrian safety, in relation to the school sited adjacent to the proposed development and the narrow residential streets.

3.0 Ward Councillors

3.1 Councillor Louise Marshall (Wallsend)

3.2 I request speaking rights. I have been consulting with residents and would like to present my findings to the committee to ensure their views are considered.

3.3 Councillor Gary Madden (Wallsend)

3.4 I have serious concerns for the impact this development will have on the narrow streets surrounding the entrance to the development. The road is blocked off at western school which will funnel traffic through the narrow streets. I was also assured by the owner of the land that they had no intention of trying to build homes on the course. This was at a public meeting during the waves of the pandemic.

3.5 I am also concerned about the knock-on effect this development will have on the boys club for parking. This will force additional cars onto the new development and onto Rutland, Cresswell, St Aidans, etc. this will be a nightmare for our residents. There is also the fact that this land is not designated for housing. It is for leisure facilities. The fact that the facilities were allowed to stop being used is a real shame but shouldn't detract from the fact that this land is not for housing. I would like the opportunity to speak.

4.0 Internal Consultees

4.1 Local Lead Flood Authority

4.2 I have carried out a review of the surface water drainage proposals as submitted as part of planning application 22/01122/FUL and established the potential flood risks associated with site and the surrounding area. I can confirm I have no objections to the proposed development as the site will be providing surface water attenuation in the form of a suds pond which will provide suitable attenuation for a storm event of 1 in 100 year + 40% allocation for climate change and 10% urban creep. The surface water treatment for the development will be achieved via filter strips and attenuation basin before discharging into the Wallsend Burn.

4.3 I would request that the applicant verifies the proposed discharge rate for the development as there are discrepancies within the submitted documents for the proposed greenfield discharge rate with the Engineering plan showing 42.4 l/s discharge rate and the flood risk assessment stating 44.8 l/s. In addition can the applicant provide verification that surface water sewer from suds basin through to outlet is to be part of Section 104 agreement with Northumbrian Water.

4.4 I would also recommend that as part of the development proposals a new sloped faced culvert grille is provided on the inlet to the West Street culvert located within the adjacent golf course, this grille has a history of blockages due to its current design and as the proposed development will be discharging upstream into the Wallsend Burn increasing the current flow rates this will have a detrimental impact to the surrounding area by raising the flood risk at the culvert inlet. An improved culvert grille in this location will help to reduce the flood risk and will provide mitigation for the new development proposals to discharge the surface water from the site into the Wallsend Burn.

4.5 I will require the following conditions to be placed on the application;
- Further details of the proposed outfall into the Wallsend Burn to be provided to the LLFA prior to construction these should include details of the energy dissipation measures to be installed in the watercourse depending on design these may require consent from the Local Authority.

- Details of Suds features and attenuation basin maintenance regime programme and contact details of management company to be provided to LLFA. If this is to be adopted by Northumbrian Water written confirmation to be provided to LLFA.
- Details on pollution mitigation measures to be employed by contractor to ensure no detrimental impact to watercourse during construction phase to be provided to LLFA prior to construction.

4.6 I would be happy for a condition to be placed on the application requiring a flood flow analysis report to be produced if the application is successful.

4.7 Design Officer

(Comments following receipt of additional information, provided 31.10.22):
Following comments dated 27th July 2022, which raised concerns, further information has been submitted and the agent has responded to each of the concerns. Updated comments are set out below.

4.8 Amendments have been made to surface materials. These are acceptable. No further information has been submitted about the detailed landscape design although this can be conditioned.

4.9 The site is located in approximately the middle of Centurion Park Sports Centre and is surrounded on all sides by open space. Further information has been submitted about pedestrian connectivity. There will be a 2-metre-wide footway along the western side of Rheydt Avenue which will provide pedestrian connections to Wallsend and to the south of the site. A 5.5m access road would also provide space for on road cyclists. To the north of the site there will be two connections onto the existing Public Right of Way for pedestrians and cyclists. The further information shows that the scheme will provide connections to help integrate into its surroundings, although there is likely to be a high dependency on car use.

4.10 In the middle of the site, there is a narrow section of existing landscaping which would be enclosed by rear boundary fences. This is a missed opportunity to create a focal point within the site layout. The site incorporates some areas of open space which accommodate existing landscaping, new SUDs and wildlife and biodiversity mitigation. There is no amenity grass as part of the layout, and it was recommended that an area with opportunities for recreation and play should be included. Some further information about open space provision within the wider area has been submitted but no changes to the provision of amenity open space has been made. In larger developments such as this one, it is important that areas of amenity open space are provided as part of designing successful places with opportunities for recreation and play. On the landscape plan, there is an area identified as "Centurion Golf Course Planning application area" which would be ideal for amenity open space. Further information is required about the intended use of this area and if this could be amenity green space.

4.11 Given the open nature of the surroundings, particular care is required to the design of the edges of the site. To the south of the site, there is an area of existing landscaping. Some rear gardens seem to extend into the area of existing landscaping and this results in very small areas of useable garden space. The trees are likely to impact on residential amenity and cause pressure for their

removal in the future. This issue is referred to the Landscape Officer for further comments.

4.12 A boundary treatment plan has been submitted. On two sides of the site, a 2 metre high security fence is proposed along with a 100 metre long area of golf ball netting. This is required to protect properties from stray golf balls. This will be set between two existing hedgerows which will screen the appearance of the netting. Subject to an acceptable design, this is acceptable. The detailed design should be conditioned. The netting may pose a hazard to birds and bats, however this issue is referred to the Ecology Officer for comments.

4.13 Overall, the key issue which needs further consideration is providing some amenity open space as part of designing successful places. The further information and amendments requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline. The planning case officer should assess the request above and set a suitable timescale for this further submission.

4.14 Suggested Conditions:

MAT03 Materials of construction

LAN003 Landscape design proposals

LAN005 Landscape works implementation

Detailed design of security fencing and golf ball netting

External features (Vents, flus and meter boxes)

4.15 (Original Comments provided 22.07.22):

Previous discussions have been undertaken for this site, and advice provided about the design and layout. There are minor changes to the layout but in general it remains the same.

4.16 The site is located in approximately the middle of Centurion Park Sports Centre and is surrounded on all sides by open space. The proposed location would be an isolated development rather than being connected to the existing community. There are some links to existing pedestrian routes, although it is unclear if these have lighting to help meet the needs of walking and cycling at different times of the day. Further information is required about pedestrian connectivity and consideration should be given to opportunities to connect and improve existing footpaths, cycleways and bridleways. There are no bus stops proposed within the layout and there is likely to be a high dependency on car use. There are bus stops nearby the site although it appears complicated or lengthy to reach these by foot.

4.17 The layout includes a mix of property types and sizes. The architectural design of the house types is in general acceptable although some units would benefit from further variation of detailing or materials. The units are arranged well to provide a distinct arrival point with units overlooking the open space and main road into the site. There are primary and secondary roads that vary in width. Street trees are shown on the landscape plan, however no detailed information has been submitted to ensure that the right tree species are planted in the right places.

4.18 The site incorporates some areas of open space, however these accommodate existing trees or new SUDs. In the middle of the site, there is a narrow section of existing landscaping which would be enclosed by rear boundary fences. This is a missed opportunity to create a focal point within the site layout. There is no amenity grass as part of the layout and including an area with opportunities for recreation and play should be reviewed. Including this type of space, would increase the design quality and functionality of the site for future residents. A bowling green is proposed to be retained although it is not clear if there is any parking associated with this to facilitate easy access and continued use of the space.

4.19 Amendments are required to surface materials to create a well-designed area with a sense of character. Visitor parking bays are proposed to be surfaced in tarmac. This should be amended to blocks to contribute towards a well-designed street scene. This is a requirement of the Design Quality SPD which states "visitor car parking should be enhanced in suitable adoptable materials, such as block paving, to improve the street scene". This is expected on all new developments. Key junctions and feature points within the road layout should also be broke up with other suitable materials. On the surface material plan, driveways are illustrated in block work, however the description proposes tarmac. This should be amended.

4.20 Given the open nature of the surroundings, particular care is required to the design of the edges of the site. To the south of the site, there is an area of existing landscaping. Some rear gardens seem to extend into the area of existing landscaping and result in very small areas of useable garden space. To the west of the site there is existing landscaping (with some gaps) and a native hedge is proposed to be planted. No detailed information has been submitted about the width and species mix of this hedge and further information is required.

4.21 A boundary treatment plan has been submitted which describes different types of boundary treatments. Illustrations of the different boundary treatments are required. On two sides of the site, a 2 metre high security fence is proposed although no reason is given for this. A 100 metre long area of golf ball netting is required near some of the houses. There are concerns about the appearance of this. The netting may also pose a hazard to birds and bats, however this issue is referred to the Ecology Officer for comments.

4.22 The further information and amendments requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline. The planning case officer should assess the request above and set a suitable timescale for this further submission.

4.23 Highway Network Manager

4.24 This application is for the erection of 215 residential dwellings with access, landscaping, sustainable drainage, and associated infrastructure.

4.25 A Transport Assessment (TA) was submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe.

4.26 The site will be accessed via Rheydt Avenue, which will be brought up to an adoptable standard along with some improvements at the junction with Rutland Road.

4.27 Parking will be provided in accordance with current standards and the proposed highway layout is acceptable. The site has reasonable links with public transport and the development will be linked with the existing footpath to the north. Recommendation - Conditional Approval

4.28 The applicant will be required to enter into a Section 278 Agreement with the Local Authority for the following works as set out in drawing number 22-069/02 - Revision E:

4.29 Upgrade of roads and footpaths on Rheydt Avenue to an adoptable standard

Alterations to existing access of Rheydt Avenue with Rutland Road

Pedestrian refuge on Rutland Road

Associated drop crossings

Associated highway drainage

Associated street lighting

Associated traffic calming

Associated road markings

Associated signage

Associated legal orders

4.30 Conditions:

4.31 Notwithstanding the details submitted, a programme for the delivery of the following off-site highway works as set out in drawing number 22-069/02 - Revision E: and subject to Technical Approvals and Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter:

4.32 Upgrade of roads and footpaths on Rheydt Avenue to an adoptable standard

Alterations to existing access of Rheydt Avenue with Rutland Road

Pedestrian refuge on Rutland Road

Associated drop crossings

Associated highway drainage

Associated street lighting

Associated traffic calming

Associated road markings

Associated signage

Associated legal orders

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

4.33 Notwithstanding the details submitted, the scheme for roads, footpaths, internal junctions, shared surfaces, turning areas, traffic calming and visibility splays shall be laid out in accordance with the approved plans. These 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).

4.34 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).

4.35 Notwithstanding the details submitted, the scheme for cycling & pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

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

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

4.37 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).

4.38 Notwithstanding the details submitted, no part of the development shall be occupied until a scheme for Electric Vehicle (EV) charging points for each dwelling has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of promoting sustainable transport.

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

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

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

4.41 Informatives:

4.42 The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

4.43 The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

4.44 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.

4.45 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

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

4.47 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.

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

4.49 The applicant is advised that they may be required to provide waiting restrictions on the access road (Rheydt Avenue) and a residents parking permit scheme within the development to deal with potential overspill parking from adjacent uses. Contact New.Developments@northtyneside.gov.uk for further information.

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

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

4.52 Sustainable Transport

This application is a full planning application for the erection of 215 residential dwellings with access, landscaping, sustainable drainage and associated infrastructure at Rheydt Avenue in Wallsend.

There is no requirement as part of the planning process to secure any further improvements to the PRow network as these will be improved via the land sale agreement.

A Travel Plan (TP) for this site was submitted as part of the application, however it was incorporated within the Transport Statement (TS). It would be expected that the Travel Plan is a standalone document.

Recommendation - Conditional Approval

Travel Plan:

Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the council within two months of surveys being undertaken.

Reason: To accord with Central Government and Local Plan Policy DM7.3 and Transport and Highways SPD.

Following negotiations, a £100,000 Travel Plan Bond is required, to be included as a Section 106 Agreement. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.

4.57 Environmental Health (Pollution)

4.58 I have reviewed the updated air quality assessment. The air quality assessment has considered the potential increase in air pollutants resulting from the development. The principal pollutants of concern are nitrogen dioxide and particulates, arising from road traffic vehicles. The air quality assessment has concluded that there will be a negligible increase in both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO₂ and particulates if the development was to occur. With regard to PM_{2.5} levels, although there is a limit level within the 2010 Regulations there are no specific target limits set within the LAQM Technical Guidance (TG22) for Local Authorities in England to work towards. It is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Mitigation measures have been recommended within the air quality assessment that includes for transport relates measures such as electric vehicle charging infrastructure and travel plans. Construction dusts have also been considered and a condition is recommended to ensure the dust mitigation measures as outlined in appendix D of the report are implemented as the track out risk has been assessed as medium.

4.59 I have reviewed the Memo response dated 8th November 2022 regarding the noise assessment. I note that the applicant suggests that the measurements obtained from one location over a 24-hour period is representative based on the dominant noise being road traffic on the Coast Road. An updated assessment for the football pitches has been carried out which has modelled the noise based on 6 football pitches being used. This has shown that the noise exposure at the nearest residential houses will be 51 dB at the façade. Garden amenity for the majority of the properties will be below 50 dB LAeq and below the World Health Organisation Community Noise guidance level of 55 dB LAeq.

4.60 The noise assessment Memo has outlined that noise from the proposed golf driving range is unlikely to give rise to nuisance and likely to be inaudible given the distance to the new residential properties. Noise from the grass cutting at the golf course has been assessed and shown to give noise levels of 44.3 dB LAeq for the activity, some 10 dB below existing background noise levels.

4.61 The daytime noise levels for internal spaces should aim for a level of 35 dB and night time of 30dB in accordance to WHO Community noise guidelines. The consultant has shown that internal noise levels can be achieved, with open window. And has recommended a glazing specification of 4 /6-16mm/ 4.

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

4.63 Prior to occupation submit and implement on approval of the local Planning Authority a noise scheme in accordance with Section 7 of noise report LAE1177.1, providing details of the acoustic specification of the window glazing to be provided to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB LAeq T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq T in accordance with the World Health Organisation community noise guidelines and BS8233.

4.64 HOU04 and SIT03

4.65 Contaminated Land Officer

I have read the Phase 2 report and the Remediation & Enabling Works Strategy. The Remediation & Enabling Works Strategy stated:

“Table 3.1 Enabling Works Schedule, Section RE-7

At the time of the site investigation parts of the site were occupied by buildings, hardstanding and live utility services, which restricted access for the investigation of these areas. As and when the site is cleared, further investigation should be undertaken in these areas to confirm ground conditions. Samplings of Made Ground should be taken, and further samples will be collected to assess the potential presence of any contamination that would represent a risk to chronic human health or the wider environs. Where a potentially unacceptable degree of risk is identified, or where contamination or ground conditions different from those already encountered on the site, the remediation strategy will need to be revised accordingly and in agreement with the regulatory authorities.”

4.66 As further site investigation works are proposed works then Con 004 will be required to attached. As the remediation strategy may need to be revised Con 005 with still need to be attached. As remediation works have been identified as being required Con 006 will need to be attached. Con 007 is required to be attached.

4.67 The site investigation has indicated that no gas protection measures are necessary. Although a number of the boreholes were flooded on occasion, I am satisfied that sufficient readings were taken to support the outcome of this assessment. No gas condition is required.

4.68 Biodiversity & Landscape

4.69 The application site is for the erection of 215no dwellings (reduced from 233no.) on land at Centurion Park, Rheydt Avenue. The proposed land is approximately 9.6ha and consists of the sports centre and car park to the north east, driving range behind the sports centre to the west and a large area of amenity grass, semi-improved grassland and brownfield land to the south of this area which is currently used for recreation and dog walking. The site also supports hedgerows, scattered scrub and woodland/tree planting within the site. The site boundaries along the north, west and southern boundaries also support tree, woodland and hedgerow planting which appears to be outside of the red line boundary. The site is bounded by Rheydt Avenue and Wallsend Golf Course to the eastern boundary, the golf course to the northern boundary, Benfield School and playing fields to the western boundary and playing fields/Wallsend Boys Club and Kirkley Park to the south. The site is currently accessed via Rheydt Avenue, which leads from the southeast of the site to the northeast along the eastern boundary. This provides access to the Centurion Park Golf Course Club House, Golf Shop and Car Park.

4.70 The entire area proposed for development is designated as open space on the North Tyneside Local Plan Policies Map (2017) and is also within a designated wildlife corridor. The site is not allocated for housing within the Local Plan.

4.71 The proposed scheme which consists of the development of 215no. dwellings and include the demolition and removal of the existing buildings and structures within the application site. The site contains a number of trees protected by a TPO, which are to be retained, however, the proposal will result in the loss of approximately 10.35ha of designated open space containing habitats within a wildlife corridor as defined by the Local Plan.

4.72 With regard to landscape and ecology, NTC have been in discussion with the applicant, developer and agent in order to address design concerns and ensure the best solution in terms of landscape and ecology can be achieved.

4.73 The direct impacts associated with this scheme include: -

- The loss of approximately 10.35ha of designated open space and associated semi-natural habitats as defined by the Local Plan.

4.74 The potential indirect impacts include:-

- Impacts to a designated wildlife corridor as result of habitat loss and associated disturbance including noise and lighting.
- Impacts to wildlife as result of habitat loss, disturbance and fragmentation of the corridor
- Potential further impacts on existing trees resulting from construction works and land level changes associated with the development.
- Impacts to adjacent Local Wildlife Sites and designated Coastal sites from increased recreational activity

4.75 The following plans have subsequently been revised and submitted:

- Landscape Masterplan (DWG no: 5962-99-01 Rev L)

- Biodiversity Net Gain Assessment (OS Ecology V9b January 2023)
- Biodiversity metric 3.1 (OS Ecology v13)
- BNG Measurements Plan (DWG No: 5962-91-01Rev F)

4.76 The revised landscape plan and associated documentation provides:

- A Biodiversity Net Gain (BNG) of 10.83% provided by both on-site and off-site habitat mitigation
- The provision of new and enhanced semi-natural open space areas within the development site of approximately 2.5ha along with 1.147km (1,147 linear metres) of new native hedgerows and 132 urban trees that are calculated to provide 4.8ha of habitat for net gain. In addition 1ha of land is being provided off-site at Wideopen (1ha) to deliver net gain (species rich grassland) and compensate for the loss of open space as a result of the development.

4.77 Concerns related to the development include:

- Limited amenity green space provision within the development
- Limited buffer planting to the boundaries (south and west) to provide habitat connectivity
- Loss of hedgerows (shown as UK Priority Habitat) to accommodate the SUDs, drainage and road/footpath widening.
- Disturbance to habitats within the site associated with recreational use, lighting and noise.
- The majority of landscaping within the site being provided is to address net gain requirements. The lack of recreational open space will put pressure on these habitats which are likely to be used as recreational open space areas and subjected to disturbance and degradation. It will also put additional pressure on semi-natural open spaces (Local Wildlife Sites) within the vicinity of the site

Ecological Appraisal (EA) Report:

4.78 The EA indicates that the site comprises a mosaic of managed and unmanaged grassland interspersed with hedgerows, lines of trees, built development and woodland. Habitats on site are considered to be of local value. The site provides opportunities for bats which were recorded at low levels, with the site considered to be of local value to bats. No roosts were recorded within the club house building. A range of nesting bird species were recorded utilising the scrub and hedgerows and areas of open grassland were considered to provide foraging opportunities, although recreational activity on the site may dissuade usage. Due to the nature of the site and its location, other protected species were considered likely to be absent.

4.79 The scheme will result in the loss of habitats of local value within the site including species poor and amenity grassland, sections of native hedgerow, small area of woodland and scrub and some trees. Hedgerows provide valuable and important habitat for wildlife as breeding, roosting, commuting and foraging habitat, particularly for birds and bats. The Bat Survey (OS Ecology) concludes that lines of trees and hedgerows throughout the site provide commuting routes that link the site to potential roosting opportunities in the wider area and the Breeding Bird Survey (OS Ecology) concludes that woodland, scrub and hedgerows on site provide nesting and foraging habitat for birds and are of greatest value during the breeding season. The site was found to support approximately 58 territories of 22 species some of which are UK Priority Species

(Dunnock, Bullfinch, Linnet and Song Thrush) and all of these species were found breeding within the scrub, hedgerow and woodland habitats. The Territory Map shows hedgerows as particularly valuable for breeding birds.

4.80 Overall, the impacts of the scheme include:

- Loss of habitats considered to be of local value
- Loss of a building considered to be of low suitability to roosting bats and two considered to be of negligible suitability.
- Low risk of harm/disturbance to bats should they be present at the time of works.
- Loss/degradation of bat foraging/commuting habitat, through an increase in disturbance, habitat loss and lighting.
- Loss of nesting opportunities to a range of bird species, though both direct habitat loss and disturbance.
- Harm and/or disturbance to nesting birds, should works be undertaken in the breeding bird season (March to August inclusive).
- Low risk of impacts on amphibians.
- Impacts on the minor watercourse to the east as a result of increased run off and potential pollution events.
- Secondary impacts on the designated sites in the wider area as a result of increased recreational activity.

4.81 These impacts will be addressed by a number of measures that will be conditioned as part of the application, including working method statements (CEMP); an appropriate lighting strategy and appropriate planting and habitat creation on and off-site to mitigate impacts and deliver a biodiversity net gain.

4.82 The Ecological Assessment also identifies secondary impacts on designated sites in the wider area as a result of increased recreational activity from the housing scheme and this should be addressed by an appropriate financial contribution (S106) to address ongoing management of these sites in the future. It is understood that a financial contribution for this has been agreed.

4.83 The scheme will also result in increased recreational impacts on designated coastal sites, therefore, a financial contribution towards a coastal management scheme will be required in accordance with the LPA's Coastal Mitigation Strategy.

Arboricultural Assessment:

4.84 The proposed layout will necessitate the removal of nine individually surveyed trees (T33, 43, 35 36, 44, 45 46, 48 and 49), two entire groups of trees (G3 and 12) and sections of two other groups (G9 and G10) and sections of two hedgerows (H2 and H3).

4.85 Three individual trees, one group and two hedgerows that would need sections to be removed were classified as Category B. Five individual trees and three groups of trees affected were classified as Category C. One tree that would need to be removed was classified as Category U.

4.86 Group 3 and Trees 33-36 would need to be removed to construct proposed plots and roads. Trees 44-46, and sections of Groups 9 and 10 would need to be

removed to construct proposed drainage infrastructure. Trees 48, 49 and Group 12 would need to be removed to construct the proposed SUDs basin. Sections of Hedgerow 2 would need to be removed to construct the SUDs basin and access road. A small section of Hedgerow 3 would need to be removed for the maintenance yard access.

4.87 The trees to be removed, 3no individual trees (T46(B) Poplar, 45(B) Poplar and 44(C) Poplar, are protected by the TPO.

4.88 From an arboricultural perspective, the magnitude of impact from the losses required is considered to be low/moderate and post-development tree planting would assist with mitigating the losses required.

4.89 An Arboricultural Method Statement has not been submitted but will be required to ensure that retained trees will be adequately protected.

Boundary Treatment Plan:

4.90 The submitted 'Boundary Treatment Plan' indicates 2m high security fencing along the eastern and northern boundary and a 6m high section (100m) of netting to address issues with golf balls. This fencing/netting is shown adjacent to existing hedgerows which could impact on retained hedgerows and their associated wildlife. Further details will be required via a suitable planning condition, in relation to the specification and location of the fence/netting to ensure its location does not impact the existing hedgerows adjacent or associated wildlife .

Wildlife Corridor

4.91 The site is allocated as open space and is within a wildlife corridor.

Planning Policy DM5.7 which states:

'Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement'.

4.92 The Landscape Plan shows some areas of habitat which are being retained (hedgerows and TPO tree groups) enhanced woodland and newly created habitats including native species rich hedgerows, native woodland structure planting, mixed native scrub, SuDs and some species rich grassland. Whilst the areas indicated for habitat creation and landscaping are limited within the site, with a predominance of built development, the habitats being created provide better quality and diversity of habitat within the site benefitting species identified in the ecology report (breeding bird and bats) for use as breeding, foraging and commuting habitat. The majority of habitats are located to the eastern, central and southern areas which, due to limited space, will function for both biodiversity and recreational use and are likely to be exposed to disturbance as a result of lighting, noise and recreational activity (i.e dog walking) in these areas. The applicant has tried to mitigate this by providing hedgerows and scrub planting to protect some areas from disturbance (e.g around the SuDs area) and a lighting

condition can be imposed to ensure lighting adjacent to semi-natural areas is designed to reduce light spill to these areas.

4.93 Habitat provision around the western and south-west boundary is limited, where habitats would be less disturbed and provide better connectivity for wildlife, however, the applicant has used what space is available to enhance these boundaries with native scrub and hedgerow to improve connectivity in these areas. The limitations of space within the site for habitat delivery are addressed by providing 1ha (10,000sqm) of neutral grassland habitat on land at Wideopen to provide an overall biodiversity net gain of 10% as part of the scheme. The land at Wideopen is also within a designated wildlife corridor and the enhancement of this area will benefit the wildlife corridor in this location and provide additional habitat for wildlife

Net Gain/Biodiversity Metric

4.94 Biodiversity net gain for the development will be delivered off-site on 1ha of agricultural land at Wideopen as well as on-site as part of the scheme. The applicant has amended landscape plans to provide better quality habitats within the site (increased native woodland, scrub and wildflower grassland) and has designed some areas to protect landscaping from increased disturbance (i.e around the SuDS area). Additional small areas of planting have been provided along the western and south-west boundaries, to enhance existing landscaping and improve connectivity along these boundaries and 132no. native trees will be provided in areas of open space throughout the site. The information submitted shows that a biodiversity net gain of 10.83% will be achieved as part of the scheme through both on and off-site habitat creation and the habitats being created, if managed and maintained appropriately in the long term, will be more diverse and provide better-quality habitats on both sites. The land at Wideopen is also within a designated wildlife corridor that is connected to mature woodland and local wildlife sites (sacred heart fen and Weetslade country park) and the enhancement of this area with species rich grassland planting will benefit the wildlife corridor in this location and provide additional habitat for wildlife.

4.95 A BNG Measurement Plan has also been submitted and updated showing areas of new and enhanced habitat within the site to meet the requirements of biodiversity net gain. This shows the locations and extent of both retained and enhanced habitat as well as proposed new biodiversity habitat within the site.

Landscape Plan

4.96 The revised Landscape Masterplan (DWG no: 5962-99-01 Rev L) includes native woodland and scrub, wildflower grassland, native hedgerows, and a SuDs area that contains wet grassland, scrub and hedgerows. Plans have also been amended to include additional planting along the south-west, western and northern boundaries to strengthen boundary planting and provide improved connectivity as well as additional hedgerow trees and boundary planting around the SuDs to reduce disturbance to this area. The masterplan also shows that a large number of standard tree planting will be incorporated within the curtilages of the properties and within open space areas. Section 131 of the NPPF ensures that new streets are tree-lined and although these are not included in the highway as required by the NPPF, the trees will provide a 'tree lined' effect in the streetscape.

Open Space

4.97 Open Space is protected by Local Plan policy DM5.2 which states:

The loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

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

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

4.99 An open space assessment has been submitted and considered Local Plan Policy DM5.2 which requires only one of the exceptional circumstances to be fulfilled for the loss of any part of the green infrastructure network to be considered. The open space assessment claims to have demonstrated that the redevelopment of the site fulfils all of the four exceptional circumstances outlined within Policy DM5.2.

5.0 Policy DM5.2 also requires "Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections."

5.1 Local Plan policy DM5.2 looks to safeguard green spaces within the borough but, in addition, paragraph 99 of the NPPF also states that existing open space should not be built on unless 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.

5.2 The submitted open space assessment divides the land up into two areas; Parcel A and Parcel B. Both areas are covered by the Local Plan as designated open space.

5.3 Parcel A consists of the northern section of the site which measures 3.68ha. This area consists of Centurion Park Golf Course Club House, car park and driving range. Parcel B is approximately 6.67ha and comprises of land to the southern section of the site and comprises of a bowling green and pavilion; a

disused artificial grass pitch (AGP); 3 disused multi use games Areas (MUGAs); and vacant land which was formerly used as a playing field.

5.4 With regard to Parcel A, this area has no public access and is accessible only via the Golf Course Club House. With regard to Parcel B, whilst the "main purpose" (Green Space Strategy Paragraph 11.1) of the open space may not be relied upon any more (sport and recreation), the land is accessible by the public (i.e not fenced) and currently being used informally by the community for recreation and dog walking.

5.5 The open space assessment provides information to demonstrate that the criteria set out within Policy DM5.2 can be met and that the loss of open space is surplus to requirement. However, Policy DM5.2 also states that 'permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided'.

5.6 The elements within Parcel A and B (green space, hardstanding etc), regardless of their quality make up over 10ha of open space and defined as opens space within the Local Plan. The quality of these elements is immaterial in terms of how it is viewed by a local community. The site contributes positively to the amenity of the area by providing greenery and the open nature of the site allows for extensive and attractive wide views, however the development will occupy a significant proportion of this green space.

5.7 Section 4.14 of the Open Space assessment states that 'With regards to the informal green space function of Parcel B, this area of the site extends to 6.67ha. However, it is considered that there are also areas within this parcel which are in reality not used for this purpose i.e. the bowling green (used formally and being retained), AGP and MUGAs. With this in mind, Parcel B is only considered to provide 4.18ha of informal green space'.

5.8 The proposed development will provide over 2.5ha of landscaping/informal green space within the application site, including a large number of urban trees in open spaces (132no.) and over 1km of native hedgerows. The 2.5ha comprises the retention of existing landscape features combined with new and enhanced on-site landscaping. In addition, 1ha of enhanced habitat will be provided off-site on land at Wideopen. Although these areas are less in terms of quantity, they provide a range of native habitats that are considered to be an enhancement of current semi-natural habitats within the site.

5.9 If the LPA is minded to approve the application, the following conditions should be attached to the application:-

5.10 Protection of retained trees/shrubs/hedges:

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

replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

5.11 Arboricultural Impact Assessment and Arboricultural Method Statement:
Prior to any works starting on site, (including demolition and all preparatory work), an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' will be required in order to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The Method Statement is to include a scheme for the protection of the retained trees (TPP), in accordance with BS 5837:2012, including the type of protective fencing and signage and details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees. The AMS is to include details for the installation of underground services, carriage way positions, parking areas and driveways, drainage and SuDs features, lighting, fence posts, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage to the retained trees and /or root systems of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details. Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval.

5.12 Ground Level changes:

Details of any changes in ground level, including existing and proposed levels and any retaining structures required within the root protection area as defined by BS5837:2012. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the RPA are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

5.13 Tree Protective Fencing:

Prior to the commencement of any site clearance works in connection with the development hereby approved (including demolition/excavation works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations in the Tree Protection Plan (TPP) to be submitted. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

5.14 Implementation of Tree Protection during development :

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

5.15 TPO Replacement Tree(s):

Details are to be submitted for approval relating to the number of protected trees to be removed and their replacement. Trees are to be replaced on a one for one basis at a minimum 14-16cm girth unless otherwise agreed with the LPA. If within a period of five years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, unless otherwise agreed in writing with the Local Planning Authority.

5.16 Prior to the occupation of any dwelling, all trees on the site shall be subject of a post-construction re-assessment of the trees that documents locations, condition, and any immediate or expected future requirements, to be undertaken to safeguard the TPO on the site.

5.17 Arboricultural supervision:

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the approved Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction

5.18 Lighting:

Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. The lighting scheme shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and

- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.
- The lighting shall be installed and maintained in accordance with the approved scheme.

5.19 Landscape scheme:

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan for on-site and off-site landscape mitigation/compensation shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the Biodiversity Net Gain Assessment Report/Biodiversity Metric (OS Ecology January 2023). The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and shall be implemented in accordance with the approved details within the first available planting season following the approval of details by an approved contractor. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

5.20 Ecological Management & Monitoring Plan:

Prior to the commencement of any development, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site and the approved off-site compensation land, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Net Gain Report/Biodiversity Metric (OS Ecology January 2023) and approved Landscape Plans/Strategies
- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report (OS Ecology January 2023). Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.
- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

5.21 CEMP:

All works will be undertaken in accordance with an approved Construction and Environmental Management Plan (CEMP) that includes; Method Statements for protected species (breeding birds, bats, hedgehog and amphibians); appropriate working methods and details of works that will be overseen by an Ecological Clerk of Works (ECoW). Details shall be submitted for approval by the LPA prior to works commencing on site.

5.22 Birds:

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

5.23 Bird Boxes:

22no. bird boxes/features that include a range of features for various species, will be integrated into new buildings and suitable habitat locations within the development site. Details of bird box/features specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

5.24 Bat Boxes:

15no. bat boxes/features will be integrated into new buildings and suitable habitat locations within the development site. Details of bat box/features specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

5.25 Mammal Protection:

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

5.26 Hedgehogs:

Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details of the locations and specification of the hedgehog gaps shall be submitted to the LPA for approval within 4 weeks of development commencing on site.

5.27 Construction Management Plan:

The contractor's construction method statement relating to traffic management/site compounds/contractor access must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained and retention and protection of woodland, scrub and grassland habitat areas. Cabins, storage of plant and materials, and parking are not to be located within the RPA of the retained trees or woodland areas as defined by the Tree Protection Plan and maintained for the duration of the works.

5.28 Drainage:

Detailed drainage plans, including details of SuDs features (ditches, swales and attenuation ponds) must be submitted to the Local Authority for approval within 4 weeks of works commencing on site. Details will include profiles, cross sections and landscape planting of SuDs features. Any ditches, swales or attenuation ponds will be designed to provide ecological benefits, including appropriate native planting agreed by the LPA.

5.29 Pollution Control:

Prior to the commencement of any development, a detailed Pollution Control Plan shall be submitted to and approved in by the Local Planning Authority. This scheme shall include a timetable for its implementation and detail pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land. Thereafter, the development shall be carried out in accordance with these agreed details.

6.0 External Consultees

6.1 Sport England

6.2 (Comments in response to re-consultation, provided 22.11.22):

6.3 Further to Sport England's response dated 11 August, I wanted to provide further clarity about the sport National Governing Bodies (NGBs) that Sport England engaged with and to confirm Sport England's understanding of where the quantitative element of playing field had been replaced.

6.4 Consultation with National Governing Bodies (NGBs):

Sport England consulted with relevant National Governing Bodies and comments about their respective sports were provided by the Football Foundation (on behalf of the Football Association (FA) in consultation with the Northumberland FA), England Golf, England Bowls, England and Wales Cricket Board (ECB) and England Hockey (EH).

6.5 Sport England formalised consultation procedures with the pitch sport NGBs in 2014 in a Memorandum of Understanding. This process has provided additional detail and understanding for Sport England in making statutory responses on the impact of development for sports at both site level and more broadly across a local area. NGB feedback on the planning application suggests measures agreed in 2001 have had mixed results for the respective sports.

6.6 The Proposal and Replacement Playing Field:

The proposed development will result in the complete loss of the disused playing field at the application site amounting to an area of circa 6 hectares. The applicant has set out in an Open Space Assessment how the playing field and associated facilities were replaced following the site being first proposed for redevelopment in 2001. The document is both comprehensive and detailed but contains a number of points which Sport England sought clarification upon. The Assessment's detail has been confirmed and supported by correspondence from the Council's Head of Sport, Leisure and Libraries. The correspondence confirms the Council's understanding of Sport England's requirements for the application site's replacement under playing field policy, and the subsequent measures and schemes that the Council undertook to address them. Housing development did

not proceed at that point in time, but the agreed playing field replacement did, in anticipation of the site being brought forward for development in the future.

6.7 Having reviewed aerial photos, associated planning approvals, and strategy documents, Sport England accepts that replacement playing field of sufficient quantity was created immediately south of the application site (approximately 6.5Ha), and to the west of Churchill Community College (approximately 0.93Ha) meaning that the quantitative test within playing field policy exception 4 has been met.

6.8 Notwithstanding ECB and EH views on how successful the implemented replacement playing field measures have been, Sport England accepts that playing field policy had been addressed to the Council's best endeavours at that time and in accordance with the advice provided by Sport England in 2001. Some of the issues that have become apparent for individual sports are usually highlighted by regular joint working by Sport England, NGBs and the Local Authority on an assessment of the adequacy of playing pitch provision followed by a strategy and action plan to tackle measures identified. The Council's Playing Pitch Strategy is however now 5 years out of date and this application has exposed sports concerns that the Council is acting incrementally without the strategic overview as to the spatial adequacy of pitch provision compared to the needs of the clubs and teams participating in pitch sports. Sport England shares these concerns.

6.9 Again, we strongly urge the Council to commit to working with Sport England and the respective sports NGBs to undertake a new Playing Pitch Strategy for the District.

6.10 (Comments in response to original consultation, provided 11.08.22):

6.11 The Proposal and Impact on Playing Field:

The proposed development will result in the complete loss of the disused playing field at the application site.

6.12 Assessment against Sport England Policy:

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

6.13 'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.'

6.14 I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4.

6.15 Assessment of Existing Playing Fields:

The proposal will involve the loss of 6Ha of playing of partly disused playing and a golf driving range. Aerial photos from 2001 show how the site was previously used when fully operational. A tree/hedgerow line running north-south roughly divides the site in two. To the east there was a cricket ground, adult football pitch, a bowling green and a series of floodlit MUGAs. To the west there was a floodlit short pile AGP and a further (under 18s) football pitch.

6.16 Assessment of Proposed Playing Fields:

The applicant has set out how the playing field and associated facilities were replaced following the site being first proposed for redevelopment in 2001. The document is both comprehensive and detailed but contains a number of points which Sport England has sought clarification upon. We have also engaged with the NGBs of the pitches and facilities which the application formerly hosted. Their responses are:

6.17 Football - Wallsend Boys Club was previously user of the application site many years ago, using what were the Leisure Centre's grass pitches. However, the club has since over time developed its own site adjacent to the south for grass pitches, a 3G pitch and pavilion which is earmarked for further development. Consequently, the club ceased using the leisure centre facilities over time in line with the development and growth of its own onsite provision. We are satisfied that the principle of off-site mitigation has been demonstrated as acceptable through previous consents (not acted upon) and that the facilities proposed for loss at the application site have been suitably replaced across three other sites as required of the previous planning consents, one of which was at Wallsend Boys Club directly adjacent.

6.18 Golf - It would appear that the facilities connected to the golf course that are affected as part of this application are being replaced and subject to a separate application which has been approved. On that basis, there are no concerns regarding the loss of facilities outlined in this application.

6.19 Bowls - The application includes retention of the bowling green therefore we have nothing to add.

6.20 Cricket - Wallsend CC used to play there but moved to a school site in 2008 due to poor quality facilities. The site was subsequently used as a site for "Last Man Stands". This ceased around 9 years ago – again because of perceived poor quality facilities. Facilities have not been replaced and local PPS show large local demand for facilities with local residents travelling significant distances to play cricket. Given the above we believe financial contribution into Backworth and Percy Main cricket clubs would be beneficial to help improve their facilities in areas of deprivation.

6.21 Hockey - The AGP on site was formally the home of Tynemouth HC and Whitley Bay HC and was vibrant site both on grass and then with an AGP when the sport shifted to artificial turf. EHs understanding and local intelligence has told us that the site was not maintained or invested into so clubs had no choice but to move away due to the dangerous condition of the surface. If the site were to be brought back into a usable state then clubs would come back. The conclusion of

the document is incorrect for hockey in suggesting that the replacement of the AGP has been satisfied by building a 3G pitch on neighbouring land. 3G is not an appropriate surface for Hockey and cannot be accepted as being suitable replacement. There is a shortfall of Hockey facilities in North Tyneside with clubs being exported to pitches located in Newcastle City Council area and at times even further afield. EH would expect for the replacement of this facility as part of any mitigation for the development of this land. The conclusion of the document is insulting to Hockey by suggesting that the replacement of the AGP has been satisfied by building a 3G pitch on neighbouring land. 3G is not an appropriate surface for Hockey and cannot be accepted as being suitable replacement. There is a shortfall of Hockey facilities in North Tyneside with clubs being exported to pitches located in Newcastle City Council area and at times even further afield. EH would expect for the replacement of this facility as part of any mitigation for the development of this land.

6.22 Having reviewed aerial photos and associated planning approvals, Sport England accepts that replacement playing field of sufficient quantity was created immediately south of the application site, and adjacent to Churchill Community College mean that the quantitative test within playing field policy exception 4 has been met.

6.23 Given the elapse of time it is more difficult to reach a definitive conclusion about qualitative test. The cricket club moved off the site in 2008 as a cricket wicket had also been created at Churchill Community College. Clearly a single wicket is not an adequate replacement for a multi-wicket ground that had its own pavilion and it is noted that Wallsend Cricket Club has not survived the intervening period. Sport England shares ECB's concerns that this may have placed additional strains on remaining local clubs.

6.24 Hockey are correct to point out that the AGP developed at Burnside College cannot be used for hockey as it is has a pile length and infill unsuited to hockey. The Council has subsequently advised that it is ensured (during refurbishment) that the two AGPs at the Parks Sports Centre have remained as short pile surfaces in order to provide for hockey's needs. We note the merger of the two former separate clubs into one entity and England Hockey's claims as to shortage of provision across the district.

6.25 On balance, we consider that playing field policy exception 4 has been met, albeit the passage of time suggests that some measures has proved successful for some sports and less so for others. The Council's Playing Pitch Strategy is now 5 years out of date and this application has exposed sports concerns that the Council is acting incrementally without the strategic overview as to the spatial adequacy of pitch provision compared to the needs of the clubs and teams participating in pitch sports. Sport England shares these concerns.

6.26 Conclusions and Recommendation:

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 4 of the above policy.

6.27 We would however strongly urge the Council to commit to working with Sport England and the respective sports to undertake a new Playing Pitch Strategy for the District.

6.28 Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

6.29 The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

6.30 Newcastle City Council

6.31 Issue: Flooding

(Comments in response to re-consultation, provided 22.12.22):

The response proposes that Flood Flow Analysis is conditioned and that no objection has been received from North Tyneside LLFA. Newcastle LLFA will contact North Tyneside LLFA to ensure a suitably worded condition is applied to the application. We have no further objection to the proposal.

6.32 Issue: Flooding

(Comments in response to original consultation, provided 29.07.22):

In relation to flood risk, the site is at high risk of surface water flooding. Flooding appears to be contained with the site, which may be providing protection to downstream properties. However, as the site is to be positively drained, a well-designed SuDS can improve flood risk in the area. The drainage strategy is to attenuate surface water in a basin at the low lying south eastern corner of the site before discharge from the site into the Wallsend Burn to the east. The site is downstream of the flood defences in Benfield School that protect properties on Appletree Gardens and adjacent streets.

6.33 This defence should not be affected by the proposal, but the bund at Wallsend Boys' Club in North Tyneside looks as though it would retain any off-site flows from the development. If these flows increase as a result of the development, this would be acceptable for residents on Appletree Gardens and adjacent streets in Newcastle. The proposal will need to ensure that the SuDS are designed to manage the 1 in 100 year storm event with allowance for climate change on site and that exceedance beyond this is managed away from properties. The engineering layout suggests there is little in the way of source control SuDS on the site which means overland flows are likely to be generated.

6.34 Newcastle City Council object to the proposal unless and until the applicant has submitted a flood flow analysis (acceptable to North Tyneside LPA) that shows overland flows from the site are not increased as a result of the proposed development.

6.35 Issue: Highways

(Comments provided 16.01.23)

Initially we had objected to this application on the following basis.

The Transport Assessment submitted with the application has been reviewed. It is considered that the Transport Assessment should be updated to include baseline survey data in the vicinity of the site access. The proposed access arrangements for the development make use of the existing access from Rheydt Avenue, this will be the main access for the development. The trip distribution appears to be suggesting that traffic travels via Rutland Road to the east of the access. The Transport Assessment assumes that no trips are predicted to go through the Walkerville estate. We have concerns that this would not be correct. Some vehicles would use Appletree Gardens unless there is something preventing them from doing so. The Transport Assessment states that trips generated by the development will dilute across three directions, with the majority heading either east or north to access the Coast Road. The Transport Assessment does not include any junction capacity assessments. Newcastle City Council object to the proposal unless and until the applicant has submitted details of what measures are proposed to deter vehicles from travelling through Walkerville estate

6.36 A revised TA was submitted in October 22. However, it still does not route any traffic via Appletree Gardens. NCC's Local Highway Authority (LHA) cannot accept that no vehicles would use either Appletree Gardens (accessed via Rutland Road or Forrest Road) as a route towards Benfield Road or Shields Road. We already know there is a through traffic concern on Appletree.

6.37 NCC's Traffic Management team have suggested the area here is suitable for Low Traffic Neighbouring scheme (LTN) or a Safer Cleaner Greener Neighbourhood scheme. Applewood Gardens is not shown as either a Primary or Secondary Route on the Council's Adopted Road Hierarchy. In the October 2022 Cabinet Paper the area is shown as a potential area for development in Phase 4 of the programme (beyond current funding).

6.38 On this basis our objection remains unless mitigations in the form suggested above are provided at the Developer's expense which would prevent development traffic (and other through traffic) using residential streets in the City to access the wider road network. It could also be argued that this would help to encourage and actually facilitate the use of active modes of transport - including towards Walkergate Metro Station which is acknowledged in the TA as being the closest Metro Station and within walking distance of the site (certainly also cycle distance). This route would be preferred to one proposed linking to the Benfield Road via a footpath to the north of the site proposed in the TA (although that should also be provided in my view).

6.39 On further inspection closures of both Rutland Road and Forrest Road at the border in conjunction with the existing closure at the southend of Oakland Avenue would achieve this but other locations are also possible. If these closures are provided, then it would go a long way in the creation of a LTN in the area.

6.40 We had originally asked for up to £100,000 as there were four potential places where model filters would be required but in the light of further examination two will be sufficient. In terms of cost based on our experience of

existing LTN's a ballpark figure of £25K seems a reasonable figure per site. So, we can reduce our ask to £50k to deliver both.

6.41 The Coal Authority

6.42 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.

6.43 Tyne and Wear Archaeology Officer

(Final response provided 06.01.23)

6.44 The applicant has provided a report on archaeological trial trenching carried out in November 2022 by AD Archaeology, following the previous submission of an archaeological desk based assessment carried out in 2021 (HER event 5309 report 2021/94), and a report on an Archaeological Geophysical Survey carried out in September 2022 (HER event 5324 report 2022/34).

6.45 The trial trenching was carried out according to a specification provided by Tyne and Wear Archaeology in the available parts of the proposed development area, consisting of the north-east, south-east and south-west quadrants, and excluding the north-west quadrant which is currently in use as a driving range. A second phase of trial trenching will be required to evaluate this area.

6.46 The trial trenching identified two curvilinear features representing wall slots from a sub-circular structure, probably from either a prehistoric roundhouse or a fenced enclosure, in Trench 6. The remains of Coxlodge Waggonway and its successors were identified in Trench 2. The report recommends further archaeological investigation of these features. I consider the archaeological remains to be of regional significance and I agree with this recommendation. AD Archaeology have provided a Written Scheme of Investigation for this work to Tyne and Wear Archaeology, which is consistent with the NPPF requirement for developers to record and advance understanding of the significance of any heritage assets to be lost (para 205).

6.47 The remaining archaeological work consisting of a second phase of trial trenching and further investigation of the features in trenches 2 and 6 can be secured with the suggested conditions (as set out in the committee report).

(Response provided 05.01.23)

6.48 I have reviewed the report, and I agree with that further work is required in relation to the probable prehistoric features in trench 6, and Coxlodge Wagonway in trench 2. There is also the remaining trial trenching in the northwest quadrant to do. AD Archaeology have submitted a Written Scheme of Investigation (WSI) to me which is fundamentally sound. I have adapted the standard conditions, as attached, to accommodate the remaining trial trenching, and the further work, and some of Bellway's request re phasing for each phase of construction:

1 Archaeological Excavation and Recording Condition (Phase 1)

No groundworks or development shall commence in Phase 1 until a programme of archaeological fieldwork (to include evaluation and where appropriate

mitigation excavation) has been completed. This shall be carried out in accordance with a Written Scheme of Investigation approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

2 Archaeological Post Excavation Report Condition (Phase 1)

The building(s) in Phase 1 shall not be occupied/brought into use until an assessment report of the results of the archaeological fieldwork undertaken in pursuance of condition (1) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3 Archaeological Excavation and Recording Condition (Phase 3)

No groundworks or development shall commence in Phase 3 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a Written Scheme of Investigation approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

4 Archaeological Post Excavation Report Condition

The 150th completed dwelling shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions (1 and 3) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

5 Archaeological Publication Report Condition

The 190th completed dwelling shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results

will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

(Response provided 03.11.22):

6.49 Following the previous submission of an archaeological desk-based assessment carried out in 2021 by AD Archaeology (HER event 5309 report 2021/94), the applicant has submitted a report on an Archaeological Geophysical Survey (HER event 5324 report 2022/34). Subsequently Tyne and Wear Archaeology have provided a specification for archaeological trial trenching. This has been under discussion with the applicant's archaeological contractor, AD Archaeology, and a programme for evaluating the site is now in place. As not all of the site is currently available for archaeological fieldwork, it is not possible to carry out all of the trial trenching prior to determination of the application, and I have therefore requested that conditions should be applied to any consent (email of 13 October 2022).

(Response provided 13.10.22):

6.50 Regarding my comments on this application, the applicant has commissioned an archaeological contractor to carry out trial trenching, but they are having major problems with access as the current occupants of the site want to keep the driving range and cricket pitch in use and avoid damage, and the area around the clubhouse has live drainage.

6.51 In view of this I would like to revise my comments to allow trial trenching post-determination to be secured by conditions

6.52 Northumbrian Water Limited

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

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

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

6.55 How to Satisfy the Condition

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

- Soakaway
- Watercourse, and finally
- Sewer

6.56 Northumbria Police

6.57 In July Northumbria Police offered the following comment:

6.58 Boundary Treatments

I have noted the Design and Access Statement (DAS) makes mention of Secured by Design (SBD) and that “the development broadly accords with Secured by Design principles”. It is disappointing therefore to see (as per the Boundary Treatment Plan (Drawing No. SD-10.03) the sub-divisional fencing is a 900mm high post and rail fencing. This type of fencing does not deter or prevent anyone from unlawfully moving from one garden to another. I would recommend a sub-divisional boundary of 1.8m high fence, which could consist of a minimum 1.5m solid fence with 300mm of trellis topping.

6.59 It is therefore disappointing that the applicant persists (see drawing SP-10.33) with a style of sub-divisional fencing that will do nothing to offer security for the residents. Over recent years developers have increasingly made reference to Secured by Design but fall short of adopting it, and that of course is their privilege, but the Applicant espouses secured by design principles but submits a layout design that has Plots 94 to 139 backing onto open ground and 215 plots with inadequate sub divisional boundaries.

6.60 Design Quality Supplementary Planning Document May 2018 states that :

6.61 Boundary treatments can help to contribute towards the character of an area, improve the public realm and contribute towards natural surveillance and safety. Boundary treatments are an important feature of a property whether to its front, side or rear. It encloses not only the buildings but the space between the buildings which is often a road or street. Corner properties require careful consideration to avoid a monotonous and scene; sensitive planting can be used to make street corners more attractive.

6.62 In considering the design and siting of boundary treatments, a balance has to be struck between privacy, safety and security and aesthetic considerations. Boundary treatments should relate to the property that it surrounds and be appropriate to the appearance, style and scale of the building and street scene.

6.63 This development is on the D3 Policing sector, where in 2021/22 there were 196 Burglaries and in the first seven months of 2022/23 there have already been 103. It is our position that the Applicant has to do more than play lip service to Secured By Design and deploy 1.8m close boarded fencing.
Reason: To accord with Para 92(b) and 130(f) of the NPPF

6.64 Newcastle International Airport

6.65 The Airport has the following comments to make in relation to the proposals.

6.66 Bird Strike Risk Assessment:

6.67 Given the proximity of the site to flight paths, and the proposed SUDS, the Airport previously requested that a Bird Strike Risk Assessment should be undertaken to inform the development of the scheme. The Airport welcomes the fact that this has now been submitted as part of the application. The Airport accepts the findings of the report and that the SUDs element, landscaping

features, construction phase and building design are not likely to attract and support hazardous birds that could detrimentally impact the Airport's operations.

6.68 Physical Development:

Given the location of the proposed development, NIAL would request that a crane method statement is produced for any crane or construction equipment that is over 90 metres in height and this should be conditioned upon planning decision.

6.69 Cranes used during operation may be a physical hazard to airlines, as well as potentially impacting on protected navigational surfaces. In order to assess this, NIAL require the ground height of the site and an indication from the developer what the maximum height of the cranes will be.

6.70 NIAL request that a crane method statement is produced for any crane that is over 90 metres in height, and we request that this is conditioned upon planning decision.

6.71 As the crane could present a collision hazard to low flying aircraft, it is essential that any crane above 90m in height is suitably lit and is identified on airspace maps. The highest point of the crane should also be fit with a 2000 candela steady red obstacle light. The light should be illuminated at all times during low light conditions. If a crane or other construction equipment over 90m in height is required, it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, should be fit with lighting, and work should cease during poor visibility and cloud ceilings. The crane will need to be fitted with red obstacle lights and fitted with red steady obstacle lights. The lights should be located at the highest point on the structure and be lit at all times when the jib is in the raised position. The crane method statement should at least set out the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid each time the crane is raised and should communicated with ATC;
- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD;
- The type of crane/equipment;
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed (Low intensity steady red obstacle lights should be used).

6.72 Landscaping:

The Airport accepts the analysis made within the Bird Strike Risk Assessment submitted as part of the application. The assessment states that 'at this distance from the airport, and in this location, any arboreal or small flocking species attracted to the landscaping aspect of this design will not impact on the bird strike risk to aircraft operating out of the Airport.' While the application site sits within the aerodrome buffer zone, the Airport accepts the analysis of the report and

does not wish to raise an objection to the outline landscaping proposed as part of the plans. The Airport does request to be consulted on any future discharge of condition application in relation to the proposed landscaping of the site.

6.73 SUDS:

It is noted that SUDS in the form of a SUDS basin is proposed. Therefore, the following advice on drainage and open water should be taken into consideration.

6.74 There is a general presumption against the creation of open water bodies within 13 km of an Aerodrome, which in relation to this scheme is Newcastle International Airport. This is due to the increased likelihood of bird strike as a result of habitat formation within close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome. Within the Bird Strike Risk assessment it states that the SUDS system will collect surface water run-off from the site during a rainfall event and then release the water off site at a slower rate. Permanent water is not proposed in the SUDS basin as this will drain after the rainfall events. The basin is also designed to have a natural appearance and will be planted with reeds, wet grassland and wetland trees. As such the basin will be generally dry. Planting of trees such as willow and alder, and of Common Reed, *Phragmites australis*, will help to further decrease the visibility of any open water present and exclude the larger hazardous waterbird species which require a larger area of open water to be present. The Airport accepts that the measures introduced would mitigate any potential increase to the site of hazardous birds. The Airport wishes to be consulted on any potential future discharge of condition application in relation to SUDS details.

6.75 Lighting:

All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead. This should be conditioned as part of the planning permission.

6.76 Natural England

6.77 (Response received on 08.11.22 following re-consultation on revised information):

Natural England has previously commented on this proposal and made comments to the authority in our response dated 18 July 2022 Reference number (399772).

6.78 The advice provided in our previous response applies equally to this additional information. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

6.79 (Original Response received on 18.07.22):

6.80 Designated sites (European) – No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below:

6.81 This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Northumbria Coast Special Protection Area (SPA). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

6.82 Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. The strategic solution may or may not have been adopted within the local plan but must be agreed to by Natural England.

6.83 Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

6.84 However, the application of these measures to avoid adverse effects on site integrity from recreational impacts associated with development proposed within the relevant ZOI should be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). In this regard, Natural England notes the People Over Wind Ruling by the Court of Justice of the European Union that mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment.

6.85 Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

6.86 Northumberland Wildlife Trust

6.87 (Comments in response to original consultation, provided 25.07.22):

We would like to submit a holding objection to this application, due to a number of important points which have not yet been addressed in the Ecological Appraisal or any other document. We also have concerns about the overall reduction in green space.

Information which this application is currently lacking includes:

1. A Biodiversity Net Gain assessment. The Planning Statement mentions that the north-east corner includes an area identified for Biodiversity Net Gain enhancements, but unless these enhancements are detailed in full, it is impossible to judge their impact for wildlife. Moreover, many of the mitigation recommendations in the Ecological Appraisal are very vague, for example, habitat being “retained where possible” (p.28) and a “discussion with LPA with regards to an appropriate conservation strategy to achieve a “net gain” for biodiversity” (p.29). These mitigation measures are sensible, and welcomed; however, until their details are published, overall judgement cannot be made on their scope or impact.

The North Tyneside Local Plan states in Policy DM5.5 that
“All development proposals should:

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

A full Biodiversity Net Gain report is therefore imperative to assess whether this proposal adheres to the North Tyneside Local Plan in providing net gains to biodiversity.

2. Any detail on the nature of the green space to be created as part of the development. The structure and species composition of green space, as well as its connectivity to other habitats, are crucial factors in determining how well it can be used by wildlife for food and shelter. A detailed plan of the layout of the planting and landscaping, with the species to be planted, is therefore necessary to determine how much benefit to wildlife this green space will provide.

Native tree species should be prioritised, including species with blossom and berries such as wild cherry (*Prunus avium*), rowan (*Sorbus aucuparia*) and hawthorn (*Crataegus monogyna*). Areas of grassland should be sown with native, locally-sourced meadow seed and allowed to grow long to provide habitat and forage for invertebrates and mammals. The proposed SUDS area should be planted with locally-native wetland species to attract invertebrates.

3. Results of further species surveys, including for birds, bats, badgers, hedgehogs and common toads. The Ecological Appraisal mentions that these surveys are still ongoing; this is understandable given the time of year, but an accurate assessment of the impacts the development will have on these species cannot be done until these results are available.

4. An assessment of the effects of increased visitor numbers on local parks and reserves, many of which are designated: in particular, Wallsend Dene (LNR/LWS), Jesmond Dene (LWS), Rising Sun (LWS), Cochrane Park (SLCI) and Richardson Dees (SLCI). Increased erosion from footfall, dog fouling and disturbance of wildlife are some of the main causes for concern here. This issue is acknowledged within the Ecological Appraisal, but no suggestion is made as to how it may be alleviated.

5. Details of mitigation against the potential for water pollution. This is another problem mentioned in the Ecological Appraisal, without detail of how it may be countered.

6.88 NWT also has reservations regarding the loss of green space. The North Tyneside Local Plan Policies Map recognises that a Wildlife Corridor runs through the area, incorporating the development site. Given that much of the rest of the corridor to the south and west of the development site is structureless amenity grassland, it would seem prudent to add more than a boundary hedge and some narrow patches of trees, if a useable corridor of habitat is to be protected. This would be in keeping with the Council's Local Plan, which states in Policy S5.4 that "Priority will be given to:

- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links".

6.89 Moreover, Paragraph 8.27 states that:

"Wildlife corridors are important features that should be protected, enhanced and created, to protect and promote biodiversity and to prevent fragmentation and isolation of species and habitats."

6.90 The site as it currently stands contains scrub and open brownfield areas, which are valuable habitat for nesting and foraging birds, and for foraging and basking pollinators. Again, the proposed habitat creation does not seem sizeable enough to replace this, and the plans for what form it will take are insufficient.

6.91 A reduction in open space is also detrimental to people, particularly within the only area of publicly-accessible green space in the west end of the Ward. All of the proposed new green space is also at the east end of the site, with none at all planned for the western half and no apparent way out on the western or southern sides. The closest informal green spaces are Richardson Dees Park and Iris Brickfield, neither of which are within a kilometre of the proposed development via walking routes.

6.92 Engagement with nature and time spent in green space can improve people's physical and mental health as well as their respect for the natural environment. With this in mind, the claim made in Paragraph 4.8 of the Open Space Assessment that the site is "of limited quality, value and function" as informal green space does not seem well supported; even less so the claim that it would be replaced as part of the development, given the reduction in size and the fragmentation of the proposed open space. As the surrounding land consists of sports pitches and a golf course, this is the only informal green space where local residents are free to roam and engage with the natural world. Finally, the claim that the site is no longer utilised or valued as informal recreational space is rather negated by claims in the Ecological Appraisal that "regular recreational use is likely to dissuade" use of the site by ground-nesting birds.

6.93 When a detailed analysis of the predicted impacts of this development on local wildlife becomes available, alongside well-considered plans for the mitigation of these impacts, Northumberland Wildlife Trust will be grateful for the opportunity to make further comment.

Application No: 22/00886/FUL Author: Julia Dawson
Date valid: 15 June 2022 ☎: 0191 643 6314
Target decision date: 14 September 2022 Ward: Whitley Bay

Application type: full planning application

Location: Site of Former Trinity United Reformed Church, Esplanade Place, Whitley Bay, Tyne and Wear

Proposal: Construction of 12 no Residential two storey terraces dwellings with private parking spaces and associated works (BNG Assessment, BNG Metrix & Detailed Landscape Proposals uploaded 20.02.22)

Applicant: Fordinghall Ltd

Agent: Artisan Architecture

RECOMMENDATION:

It is recommended that:

- a) the Committee indicates that it is minded to grant the application; and
- b) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:
 - i) the conditions set out in the planning officers report;
 - ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development, and;
 - iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:
 - Coastal mitigation £4,044
 - Off-site tree planting £900

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 amenity;
- The impact on character and appearance/design and layout;
- The impact on ecology; and
- The impact on the highway.

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 the site of the former Trinity United Reformed Church and Church Hall located on Esplanade Place in Whitley Bay town centre. The buildings which previously occupied the site were vacant for several years and during this time they suffered fire damage on a number of occasions. The demolition of the buildings was completed in July 2021 and the site is currently enclosed by security fencing.

2.2 The immediate surrounding area is largely residential in nature consisting of two storey terraced properties, many with additional habitable rooms within the roof space having been extended by dormer windows of various styles and sizes. The properties are generally a mixture of flats, houses and some guest houses. The front elevations of properties on Esplanade (to the east), Esplanade Place (to the north) and Linden Terrace (to the south) face onto the application site. The gable ends of two residential dwellings face onto the site from the west. A small number of commercial uses (barbers, dental surgery, restaurant, etc.) are located to the south east on Esplanade.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 12no. two storey terraced dwellings, with parking and associated works.

4.0 Relevant Planning History

19/01305/FUL - Demolition of former Church and Church Hall to accommodate new residential development comprising 28no. apartments with associated underground and ground level parking with landscaping – Withdrawn 02.07.2020

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

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

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

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case are;

- The principle of the proposed development;
- The impact upon amenity;
- The impact on character and appearance/design and layout;
- The impact on ecology; and
- The impact on the highway.

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

8.0 Principle of the Proposed Development

8.1 1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

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

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay; 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. In this case, development plan policies important to the determination of housing applications will be regarded as out of date because the LPA cannot currently demonstrate a five-year supply of deliverable housing sites. What is referred to as the 'tilted balance' principle means there is a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits.

8.4 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.

8.5 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%.

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

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

8.8 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.

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

8.10 The application relates to the construction of 12no. two storey terraced dwellings with associated incutillage parking on a previously developed brownfield site in a built-up residential area. Policy S4.3 identifies the application site as a Local Plan Housing Site (138) with potential for 28 homes. The principle of the proposed development is considered to be in accordance with the aims of the NPPF to increase the delivery of new homes and policies S1.4 and S4.3 in that it will make effective and efficient use of this allocated housing site, whilst making a positive contribution to the identified housing needs of the borough and contributing to an existing sustainable residential community within the designated town centre of Whitley Bay.

8.11 Members need to determine whether the principle of the proposed development is acceptable. It is officer advice, subject to all other matters set out below being addressed, that the principle of the proposed residential development is acceptable and is in accordance with the advice in NPPF and policies DM1.3, S4.1 and S4.3 (138) of the North Tyneside Local Plan 2017.

9.0 North Tyneside 5-Year Housing Land Supply

9.1 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of

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

9.2 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 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 three-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The proposed dwellings would make a contribution towards the borough achieving a five-year housing land supply.

9.3 The potential housing land supply from this proposal is included in the Council's Housing Land Availability Assessment (HLAA) (ref 412).

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

10.0 Impact on Amenity

10.1 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.

10.2 Paragraph 187 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development is complete.

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

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

10.5 Policy DM5.19 'Pollution' states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise,

smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

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

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

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

10.8 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. 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. Habitable rooms are considered to be living areas, kitchen spaces and bedrooms.

10.9 The Manager of Environmental Health has raised no objection to the proposed development subject to the attachment of conditions to control the hours of demolition and construction and dust suppression measures.

10.10 A concern has been raised by a local resident with regard to the impact of the proposed development on light to the neighbouring properties as a result of the buildings extending up to the property line at Linden Terrace, whereas the resident states that the previous building on the site was set much further back. Whilst these comments are noted, it is pointed out that the rear elevations of the proposed two storey dwellings will be located approximately 11.3m from the rear/north western facing boundary of the application site which borders the access lane between the site and the side elevations/boundaries of the properties to the rear (which face onto Linden Terrace and Esplanade Place). The Church was located between 2m and 6.5m from the boundary with the rear lane, which is closer than the proposed development. The rear elevations of the proposed dwellings will face onto the gables of No.22 Linden Terrace and No.8 Esplanade Place at distances of approximately 18.6m and 18.4m. The rear windows of several of the proposed dwellings will face towards the access lane between the rear of Linden Terrace and Esplanade Place and there will be some views towards the rear yards of these dwellings. However, due to the separation distances, it is not considered that this will result in any significant loss of privacy, overlooking, sunlight or daylight above and beyond the existing situation and the previous situation when the Church buildings were in situ.

10.11 There are existing residential properties surrounding the site, and facing it from the north, east and south. The proposed dwellings are of a similar house type, size and height to the existing and they will not result in any significant loss

of outlook, daylight, sunlight or privacy when viewed from the main habitable windows of these properties.

10.12 The proposed development will consist of 5no. 3B/4P two storey dwellings and 7no. 2B/3P two storey dwellings. The proposed 3B/4P dwellings will have floor areas of 84.6sqm and 84.4sq, and the proposed 2B/3P dwellings will have floor areas of 70.4sqm. These floor areas comply with policy DM4.9 and the NDSS, which require a minimum floor area of 84sqm for 3B/4P dwellings and 70sqm for 2B/4P dwellings. All of the habitable rooms would have windows to provide acceptable levels of light and outlook, and a small rear garden will provide private incutillage amenity space and provision for refuse storage.

10.13 Members must determine whether the proposed development is acceptable in terms of its impact on surrounding occupiers and whether acceptable living conditions will be provided for future occupiers. Officer advice is that the proposed development is acceptable in each of these respects in accordance with Policies S1.4, DM6.1, DM6.2 and DM5.19.

11.0 Character and Appearance

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 of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

11.3 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.

11.4 Policy DM6.1 'Design of Development' 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. 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.

11.5 The Council's Design Quality SPD 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.

11.6 The layout of the proposed development respects the established front building line of Esplanade and will not result in any significant harm to the building lines of the adjacent streets, Linden Terrace and Esplanade Place. The two-storey terraced, pitched roof, design of the proposed dwellings is in keeping with the character of the surrounding area. The ridgeline follows the topography of the street/site. The proposed materials, which include facing brick, contrast facing brick, marley modern grey tiles, white pvcu windows, composite doors, black rainwater good and grey GRP entrance canopies, are also considered to be acceptable. The proposed low level boundary enclosures to each individual front curtilage are also in keeping with existing boundary enclosures in the area.

11.7 The application site is vacant after being in a derelict and unsightly condition for a number of years. Overall, it is considered that the layout, design and materials will respond well to the street scene and the proposed development will positively improve the character and appearance of the area.

11.8 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and the surrounding area. It is officer opinion that the development will result in the regeneration of this vacant site which would result in a positive impact on the street scene. The proposal is therefore considered to accord with the NPPF, Policy DM6.1 of the North Tyneside Local Plan 2017 and the Design Quality SPD.

12.0 Car Parking and Access

12.1 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.

12.2 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.

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

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

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

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

12.7 2no. parking spaces are to be provided within the rear curtilage of each dwelling, with direct access from the rear lane.

12.8 A small number of objections have been submitted on highways grounds with concerns raised regarding the impact that the proposed development will have on the existing on street parking provision, with particular regard to the rear lane. Concerns are that those residents who currently park in this location will be displaced. These concerns are noted. However, the Council's Highway Network Manager has raised no objection to the proposed development advising that a suitable level of parking will be provided along with appropriate cycle storage and refuse storage within the development. On this basis, he has recommended approval of the application, subject to a number of conditions.

12.9 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD. It is officer advice that the development is acceptable in terms of its impact on highway safety in this town centre location.

13.0 Impact on Biodiversity and Landscaping

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

13.2 Paragraph 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.

13.3 Paragraph 179 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 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.

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

13.5 DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links. Proposals should maximise opportunities to create, restore, enhance, manage and connect natural habitat. Net gains to biodiversity should be considered, unless otherwise shown to be inappropriate. Proposals that are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where: the benefits of the proposal clearly demonstrably outweigh any adverse impacts, applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, and for all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

13.6 Policy DM5.6 'Management of International Sites' 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 sites integrity can only proceed where there are no alternatives, imperative reasons of overriding interest area proven and the effects are compensated.

13.7 The application site falls within the 6km 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest (SSSI) and Special Protection Areas (SPA's)/Special Areas of Conservation (SAC)/Ramsar sites. Since this application will result in an increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

13.8 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.

13.9 Natural England have been consulted. They are satisfied that, subject to the coastal mitigation contribution being secured, there will be no damage or disturbance to the coastal areas.

13.10 The applicant has submitted a Biodiversity Net Gains Assessment and detailed landscape proposals with the application. The Biodiversity Officer and Landscape Architect have reviewed these and noted that the proposed development includes garden areas, tree planting and native hedgerows to garden frontages which offer a higher standard of design and contribute to the distinctiveness and attractiveness of the development. However, any planting within the curtilage of private properties is vulnerable to removal in the future and cannot be secured and adequately maintained as a biodiversity net gain. When the urban trees (within the front gardens) are removed from the metric this results in an 80% net loss. In response, the applicant has agreed to a financial contribution of £900, to be secured via a S106 agreement, which will enable the provision of 3no. urban trees to be planted off site on Council land. This will provide a net gain, which is acceptable.

13.11 The applicant has also agreed to enter into a legal agreement to secure the financial contribution of £337 per new dwelling towards the Coastal Mitigation Service to address the impact on the SPA as a result of 12no. new dwellings in this location.

13.12 The Biodiversity Officer and Landscape Architect have also suggested conditions, which will include ensuring that landscaping is carried out in accordance with the submitted plan and thereafter maintained, and that bat and bird boxes/features are provided as part of the development.

13.13 Members need to determine whether the impact of the proposed development is acceptable in terms of biodiversity and landscaping. Officer advice is that, subject to the suggested conditions and the S106 agreement, the proposed development is in accordance with policies S5.4, DM5.5, DM5.6 and the Coastal Mitigation SPD (2019).

Other Issues

14.0 Flood Risk

14.1 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....”.

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

14.4 Policy DM5.14 ‘Surface Water Run Off’ 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.

14.5 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).

14.6 The application site is located within Flood Zone 1 and occupies less than 1ha. In accordance with the requirements for an application of this nature and a site of this size the applicant has submitted a Foul and Surface Water Drainage Assessment. The Local Lead Flood Authority has raised no objection to the proposed development subject to the attachment of conditions to require the submission of a detailed drainage design prior to commencement of the development and confirmation of the management company which will be responsible for future maintenance.

14.7 Members must determine whether the proposed development is acceptable in terms of flood risk and surface water drainage. Officer advice is that the development is acceptable in this regard and is in accordance with policies DM5.12 and DM5.14 of the Local Plan.

15.1 Land Stability and Contamination

15.2 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.

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

15.4 Policy DM5.18 "Contaminated and Unstable Land" seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

15.5 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.

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

15.5 The Coal Authority has reviewed the submitted Coal Authority Risk Assessment and has raised no objection to the proposed development.

15.6 Members must determine whether the proposed development is acceptable in terms of contamination and land stability. Officer advice is that the development is acceptable in these regards subject to the suggested conditions and it is in accordance with policy DM5.18 of the Local Plan.

16.0 S106 Contributions

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

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 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 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 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 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 advised that the provision of affordable housing and S106 contributions would make the development unviable and has submitted information with the application to evidence this, which includes a Financial Viability Appraisal, which concludes that the scheme can be considered policy compliant without any on site affordable homes or S106 contributions

16.9 The applicant has also provided background information with regard to their successful application to the North of Tyne Combined Authority (NTCA) for a Brownfield Housing Fund grant. NTCA approved the grant application on the basis that, without it, the project would be unviable.

16.10 On the basis of the viability evidence provided by the applicant and confirmation from North of Tyne, which is a public body, that their independent analysis confirms the site is not viable, it is reasonable to accept this as a justified conclusion that the scheme could not viably accommodate affordable housing. NTCA considered the application on basis of a scheme that made no S106 or affordable housing contribution and accepted that, even with the provision of the Brownfield Housing Fund grant, the scheme would remain unviable and any additional costs, i.e., S106 contributions, would pose a risk to delivery. In addition, whilst the tenure of the new dwellings cannot be controlled via this application, it is noted that the applicant has indicated that it is their intention for the proposed residential development to be Build to Rent, which whilst not affordable, would make a different contribution to the mix of housing supply in the area.

16.11 It is officer advice that affordable housing and S106 contributions would make the proposed development unviable. The applicant has demonstrated that the site is not viable and that the affordable housing and S106 contributions cannot be afforded. It is officer advice that the proposal is therefore in accordance with policies S7.1, DM4.7, DM7.2, DM7.5 of the North Tyneside Local Plan (2017) and the advice in Planning Obligations SPD (2018). Members need to consider whether they agree and weight it in their decision.

17.0 Local Financial Considerations

17.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy.

17.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

18.0 Conclusion

18.1 Members should carefully consider 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 is an allocated housing site (Site 138). Members need to consider the amount of development and type of development being proposed. It is officer advice that it is acceptable.

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

18.5 Members need to consider whether the design and layout of the proposal is acceptable in terms of its impact on existing residential dwellings and the surrounding area. It is officer advice that it is acceptable.

18.6 Members need to consider whether this development is acceptable in terms of its impacts on highway safety and whether sufficient parking is provided. The proposal will provide 1no. space per dwelling and will not have an unacceptable impact on highway safety or result in a residual cumulative impact that will be severe. It is officer advice that it is acceptable.

18.8 As there is a potential impact on designated sites at the coast, this development requires appropriate assessment however, the impacts relating to the Northumbria Coast SPA and Ramsar sites can be mitigated without causing significant adverse impacts. Members need to consider whether this development is acceptable in terms of biodiversity. Subject to a legal agreement to secure coastal mitigation and off-site compensation and conditions to secure on-site landscaping the proposal would provide biodiversity net gain, which is encouraged by NPPF, and secure appropriate mitigation. The development will not significantly impact on protected species, the SPA or Ramsar sites. It is officer advice that it is acceptable.

18.9 Issues to do with flooding and contaminated land can be dealt with via conditions.

18.10 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 officers 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:

It is recommended that:

- c) the Committee indicates that it is minded to grant the application; and
- d) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:
 - iii) the conditions set out in the planning officers report;
 - iv) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development, and;
 - iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:
 - Coastal mitigation £4,044
 - Off-site tree planting £900

Conditions/Reasons

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

- Application Form
 - Site Location Plan A/3499/00, April 2022
 - Detailed Landscape Proposals, L1001-ONE-ZZ-XX-DR-L-0201, rev,P01, 16.02.23
 - Proposed Site Layout Plan & External Works A/3499/05C, 24.02.23
 - Proposed Ground & First Floor Plans and Roof Plan, A/3499/03B, 24.02.23
 - Proposed Elevations & Boundary Wall Detail, A/3499/04B, 24.02.23
 - Foul & Surface Water Drainage Assessment, Issue no.1, 10.04.22
 - Coal Mining Risk Assessment Report, ref.GEOL21-9186, 31.05.21
 - Ground Investigation Report, ref.GEOL21-9186, 03.03.22
 - Design & Access Statement, rev.V2
 - Biodiversity Net Gain Assessment, 23044 BNG v1 February 2023.
- 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. Restrict Hours No Construction Sun BH HOU004 *

4. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of

vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). 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.

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

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

6. No part of the development shall be occupied until the scheme for parking has been 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).

7. No part of the development shall be occupied until the scheme for refuse, recycling and garden waste bins has been laid out in accordance with the approved plans. These areas shall not be used for any other purpose and retained thereafter.

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

8. Prior to commencement of development, a detailed drainage design must be submitted to and approved in writing by the Local Planning Authority. The scheme should include details of the appointed management company which will be responsible for the maintenance of the surface water drainage features and

permeable paving. The scheme must be implemented in accordance with the approved details and retained thereafter.

Reason: These details are required to be provided early in the construction process to ensure that the drainage details can be agreed so that they can be incorporated into the development as it proceeds having regard to policy DM5.12 of the North Tyneside Local Plan 2017.

- | | | |
|---------------------------------|--------|---|
| 9. Remediation Method Statement | CON005 | * |
| 10. Validation Report | CON006 | * |
| 11. Unexpected Hotspots | CON007 | * |

12. The landscape works shall be carried out in accordance with the Landscape plan L1001-ONE-ZZ-XX-DR-L-0201 Rev P01. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Any revisions to the landscape plan are to be submitted and approved by the local authority.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

13. Prior to first occupation of the approved development, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Thereafter, maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

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

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

16. Prior to the installation of any new boundary fencing associated with the approved development details of locations and specifications of hedgehog gaps must be submitted to and approved in writing by the Local Planning Authority.

The hedgehog gaps (13cm x 13cm) shall thereafter be installed within the new fencing in accordance with the approved details and retained thereafter.

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

17. Prior to construction of the approved dwellings above damp proof course level, details (to include specification and location) of 1no.bat box/feature and 2no. bird boxes/features shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes/features must be integrated into new buildings/located in suitable habitat locations within the development site. Thereafter the development shall be carried out in accordance with the agreed details and permanently retained.

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.

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)

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 a license must be obtained from the Local Highway 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, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

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

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

The applicant is advised that end users will not be eligible for any resident parking permits in this area and the onus will be on the developer to convey this information to these users. Contact Parking.control@northtyneside.gov.uk

Coal Mining Standing Advice (FUL,OUT) (I44)

Consultations/representations

1.0 Representations

3no. objections, 1no. letter of support and 1no. representation have been submitted. These are summarised below:

1.1 Objections

- Proposal will exacerbate existing parking and access problems on the lower part of Esplanade.
- It is wrong to be building further houses on the only street in the area without parking permits or restrictions being part of a holistic plan to make the development work for the community. I would be happy to see this development if the street parking regulations (or lack thereof) changed, but with the current set up of the street I feel that this cannot be supported.
- Very underwhelming proposals poor standard of housing proposed. I've interpreted the plans as essentially how many shoeboxes can you fit on one site. Propose the number of units is reduced to 9 to increase the size of each property. This will also make the appearance more in keeping with surrounding homes.
- The parking plans are inadequate to the rear of the lane, lampposts will need to be moved, access to the back lane will be restricted for delivery vans if larger vehicles such as vans are parked in the proposed bays.

1.2 Support

- Amazing for the area after being a derelict and fire damaged church for so many years etc.
- Good quality housing for families will bring back community spirit to the area.
- Very well designed so no apartments and lots of parking so room for everything.

1.3 Representation

- No objection in principle, subject to specific concerns.
- The buildings go right up to the property line at Linden Terrace. This will significantly block light to the properties and devalue them. The previous building, the Esplanade Church, was set much further back
- The parking to rear lane presumes the lane is empty. In reality, it is the only available parking for most of the houses here; 1-3 linden terrace have nowhere else to park due to being pedestrianised. The cars would not have sufficient turning circle to enter their own private driveways. Picture attached of the back alley today, which is as quiet as it gets. There are frequently cars parked the whole length of the alley.

2.0 Internal Consultees

2.1 Highway Network Manager

2.2 This application is for the construction of 12 residential two-storey terraced dwellings with private parking spaces and associated works.

2.3 The site is accessed via the rear lane of Esplanade, a suitable level of parking will be provided along with appropriate cycle storage and refuse storage

within the development. The proposed parking has been designed in a way that does not reduce the existing resident parking on the rear lane, as the far side of the lane can still be utilised.

2.4 The site is in Whitley Bay town centre with good links to public transport and there are parking control measures in the vicinity of the site. New residents will not be entitled to any permits in this area.

2.5 Recommendation - Conditional Approval

2.6 Conditions:

2.7 No part of the development shall be occupied until the scheme for parking has been 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).

2.8 No part of the development shall be occupied until the scheme for refuse, recycling and garden waste bins has been laid out in accordance with the approved plans. These 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).

2.9 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 bowsters, 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.

2.10 Informatives:

2.11 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.

2.12 The applicant is advised that a license must be obtained from the Local Highway 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.

2.13 The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

2.14 The applicant is advised that they should contact the Local Highway Authority 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.

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

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

2.17 The applicant is advised that end users will not be eligible for any resident parking permits in this area and the onus will be on the developer to convey this information to these users. Contact Parking.control@northtyneside.gov.uk

2.18 Local Lead Flood Authority

2.19 I have carried out a review of the flood risk and surface water drainage proposals detailed in planning application 22/00886/FUL, I can confirm in principle I have no objections to the proposed development. The site will be partially composed of impervious and pervious hardstanding areas which will allow for some surface water infiltration with the remainder to be captured within the developments drainage system. The surface water within the site will be

stored in a combination of permeable car parking areas and geocellular storage crates which will provide attenuation for up to a 1in100year rainfall event plus a 40% climate change allowance. The discharge rate from the development will be restricted to 3.5l/s using a vortex flow control device before discharging to the adjacent Northumbrian Water combined sewer.

2.20 I would highlight that drawing KB589 - 02 (Rev B) is showing a controlled discharge rate from the development into the adjacent NWG network of 4.0l/s rather than 3.5 l/s.

2.21 I will require the following conditions to be placed on the application;

- Detailed Drainage Design to be approved by LLFA before commencement of development
- Confirmation on who will be responsible for the maintenance of the developments surface water drainage features and permeable paving. Once confirmed details of appointed management company to be provided to LLFA.

2.22 Environmental Health (Pollution)

2.23 I have no objections to the development subject to conditions to control noise and dust associated with the construction of the development.

2.24 I would recommend the following conditions:
SIT03 (dust suppression) and HOU04 (construction hours)

2.25 Biodiversity Officer and Landscape Architect

2.26 Existing Site Context:

2.27 The site was previously occupied by the former church building and adjoining external site area(s), which occupy a prominent location adjacent to the Esplanade streetscape. The site also overlooks several adjoining streetscapes and has elevated views of the North Sea and promenade areas from the northern end of the site and open aspect views of the junction at Whitley Road and Station Road to the south. The adjacent properties consist of predominantly terraced buildings in a variety of uses including, shops, guest houses, and residential properties.

2.28 The existing site contains no significant landscape features. The submitted layout has been revised to include garden areas, tree planting and native hedgerows to garden frontages which offer a higher standard of design and contribute to the distinctiveness and attractiveness of the development.

Therefore the landscape scheme from a visual perspective is acceptable. A Biodiversity Net Gain (BNG) Assessment and Metric has been submitted to support the application but the habitats identified in the Metric are all contained within private garden areas that could potentially be removed or changed at any time (trees and wildflower turf to front gardens) and therefore will not be appropriate to deliver a net gain on-site. In order to address this, the applicant has agreed a financial contribution with the LPA for the planting of 3no. standard trees off-site on Council land, which will deliver a net gain for biodiversity in accordance with Planning Policy and the NPPF.

2.29 Impacts on Coastal Designated Sites

2.30 The scheme will result in an increase in residential accommodation which will contribute to adverse impacts on designated sites at the coast through recreational disturbance. The scheme will, therefore, need to comply with the Councils Coastal Mitigation SPD. The SPD provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

2.31 Should the proposal be supported the following conditions are to be applied:

2.32 The landscape works shall be carried out in accordance with the Landscape plan L1001-ONE-ZZ-XX-DR-L-0201 Rev P01. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Any revisions to the landscape plan are to be submitted and approved by the local authority.

2.33 Before the development is first occupied, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

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

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

2.36 Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details of the number and locations of hedgehog gaps within the new fencing will be submitted on a plan to the LPA for approval in writing and installed in accordance with the approved plans

2.37 1no. bat box/feature will be provided on new buildings within the development site. Details of bat box/feature specification and location must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

2.38 2no. integrated bird box/features will be provided on new buildings within the development site. Details of bird box/feature specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

2.39 Contaminated Land Officer

2.40 I have read the Phase 2 report and accept that no gas protection measures are required. However, as contamination has been identified at the site the following must be attached:

2.41 Con 005; Con 006; Con 007

3.0 External Consultees

3.1 The Coal Authority

3.2 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, furthermore detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

3.3 Natural England

3.4 This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as the Northumbria Coast Special Protection Area (SPA). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

3.5 Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. The strategic solution may or may not have been adopted within the local plan but must be agreed to by Natural England.

3.6 Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

3.7 However, the application of these measures to avoid adverse effects on site integrity from recreational impacts associated with development proposed within the relevant ZOI should be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). In this regard, Natural England notes the People Over Wind Ruling by the Court of Justice of the European Union that mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment.

3.8 Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

3.9 Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Application No: 22/02238/FUL Author: Julia Dawson
Date valid: 21 December 2022 ☎: 0191 643 6314
Target decision date: 22 March 2023 Ward: Battle Hill

Application type: full planning application

Location: Beacon Hill School, Rising Sun Cottages, Wallsend, Tyne and Wear, NE28 9JW

Proposal: Installation of extension of Beacon Hill School to provide 10 additional class bases on site. This is to include associated car park and external landscaping with the intention of future proofing the site for increased student and staff numbers.

Applicant: North Tyneside Council

Agent: North Tyneside Council

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 on the character and appearance of the site and the surrounding area;
- The impact upon residential amenity;
- 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 Beacon Hill School in Wallsend. The application site consists of the school buildings, an access road into the school, car parking, play areas, playgrounds, MUGA and landscaped areas. The site is surrounded by housing on the northern, eastern and southern boundaries with a large area of greenspace to the immediate western boundary. The Rising Sun Country Park lies beyond the cottages on the northern boundary.

2.2 The application site is located within an area of designated Open Space and a Wildlife Corridor (Local Plan 2017).

2.0 Description of the Proposed Development

2.1 The proposal relates to the construction of a new detached one and two storey building with a maximum height of approximately 7.5m on the site of the existing staff car park, which is currently located within the eastern part of the site. The new building will provide 10no. classrooms and ancillary facilities. The staff car park will be re-located to the western part of the site, occupying an area of unused amenity grass and the MUGA located to the west of the existing buildings.

2.2 The new car park is to be constructed in Phase 2 of the development, with the proposed new classrooms being constructed first under Phase 1.

3.0 Relevant Planning History

05/04024/LAREG3 - The erection of a 120 place special school, car parking, play areas, multi-use games area with floodlighting, changing rooms, landscaping with two CCTV cameras on masts – Approved 15.03.2006

06/03039/LAREG3 - Variation of Condition 6 of 05/04024/LAREG3 to allow vehicular access to the site from 07:30hrs Monday - Friday to lessen congestion and disturbance problems on the access roads to the site. Site to remain un-operational until 08:00hrs. – Approved 13.12.2006

09/00153/LAREG3 - Construction of a model metro station as an extension to the existing facilities for road and travel training within the front grounds of Beacon Hill School - 05.03.2009

10/03041/FUL - Proposed placement of new container to site – Approved 20.01.2011

19/00535/FUL - Proposed modular accommodation at Beacon Hill School – Approved 10.06.2019

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 on the character and appearance of the site and the surrounding area;
- The impact upon residential amenity;
- 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 95 of NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local authorities should give great weight to the need to create, expand or alter schools.

7.4 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.

7.5 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.

7.6 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.

7.7 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.

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

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

7.9 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

7.10 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.

7.11 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 access to education will be enhanced and where necessary improved throughout the Borough. Existing provision will be enhanced, and multi-purpose use encouraged, providing a range of services and resources for the community, at one accessible location. 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.

7.12 The applicant has advised that there is a requirement to provide a ten-classroom extension in order to accommodate growing number of SEN students at Beacon Hill School. This would allow the necessary resources to be provided at the application site, rather than the split site solution which is currently offered as a short-term measure at the Langdale Centre. The proposed scheme would provide eight ASD (Autism Spectrum Disorder) classrooms, a staff room and a main reception over two storeys and two PMLD (Profound and Multiple Learning Difficulties) classrooms, a shared flexible space, sensory and hygiene rooms to be provided within the single storey element. The proposed building will be located on the existing staff car park, and the car park will be replaced within the western part of the site on unused amenity space and the MUGA.

7.13 Sport England has been consulted and have raised no objection to the proposed development.

7.14 Members must determine whether the principle of building new classrooms on this site is acceptable, and whether it is in accordance with the NPPF and aforementioned Local Plan policies. Officer advice is that the application site is an existing school site located on an area of designated educational open space. Therefore, the principle of the redevelopment of the site for educational purposes is in accordance with the site's allocation in the Local Plan and it is considered that it will improve educational facilities within this part of the borough to meet the needs of the local community, in accordance with the objectives of the NPPF. The proposal will not result in the loss of any playing fields. The loss of a small area of grassed amenity land within the site will not have any harmful impact on open space provision in this locality and will not result in harm to the green infrastructure network.

8.0 Character and Appearance

8.1 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.

8.2 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).

8.3 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.

8.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should

be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

8.4 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. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

8.5 The proposed building will be a combination of single storey and two storey elements, with a maximum height of approximately 7.5m. It will have a footprint of approximately 764.1sqm. The two-storey element of the scheme will be located to the north and the external elevations will be finished in timber cladding. The single storey element will be to the south and will be finished with composite cladding.

8.6 Concerns have been raised by local residents with regard to the scale, massing, appearance and two storey nature of the proposed development. It has also been suggested that the school/Council have previously promised that all school buildings would remain single storey. However, whilst these concerns are noted, the Local Planning Authority must consider the application as it is submitted and on its individual material planning considerations.

8.7 The two-storey element of the proposed development will be located at least 26m from the northern boundary and it will be located well within the school site where it will be viewed alongside existing school buildings. It will not appear out of keeping in this context and will not result in harm to the visual amenity of the site and surrounding area. The design of the proposed building is contemporary in nature and is considered to be an acceptable standard of design.

8.8. Members need to consider whether the proposed design is acceptable and whether it would harm the character and appearance of the surrounding area. It is officer advice that, on balance, the proposal is acceptable in terms of design, scale and massing; and the relationship with the surrounding area.

9.0 Residential Amenity

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

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

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

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

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

9.6 Objections have been received from the residents surrounding the application site with regard to a potential negative impact on their residential amenity, including such matters as a loss of outlook and daylight and an increase in disturbance from noise as a result of the new building and increased staff and pupil numbers. These objections are noted.

9.7 As mentioned in the previous section of this report, the proposed new building will be located at least 26m from the boundary with the front gardens of the dwellings to the north at Rising Sun Cottages. Whilst it acknowledged that the new building will be located to the south of these dwellings and it will be visible, it is considered that a sufficient separation distance will remain in order to ensure that outlook, daylight, sunlight and privacy are not compromised to an unacceptable level for the occupants of these dwellings. Furthermore, the applicant has advised that they will install obscure glazing to the first-floor windows to further protect the privacy of the occupants of these properties.

9.8 The impact of the new school building on the residents of Rea Avenue to the east and Mullen Road to the south will be minimal given that the proposed building will be located a significant distance from these properties and separated by existing school buildings.

9.9 The Environmental Health Officer has reviewed the application and raised no objection subject to conditions to address the potential impact of any new lighting at the site, any noise arising from new plant and equipment, and to control construction hours and dust suppression measures.

9.10 With regard to the impact of the construction phase of the development in terms of noise and pollution, it must be noted that some disruption is inevitable during the construction phase. However, a condition will be attached to the planning approval to require the submission of a Construction Method Statement, which will identify measures to control these issues and minimise the impact.

9.11 The applicant has advised that they will need to carry out piling work of a weekend. It is noted that this is noisy work, but that it will be for a relatively short

duration (26.05.23 to 06.05.23) and will ensure that the work be carried out during school holidays, lessening disruption for the school children. The Environmental Health Officer has considered this and suggested that construction hours are restricted during this period to between 08:00 – 18:00 Monday to Saturday, with piling work starting no earlier than 09:00. No work may be undertaken on Sundays or Bank Holidays at any time.

9.12 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.

10. 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 The existing car park is to be replaced within the western part of the application site. During phase one of the development the existing car park, containing 51no. spaces, will be lost and 16no. car parking spaces will be retained within the school site. Phase 2 of the proposal will result in the creation of the new car park which will provide 59no. spaces, an increase of 8no. spaces. During construction works staff will be required to park off-site within the Barking Dog car park. Existing drop off and pick-up arrangements for pupils will remain in place. It is considered necessary and reasonable to attach a condition requiring a timetable of the phased construction works to be submitted to the LPA for approval in order to ensure that the car park is constructed within a reasonable timeframe so that incurtilage parking provision is provided as soon as possible.

10.7 Significant concerns have been raised by local residents with regard to the highway impact, as set out in paragraph 1.2 of the 'Representations' section of this report. These concerns are noted.

10.8 The applicant is aware of the resident's concerns and held a drop-in session at St. Bernadette's School to discuss these with the residents directly. The applicant has suggested a number of measures which could be put in place to alleviate the concerns, such as improved traffic management at the junction of Mullen Road and Kings Road North, working with St. Bernadette's to increase walking to school, continued working with Beacon Hill School and the Council's Transport section to reduce the number of vehicles and to consider staff travel arrangements, to remind contractors not to use Rae Avenue and a traffic survey to monitor traffic. Whilst it not considered that these suggestions can be required by planning condition, as they do not meet the tests set out in NPPF, it is considered that this demonstrates that the applicant is willing to work with the school, local residents and relevant Council departments (outside of the remit of this planning regime) to improve and monitor the situation going forward.

10.9 It is important that school children are not exposed to any danger as a result of construction vehicles accessing and egressing the site. The access road will need to be kept clear of any construction vehicles during the school drop off and pick-up times (08:15 – 09:00 and 15:30 – 16:00), a condition will be attached to ensure that this is the case.

10.9 The Highway Network Manager has commented and noted that the site is long-established. The access will remain unchanged and there is an increase in on-site parking provision to cater for the needs of the proposal. Additional drop off and pick-up parking is also available at the nearby Rising Sun car park. On this basis he has recommended conditional approval.

10.10 The Sustainable Transport Team have also commented and raised no objection to the proposed development subject to the school Travel Plan being updated to reflect increased pupil and staff numbers.

10.11 Members need to determine whether the proposed development is acceptable in terms of parking provision and the impact on highway safety. 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 designated as Open Space by the Local Plan and lies within a Wildlife Corridor. The applicant has submitted a Preliminary Ecological Appraisal (PEA), Biodiversity Net Gain Assessment (BNG), Arboricultural Method Statement (AMS) and detailed landscape/planting plans.

11.8 Concerns have been raised by local residents with regard to the ecological impact of the proposed development and the potential loss of trees. These concerns are noted.

11.10 The Council's Biodiversity Officer has reviewed the proposals and noted that the PEA has assessed the site as low value for the habitats it supports with a negligible impact on habitats and with no impacts on statutory/non-statutory sites. Conditions can be attached to the planning permission to mitigate for any impact and enhance provision.

11.11 The proposed development will result in the loss of 5no. trees to facilitate the development. The Biodiversity Officer has advised that the visual impact of the losses required will be minimal and that, from an arboricultural perspective the magnitude of impact from the losses required is deemed to be low and one which can be mitigated with post-development tree planting.

11.12 The proposed landscape scheme shows the provision of 12no new trees on site in addition to 2 SUDs/rain garden areas, native mixed scrub planting, ornamental shrub planting and some new wildflower areas. Off-site habitat creation is also proposed as part of the scheme within an area of modified grassland (0.2ha) to the south-west of the school site which includes 8no. medium sized trees. The Landscape Scheme will deliver an overall biodiversity net gain on and off-site of 41.62%.

11.13 The Biodiversity Officer has suggested several conditions which will be attached to the planning approval to address any impacts.

11.14 Members need to determine whether the impact of the proposed development is acceptable in terms of biodiversity and landscaping. Officer advice is that, subject to the suggested conditions, the proposed development is in accordance with policies S5.4, DM5.5, DM5.6 and the Coastal Mitigation SPD (2019).

12.0 Other Issues

12.1 Flood Risk and Drainage

12.2 NPPF states that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the Sequential Test.

12.2 Policy DM5.12 Development and Flood Risk states that all new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

12.3 The site falls within Flood Zone 1, which is the lowest risk of flooding. The applicant has provided a Flood Risk Assessment and Drainage Strategy.

12.4 The Council's Local Lead Flood Authority have reviewed the application documents and advised that they have no objections subject to a condition requiring the submission of details of the discharge rate of the permeable paving area into the drainage network.

12.4 Northumbrian Water (NWL) have provided comments and raise no objections subject to the development being carried out subject to a condition that the development shall be implemented in line with the drainage scheme contained within the submitted Flood Risk Assessment and Drainage Strategy. NWL have also advised that a public combined sewer and a culverted water course crosses the site.

12.5 A concern has been raised by a local resident with regard to the culvert on the site. The applicant is aware of the location of the culvert and has advised that the proposed building has been sited in response to this. NWL have raised no objections in relation to this and have advised that they will work with the developer to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

12.6 Members are advised that the proposed development would have an acceptable impact upon flood risk, subject to the suggested conditions.

12.6 Ground Stability

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

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

12.9 A local resident has raised concerns about the location of mine shafts on the application site and has advised that development has previously been stopped for this reason. However, the application site is not located within a Coal Authority Referral Area and the Coal Authority has raised no objection to the development, subject to the attachment of an advisory informative.

12.10 The Contaminated Land Officer has been consulted and reviewed the submitted reports. She has raised no objection to the proposed development, subject to contaminated land and gas investigation surveys.

12.11 Members must determine whether the proposed development is acceptable in terms of ground stability. Officer advice is that the proposal is acceptable in this regard.

13.20 Sustainability

13.21 Section 14 of the NPPF sets out the Government's objectives for the planning system in terms of meeting the challenge of climate change, flooding and coastal change. Para.152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 153 through to 158 set out measures for the planning system to address the climate change challenge, including the planning of green infrastructure, reduction of greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat. A planning application should be approved if its impact is, or can be made, acceptable.

13.22 Policy DM7.6 of the Local Plan states that proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

13.23 The proposed development is described as an 'Eco Building', which the applicant has advised has been innovatively designed using the latest developments in technology as part of the build process to help reduce environmental impact. Foundations have been designed to use a minimal amount of concrete, reducing impact, and the timber is sourced from sustainable forests. In addition, solar panels will be installed on the roof and air source heat pumps will be used. Passive ventilation will also be used within the classrooms.

13.25 It is clear from the information submitted that the design of the proposed development acknowledges the need to address climate change. It is officer advice that the proposed development is acceptable in this respect.

13.26 Members need to determine whether the proposed development is acceptable in terms of its provision of renewable and/or low carbon technologies, incorporation of green infrastructure and measures to reduce greenhouse gas emissions in accordance with Policy DM7.6 and the NPPF.

14.0 Local Financial Considerations

14.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy.

14.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that there are any local financial considerations material to this application.

15.0 Conclusion

15.1 The proposal complies with the allocation of the site within the North Tyneside Local Plan 2017 and it will improve educational facilities within the borough.

15.2 In officer opinion the principle of the 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.

15.3 It is officer advice, that subject to the imposition of appropriate conditions, the proposed development is acceptable.

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, 001, rev.C, 16.12.22
 - Site Layout Plan, P2, 19.12.22
 - Layout Plan (Scope of Work) Biodiversity Net Gain, P1, 02.11.22
 - Proposed Elevations, Rev.A 19.12.22
 - Proposed GF Plan, Rev.B 19.12.22
 - Proposed FF Plan, Rev.A 19.12.22

- Proposed Roof Plan, Rev.A 19.12.22
- Proposed Section, Rev.A 19.12.22
- Materials - Cladding- NTS, 68 Planning : Beacon Hill School / October 2022
- Materials - Composite Cladding- NTS, 69 Planning : Beacon Hill School / October 2022
- Materials - Others- NTS, 71 Planning : Beacon Hill School / October 2022
- Materials - Windows- NTS 70 Planning : Beacon Hill School / October 2022
- Design, Access and Sustainability Statement, Project No: 22-058, Rev.B, 20.12.22
- Drainage Strategy, ref.S3905-C-02-A, 14.12.22
- Flood Risk Assessment, S3905-C-01-A, 14.12.22
- Ground Investigation Report, Report No.E220905, Nov 2022
- Preliminary Ecological Appraisal, ref.7132, R02, 13.12.22
- Arboricultural Method Statement inc. Impact Assessment, ref.ARB/CP/2983, Dec 2022
- Biodiversity Net Gain Assessment, 7132, 22.02.23

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. During school term time, deliveries to, collections from, and larger vehicle movements associated with the construction site shall only take place between the hours of 07:00 to 08:00 and 09:15 to 15:15 Monday to Friday and there shall be no use of or obstruction of the access road (Rising Sun Cottages) by vehicles associated with the construction site during these times. Outside of school term times deliveries to, collections from and larger vehicle movements associated with the application site may be carried out as set out in condition no.4 of this approval.

Reason: In order to protect the safety of school children in accordance with policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4. 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, apart from the period 26.05.23 - 05.06.23 Monday to Saturday only when construction activities may take place between 08:00 - 18:00 and pile driving may be undertaken at the site between the hours of 09:00 - 18:00.

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. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of

vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development), on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development and include tree protection measures for the trees to be retained. 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.

6. Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. This scheme 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. Notwithstanding the details submitted, the scheme for cycle parking shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

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

8. Notwithstanding the details submitted, the scheme the storage of refuse and recycling bins shall be laid out in accordance with the approved plans. This scheme 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).

9. Prior to first occupation of the approved development a Travel Plan, or an updated version of the school's existing Travel Plan, must be submitted to and approved in writing by the Local Planning Authority. This must reflect the increased number of children and teachers.

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

10. Prior to first occupation of the approved development details of the discharge rate of the permeable paving area into the drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme must be implemented in accordance with the approved details and retained thereafter.

Reason: These details are required to ensure that the impact of the additional surface water on the existing drainage system is acceptable having regard to policy DM5.12 of the North Tyneside Local Plan 2017

11. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan and specification for on-site and off-site landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with an approved Biodiversity Net Gain Assessment Report and Biodiversity Metric. Any trees, shrubs or grasslands that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

12. Within 4 weeks of development commencing on site, an updated Biodiversity Metric 3.1 and Biodiversity Net Gain (BNG) Report, based on the approved Landscape Strategy Plan, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

13. Within 4 weeks of development commencing on site, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within an approved Biodiversity Net Gain Report/Biodiversity Metric and approved Landscape Plan.

- Survey and monitoring details for all target habitats identified within the approved Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

The LEMMP shall be implemented in accordance with the approved details on completion of the landscape scheme and thereafter for a minimum period of 30 years.

Reason: To ensure that local wildlife populations are protected in the interests of ecology and that a satisfactory standard of landscaping is provided and maintained having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

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

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

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

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

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

16. Prior to construction of the approved building above damp proof course level, details (to include specification and location) of 2no.bat boxes/features and 2no. bird boxes/features shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes/features must be integrated into new buildings/located in suitable habitat locations within the development

site. Thereafter the development shall be carried out in accordance with the agreed details and permanently retained.

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.

17. Prior to the commencement of the approved development a 'Precautionary Amphibian and Hedgehog Method Statement' shall be submitted and approved in writing by the Local Planning Authority. Thereafter all works shall be undertaken in accordance with the approved details.

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

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

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

19. Prior to the installation of any new boundary fencing associated with the approved development details of locations and specifications of hedgehog gaps must be submitted to and approved in writing by the Local Planning Authority. The hedgehog gaps (13cm x 13cm) shall thereafter be installed within the new fencing in accordance with the approved details and retained thereafter.

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

20. Within four weeks of development commencing on site, details of SUDs features/rain gardens within the site must be submitted to and approved in writing by the Local Planning Authority. The details will include profiles, cross sections and planting details of SuDs features. Thereafter, the development must be carried out in accordance with the approved details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology and that a satisfactory standard of landscaping is provided and maintained having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

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

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

22. Prior to commencement of works starting on site, any trees which are adjacent to and/or overhang the site and which may be affected by any part of the approved development, including drainage installation, must be protected by way of appropriate fencing. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chesnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the written approval of the Local Planning Authority.

Reason: This needs to be pre-commencement to ensure adequate protection of trees in accordance with policy DM5.9 of the North Tyneside Local Plan 2017.

23. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees'. The AMS is to form part of the construction method statement regarding the proposed construction works with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan, which shall be maintained for the duration of the works.

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

24. Prior to the installation of any external plant or equipment a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels for daytime, evening and night (if the plant or equipment is operating for 24 hours) without the plant operating, at the boundary of the nearest residential premises and include appropriate mitigation measures, where necessary, to ensure the rating level of all external plant and equipment does not exceed the background noise levels. Thereafter the plant must be installed and maintained in accordance with the approved details.

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

25. Within one month of the installation of any external plant and equipment acoustic testing shall be undertaken to verify compliance with condition no.23 of this approval and the results submitted in writing for the approval of the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

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

- | | | |
|------------------------------------|--------|---|
| 26. Remediation Method Statement | CON005 | * |
| 27. Validation Report | CON006 | * |
| 28. Unexpected Hotspots | CON007 | * |
| 29. Gas Investigate no Development | GAS006 | * |

30. Within 4 weeks of the commencement of development a timetable for construction works in relation to Phase 2 of the approved development must be submitted to and approved in writing by the Local Planning Authority. The timetable must clearly set out the timescales with regard to construction of the car park, setting out when works will commence on the car park and when it will be brought into use. Thereafter, the development must be carried out in accordance with the approved timetable.

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

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

The 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

The applicant is advised that they should contact the occupants of the nearest noise sensitive properties ahead of the pile driving being undertaken to make them aware when it is going to take place.

Building Regulations Required (I03)

Advice All Works Within Applicants Land (I29)

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.

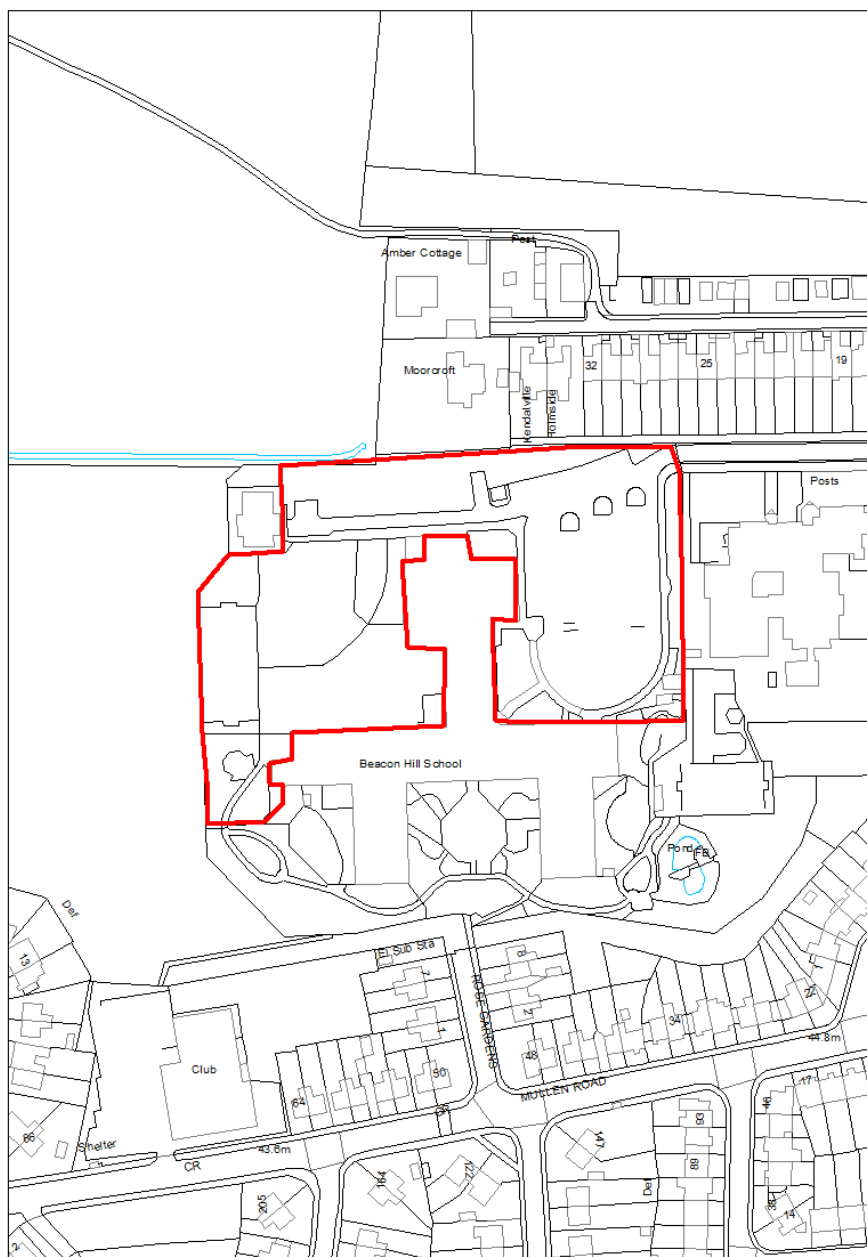
The applicant is advised that a license must be obtained from the Local Highway Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

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

Coal Mining Standing Advice (FUL,OUT) (I44)



Application reference: 22/02238/FUL

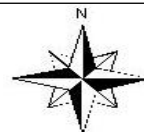
Location: Beacon Hill School, Rising Sun Cottages, Wallsend, Tyne And Wear

Proposal: Installation of extension of Beacon Hill School to provide 10 additional class bases on site. This is to include associated car park and external landscaping with the intention of future proofing the site for increased student and staff numbers.

Not to scale

Date: 02.03.2023

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Consultations/representations

1.0 Representations

10no. objections from 8no. individual properties have been received. These are summarised below:

1.1 Residential Amenity

- Two storey building directly in front of our property will reduce our daylight and privacy.
- Highly visible, overbearing and a dominant building when viewed from our garden and front windows, which are all habitable rooms
- Disturbance from increased noise and fumes.
- Noise disturbance due to increase in staff and pupil numbers.
- Increase in litter.
- Out of hours activities will lead to an increase in noise, parking and highway safety issues.
- Noise, dust, vibration problems during the construction phase.
- No noise assessment has been submitted.
- A lighting assessment should be submitted to show illuminance levels and extent of light spill in relation to the building and any new lighting columns in parking areas. Any lighting should be on a timer so that they are switched off when the school is shut.
- Potential disturbance from alarm in new building.

1.2 Highways

- Impact of increase of number of cars in the neighbourhood.
- Traffic congestion.
- Exacerbation of existing traffic problems on Mullen Road.
- Impact on access to residential properties.
- Exacerbation of existing vehicle fumes, dangerous to health.
- Lack of access for emergency vehicles.
- The development will accommodate increased staff numbers (21), but only eight new car parking spaces (net) will be provided.
- Proposal will result in overspill parking on surrounding streets.
- Potential highway safety issues caused by poor and inconsiderate parking.

1.3 Flooding/Drainage/Subsidence/Land Stability

- The field and car park are on top of a natural culvert and mine shafts.
- Danger from increase in flooding and subsidence, previous house building was halted for this reason.

1.4 Trees/Landscaping/Open Space/Ecology

- I really struggle to believe that all trees and hedging will be left untouched.
- We were previously assured that the two lime trees at the north of the site would remain.
- Additional parking will lead to the loss of open space within the site which has an ecological and visual impact.
- No assessment of how this will affect wildlife.

1.5 Character and Appearance

- All buildings should be single storey.
- Design, scale and materials are completely out of character and context with the existing school building and wider school site and do not reflect the character of the historic Rising Sun Cottages.

1.6 Other

- Increase in carbon emissions in a centralised zone and place of local beauty and interest.
- No numbers are given relating to the size of this significant increase in terms of students.
- Lack of public consultation.
- Letters sent out over the Christmas period when they could have been missed.
- Lack of pre-application consultation by the applicant with neighbouring residents.
- A public meeting should be held.
- No details of biodiversity net gain have been provided.
- There is no confirmation if the building will be used out of normal school hours, including weekends.

2.0 Internal Consultees

2.1 Highway Network Manager

2.2 This application is for an extension of Beacon Hill School to provide 10 additional class bases on site, with associated car park and external landscaping and the intention of future proofing the site for increased student and staff numbers

2.3 The site is long-established, access remains unchanged and there is an increase in on-site parking provision to cater for the needs of the proposal. Additional drop off and pick up parking is also available at the nearby Rising Sun car park.

2.4 Recommendation - Conditional Approval

2.5 Conditions:

2.6 Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. This scheme 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).

2.6 Notwithstanding the details submitted, the scheme for cycle parking shall be laid out in accordance with the approved plans. This scheme 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).

2.8 Notwithstanding the details submitted, the scheme the storage of refuse & recycling bins shall be laid out in accordance with the approved plans. This scheme 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).

2.9 No part of the development shall be occupied until details of cycle storage has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.
Reason: In the interests of highway safety

2.10 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.

2.11 Informatives:

2.12 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.

2.13 The applicant is advised that a license must be obtained from the Local Highway 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.

2.14 The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

2.15 The applicant is advised that they should contact the Local Highway Authority 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.

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

2.17 Local Lead Flood Authority

2.18 I have carried out a review of the surface water drainage proposals submitted with planning application 22/02238/FUL, I can confirm in principle that I have no objections to the proposals as the development will be providing attenuation within the curtilage of the site via the use of rain gardens and permeable paving which will provide surface water attenuation for 1in100 year rainfall event inc 45% allocation for climate change. The surface water from the development will then connect into the existing schools surface water drainage network at a restricted discharge rate of 3.5l/s which then connects to the culverted watercourse which runs through the school grounds.

2.19 I do have one concern which will need to be addressed if the application is successful. It would appear that the proposed permeable paving area is to connect directly into the existing drainage network and does not have a controlled discharge rate. I would expect this permeable paving area to have a controlled discharge rate in order to reduce the impact this additional surface water will have on the existing drainage system it is proposed to connect into.

2.20 Sustainable Transport

2.21 This application is related to the installation of the extension of Beacon Hill School to provide 10 additional class bases on site. This includes associated car parking and external landscaping with the intention of future proofing the site for increased student and staff numbers.

2.22 A Travel Plan has not been submitted as part of this application. It is envisaged that the school will already have a travel plan but this will need updated to reflect the increased number of children and teachers.

2.23 Biodiversity Officer

2.24 The proposal is for the construction of an additional building at Beacon Hill School to provide 10 additional class bases on site, including associated car park and external landscaping with the intention of future proofing the site for increased student and staff numbers.

2.25 The proposed scheme lies within the school grounds to the north of Mullen Road in Wallsend. A primary school is adjacent to the eastern boundary, housing

to the south, open fields to the west and north-west and the boundary of the Rising Sun Country Park and cottages to the north of the school site. The site is designated as open space and is also within a Wildlife Corridor as shown on the Local Plan Policies Map 2017.

2.26 Preliminary Ecological Appraisal (PEA):

2.27 The proposed development areas within the site are primarily hard surfaces and species-poor amenity grassland of low nature conservation value. There will be minimal tree and shrub loss other than for small areas of ornamental planting. The site is assessed as low value for the habitats it supports with a negligible impact on habitats and with no impacts on statutory/non-statutory sites.

2.28 The school buildings are of negligible bat roost suitability; however, no changes are proposed to the existing building and no structures or trees with a bat roost risk would be affected by the proposals. The habitats to be lost are of poor quality for foraging bats, but development proposals should aim to retain a dark commuting corridor for bats leading northwards to the country park.

2.29 There are no nearby records for great crested newts within or close to the site and the proposed development is primarily affecting areas of tarmac and amenity grassland which is of poor suitability for terrestrial amphibians. Adverse effects on great crested newts are considered unlikely, however, a precautionary amphibian method statement is recommended to address the residual low risk to common amphibian species. Small numbers of common urban birds would be expected to use the tree and hedge habitats around the boundaries of the development site and the site also provides some suitable opportunities for hedgehog.

2.30 A number of mitigation measures and enhancement opportunities are recommended within the Report and these will be conditioned as part of the application.

2.31 Landscape Strategy:

2.32 A Landscape Strategy Plan (DWG:400 Rev A) has been submitted as part of the application and shows both on and off-site landscaping associated with the scheme. The Plan indicates the provision of 12no new trees on site in addition to 2 SUDs/rain garden areas, native mixed scrub planting, ornamental shrub planting and some new wildflower areas. There are also 8no. urban trees being planted off-site as part of the scheme. The Landscape Scheme will deliver a biodiversity net gain and will enhance the wildlife corridor and current open space areas.

2.33 Biodiversity Net Gain Report/Metric:

2.34 A BNG Report and Biodiversity Metric 3.1 calculation (BSG February 2023) have been submitted to support the application. The scheme results in the loss of some modified grassland and trees resulting in the loss of 0.82 biodiversity units (BU). Post development landscaping includes a SUDs scheme and a small area of neutral grassland (735m²) delivering 0.84 BU with an on-site net gain of 2.83%. Off-site habitat creation is also proposed as part of the scheme within an area of modified grassland (0.2ha) to the south-west of the school site which

includes 8no. medium sized trees. This will result in an additional 1.11BU off-site that results in an overall biodiversity net gain on and off-site of 41.62%.

2.35 The submitted Landscape Strategy Plan (DWG:400 Rev A) also indicates that a number of trees will be planted on the development site (12no), as well as some mixed native scrub and ornamental shrubs, however, these are not reflected in the Biodiversity Metric calculation or the BNG Report. Given the fact that a net gain above 10% will be achieved it is considered acceptable in this instance to attach a condition to the application, to ensure the Metric and BNG Report are updated in accordance with the approved Landscape Strategy Plan, as any updates are likely result in a further increase in net gain.

The scheme meets the requirements of biodiversity net gain in accordance with Local Plan Policy DM5.5 and the NPPF and will also enhance existing open space and the wildlife corridor.

2.36 AIA/Method Statement:

2.37 An AIA/Method Statement (Elliot Consultancy Ltd Dec 2022) has been submitted to support the application. The AIA identifies 5no. trees that need to be removed to facilitate the proposed layout. These include:

2.38 Tree 18 (Cat B); and Trees 19 and 23 (Cat C) to create the new parking area and trees 24 and 25 (Cat C) to enable construction of the proposed school building. The visual impact of the losses required will be minimal. From an arboricultural perspective the magnitude of impact from the losses required is deemed to be low and one which can be mitigated with post-development tree planting. It is proposed to plant 8no. medium sized urban trees on grassland to the south-west of the school and these will be managed in good condition via net gain requirements. These are considered to provide adequate mitigation for the loss of the 5no. small trees within the site curtilage.

2.39 In addition, parking bays are proposed within the root protection areas of Trees 10 and 13, both mature, Category B Ash. To mitigate the potential impact to the roots, the parking bays will be constructed using a no-dig system. The Report states that details of this will be determined by the applicant.

2.40 The AIA also states that no new utility runs must be located within any of the retained trees root protection areas and any works to existing utilities will be undertaken with regard to retained tree cover in accordance with appropriate guidelines.

2.41 Appropriate tree protection measures should be conditioned as part of the application.

2.42 Drainage:

2.43 The development provides attenuation within the curtilage of the site via the use of rain gardens and permeable paving. The surface water from the development will then connect into the existing schools surface water drainage network which then connects to the culverted watercourse that runs through the school grounds. The Councils Drainage Engineer has confirmed no objections to these SUDs proposals.

2.44 The following conditions should be attached to the application:

2.45 Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan and specification for on-site and off-site landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with an approved Biodiversity Net Gain Assessment Report and Biodiversity Metric. Any trees, shrubs or grasslands that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

2.46 Within 4 weeks of development commencing on site, an updated Biodiversity Metric 3.1 and Biodiversity Net Gain (BNG) Report, based on the approved Landscape Strategy Plan, shall be submitted to and approved in writing by the Local Planning Authority.

2.47 Within 4 weeks of development commencing on site, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within an approved Biodiversity Net Gain Report/Biodiversity Metric and approved Landscape Plan.
- Survey and monitoring details for all target habitats identified within the approved Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.
- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

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

- a statement of frequency of use, and the hours of illumination;
 - a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
 - details of the number, location and height of the proposed lighting columns or other fixtures;
 - the type, number, mounting height and alignment of the luminaires;
 - the beam angles and upward waste light ratio for each light;
 - an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone; and
 - where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.
- The lighting shall be installed and maintained in accordance with the approved scheme.

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

2.51 2no. bird boxes/features will be integrated into new buildings within the development site. Details of bird box/features specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

2.53 2no. bat boxes/features will be integrated into new buildings within the development site. Details of bat box/features specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

2.54 A 'Precautionary Amphibian and Hedgehog Method Statement' shall be submitted to the LPA for approval in writing prior to development commencing on site. All works shall be undertaken in accordance with the submitted details.

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

2.56 Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details of the locations and specification of the hedgehog gaps shall be submitted to the LPA for approval within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

2.57 Details of SUDs features/rain gardens must be submitted to the Local Authority for approval within 4 weeks of works commencing on site. Details will include profiles, cross sections and planting details of SuDs features.

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

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

2.61 All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'. The AMS is to form part of the contractors method statement regarding the proposed construction works with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees.

2.62 The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

2.63 Environmental Health (Pollution)

2.64 Thank you for consulting Pollution with regard to this application for the Installation of extension of Beacon Hill School to provide 10 additional class bases on site. This is to include associated car park and external landscaping with the intention of future proofing the site for increased student and staff numbers. The site is located adjacent to residential properties at Rising Sun Cottages and I have concerns regarding potential noise from any external plant and equipment installed as part of this development.

2.65 The layout plans suggest that new plant and equipment is to be installed within a plant room and will consist of air source heat pumps. If located internally then noise from the plant and equipment should be screened by the building. However, a condition is recommended if planning consent is to be given to ensure a noise scheme is submitted for any new external plant and equipment to ensure no increase in existing background noise levels.

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

2.67 New External Plant:

2.68 No new external plant or equipment to be installed at the premises unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise. It will be necessary following installation of the external plant and equipment that acoustic testing is undertaken to verify compliance with the noise emission level at 1 m from façade of nearest sensitive receptor within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintained in working order.

2.69 LIG01 for any new external lighting

2.70 SIT03 and HOU04

2.71 Contaminated Land Officer

2.72 I note on page 24 that: Risk Assessment Guidelines - Human Health, "The human health risk assessment has been undertaken using the guidance provided in the Environment Agency's publication CLR11, Model Procedures for the Management of Contaminated Land, published in September 2004". This publication was withdrawn on 8 October 2020 and replaced with Land contamination risk management (LCRM). The report needs to be assessed against this and confirmation provided that the report adheres to LCRM.

2.73 Area A - Forms the principal investigation area and the site for the proposed new educational facility building and currently comprises an area within the main school car park.

Area B - Forms the secondary investigation area and the site for the proposed new car parking area (to replace that currently provided by Area A) and comprises an area within the current school field/MUGA.

2.74 Sand layers are a pathway for gas, two rounds of gas monitoring is insufficient. Based on the reading from the adjacent site investigation there is the potential for carbon dioxide and depleted oxygen levels. An addition 4 round of gas monitoring required to be submitted.

Of the determinants tested for, a number of recorded values higher than their relevant GAC for human health for a residential setting, however, these exceedances were encountered within the superficial Made Ground within Area A (beneath the Asphalt car park surfacing) and it is considered plausible that these

results may relate to a degree of cross contamination between the Asphalt and the underlying Made Ground.

2.75 End Users of the Site (long-term exposure):

Whilst elevated concentrations of a limited number of PAHs were encountered within the Made Ground in Area A at shallow depth (0.5m bgl), these are not considered to pose a direct risk to end-users of the site as Area A is currently covered by hardstanding and as such there is no pathway for contaminant migration to end-users. Furthermore, it is understood that a raft foundation and reduced level dig is likely to be adopted for the proposed development which will result in the removal of the majority (if not all) of the Made Ground and the resulting completed development does not comprise any substantial soft landscaping.

2.76 Verification of the reduced level dig needs to be submitted and proof that the impacted made ground was removed off site to a suitably licensed facility.

2.77 Based on the above the following conditions should be attached: Con 005; Con 006; Con 007; Gas 006

3.0 External Consultees

3.1 Northumbrian Water Ltd

3.2 In making our response 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.

3.3 We do not have any issues to raise regarding capacity to serve the new development, provided the application is approved and carried out within strict accordance with the document and drawings entitled "Flood Risk Assessment" and "Drainage Strategy". This document / drawing reflects our preplanning enquiry advice.

3.4 We request that documents and drawings "Flood Risk Assessment" and "Drainage Strategy" forms part of the approved documents list as part of any planning approval and the development is implemented in accordance with this document

3.5 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.

3.6 We can inform you that a public combined sewer and a culverted water course crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and

ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. This is an informative only and does not materially affect the consideration of the planning application.

3.7 Tyne and Wear Archaeologist

3.8 I have checked the application site against the Historic Environment Record and historic maps. The site of Beacon Hill School was formerly agricultural land, and medieval ridge and furrow (HER11647) survived prior to the development of the school in in the early 1980s. The construction of the school and associated playing fields is likely to have truncated any earlier deposits and structures. I therefore consider the site to have low archaeological potential, and no archaeological work is required.

3.9 Sport England

3.10 The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case,

3.11 The Coal Authority

3.12 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.

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

3.14 Newcastle International Airport

3.15 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

Application No: 21/01774/FUL Author: Maxine Ingram
Date valid: 6 August 2021 ☎: 0191 643 6322
Target decision date: 1 October 2021 Ward: Weetslade

Application type: full planning application

Location: Land Rear of Former School Cottages, Sandy Lane, North Gosforth, NEWCASTLE UPON TYNE

Proposal: Erection of gym with associated parking (Re-submission) - (Additional information: landscape plan, tree report, biodiversity net gain assessment, received and uploaded 25.02.2022, additional information: AIA, TPP received 12.01.2023)

Applicant: Mr W Collard

Agent: George F White

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider are:

- The principle of the development,
- The impact on character and appearance including the conservation area, the setting of the listed building and the green belt,
- The impact upon residential amenity,
- The impact on the highway,
- The impact on biodiversity; and
- Other issues.

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

2.0 Description of the Site

2.1 The site to which this application relates is a vacant parcel of land measuring approximately 0.18 hectares (ha). It is located at the junction of B1318 and Sandy Lane. To the north the site is bound by Sandy Lane. To the west the site is bound by the B1318. Within the site there are several trees, these are protected

by the Sandy Lane West Tree Preservation Order (TPO) 2007. Immediately beyond the southern and eastern boundaries of the site is an area of designated green belt. This encompasses a large, wooded area, the trees located within this area are also protected by the Sandy Lane West TPO. Further to the south of the site are the Church of the Sacred Heart (Grade II Listed Building), Church Hall and Presbytery. Beyond the highways to the north and west of the site are residential properties.

2.2 The application site is located within the Sacred Heart Conservation Area.

3.0 History of the Site

3.1 The site has a detailed and complicated history which is set out in greater detail in Section 4 of this report. The site was formerly occupied by a Victorian building, known as the Old School House. The former buildings on the site were damaged by fire, resulting in the demolition of the buildings several years ago. Since the demolition of these buildings the site has remained vacant and undeveloped. Members are advised that the history of events leading to the demolition of the former buildings is not a material planning consideration in the determination of this application nor is it a reason to refuse any form of development on this site.

3.2 It is noted that there have also been several enforcement cases relating to this site. Members are advised that the enforcement cases are not a material planning consideration in the determination of this application, which must be assessed on its own merits.

3.3 The last appeal decision related to the construction of 8no. managed residential letting properties (Planning Ref: 17/01543/FUL). This appeal was dismissed. The Planning Inspector found the appeal scheme, in combination of scale, mass and form, a dense development in close proximity to the undeveloped woodland that would consequently result in a harmful effect on the character and appearance of the area and the Conservation Area. The Planning Inspector considered that the proposed development would cause less than substantial harm to the significance of the Conservation Area as a whole and whilst there may be some public benefit that did not overcome the harm they identified.

3.4 The Planning Inspector considered that appropriately worded conditions could deal with the drainage works without having an unacceptable detrimental impact on the protected trees. They also considered that an appropriately worded condition could secure a lighting scheme that would not have an unacceptable impact on the woodland. They concluded that the development would not have an unacceptable impact on biodiversity.

3.5 The Planning Inspector did not find that the additional activity generated by the appeal scheme would be sufficient to have a notable detrimental impact on the living conditions of the occupiers on the nearby Sandy Lane and the busy B1318 road.

4.0 Description of the Proposed Development

4.1 Planning permission is sought for the construction of a gym and associated parking.

4.2 The proposed development would comprise of three linked buildings. The central building would accommodate a lobby/reception that would sit beyond the front of the adjacent buildings. The central building would be set back from the rear of the adjacent buildings creating a courtyard to the rear. Each of the buildings would accommodate a pitched roof. The height of the two larger buildings would be approximately 9.5m to ridge (approximately 5.2m to eaves). The height of the central building would be approximately 6.5m to ridge (approximately 3.5m to eaves).

4.3 The proposed building would be sited away from the shared boundaries.

4.4 Pedestrian and vehicular access would be from the northeast corner of the site. Part of the existing stone wall would need to be removed to facilitate the new access. 17no. parking spaces are proposed in the most eastern part of the site. A refuse store is proposed behind the stonewall to the east side of the access. Cycle storage is also proposed.

5.0 Relevant Planning History

5.1 The planning history confirms that all applications received relating to tree works were returned.

21/01569/FUL - Erection of 4no detached dwellings (Resubmission) (Additional information: landscape plan, tree report, biodiversity net gain assessment, received and uploaded 10.01.2022) – Pending consideration

20/01261/FUL - Erection of a Gym / Nursery Building (Additional information submitted February (various reports) and April 2021 (sequential assessment)) - 10.05.2021

20/01260/FUL - Erection of 4no detached dwellings (Additional information submitted) – Withdrawn 15.03.2021

17/01543/FUL - Development of 8no. managed residential letting properties, including construction of new site access and parking area and removal of one protected tree (Amended plans/documents received 22.05.2018) – Refused 08.08.2018. Dismissed at appeal 30.04.2019.

09/03313/FUL - Demolition of existing structure and erection of a single detached dwelling house incorporating parking, guest house and landscaping/maintenance plan. Two options for design of guest accommodation (Amended proposal and additional option (2)) – Withdrawn 17.01.2013

09/03314/CON - Demolition of existing structure and erection of a single detached dwelling house incorporating parking, guest house and landscaping/maintenance plan. Two options for design of guest accommodation (Amended proposal and additional option (2)) – Withdrawn 17.01.2013

09/02158/FUL - Demolition of existing derelict building and construction of residential dwelling and detached garage – Refused 16.10.2009.

Allowed at appeal.

09/02159/CON - Demolition of existing derelict building and construction of residential dwelling and detached garage – Refused 16.10.2009.

Allowed at appeal.

08/03479/FUL - Demolition of existing building and construction of residential dwelling and detached garage – Withdrawn 26.01.2009

08/03480/CON – Demolition of existing building - Withdrawn 26.01.2009

07/00902/CON – Demolition of dangerous structure – Refused 11.05.2007

06/03017/OUT – Proposed 2 storey residential care home providing 42 private bedrooms and associated accommodation – Refused 13.12.2006

6.0 Development Plan

6.1 North Tyneside Local Plan (2017)

7.0 Government Policies

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 Local Planning Authorities (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 in this case are:

- Principle of the development,
- The impact on the character and appearance including the conservation area, the setting of the listed building and the Green Belt,
- Impact upon residential amenity,
- Impact on highway safety,
- Impact on biodiversity; 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 the development

9.1 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 (July 2021) however, it is clear from paragraph 219 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that the Local Plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

9.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

9.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

9.4 Paragraph 87 of the NPPF states that ‘LPA’s should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.’

9.5 Paragraph 88 of the NPPF states ‘When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPA’s should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’

9.6 Paragraph 91 of the NPPF states ‘Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.’

9.7 The National Planning Practice Guidance (NPPG) provides advice on how the sequential test should be applied to development proposals. The NPPG states that it is for the applicant to demonstrate compliance with the sequential

test and sets out the key considerations that be taken into account in determining whether a proposal complies with the sequential test:

-With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

-Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of a development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

-If there are no sequentially preferable locations, the sequential test is passed.

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

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

9.10 Policy DM1.3 'Presumption in Favour of Sustainable Development' requires to the Council to 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.

9.11 Policy DM3.4 'Assessment of Town Centre Uses' sets out the requirements for considering proposals for main town centre uses on site not within the town centres.

9.12 Policy DM3.6 'Local Facilities' sets out the requirements for considering small scale centre facilities.

9.13 The objections received regarding inappropriate development and sufficient gyms already in existence within the vicinity of the site are noted. Members are advised that existing facilities in the vicinity of the site is not a material planning consideration. There is no requirement to demonstrate need.

9.14 The site is not designated for any particular use in the LP. It is located within an existing built environment. The buildings formerly occupying this site have been demolished and cleared, leaving a vacant brownfield site. This application seeks to construct a gym on the site. It is noted that the application refers to a gym as D2 use class but following the amendments to the Use Classes Order

(1987) in September 2020 the development should be regarded as an E use class. The E use class covers many types of uses and gyms are E use class part (d), covering indoor, sport and recreation or fitness.

9.15 A gym is defined as a main town centre use in the NPPF. As the proposed development is a town centre use, in an out of centre location, the Local Planning Authority (LPA) is expected to consider if there any sequentially preferable sites within relevant designated centres that are suitable, available and viable. Both the applicant and the Local Authority (LA) are expected to demonstrate flexibility on issues such as format and scale so that opportunities to consider alternative sites are fully explored. Therefore, the search for sites must acknowledge the business needs of the applicant within the sequential assessment.

9.16 In accordance with the NPPF and LP Policy DM3.4 this application is accompanied by a sequential assessment. The sequential assessment must provide sufficient evidence that the development would not have an adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

9.17 The submitted sequential assessment has considered potential options within the relevant centres based on the catchment area of the proposal and extended the search area to include Longbenton Local Centre, which is outside of the primary catchment area. It is clear from the Planning Policy comments that this approach is welcomed and displays flexibility in the applicant's approach to their sequential assessment. Members are advised that both in centre and edge of centre locations have been considered but no sites were found to be suitable, available, or viable. Therefore, the application has met the requirements of the NPPF and Policy DM3.4 of the Local Plan (2017).

9.18 The proposed gym is 417sqm (gross). This is below the national requirement (2,500 sqm) to consider the impact of the proposal on neighbouring town centres and below the local threshold (1,000 sqm), which only applies to retail floorspace. The Local Planning Authority would therefore not consider it to be a scheme that would have a significant detrimental impact to the designated centres within the catchment of the proposal.

9.19 The Planning Policy comments have also advised that proposed gym is less than 500 sqm (gross), which the Local Plan (2017) sets as a threshold when seeking to support small scale out of centre facilities serving local retail or leisure needs (Policy DM3.6). They consider this site to be within convenient and safe walking distance of surrounding communities and could contribute towards social inclusion and sustainable development by providing a facility for people to spend time together and improve their health and well-being.

9.20 Members need to determine whether the principle of the proposed development, in terms of its impact on existing town centres is acceptable and whether it meets the requirements of the NPPF and LP Policies DM3.4 and DM3.6. It is the view of officers that the impacts on existing town centres is acceptable, and it would bring a vacant brownfield site back into use. Therefore, the principle of the proposed development is considered acceptable, subject to all other material considerations set out below being addressed.

10.0 Impact on character and appearance, including the conservation area, the setting of the listed building and the green belt

10.1 Under Sections 66(1)) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering granting planning permission which affects a listed building, or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any feature of special architectural or historic interest which it possesses. Section 72(1) of the same Act contains similar requirements with respect to buildings or land in a conservation area.

10.2 Paragraph 195 of the NPPF requires Local Planning Authority's to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local Planning Authority's should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

10.3 Paragraph 196 of the NPPF states "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

10.4 Paragraph 197 of the NPPF requires Local Planning Authority's to determine applications taking account of the following:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution the conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

10.5 In respect of designated heritage assets, the NPPF states that when determining the impact on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm total loss, or less than substantial harm to its significance (para 199). Potential impacts on heritage assets are further considered in paragraphs 200-202 of the NPPF.

10.6 Paragraph 206 of the NPPF encourages Local Planning Authority's to look for opportunities for new development within conservation areas or the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

10.7 Members are advised that the application site is not located within designated Green Belt; it borders the designated Green Belt to the east and south. The main purpose of the Green Belt is to check the spread of the built-up area by keeping land permanently open, preventing urban sprawl and merging settlements. In conformity with the NPPF, Policy DM1.6 'Positive uses within the

Green Belt' the Council will regard the construction of new buildings in the Green Belt as inappropriate.

10.8 LP Policy S6.5 'Heritage Assets' seeks to pro-actively preserve, promote and enhance its heritage assets.

10.9 LP Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states:

"Proposals that affect heritage assets or their settings will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

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

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

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

Any heritage reports prepared as part of a development scheme will be submitted for inclusion on the Tyne and Wear Historic Environment Record (HER) and published where considered appropriate."

10.10 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.

10.11 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 of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

10.12 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities.

10.13 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.

10.14 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 of the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

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

10.15 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.”

10.16 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.

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

10.18 The Sacred Heart Church Conservation Area Character Appraisal was adopted in January 2009. It acknowledges that most of the conservation area forms part of the green belt and therefore consideration must be given to how it looks when viewed from its environs, including the adjoining areas of green belt. Specific reference is made about the application site in this document stating, "Whilst it is acknowledged that the derelict site cannot remain in its current state, any proposed development will be subject to intense scrutiny and extremely careful consideration to ensure that it is deemed suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area".

10.19 The objections received regarding the impact on the conservation area, affecting the setting of a listed building, inappropriate design, inappropriate materials, out of keeping with surroundings and amount of development proposed are noted. This site is not designated as a Site of Special Scientific Interest (SSSI), and it is not located in the Green Belt; it borders the Green Belt to the east and south.

10.20 The Northumberland and Newcastle Society considers the design of the application to be modern incorporating steep pitched roofs. They do not consider that the chosen design approach and layout addresses the challenges of this site set out in Council documents. They consider that it ignores the importance of the corner site and the elevation to the B1318 road. They do not support the construction of a gym and further consideration should be given to the orientation of the building and location of the car park.

10.21 The objector's comments regarding the footprint of the development being greater than the buildings that previously occupied the site is noted. Members are advised that this application must be assessed on its own merits and consider whether, in their opinion, that the site is capable of accommodating the development proposed and consider whether its design is appropriate.

10.22 The application site is located within the Sacred Heart Church Conservation Area occupying a corner position. The conservation area has an undeveloped character, its only buildings being the Grade II listed Sacred Heart RC Church, Parish Hall and Presbytery. The wider Conservation Area is largely covered in mature woodland and is also designated as Green Belt. It is bound to

the north by Sandy Land and to the west by the B1318. The residential properties located to the north of the site vary in terms of design.

10.23 The proposed building will comprise of three buildings: two larger buildings that are linked by a central reception/lobby. The proposed reception/lobby will sit beyond the adjacent buildings that will accommodate the gym area. To the rear of the reception/lobby there will be a courtyard area. The building will be sited away from the site boundaries. The height of the pitched roof over the central reception/lobby will be lower than the adjacent buildings. The west elevation will accommodate several windows which assist in adding visual interest to this elevation. To the east of the building a parking area is proposed. A bin store is proposed in the northeast corner of the site.

10.24 Heritage and Design comments have been sought. The officer has advised that contemporary architecture has the potential to sit successfully alongside and enhance existing areas but is important that architecture maintains a relationship to its surroundings through the scale and form and use of materials. In this case, the officer considers the design, form and mass of the development to be appropriate. They have had regard to the mixture of building forms and styles around the site. They consider the proposal for three linked buildings has the effect of reducing the massing footprint. The central link due to it being subservient will also allow views through the site from Sandy Lane to the woodland. The pitched roofs and low eaves height will also allow views of the tree canopy to the rear of the site.

10.25 It is clear from the Heritage and Design comments that they have considered the proposed materials in the context of the surrounding area. The officer considers, whilst there is a variety of materials in the immediate area, the use of grey bricks is not appropriate. The proposed materials should reflect the colours and tones of existing materials in the local area. The officer considers that a red or buff brick would be more appropriate. The small elements of render and terracotta tiles are acceptable. All roof lights should be conservation style with a flush recessed fitting/flashing. All rainwater goods and windows should be metal. Conditions are suggested to secure appropriate materials.

10.26 Based on the advice set out in the Heritage and Design comments, officers consider the design and size of the of the proposed building and its impact on the Conservation Area to be acceptable. Due to the separation distance that will exist between the proposed development and the listed building, including the intervening woodland, it is not considered that the setting of the listed building would be significantly affected. No alterations are proposed to the existing stone wall on the western boundary.

10.27 The proposed parking area is proposed to the east of the building. It would result in some visual impact, but the existing boundary treatment would assist in reducing this impact when viewed from the north.

10.28 As already discussed, the site lies adjacent to the Green Belt. Given that the site is well screened to the east and south by the existing woodland, it is the view of the case officer that the proposed development would not impact on the openness of the Green Belt.

10.29 Members need to determine whether the impact of the development is acceptable in terms of its impact on the character and appearance of the conservation area, it is acceptable in terms of its design, scale and mass and its impact on the green belt. It is officer advice that it is acceptable.

11.0 Impact upon residential amenity

11.1 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location considering 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.

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

11.3 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.

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

11.5 The objections received regarding the impact on residential amenity, increase in noise and disturbance and impacts from lighting are noted.

11.6 The proposed development would be constructed on previously developed land. It is sited on a corner plot close to the junction of Sandy Lane and the B1318. The site is enclosed by a stonewall to its north and west boundaries with an access/egress from Sandy Lane. Immediately to the north of the site are two existing residential dwellings, No. 1 The Villas and Roscobie, which directly overlook the site. The remaining properties on Sandy Lane do not afford direct views of the application site. Immediately to the west of the, beyond the B1318, are existing residential dwellings Avonside, Stella Maris, Cherholme, Singapura that afford direct view of the application site.

11.7 The proposed development would be set back from the north and west boundaries of the application site. A separation distance of over 20m would exist between the proposed development and the existing residential dwellings located to the north and west of the site. The properties located to the west of the site would afford views of one of the larger buildings of the proposed development.

The pitched roof over this part of the proposed development would pull away from the western boundary which would assist in reducing its scale and mass when viewed from the west. Views from the lower window and door openings towards the residential properties to the north and west would be partially obscured by the existing stone wall. The higher window openings would not affect the privacy of the residential properties located to the north and west of the site as there is no first floor proposed in the building. The proposed development consists of three linked buildings with the central reception/lobby being lower than the buildings either side. The staggered height of the buildings and their pitched roofs would allow views through the built form from the north towards the woodland to the rear of the site. Due to the intervening distances between the proposed development, its design and the positioning of doors and windows, it is the view of the case officer that it would not significantly affect the living conditions of existing occupiers in terms of overlooking, loss of privacy, overshadowing or outlook.

11.8 The Manager of Environmental Health has been consulted. She has raised concerns about potential noise arising from the development affecting neighbouring properties to the north and west of the site. Impact noise will occur from activities taking place in the gym i.e. exercise equipment, dance/exercise classes may include amplified music. These impacts would be greater if doors and windows were to be opened to provide ventilation to the gym. As no noise assessment has been submitted, she has advised that conditions will need to be imposed to ensure appropriate mitigation is secured to protect existing residents from undue noise and disturbance. She has recommended conditions to control the hours of operation, no music or use of fitness machines or equipment are to be permitted at the premises whilst doors and windows are open. She has also recommended a condition to control the hours of operation.

11.9 To the rear of the reception/lobby is an outdoor area. The Manager of Environmental Health has raised concerns if this area is to be used for outdoor classes. However, it is clear from her comments that these impacts can be mitigated for by fencing around this area. She has recommended to secure appropriate mitigation by condition.

11.10 The Manager for Environmental Health has recommended further conditions to control noise from any external plant and equipment.

11.11 The NPPF, paragraph 55 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 56 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 185 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". The Manager of Environmental Health has clearly set out in her comments that she considers conditions can be imposed to secure appropriate mitigation to minimise the impacts of the proposed development.

11.12 Members need to consider whether the proposed development, including having regard to the advice from the Manager of Environmental Health, would result in an acceptable impact on the residential amenity of existing residents living conditions in accordance with NPPF and LP Policies DM6.1 and DM5.19 and weight this in their decision. Officer advice is that subject to imposing the suggested conditions, the impact on the amenity of existing and future occupants is acceptable.

12.0 Highways

12.1 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.

12.2 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.

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

12.4 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.

12.5 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 considered and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

12.6 The Council's maximum parking standards are set out in the Transport and Highways SPD (2022).

12.7 The objections received regarding the impact on the highway network, lack of parking provision, poor traffic and pedestrian safety and poor and unsuitable vehicular are noted.

12.8 Vehicular access to the site would be provided from Sandy Lane. Part of the existing stonewall will be cut back to facilitate the access into the site. Parking bays have been provided within the site.

12.9 The Highways Network Manager has been consulted. He has advised that parking has been provided to meet the needs of the site and cycle storage is proposed. He has not raised any concerns regarding the impact on highway safety in his comments. On this basis, he has recommended conditional approval.

12.10 Refuse storage has been identified adjacent to the site access.

12.11 Members need to consider whether the proposed development is acceptable in terms of its impact on highway safety and parking provision. It is officer advice that it is.

13.0 Biodiversity

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

13.2 Paragraph 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.

13.3 Paragraph 179 of the NPPF states that when determining planning applications Local Planning Authority's 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.

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

13.5 LP DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links.

13.6 The application has submitted an Aboricultural Impact Assessment and Method Statement (AIA and AMS) and Tree Protection Plan (TPP) and a Biodiversity Net Gain has been submitted. This information has been assessed by the Council's Biodiversity Officer and Landscape Architect.

13.7 The site consists of semi-improved grassland and scrub with several large mature trees and shrubs close to the east and south boundary. The collective trees and tree groups skirting the proposed development form part of a larger woodland area that affords protection by a Tree Preservation Order (TPO) and Conservation Area.

13.8 The consultees have advised that the land surrounding the application site is valuable habitat for wildlife and biodiversity with the trees being the most important feature providing some amenity and screening. There are 18 significant individual trees and one tree group within influence of the site. The proposed development will not require the removal of any trees, but the consultees have advised some ground works are scheduled near the trees and within Root Protection Area's (RPA's). Works within the RPA must employ special construction techniques to minimise disturbance to tree roots. Such measures

are detailed in the AMS regarding the installation of drainage and parking provision.

13.9 The submitted landscape plan includes a mixed native hedge to the western boundary of the site and a wildlife hedgerow to the eastern boundary of the site. This is supported by woodland meadow mixes, hedging, ornamental shrub planting, bulb planting and new tree planting. The consultees have advised that the planting is in accordance with the habitat creation outlined within the Biodiversity Net Gain (BNG) Assessment. Overall, with on-site and off-site habitat creation there would be a BNG. The agent, acting on behalf of the applicant, has confirmed that the applicant owns the adjacent woodland. Therefore, a planning condition is suggested to secure the off-site habitat creation.

13.10 The submitted information advises that a 1.2m high post and rail fence is proposed to the east and south boundaries. The applicant has confirmed that the fence they have proposed is acceptable in terms of security. The consultees have suggested a condition to ensure that the fence is installed without damaging the roots of adjacent trees.

13.11 The consultees have suggested conditions to appropriately mitigate the impacts of this development regarding its impact on trees and protected species, including lighting conditions. It is noted that the TPP differs from the proposed site layout plan in terms of the number of parking bays proposed. The consultee has advised that the 17no. parking bays may result in greater impacts on the retained trees, but it is clear from their comments that the parking could be provided using the construction techniques described in the AIA/AMS.

13.12 Members need to determine whether the development results in significant harm to ecology trees and adjacent woodland. It is officer advice that the development would not result in significant harm.

14.0 Other issues

14.1 Flooding

14.2 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....”

14.3 The Local Lead Flood Authority (LLFA) has been consulted. They have carried out a review of the surface water drainage proposals. The development would provide surface water attenuation within the site for a 1 in 100 year rainfall event plus 40% increase for climate change via the use of permeable paving and underground storage crates. The proposed surface water discharge rate would be restricted to 2.5 litres/second (l/s) and would discharge into the highway drainage system location on Sandy Lane.

14.4 Members need to determine whether the proposed development is acceptable in terms of flood risk and drainage. It is officer advice that it is.

14.5 Ground conditions

14.6 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.

14.7 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.

14.8 LP Policy DM5.18 “Contaminated and Unstable Land” seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

14.9 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.

14.10 The Contaminated Land Officer has been consulted. She has advised that the site is located within close proximity to unknown filled ground and mine workings. It is clear from her comments that conditions can be imposed to deal with ground conditions.

14.11 Archaeology

14.12 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.”

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

14.14 Previous planning applications have confirmed that there are no archaeological constraints affecting this site.

14.15 Aviation

14.16 Newcastle International Airport has raised no objections to the proposed development subject to a condition controlling the landscaping.

14.17 North West Villages Sub Area

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

15.0 Local Financial Considerations

15.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy.

15.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

16.0 Conclusions

16.1 Members should carefully consider 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.

16.2 Specifically, NPPF states that Local Planning Authority'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.

16.3 The site is not designated for a specific use in the LP. Members need to consider whether the principle of the proposal is acceptable and whether it would significantly impact the viability and vitality of existing town centres. It is officer advice that the principle of the proposed development is acceptable, and it will not significantly affect the viability and vitality of existing town centres.

16.4 Members need to consider whether the design and layout of the proposal is acceptable in terms of its impact on existing residential dwellings, its impact on the character and appearance of the Sacred Heart Church Conservation Area and the adjacent Green Belt. It is officer advice that it is acceptable.

16.5 Members need to consider whether this development will result in an unacceptable impact on the residential amenity of existing residential dwellings having regard to the NPPF and Local Plan Policies DM6.1 and DM5.19. Based on the advice from the Manager for Environmental Health this development will not result in a significant adverse impact on the residential amenity of existing residential dwellings. It is officer that it is acceptable subject to imposing the suggested conditions.

16.6 Members need to consider whether this development is acceptable in terms of its impacts on highway safety and whether sufficient parking is provided. It is officer advice that this proposal will provide sufficient parking and will not have an unacceptable impact on highway safety.

16.7 Members need to consider whether this development is acceptable in terms of biodiversity and trees. The development will not significantly impact on the trees or biodiversity. It is officer advice that is acceptable.

16.8 Issues to do with flooding and contaminated land can be dealt with via conditions.

16.9 It is therefore recommended that planning permission should be granted subject to conditions.

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, reports and specifications:

- Location plan Dwg No. 01
- Proposed site layout SB1 Si1 Rev B
- Proposed ground floor SB1 PL1 Rev B
- Proposed elevations SB1 EL1 Rev B
- Drainage Strategy Report Ref JCC21-030-C-03 Rev 02, April 2022

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. No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

4. Notwithstanding Condition 1, the scheme for parking 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 Condition 1, prior to the occupation of the development hereby approved details of the refuse enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and these agreed details. 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 Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). 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. Cabins, storage of plant and materials, parking are to be shown on a plan and not to be located within the Root Protection Area (RPA) of the retained trees as defined by the revised Tree Protection Plan which is to be submitted pursuant to condition 28 and maintained for the duration of the works. Any new kerb edges within the RPA of retained trees are to be constructed using materials and construction methods that minimize excavation depths or other methods to approval.

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.

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

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5

8. Notwithstanding Condition 1, prior to the development hereby being approved being brought into use a noise scheme, to minimise noise impacts from all gym activities and demonstrate that neighbouring premises of Sandy Lane, The Villas, Woodlands Park are affordable suitable mitigation via sound attenuation schemes, shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter, the development shall be carried out in full accordance with these agreed details which shall be installed prior to the development being brought into use and shall be permanently maintained and retained.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the Local Plan (2017).

9. Prior to the installation of any external plant and equipment, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme must demonstrate that the rating level from plant and equipment, as measured one metre from facade of nearest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142:2014. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details and any details pursuant to Condition 10 which shall be permanently retained and maintained.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

10. Within one month of the installation of the plant and equipment acoustic testing shall be undertaken to verify compliance with Condition 9. These details shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the plant.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

11. Notwithstanding Condition 1, prior to the development hereby approved being brought into use details of a ventilation scheme to protect against windows and doors at the site being opened during fitness classes and when fitness equipment is operational within the gym or when background music is being played shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details and shall be permanently maintained and retained.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

12. Doors and windows shall be kept closed at all times when the fitness equipment is operational or if any fitness classes in the gym are taking place, except for access and egress, or in the case of an emergency.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

13. Notwithstanding Condition 1, the outdoor area shall only be used between the hour of 08:00 and 18:00 Mondays to Saturdays. The outdoor area shall not be used on any Sundays or Bank Holidays.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, prior to the development hereby approved being brought into use a noise scheme outlining the outdoor activity management plan and details of a 2m high acoustic barrier to enclose the outdoor area shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development hereby approved shall be carried out in accordance with these agreed details which shall be implemented prior to the development hereby approved being brought into use and shall be permanently maintained and retained.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

15. Deliveries and collections shall be restricted to between the hours of 07:00 and 23:00 Monday - Saturday and no deliveries or collections shall be permitted on Sundays and Bank Holidays.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

16. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

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

17. The development hereby approved shall only be operational between the hours of 07:00 - 21:00 hours Monday to Friday, 07:00 - 17:00 hours Saturdays and 09:00 to 16:00 hours Sundays.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

18. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

High intensity security lights shall be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK" to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

19. Notwithstanding Condition 1, prior to the development hereby approved being brought into use details of any of the following shall be submitted to and approved in writing by the Local Planning Authority:

- the height, position, design and materials of any chimney or extraction vent to be provided;
- any refrigeration plant to be installed in connection with the building;
- air ventilation systems;
- any odour suppression system.

Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be installed prior to the occupation of the development or hereby approved or an agreed timescale and shall be permanently maintained and retained.

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

20. 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.

21. No development shall be commenced until a Desk Study (Phase 1) has been completed and a written sampling strategy (scope of works) for the contamination site investigation is submitted to, and agreed in writing by, the Local Planning Authority before the commencement of site investigation works.

The Desk Study Report should be written in accordance with the current government guidelines including but not exclusive of those including the BS10175 2011 +A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

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

22. Prior to commencement of development a detailed Site Investigation (Phase 2) must be carried out including an interpretative report on potential contamination of the site. This must be prepared by an appropriately qualified person and submitted to and approved in writing by the LPA to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and an assessment whether significant risk is likely to arise to the end users and public

use of land, building (existing or proposed) or the environment, including adjoining land;

- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) an appraisal of remedial options, and proposal of the preferred option(s).

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
- Results of sampling and monitoring carried out in accordance with sampling strategy, and;
- An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation).

The Site Investigation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

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

23. Prior to the commencement of the development a detailed Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The remediation method must include phase 1 and 2 reports in accordance with BS10175 risk assessment pre and post remediation scheme. The method statement must specify remediation for each identified contaminants giving installation or construction methods required to break pathway, or specifying disposal; or in situ treatment as deemed appropriate, the handling and disposal of contaminants to prevent spread of contaminants and the critical control checks required to ensure remediation areas, handling and deposition areas and installation drawings of gas protection scheme must be included.

The design of the remediation strategy should consider the results from the previous two phases of investigation and consider the proposed use/layout of the development.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protections Act 1990 in relation to the intended use of the land after remediation. An options appraisal will only be acceptable upon the inclusion of the recommended preferred option.

The Remediation Method Statement should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land

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

24. Prior to the first occupation of the development hereby permitted, a Remediation Validation report for the site must be submitted to and approved in writing by the Local Planning Authority. A Validation report (sometimes referred to as a Verification report) is used to demonstrate remediation completed in accordance with submitted and approved remediation report.

This report must contain the following:

- A summary of site investigation and remediation works undertaken with accompanying site layout identifying source / treatment areas;
- Confirmation of Required Concentration of Reduction Targets, and/or Cover and Break Screens;
- Post Remediation Interpretative report of Sampling to demonstrate compliance with quantitative goals.
- An explanation / discussion of any anomalous results, or failure to meet agreed target values, alongside additional work proposed and actioned;
- Demonstrate via photographic and documentation evidence of remedial measures;
- Post-remediation contaminated land risk assessment profile;
- Cross sectional diagrams for the site and detailed plans of the site.

The Remediation Validation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

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

25. If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority within 24 hours. Work must be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters. If required remediation of any unexpected contamination or underground storage tanks discovered during the development must take place before development recommences. Thereafter the development shall not be implemented otherwise than in accordance with the scheme approved under the planning consent.

Any additional reports should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for

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

26. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

27. Notwithstanding Condition 1, no development shall commence until a condition survey has been carried out on the highway drain from point of connection through to point of discharge and submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Any issues identified shall be resolved by the application prior to connection from the development.

Reason: This information is required from the outset to ensure that an appropriate drainage connection can be achieved and the development would not increase flood risk having regard to the National Planning Policy Framework (July 2021).

28. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved a revised Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) including a Tree Protection Plan showing the site layout and 17no. parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: This information is required from the outset to ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

29. All works within the Root Protection Area (RPA) of retained trees involving excavation of soil, including the installation of all services, drainage, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the Arboricultural Method Statement which is to be submitted pursuant to condition 28 with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken (Areas of 'Special No Dig Construction'

as defined on the revised TPP). Confirmation of the proposed working method is to be submitted for approval.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

30. 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 and confirmation of levels within the root protection areas not being raised have 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 Policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

31. Notwithstanding Condition 1, prior to the installation of any boundary treatments details indicating the design, materials and position on-site shall be submitted to and approved in writing by the Local Planning Authority. All works where they impact on the RPA's of retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS with a photographic record of works undertaken.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

32. No pruning works to any of the retained trees on site shall be carried out until details have been submitted to and approved in writing by the Local Planning Authority. Any agreed works shall be carried out in full accordance with the agreed details and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

33. Prior to any works commencing on site an arboricultural consultant shall be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the Arboricultural Method Statement (AMS) and shall be submitted to and approved in writing the Local Planning Authority. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

34. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a fully detailed on and off site landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the Biodiversity Metric and BNG Report (E3 Ecology Feb 2022) and shall include details of the extent (sqm) of all new and enhanced habitats within the site and the woodland area off-site, including the proposed timing of all new tree, shrub and wildflower grassland planting and ground preparation noting the species and sizes for all new plant species. All new trees shall be a minimum of 14-16cm girth and planted in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season. The development shall be carried out in accordance with the approved schedule.

Reason: To ensure that local wildlife populations are protected and existing landscape features are retained and enhanced in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

35. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on and off-site landscape mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with approved on and off-site Landscape Plans and the details set out within the submitted BNG Report and Biodiversity Metric (E3 Ecology Feb 2022) and shall be implemented on these sites on completion of the scheme and thereafter for a minimum period of 30 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site and off-site compensation areas for a minimum period of 30 years. The Plan will also include details of regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Reason: To ensure that local wildlife populations are protected and existing landscape features are retained and enhanced in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

36. Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests immediately prior to works commencing.

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

37. All groundworks will follow the Reptile and Amphibian Method Statement set out in Appendix 2 of the E3 Ecology Report (January 2021).

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

38. Felling of any approved trees on the eastern or southern boundary of the site will be undertaken in accordance with the Bat/Tree Method Statement in Appendix J of the E3 Ecology Report (January 2021).

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

39. Two months prior to any works hereby approved commencing on-site a checking survey for any red squirrel dreys or badger setts that may have become established since the original survey shall be undertaken and this survey shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. Thereafter the development hereby approved shall be carried out in accordance with these agreed details.

Reason: To ensure that local wildlife populations are protected and existing landscape features are retained and enhanced in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

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

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

41. Prior to any works commencing onsite a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include appropriate pollution control measures in accordance with the latest Pollution Prevention Guidelines to avoid pollution of the watercourse. The development site will also be fenced to prevent access to or disposal of waste within the adjacent woodland. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: To ensure that local wildlife populations are protected and the existing watercourse is protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

42. Prior to the commencement of any part of the development hereby approved above damp proof course level details of 7no. bird boxes including 2no. sparrow terraces and 5no. bird boxes suitable for a range of species shall be provided on buildings and/or trees within or adjacent to the site. Details of bird box specifications, locations and a timetable for their installation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details and the agreed bird boxes shall be permanently maintained and retained.

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

43. Prior to the commencement of any part of the development hereby approved above damp proof course level details of 2no. Schwegler bat boxes shall be provided on trees within or adjacent to the site. Details of bat box specifications, locations and a timetable for their installation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details and the agreed bird boxes shall be permanently maintained and retained.

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

44. Notwithstanding Condition 1, prior to any works commencing on-site details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- materials of construction for the building (walls roof, doors, windows), including sample materials for brickwork, render and roof tiles,
- hard surfacing materials,
- rainwater goods which shall be in black painted cast iron or aluminium.

Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the conservation area having regard to Policy DM6.6 of the North Tyneside Local Plan 2017.

45. Prior to their installation as part of the works hereby approved, detailed drawings of the rooflights, which should be flush with the roof slope, together with a description or specification of the materials and colour/finish, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the conservation area having regard to Policy DM6.6 of the North Tyneside Local Plan 2017.

46. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the development hereby approved shall be used only for the purpose of E (d) 'gym' and for no other purpose including any other purpose within Use Class E or any other use in the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to retain control over the use, to protect the character and appearance of the conservation area, to protect town centres (if required), ensure appropriate parking provision is provided and to protect the residential amenity of neighbouring properties from undue noise and disturbance having regard to Policies DM6.1, DM6.6 and DM5.19 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)

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

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

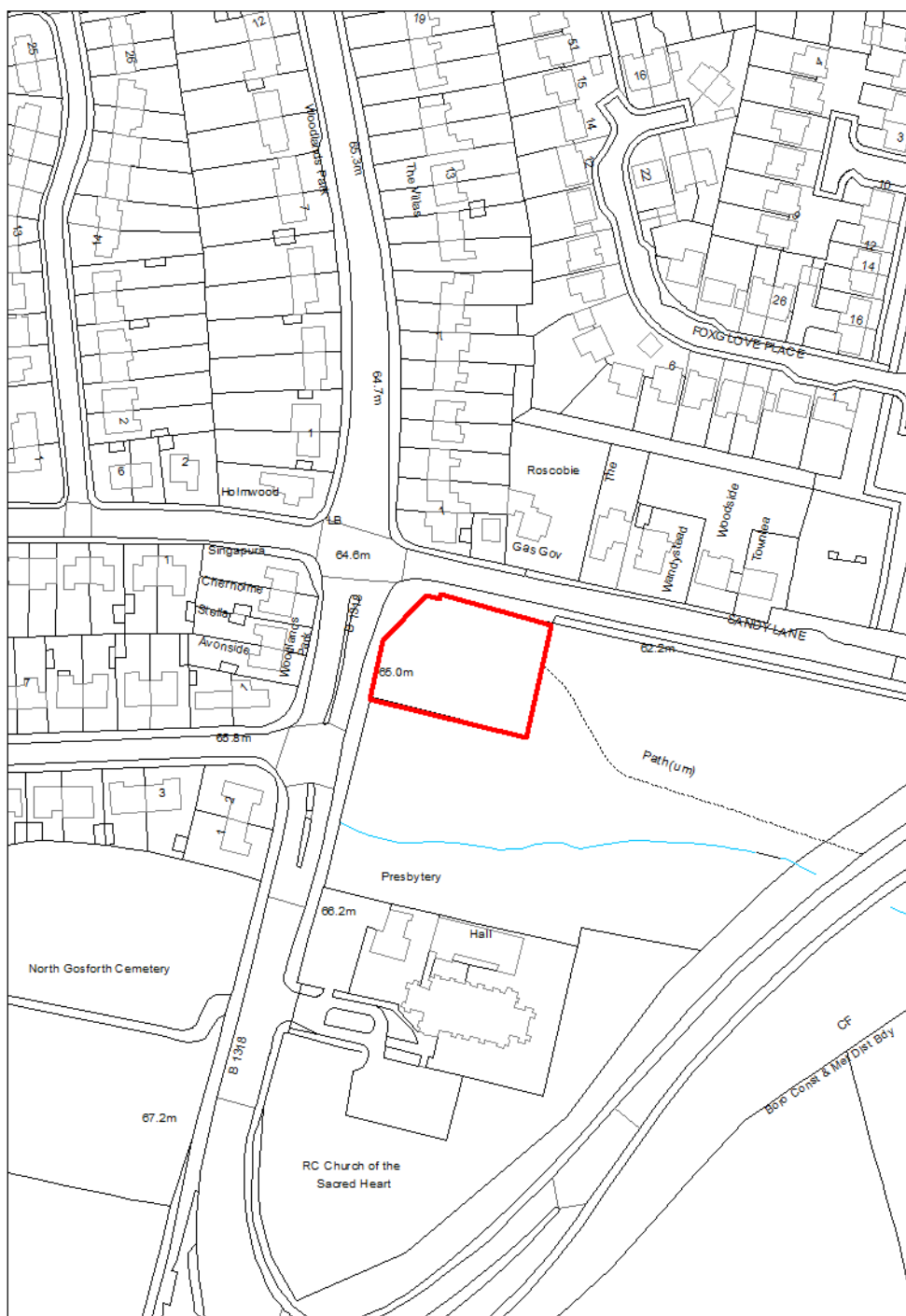
The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way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

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

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)



Application reference: 21/01774/FUL

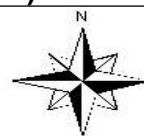
Location: Land Rear Of Former School Cottages, Sandy Lane, North Gosforth, NEWCASTLE UPON TYNE

Proposal: Erection of gym with associated parking (Re-submission)

Not to scale

Date: 02.03.2023

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Consultations/representations

1.0 Ward Councillors

1.1 Councillor Michelle Fox

1.2 As you're aware this area is a conservation area and in the heart of residential dwellings as well as a nearby church. I have had contact from residents who have made it clear to me as their councillor that they object to the plans, not only for the above reasons I've mentioned but because of the adverse impact locally on wildlife, traffic congestion, concerns about the height of the design and how having a commercial business opposite their homes will impact their quality of life.

1.3 I also share concerns about the above and about the design proposed, which in my view would not integrate well with the local setting and is much higher than it needs to be to accommodate a single level.

1.4 Also, as residents have mentioned to me, there are nearby industrial estates which might be a more suitable location, has this been explored in earnest by the builder, as opposed to locating it in a residential area?

2.0 Internal Consultees

2.1 Planning Policy

2.2 The site is a former school house and cottages that have been demolished and cleared, leaving a vacant brownfield site. The applicant seeks to develop a gym on the site, which is within Sacred Heart Conservation Area and subject to an Article 4 (2) Direction (2007).

2.3 The application refers to a gym as a D2 use class but following the amendments to the Planning Use Classes Order (1987) in September 2020, the development should be regarded as an E use class. The E use class covers many different types of development and gyms are E use class part (d), covering indoor sport, recreation or fitness.

2.4 A gym is defined a main town centre use in the National Planning Policy Framework (NPPF) and the comments in this policy consultation response refer only to the impact of the proposal on town centres and does not consider the design or conservation area impacts of the scheme.

2.5 Due to the development being a town centre use, in an out of centre location, the Local Planning Authority (LPA) is expected to consider if there are any sequential preferable sites within relevant designated centres that are suitable, available and viable. Both the applicant and the local authority are expected to demonstrate flexibility on issues such as format and scale so that opportunities to consider alternative sites are fully explored. The search for sites therefore has to acknowledge the business needs of the applicant within the sequential assessment.

2.6 The applicant has provided a sequential assessment that has considered potential options within relevant centres based on the catchment area of the proposal and extended the search area to include Longbenton Local Centre, which is outside of the primary catchment area. This approach is welcomed and displays a flexibility in their approach to the sequential assessment. Both in centre and edge of centres locations have been considered but no sites were found to be suitable, available, or viable. Therefore, the application has met the requirements of the NPPF and Policy DM3.4 of the Local Plan (2017).

2.7 The proposed gym is 405 sqm (gross) and therefore below the national requirement (2,500 sqm) to consider the impact of the proposal on neighbouring town centres and below the local threshold (1,000 sqm), which only applies to retail floorspace. The authority would therefore not consider it to be a scheme that would have a significant detrimental impact to the designated centres within the catchment of the proposal.

2.8 However, the application is less than 500 sqm (gross), which the Local Plan (2017) sets as a threshold when seeking to support small scale out of centre facilities serving local retail or leisure needs (Policy DM3.6). The proposal is within convenient and safe walking distance of surrounding communities and could contribute towards social inclusion and sustainable development by providing a facility for people to spend time together and improve their health and wellbeing.

2.9 Conclusion:

2.10 The proposed development would support sustainable development in the Borough on a brownfield site. The proposed development would be in accordance with Policy DM3.4 and DM3.6 of the Local Plan (2017).

2.11 Highways Network Manager

2.12 The site is accessed via the old Sandy Lane, parking and cycle parking will be provided in accordance with current standards, refuse will be stored on site and conditional approval is recommended.

2.13 Recommendation - Conditional Approval

2.14 Conditions:

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, the scheme for parking 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 undercover cycle storage shall be laid out in accordance with the approved plans. This cycle storage 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 shall be laid out in accordance with the approved plans and prior to the occupation. These storage areas shall not be used for any other purpose and retained thereafter.

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

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

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

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

Reason: This information is required predevelopment 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.

2.15 Informatives:

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

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

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

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

2.16 Manager for Environmental Health (Pollution)

2.17 I would have concerns about potential noise arising from this development affecting neighbouring properties on Sandy Lane and The Villas to the north of the site and Woodlands Park to the west.

2.18 Impact noise will occur from activities taking place in the gym. No information has been provided on what activities will occur whether the gym will utilise use of weights, exercise equipment and provide dance/exercise classes that will incorporate the use of amplified music. No information is provided on the proposed operating hours for the gym and a noise scheme will be required to ensure the building will adequately mitigate noise arising from these activities.

2.19 I would also be concerned if doors and windows are to be opened to provide ventilation to the gym, a condition will be necessary to require no music or use of the fitness machines or equipment are to be permitted at the premises whilst doors and windows are open.

2.20 It is noted that outdoor areas are to be provided to the rear of the site for exercising. No specific times are provided for the outdoor areas or the type of activities taking place within the outdoor area. No information on the proposed number of people outside at anyone time have been provided and this information should be provided as part of a noise mitigation scheme. As a minimum 2m high double boarded fencing around the area will be to be provided and a condition attached to require details on the location of the fencing and details on its design.

2.21 It is unclear whether any kitchen facilities are to be provided at the site, if external plant and equipment was to be installed a noise scheme would be required to ensure noise arising from the new plant and equipment did not give rise to potential noise nuisance to neighbouring residential properties. Conditions are therefore recommended to require details on what extraction, ventilation and refrigeration is to be installed at the site.

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

NOI03 Prior to operation a noise scheme must be submitted to the Local Planning Authority for approval that must be implemented and thereafter retained to minimise noise impacts from the gym activities at the site to ensure neighbouring premises of Sandy Lane, The Villas and Woodlands Park are afforded suitable mitigation via sound attenuation schemes.

External plant only

A noise scheme must be submitted to the planning authority for written approval and implemented prior to development to ensure the rating level from plant and equipment, as measured one metre from façade of nearest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142 :2014.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

Reason: To protect the amenity of residential premises against noise.

Ventilation

An appropriate ventilation scheme must be provided prior to occupation and thereafter maintained to protect against windows and doors at the site being opened during fitness classes and when fitness equipment is operational within the gym or when background music is being played.

Doors and windows to be kept closed at all times when the fitness equipment is operational or if any fitness classes in the gym are taking place, except for access and egress, or in the case of an emergency.

Outdoor play areas permitted for use between 08:00 hours and 18:00 hours Monday to Saturdays, no use of the outdoor areas on Sundays and Bank Holidays.

Submit for approval prior to implementation and use a noise scheme outlining the outdoor play activity management plan and details of a 2m high acoustic barrier to be fitted about any outdoor play areas.

Deliveries and collections shall be restricted to between 07:00 hrs and 23:00 hrs Monday - Saturday and no deliveries or collections shall be permitted on Sundays and Bank Holidays.

NOI02

HOU03: 07:00 -21:00 hours Monday - Friday, 07:00-17:00 hours Saturdays and 09:00-16:00 hours Sundays

LIG01 for any new external lighting provided.

EPL01(Flue to 1 m above roof ridge as indicated on layout plan)

EPL02

EPL03

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

REF01

REF02

HOU04

SIT03

2.23 Manager for Environmental Health (Contaminated Land)

2.24 The site is located within close proximity to unknown filled ground and mine workings.

2.25 Due to the proposed sensitive end use and the potential for ground gas I recommend that the following conditions be applied:

Con 003

Con 004

Con 005

Con 006

Con 007

Con 007

Gas 006

2.26 Lead Local Flood Authority (LLFA)

2.27 I have carried out a review of the surface water drainage proposals for planning application 21/01774/FUL, I can confirm in principle that I have no objections to the proposals as the development will be providing surface water attenuation within the site for a 1in100yr rainfall event + 40% increase for climate change via the use of permeable paving and underground storage crates. The proposed surface water discharge rate will be restricted to 2.5l/s and will discharge into the highway drainage system located on Sandy Lane.

2.28 I would recommend that a condition is placed on this application requiring a condition survey is carried out on the highway drain from point of connection through to point of discharge. Condition survey to be provided to LLFA and any issues identified to be resolved by applicant prior to connection from development.

2.29 Landscape and Ecology

2.30 The proposed application site is located on the junction of Sandy Lane and the B1318, between Wideopen and Gosforth and is approximately 0.18 hectares in size and is currently vacant. The site is within a central location in North Gosforth close to the main road network of the immediate and wider area. The site is bounded by residential development to the north and west, with the B1318 trunk road delineating its western boundary and the original course of Sandy Lane to the north. A free-standing boundary stone wall with ornamental capstones and pier, contains part of the west site boundary of the proposed development area. This wall structure continues to run the length of the western boundary of the woodland, south to the B1318 and the junction with Sandy Lane. The topography of the site is generally flat and consists of semi-improved grassland and scrub with a number of large mature trees and shrubs close to the proposed south and eastern boundary. The collective trees and tree groups skirting the proposed development form part of a larger woodland area, which is associated with the Sacred Heart RC Church, affording protection both by a Tree Preservation Order (A1) and by its location within the Sacred Heart Conservation Area. The trees within the survey site are a mix of Ash, sycamore, Lime, beech and oak, with sycamore being present in the greatest numbers.

2.31 The following Local Plan policies apply to this application:

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM 5.9 Trees, woodland and hedgerows

Policy S5.1 Strategic Green Infrastructure

DM5.2 Protection of Green Infrastructure

2.32 The land surrounding the application site is valuable habitat for wildlife and biodiversity. The trees are the most important feature on this site and provide the site with some amenity and screening. Their retention along with the planting of new trees will contribute to the setting of the development and should be an integral part of any new development. Maintaining the existing trees on site will enhance visual and residential amenity, provide biodiversity and environmental benefits and strengthen linkages between adjacent greenspaces and wildlife areas. The presence of the mature trees in the landscape have significant amenity value, and consequently of major importance to the character of the conservation area. Any tree removal either as a result of the development or long-term tree removal, will be harmful to the character of the area.

2.33 The proposed development is for a gym/nursery with proposed parking for 16 vehicles and associated landscaping. Concerns have been raised in previous responses (7 September 2021, 30 March 2022 and 17 June 2022) regarding the impacts on trees from the proposed drainage and insufficient landscaping to achieve a biodiversity net gain. Additional information has been provided by the

applicant in response to the issues raised with regard to the Biodiversity Net Gain Assessment, sequential assessment, and proposed landscape layout (Drawing 19-14 SB 1 Si2 (13/12/21). Previous comments in March 2022 address these issues.

2.34 In response to the request for outstanding information, the following has been submitted. Revised AIA/AMS (dated January 2023) to include the impacts of the proposed drainage on the retained trees.

2.35 Arboricultural Impact Assessment and Method Statement (AIA and AMS) V4. Following discussions with the applicant, a revised Arboricultural Impact Assessment, Method Statement and Tree Protection plan, (Woodsman Arboricultural Consultancy V4, January 2023) has been submitted in accordance with the best practice guidelines set out in BS 5837 (2012) Trees in Relation to Construction Sites: Recommendations.

2.36 There are eighteen significant individual trees and one tree group within influence of the site many of which are protected by a TPO (A1). The site is also located within the Sacred Heart Conservation Area.

2.37 The proposed development will not require the removal of any trees. However, some groundworks including excavation and resurfacing are scheduled near retained trees and within Root Protection Areas (RPAs). These works must employ special construction techniques to minimise disturbance to tree roots which have been detailed in the report. An Arboricultural Method Statement (AMS) is incorporated into the document (section 6) which provides details of the protective measures and construction techniques that are required.

2.38 The special construction techniques apply to three high retention value trees (T1, T2 and T13). These works must employ special construction techniques to minimise disturbance to tree roots. The construction of the car park against the eastern boundary appears to be outside the RPA's of the retained trees and damage should be minimal as long as the tree protective fencing and associated works are undertaken in accordance with the method statement.

2.39 The tree protection plan differs from the site layout plan in that 14no car parking spaces are shown on the TPP and 17no car parking spaces are shown on the layout plan. As 17no car parking spaces are required, the AIA and TPP are incorrect and there is likely to be greater impacts on the retained trees. However, it is likely that the additional car parking could be accommodated using the construction techniques that are described in the AIA/AMS but updated plans showing this will be required. This information can be conditioned.

2.40 The site plan (TPP) also shows two T15 trees which is confusing, although it is confirmed in the AIA report that no trees are to be removed. A condition will be applied to ensure that no protected trees are removed.

2.41 Drainage Strategy

2.42 The revised AIA/AMS includes a plan that now corresponds with the landscape plan and drainage strategy REV C (2nd April 2022). The Arboricultural method statement includes details for the installation of drainage in relation to the

protected trees, in particular, the installation of a new manhole (SW IC1) within the RPA of T1 (A) Oak.

2.43 Landscape strategy

2.44 A Landscape Plan (Drawing 19-14 SB 1 Si2 (13/12/21) has been submitted that includes a mixed native hedge to the western boundary of the site and a 'wildlife hedgerow' to the eastern boundary of the site. This is supported by woodland meadow mixes, hedging, ornamental shrub planting, bulb planting and new tree planting. The planting is in accordance with the habitat creation outlined within the Biodiversity Net Gain (BNG) Assessment report and in combination with the off-site enhancements proposed to 0.1ha of broadleaf woodland adjacent to the site (location indicated within the BNG Report).

2.45 Biodiversity Net Gain

2.46 The site consists of approximately 0.18ha of habitat including modified grassland, ruderal/ephemeral habitat and broadleaf woodland. The woodland will be retained but the other habitats will be lost as part of the development. Post intervention habitat creation on the site will include the creation of modified and neutral grassland, introduced shrub and urban trees which will result in an overall net loss of habitat of 13%. However, off-site enhancement of 0.1ha of broadleaf woodland adjacent to the site from moderate condition to 'fairly good' condition will increase habitat units resulting in an overall net gain of 22% from both on-site and off-site habitat creation and enhancement. In addition, 90m of new native hedgerow and native species rich hedgerow will be created within the site, resulting in 100% net gain in hedgerow units.

2.47 Boundary treatment

2.48 Boundary treatments had been detailed on the landscape plan with a 1.2m high post and rail fence proposed to the southern and eastern boundary of the site. This type of fence is acceptable to the applicant in terms of security and a condition will be applied to ensure that the fence is installed without damaging the roots of adjacent trees.

2.49 Suggested conditions:

All trees on the site and adjacent to the site are to be retained (including T15). No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants of similar size and species. Any retained trees within the application site that die within five years from the completion of the development hereby permitted shall be replaced with a semi mature standard (18-20cm girth) unless the Local Planning Authority gives written consent to any variation.

Prior to the commencement of any site clearance works, a revised Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) including a Tree Protection Plan is to be submitted for approval to show the layout of the

17no car parking spaces. Thereafter the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees').

Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection is to be installed in accordance with a revised AMS and TPP. The tree protection fence is to be of a type and height as described in the revised AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence.

All works within the RPA of retained trees involving excavation of soil, including the installation of all services, drainage, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken (Areas of 'Special No Dig Construction' as defined on the revised TPP). Confirmation of the proposed working method is to be submitted for approval.

No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority.

A plan indicating the positions, design, materials and type of any new or altered boundary treatments shall be submitted to and approved by the Local Planning Authority within one month of work starting on site. All works where they impact on the RPA's of retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS with a photographic record of works undertaken.

Any pruning works on protected trees shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are to be shown on a plan and not to be located within the RPA of the retained trees as defined by the revised Tree Protection Plan and maintained for

the duration of the works. Any new kerb edges within the RPA of retained trees are to be constructed using materials and construction methods that minimize excavation depths or other methods to approval.

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the AMS. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed on and off-site landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the Biodiversity Metric and BNG Report (E3 Ecology Feb 2022) and shall include details of the extent (sqm) of all new and enhanced habitats within the site and the woodland area off-site, including the proposed timing of all new tree, shrub and wildflower grassland planting and ground preparation noting the species and sizes for all new plant species. All new trees shall be a minimum of 14-16cm girth and planted in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season. The development shall be carried out in accordance with the approved schedule.

Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on and off-site landscape mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with approved on and off-site Landscape Plans and the details set out within the submitted BNG Report and Biodiversity Metric (E3 Ecology Feb 2022) and shall be implemented on these sites on completion of the scheme and thereafter for a minimum period of 30 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site and off-site compensation areas for a minimum period of 30 years. The Plan will also include details of regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Prior to installation of any floodlighting or other form of external lighting, a lighting scheme, that must be designed to minimise light spill (less than 2 lux) to wildlife habitats within the site or adjacent to the site, shall be submitted to and approved

in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
 - a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
 - details of the number, location and height of the proposed lighting columns or other fixtures;
 - the type, number, mounting height and alignment of the luminaires;
 - the beam angles and upward waste light ratio for each light;
 - an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone;
 - where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points; and
- all street lighting associated with the development should be fully shielded so as to prevent direct lighting up into the atmosphere and avoid potential distraction to pilots flying overhead.

High intensity security lights shall be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "*Bats & Artificial Lighting in the UK*" to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas.

The lighting shall be installed and maintained in accordance with the approved scheme.

Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests immediately prior to works commencing.

All groundworks will follow the Reptile and Amphibian Method Statement set out in Appendix 2 of the E3 Ecology Report (January 2021).

Felling of any approved trees on the eastern or southern boundary of the site will be undertaken in accordance with the Bat/Tree Method Statement in Appendix J of the E3 Ecology Report (January 2021).

A checking survey for any red squirrel dreys or badger setts that may have become established since the original survey will be undertaken within two months prior to commencement of works. Details to be submitted to the Local Authority for approval prior to development commencing.

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

A Construction Environmental Management Plan (CEMP) will be submitted to the LPA for approval prior to development commencing on site. The CEMP shall include appropriate pollution control measures in accordance with the latest Pollution Prevention Guidelines to avoid pollution of the watercourse. The development site will also be fenced to prevent access to or disposal of waste within the adjacent woodland.

7no. bird boxes including 2no. sparrow terraces and 5no. bird boxes suitable for a range of species will be provided on buildings and/or trees within or adjacent to the site. Details of bird box specifications and locations shall be submitted to the Local Authority for approval in writing prior to development commencing and will be installed in accordance with the approved plans on completion of works and permanently retained.

2no. Schwegler bat boxes will be provided on trees within or adjacent to the site. Details of bat box specification and locations shall be submitted to the Local Authority for approval in writing, prior to development commencing and will be installed in accordance with the approved plans on completion of works and permanently retained.

2.50 Heritage and Design

2.51 The application site lies within the Sacred Heart conservation area, near to the grade II listed Sacred Heart church. The conservation area is relatively small and has an undeveloped character, its only buildings being the Church, Parish Hall and Presbytery. The application site is situated in a prominent position at the junction of Sandy Lane and the B1318 and faces on to residential properties. To the rear of the site is an area of dense woodland.

2.52 The proposed application is for the erection of a gym, designed with a contemporary architectural approach. Contemporary architecture has the potential to sit successfully alongside historic buildings and enhance existing areas. However, it is important that architecture maintains a relationship to its surroundings through the scale and form and use of materials. In this case, the form and mass of the proposed design is considered to be appropriate. There is a mixture of building forms and styles around the site, and they are all unified by pitch roofs which create a visual link between buildings. The proposed application continues this visual link.

2.53 The trees make a significant contribution to the character of the conservation area, and the application outlines that the woodland background is a key driver for the design. The proposal for three linked buildings has the effect of reducing the massing footprint. The pitched roofs use a low eaves height which allows views of the tree canopy to the rear of the site.

2.54 The proposed materials include grey bricks, natural clay terracotta tiles and some elements of white render. While there is a variety of materials in the immediate area, the grey bricks do not relate to the surrounding context and are

inappropriate. While there is potential to use high quality contemporary materials on the site, they should reflect the colours and tones of existing materials in the local area. A red or buff brick would be more appropriate. The small elements of render and terracotta tiles are acceptable. All rooflights should be conservation style with a flush recessed fitting/flashing. Rain waters and windows should be metal. These elements can be conditioned.

2.55 A parking area is proposed to accommodate 16 vehicles and this area would result in some visual impact. Grass blocks are proposed to be used on some bays in order to minimise the visual appearance of the car park when vehicles are not parked on it. This will be essential in order for the parking area to sit comfortably within the conservation area and the use of green materials for some bays should be extended further. Surface materials should be conditioned.

2.56 Refuse bins are located behind the existing wall. These should be screen by an appropriately designed enclosure. This should be conditioned.

2.57 Overall, the position of the building has been well considered to reflect the existing woodland and the design responds to its surrounding built context. The brick colour is unacceptable although this could be conditioned. The following conditions are recommended:

Boundary walls and fences

Materials of construction

Sample of materials

Hard surfacing

Windows and doors

Rainwater goods

Refuse storage

2.58 Case officer note: It is noted that the Planning Policy comments make reference to a floor area of 405sqm. This has been queried with the agent, acting on behalf of the applicant, and they have confirmed that the floor area is 417sqm. This has been raised with Planning Policy who have verbally confirmed that it is not necessary to submit a revised Sequential Assessment as the floor area would still not exceed the thresholds referred to in their comments or affect the conclusions of this assessment.

2.59 It is noted that the Heritage and Design comments refer to 16no. parking spaces. To confirm 17no. parking spaces are being proposed and these spaces are shown on the proposed site plan and landscape plan.

3.0 Representations

3.1 30 objections have been received. These objections are set summarised below:

- Adverse effect on wildlife
- Affect character of conservation area
- Affect setting of listed building
- Affect Site of Spec. Scientific Interest
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision

- Inappropriate design
- Inappropriate in special landscape area
- Inappropriate materials
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- None compliance with approved policy
- Not in accordance with development plan
- Nuisance: disturbance, dust/dirt, fumes, noise
- Out of keeping with surroundings
- Pollution of watercourse
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- Will result in visual intrusion
- Within greenbelt/no special circumstance

This proposal is within the Sacred Heart Church Conservation area and is adjacent to the Sacred Heart Church built in 1835 and is a Grade II listed building.

The Sacred Heart Church Conservation Area Character Appraisal produced by North Tyneside Council (<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/sacred%20heart%20CA%20CA.pdf>) states "any proposed development will be subject to intense scrutiny and extremely careful consideration to ensure that it is deemed suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area."

A commercial development such as a gym will have a detrimental effect on the Conservation Area. There is no justification to bring commercial uses within this quiet residential area with family housing and would be very out of place and character. A new gym had recently opened within Woodlands Park and there are other gyms at Hazelrigg and at Gosforth Park.

The gym is of a substantial scale and hence it is a significant over development, far greater than the footprint of the Old School House residence that was on the site for over 140 years until it was burnt down under the management of the current owner. North Tyneside Council insisted any development would not exceed the original footprint of the Old School House and to preserve the character and appearance of this conservation area.

I also note the perpetual scattergun approach to (re)submissions of plans for unsuitable and overdeveloped buildings by the owner (including gyms, nurseries and oversized housing) over the years, as well as the cynical timing, during the summer holidays, when many residents are away and unable to comment within the short timeframe allowed.

I appeal to the planners to refuse both this planning application and the second one running concurrently for housing with 20 bedrooms (21/01569/FUL).

A commercial business in a quiet residential street with high quality dwellings is completely out of character and totally inappropriate. Furthermore, there are already a number of gyms in walking distance of the proposed site: The Grand Hotel, Gosforth Park, Gosforth Park Axis, Hazlerigg, Lake Side Killingworth, Holiday Inn Seaton Burn, David Lloyd in South Gosforth, Qfit in Dudley, Nuffield Health plus a new gym has opened on Woodlands Park. Another Gym in this locality is not needed and would severely impact these existing businesses.

There is insufficient parking in the proposed plan, which will result in overspill parking on Sandy Lane.

Opening hours of a gymnasium will lead to unsatisfactory noise levels from early morning to late at night for the residents in close proximity to the proposed site.

The building design and proposed materials for construction are inappropriate with the character of existing residential dwellings on Sandy Lane and The Villas. The wildlife in the woodland area adjacent to the proposed gymnasium will be affected by noise and incremental increase of personnel, some of which are protected species i.e. bats, in addition there are owls and woodpeckers - The Wildlife & Countryside Act 1981 provides protection for owls and most other wild bird species in England.

There is already land set aside for commercial use within less than a mile (Indigo Park).

There has been massive development of new housing locally, (Five Mile Park, North Gosforth Park, Havannah Park) which has overloaded the local infrastructure, adding commercial levels of traffic will have unbearable further impact on local residents.

The area is a conservation area, and the wildlife should not be subject to the intrusion of large-scale development.

Sacred Heart Church would not appreciate the noise while conducting a funeral or wedding service as this would undoubtedly happen. What would be the opening hours? Not nine to five. Is this not a little unfair on the residents who would have cars arriving and leaving at all hours. Light pollution would also be a problem for wildlife.

Noise Pollution from such a development from the Gym and Nursery with music playing for the various classes from early morning until late at night.

Air Pollution from the increase in cars and cars parking everyday with walkers and dog walkers going off around the Weetslade Country Park and Gosforth Park. Also, the footfall on the lane has increased considerably, not to mention the pollution from the cars attending the gym adding to the considerable increase since the Five Mile Park was built and all the other developments in the area with adults, school children and older people out taking a daily walk or going off to work or school which raises the question of road safety.

The plans submitted seem to overstep the footprint of the Old School House and would be an encroachment on the woodland which now has an even more diverse number of wildlife and bird population needing protection.

Any development should be in keeping with the Old School House – details of which are recorded in the History of the Old School House and Cottage in the Tyne and Wear Historic Environment Records. The core text states: Rare survival in this area of Victorian Gothic Revival dates to circa 1865. 'Revival' in this area is not blessed with many historic buildings which puts extra value on the few that remain. The loss of the Old School House was therefore a very serious local loss to North Gosforth, Wideopen and the surrounding area. Some appropriate dwelling for this historic site should be considered and definitely not a gym.

Strongly object to any trees being felled for this application as the wood has a conservation order and is an important part of the wildlife corridor. It is and has become home for a century or more to nature and many varieties of wildlife and deer.

This wood is an oasis for the local residents to filter the noise and pollution from the ever-increasing traffic on Sandy Lane and the main road into Wideopen. The traffic on the road at the top of the Sandy Lane cul-de-sac is now three fold since the Five Mile Park was built and will only get worse when the homes on the new sites in Hazelrigg are completed. Also, access to and from the Sandy Lane cul de sac. should be considered in the light of the many new developments in the area and, of course, the additional cars associated with the proposed development.

This application had previously been submitted and refused so unsure why the council would consider granting permission to a previously refused application.

The building design is not in keeping with surrounding buildings.

There are plenty other redundant commercial sites locally that could be used for a gym or other commercial use.

The site is within a Conservation Area. There is an adopted Conservation Area Appraisal and that appraisal states that it is an area of special architectural and historic interest. In Conservation Areas there are some extra planning controls to protect the historic and architectural elements which make the place special. Any development in a Conservation Area will be subject to intense scrutiny to ensure it is deemed suitable for this sensitive site. The proposal needs to accord with requirements of section 16 of the National Planning Policy Framework. The Old School House was a much-loved attractive building. It was a fine example of an early English gothic styled building which sat comfortably alongside the Grade Two listed church. To replace the Old School House with modern buildings consisting of a gym would be an absolute disgrace and make a mockery of a Conservation Area and this particular unique and sensitive site. The applicant has failed to provide any detail to identify how the proposal takes account of and responds to the Conservation Area in terms of design, scale, mass and materials.

After the fire and subsequent demolition of the Old School House, North Tyneside Council representatives stated that any proposal for the site should be within the footprint of the Old School House. They advised that any development to be located outside the footprint should be no greater in terms of scale, height and massing. The footprint of the Old School House was 256 sqm. The footprint of the gym 530 sqm. An increase of 107% plus recreational spaces and parking for 13 cars. There appears to be no appreciation of the architectural style and design characteristics of the building that was lost to fire. The applicant has failed to respond to the residential characteristics of the surrounding residential developments. There is clear conflict with the requirements of paragraph 189 of the National Planning Policy Framework and Policy DM6.6 of the North Tyneside Local Plan. The owner has failed to provide any justification to bring commercial uses within a residential area. He has failed to provide any impact assessment to justify this and has failed to consider any alternative sites either within agreed town/district/local centres or edge of centre sites. There does not appear to have been a sequential test conducted for this application just the old test for the submission of the Gym/Nursery. The applicant has failed to provide any justification on highway grounds to justify the introduction of these uses into a residential area. Highway Engineers have stated that there should be more parking spaces for this size of gym and that the development would cause havoc to residents and highway safety. The Highway Engineers have already stated that this application be refused. Driving in and out of Sandy Lane is very difficult at peak times due to traffic waiting at the newly installed traffic lights nearby. The applicant has failed to provide any justification for the scheme which will prove that the proposal does not adversely impact upon the amenity of adjacent residents (Policy DM3.6). This application should be refused as there is clear conflict with the provision of the National Planning Policy Framework and the adopted NTC Local Plan. Can I make a request for speaking rights.

This proposal is within the Sacred Heart Church Conservation area and is adjacent to the Sacred Heart Church built in 1835 and is a Grade II listed building.

The trees within the proposed site have a preservation order, and the footprint of the proposal will have an impact on tree roots and damage to the existing trees is inevitable during the construction phase.

There is also protected wildlife in the woods, bats, woodpeckers and deer.

The gym would be much greater in terms of design, scale, mass and materials of the Old School House and the Council stated that this should not be allowed to happen.

The gym would not fit into the Conservation Area alongside the Grade 2 Listed Church.

The Planning history for this site is extremely long since the owner purchased this site in 2006. Meanwhile the residents of Sandy Lane, The Villas and Woodlands Park those residents who overlook onto the site have had all this to contend with for the past 16 years. All these residents take pride in the surrounding area and this proposal would have a detrimental visual effect on the

Conservation Area and area as a whole. The proposal to erect a gym on this site should be rejected and I urge the Council Planners to do this.

The inappropriate modern style, excessive footprint, height and materials are definitely not in keeping nor suited with the surrounding conservation area and is entirely out of keeping with existing homes of the 1920/1930's period. This proposed development will not enhance the existing character of this conservation area at all. It would in fact be an absolute carbuncle and a visible intrusion from all angles and is clearly an over development.

There are trees which are currently protected by a Tree Preservation Order The developer clearly has total disregard in respect of TPO's as there is clear evidence that trees with TPO's have already been illegally removed.

The Sacred Heart Church lies within the conservation area providing a sanctuary for silence and solitude essential for prayer, reflection and the delivery of Mass. The intrusion of unsociable noise pollution resulting from this commercial development would be detrimental to both the church and its parishioners.

I have great concerns regarding opening times, excessive noise from amplified music from exercise/dance classes, additional public nuisance noise, further highway congestion, road and pedestrian safety and the environmental impact on such a development.

The first proposal for the same building began in 2020. This proposal was for a Gym/Nursery and residents were asked for their opinion. Additional information was added in Feb 2021 and further information was added in April 2021 and each time residents were asked for their opinions. In May 2021 the application was finally withdrawn. In August 2021 a new proposal was for a gym only using the same building that was proposed for the Gym/Nursery. Again, residents were asked for their opinion. In Feb 2022 additional information was added and once again residents were asked to respond.

3.2 Support

3.3 One representation supporting the application has been received. This is set out below:

This is a much better idea than building more housing on a somewhat small plot of land and will actually add something to the local area that it doesn't already have.

4.0 External Consultees

4.1 Newcastle Airport International Limited (NIAL)

4.2 The Airport raises no objection to the proposal subject to the proposed planting mix of the landscape being limited to no more than 10% berry bearing species.

4.3 The Northumberland and Newcastle Society

4.4 We understand this site has become vacant due to the destruction and demolition of the former school buildings which were a key element in the designation of the Sacred Heart Conservation Area.

4.5 The Sacred Heart Conservation Area Character Appraisal states at para.6.1, page 19:- “the potential redevelopment of this site is a challenge for this conservation area”; and at para 5.5, p18:-“Any proposed redevelopment will be subject to intense scrutiny and extremely careful consideration to ensure it is deemed suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area.”

4.6 The Design and Heritage Statement prepared by CEAD Architects to accompany application 20/01260/FUL refers on page 10 to an application 17/01543/FUL which was refused on appeal. This was for eight holiday lets in an L shaped block. The negative points of the plans were highlighted in the refusal as being the location of the hardstanding built into the trees, the visual relationship to the trees and the failure to use the corner to its full potential. Photo 1 on page 8 of the document shows how visually important what happens on the corner will be. These points were stated to have been adopted on page 11 of the Statement (Concept). The submitted scheme however was for four detached houses, which overcame the objection to the positioning of the area of hardstanding while ignoring in particular the last point concerning the corner treatment. After a negative response to the designs and materials but not to the concept of four detached houses this application was withdrawn, resulting in the current re-submission 21/01569/FUL. This redesigns the house types but does not address the previous requirement concerning the potential for the corner treatment. If it was considered to be of importance then, what has changed so that it is no longer considered a valid design element in the conservation area.

4.7 The N&N considers the designs of both applications are fair examples of modern design with similarities in the use of steep pitched roofs, the breaking down of the massing and the angled orientation towards Sandy Lane. Neither is considered to address the challenges of this sensitive site, which were acknowledged in the Council’s documentation. The designs of the houses are repetitive and perhaps too many to achieve an appropriate treatment of the site. Both applications ignore the previously acknowledged importance of the corner site and the elevation to the B.1318 road. The N&N considers it preferable for houses to be built on the site and would seek an amendment for an individual house at the corner would be more likely to address the issue satisfactorily. We do not support construction of a gymnasium but if this option were to be approved further consideration should be given to the orientation of the building and the location of the car parking.

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Application No: 21/01513/FUL Author: Maxine Ingram
Date valid: 30 June 2021 ☎: 0191 643 6322
Target decision date: 29 September 2021 Ward: Valley

Application type: full planning application

**Location: Land South of Boundary Mills, Park Lane, Shiremoor,
NEWCASTLE UPON TYNE**

**Proposal: Erection of a new discount foodstore (Use Class E) with access,
car parking and landscaping and other associated works (Amended plans
received 28.06.2022)**

Applicant: Lidl Great Britain Limited

Agent: Rapleys LLP

RECOMMENDATION:

It is recommended that:

- a) the Committee indicates that it is minded to grant the application; and
- b) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:
 - i) the conditions set out in the planning officers report and addendum;
 - ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and
 - iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:
 - A £10,000 Travel Plan Bond is required. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.
 - A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).
 - A £25,580 farmland bird mitigation contribution is required towards implementing a scheme at the Rising Sun Country Park or alternative site.

-A £13,476 employment and training contribution is required to deliver employability interventions to upskill local residents to take advantage of apprenticeships/job opportunities.

- c) the Assistant Chief Executive and the Director of Regeneration and Economic Development be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highway improvements:**

- New site access on Park Lane**
- Shared path links into the site**
- Localised road widening**
- Localised shared path widening**
- Right turning pocket**
- Upgrade of footpath abutting the site**
- Light-controlled crossing on Park Lane**
- Associated highway drainage**
- Associated street lighting**
- Associated road markings**
- Associated signage**
- Associated Traffic Regulation Orders**
- Detailed highway design**
- Road safety audit**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- The principle of the development including the impact on existing town centres and the strategic allocation,
- The impact on amenity,
- The impact on character and appearance,
- The impact on highway safety,
- The impact on biodiversity; and,
- Other issues.

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

2.0 Description of the Site

2.1 The application site measures approximately 0.95 hectares, and it is currently used for agricultural purposes. It is bound to the west by Park Lane and to the south by New York Road. Immediately to the east of the site is agricultural land. To the north of the site is the car park serving Boundary Mills, beyond which lies a vacant premises that was formerly occupied by The Great Outdoors.

2.2 To the west of the site beyond Park Lane are residential properties. To the south of the site beyond New York Road is an industrial estate. The site sits at a lower level than Park Lane.

2.3 The site is bound by a hedgerow to the west and south of the site.

2.4 The site is designated as part of the Strategic Allocation – Murton Gap.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of a new food store with associated car parking and landscaping.

3.2 The applicant had advised the following:

-a Lidl food store of 1,851 square metres (sqm) Gross Internal Area with a net sales area of 1,251 sqm; of which 1, 001 sqm will be for convenience good sales. A figure of 250 sqm has been identified for comparison goods sales.

3.3 The proposed food store will be located on the eastern part of the site and it will be orientated north-southwards. The car parking area will be located in the western part of the site. The delivery bay will be located adjacent to the northern elevation of the building.

3.4 Vehicular access to the food store will be off Park Lane via a new priority junction. Both customers and heavy goods vehicles (HGV) will share the same vehicular access. The proposed car park will include disabled parking bays, parent and child bays and active electric vehicle (EV) charging bays.

3.5 Pedestrian and cyclist access will be provided through a dedicated access off New York Road and at the junction between New York Road and Park Lane; along with pavements on both sides of the vehicular access road off Park Lane.

3.6 The proposed food store will have a clean contemporary design featuring a single height glazed entrance as well as a glazed elevation along the south elevation facing onto New York Road.

4.0 Relevant Planning History

Adjacent land

23/00241/FULES - Residential development of up to 2, 700 dwellings comprising: Full planning application for 508 residential dwellings, a new spine road, road bridge, and associated highways, drainage infrastructure and landscaping. Outline planning application sought for up to 2,192 dwellings, a 2-form entry primary school, up to 1000sqm of retail floorspace, new metro station and associated highways, drainage, site wide servicing, landscaping infrastructure and demolition works – Pending consideration

Case officer note: Members are advised that a planning application has been submitted on the land adjacent to this site. This application relates to the wider strategic allocation.

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

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

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

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

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

The principle of the development including the impact on existing town centres and the strategic allocation,

- The impact on amenity,
- The impact on character and appearance,
- The impact on highway safety,
- The impact on biodiversity; and,
- Other issues.

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

8.0 Principle of the development including the impact on existing town centres and the strategic allocation

8.1 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective.

Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.2 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

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

8.4 There are two policies in the LP which are directly related to the Murton Gap Strategic Allocation. These policies are S4.4(a) and S4.4(c).

8.5 LP Policy S4.4 (a) Murton Strategic Allocation Concept Plan states: “A strategic allocation is identified at Murton (Sites 35 to 41) to secure the delivery of approximately 3,000 homes during the plan period in a mix of housing tenures, types and sizes, informed by available evidence of the housing needs of the Borough, convenience retail provision of approximately 1000m² net.

The key principles for development of the Murton strategic allocation are illustrated on the Policies Map through an indicative Concept Plan, to be delivered where necessary in accordance with the requirements of the Infrastructure Delivery Plan, include provision of:

- a. New housing, employment, retail and community facilities in the general development locations identified; and,
- b. Primary and secondary access points suitable to accommodate evidence-based traffic flows to, from and through the sites as appropriate; and,
- c. Strategic transport route connecting Earsdon by-pass with New York Road and Norham Road; and,
- d. Education provision delivered in agreement with the Local Education Authority, at locations indicatively identified on the Policies Map providing a primary school located broadly to the south west of the site; and,
- e. A network of green and blue infrastructure that:
 - i. Enables provision of strategic open space breaks to avoid the joining together of Shiremoor with Monkseaton, whilst integrating with existing communities; and,
 - ii. Provides safe and secure cycle and pedestrian links through the site that ensure appropriate connectivity with the existing network; and,
 - iii. Retains, connects and enhances the biodiversity of each site; and,
 - iv. Retains and enhances any important hedgerows or trees; and,
 - v. Provides well-integrated and strategic green spaces for recreation, which includes ‘Suitable Accessible Natural Green Space’ (SANGS); and,
 - vi. Incorporates sustainable drainage systems.”

8.6 LP S4.4 (c) Applications for Delivery of the Strategic Allocations states: “At the identified strategic allocations of Killingworth Moor (Sites 22 to 26) and Murton (Sites 35 to 41) a comprehensive masterplan for each allocation must be prepared collaboratively, and agreed, by the relevant development consortia and North Tyneside Council. Applications for planning permission will be granted where:

- a. They are consistent with the comprehensive masterplan, which itself must demonstrate its general conformity with the key principles of the Concept Plans for Killingworth Moor and for Murton.

- b. The application relates to the whole allocated site or if less does not in any way prejudice the implementation of the whole allocation.
- c. Provision of any development that would exceed the approximate capacity for housing, retail and employment indicated by this Local Plan, within and beyond the plan period, must demonstrate its continued conformity with the principles of the Concept Plan and the infrastructure capacity of the site and Borough.
- d. The application is in accordance with a phasing and delivery strategy, prepared as part of the detailed masterplan, that identifies the timing, funding and provision of green, social and physical infrastructure.
- e. An access and transport strategy is developed that maximises the potential for walking, cycling and use of public transport (including the potential provision, subject to overall feasibility and economic viability, of new Metro stations), as demonstrated through the detailed masterplans, and the application provides a connected, legible network of streets with the proposed primary routes and public transport corridors.
- f. A heritage management strategy is provided that is informed by the mitigation measures proposed in the Local Plan Heritage Assessment and Sustainability Appraisal.
- g. A landscape and visual amenity impact assessment is provided identifying key features of note on each site, demonstrating an appropriate design response (e.g. the location, orientation, density of development and landscape/planting treatment). Design quality will be secured through the application and use of appropriate design standards agreed as part of the masterplans.
- h. Appropriate remediation and mitigation measures are agreed to address any potentially harmful impacts of development upon the environmental or social conditions of North Tyneside, delivering solutions on site wherever possible unless demonstrated through suitable evidence to be more appropriately delivered off-site. Such remediation and mitigation are expected to include but not necessarily limited to consideration of:
 - i. The net biodiversity value of the site,
 - ii. Ground conditions, (e.g. areas of previous open cast mining and any identified contamination of land),
 - iii. Flood risk and water quality,
 - iv. Air quality and noise pollution.”

8.7 The indicative concept plan adopted as part of the LP sets the core principles that future development at Murton Gap should respond to. The approach identified within the concept plan provided flexibility for future development of the Masterplan. The Murton Gap Masterplan and associated guidance was adopted in December 2017. The Masterplan provides a framework for all future development on the sites and is a material consideration in the determination of any application.

8.8 Objections have been received regarding non-compliance with the Murton Gap Masterplan and the need for a further food store in this area.

8.9 The application site is part of the Murton Gap strategic allocation. Policy S4.4(a) identifies this strategic allocation to secure a predominantly residential led development, approximately 3, 000 homes, and convenience retail provision of approximately 1, 000 sqm net. The key principles for development on this strategic allocation are illustrated on the Policies Map through an indicative

Concept Plan. Policy S4.4 (c) required a comprehensive Masterplan to be prepared collaboratively, and agreed by the relevant development consortia and North Tyneside Council. Policy S4.4(c) states that applications for planning permission will be granted where they are consistent with the comprehensive masterplan and that the application does not in any way prejudice the implementation of the whole allocation. Members need to consider whether bringing this part of the strategic allocation forward to deliver a food store complies with Policy S4.4(c) and the Masterplan and will not prejudice the wider development of the strategic site.

8.10 Policy S4.4(c) part b allows for separate applications to be submitted so long as it does not in any way prejudice the implementation of the whole allocation. This is reflected in the Masterplan which, whilst noting a preference for an outline application for the whole site, states that “the Council will expect planning applications for individual phases/parcels of land to demonstrate how their proposals would be integrated with the wider site” and is clear that “the Council will need to be satisfied that development of individual parcels will not sterilise or frustrate delivery of other parts of the site”. Members are advised that it is important to ensure that this development does not harm the delivery of the wider strategic allocation or prejudice the ability to provide the necessary infrastructure for the wider strategic site and this will be further considered in the following sections of this report.

8.11 The Murton Gap Masterplan identifies character areas. The application site falls within Character Area 6: Western Edge which is identified for built development (housing) in the Masterplan. The applicant accepts that the site is located within an area earmarked for residential use within the Masterplan, which forms part of the adopted Local Plan. However, the applicant has made the point that the Masterplan is still a guidance document, and the Council should demonstrate a certain level of flexibility when applying the objectives set out in this document. The applicant considers that the Council should seek to support alternative development opportunities providing they do not compromise the feasibility of the wider Masterplan. The applicant has advised that this development will provide an opportunity for food shopping provision that will serve existing and future residents, without compromising the delivery of the housing development in this area or within the Borough as a whole.

8.12 Policy S4.4 (b) in particular stipulates that a set criterion must be met for development of sites in the Masterplan area to be deemed acceptable. In particular development must: be consistent with a comprehensive Masterplan; and, confirm with the principles of the Masterplan, including a phasing and delivery strategy and transport strategy. In this context, the applicant considers that this development would; provide employment opportunities and a new convenience retail outlet for present and future local residents and act as a catalyst for Phase 1 (a) of the Masterplan. The applicant considers the retail use is deemed acceptable within the overall Masterplan area, and they consider this development would not impede on the overarching vision of the wider Masterplan or the ‘Western Edge’. Furthermore, the applicant considers the proposed development would be in line with all the principles of the Masterplan, as set out at Section 2, and the Phasing Plan set out at Section 9.

8.13 The applicant has acknowledged that the retail development should be directed to the mixed-use zone in the Masterplan. At this time, the applicant considers the site in question is a more suitable location for a retail use given its proximity to other retail/commercial uses and being in a sustainable location which can accommodate direct access to a highway network and public transport infrastructure. Currently the commercial hub, as outlined in the Masterplan documents, does not yet exist, and its delivery is reliant on other aspects of the Masterplan being brought forward i.e. highway infrastructure. Therefore, a retail development, at this time, in that location would not be a feasible position to the applicant or indeed any other retailer.

8.14 The proposed development will be located next to an established commercial area to the south, and it will be immediately accessible to existing residents and cater for future occupants of Murton Gap. The required infrastructure is already in place meaning that the development can be built out in the immediate future without relying on the infrastructure required to bring forward Murton Gap. The applicant considers that the proposed development represents a positive and sustainable investment in the Shiremoor and the Murton Gap growth area.

8.15 The Masterplan sets the parameters for development areas including the general extent and location of built development and key infrastructure. To help create recognisable areas with individual identities the Masterplan includes six character areas each with associated design guidance. the application site falls within Character Area 6: Western Edge. The Masterplan identifies the application site as an area for built development. Albeit, the Masterplan vision for this character area is housing, Members must have regard to the fact that this part of the wider strategic allocation is for built development. Therefore, officers consider, that the principle of bringing this site forward for development is acceptable, subject to the site layout not prejudicing the physical implementation of the wider strategic allocation Masterplan requirements. Members are advised that this development is not reliant on key infrastructure requirements expected to bring forward the wider strategic allocation i.e. highway infrastructure, drainage, school provision or greenspace.

8.16 The applicant has advised that they have been in dialogue with the relevant development consortia. The applicant advises that the consortia has confirmed that bringing this site forward for development would not have an adverse impact on the delivery of housing nor would it prejudice the implementation of the wider allocation. Members are advised that the Local Planning Authority has not been involved in this dialogue between the applicant and consortia.

8.17 The applicant has advised that as result of this development the planned residential development in this area would result in the loss of 14 homes. Given that the Murton Gap Masterplan seeks to develop approximately 3, 000 homes, it is calculated that this loss only represents around 0.5% of the total new houses proposed. As such, the applicant considers that the impact of this development on housing targets would be negligible. They also consider there to be ample land identified to bring forward builtis not considered to be an issue for the consortia.

8.18 The applicant has also considered the potential impacts on the proposed commercial hub. They do not consider that there would be any adverse impact on this part of the wider strategic allocation. The proposed scale of the retail provision within the commercial hub is approximately 1, 000 sqm. The Masterplan advises that apart from Class E(a) shops and retail, other appropriate uses would also include professional services, food and drink establishments, health clinics, GP, pharmacy or nurseries. In that context, the applicant considers that the primary objective of the new retail floorspace is to cater for 'day to day' and 'top up' retail, leisure and community needs, of the Murton Gap growth area, which they consider their development is unlikely to impact on given the difference in the retail offer and business model. The applicant also considers that it is unlikely that the full 1, 000 sqm would be taken up by a single convenience retail operator, given the fact that other commercial/leisure uses should be acceptable in principle.

8.19 The applicant's business model is distinct from 'traditional' convenience retail; and is, to some extent, reliant on 'traditional' retailers to fill the gaps in their product range. As such, the applicant considers this development would not necessarily reduce the feasibility of the local centre, as the schemes may complement one another and ensure that the convenience spending in the locality is maximised.

8.20 Officers maintain the view that this development does not accord with the preferred vision of the Masterplan or fully comply with Policy S4.4(c). However, based on the type of development proposed and the information provided by the applicant regarding housing delivery, it is not considered that the overall objectives of the Masterplan regarding housing delivery and key infrastructure are harmed. Whilst the proposal risks future viability of similar retail stores at the proposed local centre, the level of risk is uncertain. In the meantime, the potential for this development to serve the surrounding area, including new development at Murton Gap is recognised. Other key issues regarding biodiversity, highway impacts and residential amenity of existing and future residents will be considered in the latter parts of this report.

8.21 Members need to determine whether the principle of this development is acceptable. The loss of this agricultural land has already been accepted as part of the Local Plan. The site forms part of a strategic allocation and the Masterplan vision is to bring this part of the site forward for built development. Taking the above into consideration, whilst the scheme itself does not fully comply with Local Plan policy, it conforms with many of the requirements of planning policy and approval, on balance, would not be so harmful as to prejudice the delivery of the Murton Gap Masterplan if it is established all other impacts are adequately addressed.

8.22 Paragraph 87 of the NPPF states that 'Local Planning Authority's should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

8.23 Paragraph 88 of the NPPF states 'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPA's should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

8.24 Paragraph 91 of the NPPF states 'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.'

8.25 The National Planning Practice Guidance (NPPG) provides advice on how the sequential test should be applied to development proposals. The NPPG states that it is for the applicant to demonstrate compliance with the sequential test and sets out the key considerations that be taken into account in determining whether a proposal complies with the sequential test:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of a development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

- If there are no sequentially preferable locations, the sequential test is passed.

8.26 The use proposed is a town centre use in an out of centre location. In accordance with the NPPF (paras. 87 and 90) and LP Policy DM3.4 this application requires a sequential and impact assessment to be submitted for consideration. The LP includes in its sequential assessment a requirement for existing out-of-centre development sites, previously occupied by appropriate main town centre uses, to be considered before looking at other out of centre locations. The assessment must provide sufficient evidence that the development would not have an adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

8.27 The objections received regarding the need for another food store is noted. Members are advised that support has also been received a food store in this location.

8.28 The applicant has submitted an impact test along with a sequential assessment. This has information has been considered by Planning Policy.

8.29 The applicant has advised that visual prominence is a key factor in the business model for Lidl when investing in a new store. The vacant Great Outdoors store 200m to the north of the site has been included in the sequential assessment. This site is the same size as the application site (1.0ha) on a brownfield site, in close proximity to another retail development, encouraging linked trips, and occupies a position that is visible from the highway. The

applicant states that the Great Outdoors store is not considered visually prominent or accessible from a major road and this makes the site unsuitable. The NPPF does guide applicants and LPA's to demonstrate flexibility in their approach to fully explore alternative sites. The Planning Policy comments do not consider the location of the vacant Great Outdoor to be so obscure or so inaccessible from a major road that it should be discounted when allowing for a small degree of flexibility in the applicant's business model. However, the site is not considered to be sequentially preferable as it is not available. Since the Great Outdoors store has been closed the site is not being marketed and therefore is not considered to be available. The sequential assessment concludes there are no sequentially preferable sites that are available, suitable or viable.

8.30 Planning Policy comments advise that the assessment concludes that there would be no significant adverse impact on the existing local centres for existing, committed and planned public and private investment and it would also not undermine the future retail offer identified in the Masterplan.

8.31 Members need to determine whether the principle of the proposed development, in terms of its impact on the delivery of the wider strategic allocation. It is officer advice, that whilst this application does not fully comply with the requirements of S4.4(c), the Masterplan identifies this part of the wider strategic allocation as delivering built development, it is not reliant on the delivery of infrastructure required to bring forward the wider strategic allocation i.e. highways, and it would have a minimal impact on the overall housing delivery of the wider strategic allocation, the principle of this development is acceptable.

8.32 Members need to determine whether this development is acceptable in terms of its impact on existing town centres. It is officer advice that the impacts on existing town centres is acceptable and the development complies with Policy DM3.4 of the North Tyneside LP.

9.0 Impact on amenity

9.1 Paragraph 185 of the NPPF states "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".

9.2 LP Policy S1.4 "General Development Principles" states "Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan." Amongst other matters this includes be acceptable in terms of their impact upon local amenity for new or existing residents and businesses,

adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

9.3 LP Policy DM5.19 Pollution states “Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.....”

9.4 The objections received regarding the impacts on residential amenity in terms of noise, disturbance, dust, dirt, fumes and impacts from lighting are noted.

9.5 The Manager for Environmental Health (Pollution) has been consulted. She has raised concerns regarding potential noise arising from this development affecting residential properties located on Park Lane to the west of the site (approximately 45m to 70m from the site boundary).

9.6 The site is located in a mixed-use area. As already discussed, residential properties are located to the west of the site. Immediately to the north of the site is an area of agricultural land, beyond which lies the car park serving Boundary Mills (retail store). To the south of the site, beyond New York Road, is Algernon Industrial Estate. Immediately to the east of the is agricultural land.

9.7 A noise assessment has been submitted and this has been considered by the Manager for Environmental Health. Members are advised that since the submission of this application the external plant area has been relocated from the northeast corner of the building to the roof. The relocation of the external plant to the roof has been raised with the Manager for Environmental Health. She has advised that the noise assessment has not been updated to reflect this and the calculated noise levels in the noise assessment will differ. She is concerned that the calculated noise levels for the scheme may not achieve the noise levels specified within the noise report. She has advised that a noise scheme can be conditioned to demonstrate that the noise rating level from the plant and equipment does not exceed the background noise levels. The applicant has also advised that the plant roof location will be enclosed by a wall from four sides with ventilation louvres.

9.8 The Manager for Environmental Health has advised that noise arising from the loading of goods by customers will occur in the car park, but its use can be

controlled via a condition restricting operating hours to no later than 22:00 hours. The delivery bay is located to the north side of the building away from the residential properties on Park Lane, but the delivery vehicles will need to reverse into the bay. The Manager for Environmental Health has advised that the noise assessment states deliveries will only occur during daytime hours. The noise assessment has calculated the noise levels to be below the existing daytime noise levels and will not result in significant adverse impacts. She has recommended conditions to mitigate the impacts on noise and disturbance including controlling the hours of operation and deliveries and requested further information in relation to lighting and external plant.

9.9 The NPPF, paragraph 55 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 56 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” Although concerns have been raised by the Manager of Environmental Health it is clear from her comments that she does not object to this proposal on noise grounds as appropriate mitigation to reduce such impacts arising can be secured by conditions. The agent has advised that all waste is kept internally within the warehouse area and is then removed during the deliveries to the store. The suggested refuse condition is not considered necessary. The agent has confirmed there is a bakery section, but no external extraction/ventilation is required. The suggested odour abatement condition is not considered necessary.

9.10 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity (noise and other disturbance) of neighbouring and nearby properties. It is officer advice that the proposed development is acceptable, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in paragraph 185 of the NPPF and LP policies S1.4 and DM5.19.

10.0 Impact on character and appearance

10.1 Paragraph 134 of the NPPF states that development that is not well designed should be refused.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 The ‘Design Quality’ SPD applies to all planning applications that involve building works.

10.4 The objections received regarding the impacts on visual amenity, the impact on outlook from residential properties, the development being out of keeping with surroundings and visual intrusion are noted.

10.5 As already discussed, this site is located in a mixed-use area. Two storey residential properties are located to the west of the site. Retail premises, Boundary Mills and the vacant Great Outdoors, are located to the north of the site. Algernon Industrial Estate is located to the south of the site. It is officer opinion that the built form immediately adjacent to the site varies, including a range of commercial premises.

10.6 The proposed building will be sited adjacent to its eastern edge. It will be set back from Park Lane and New York Road. Vehicular access will be provided from Park Lane. Car parking is proposed to the western and southern parts of the site. Areas of soft landscaping are proposed along the eastern, western, and southern boundaries. Soft landscaping is also proposed to either side of the vehicular access. Due to the positioning of the building within the site, the site sitting at a lower level than Park Lane, and the types of buildings that exist within the vicinity of the site, it is not considered that it will significantly detract from the character and appearance of the immediate surrounding area or significantly affect the residential amenity of the residential properties located opposite the site.

10.7 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance of the immediate surrounding area or significantly affect the amenity of nearby residential properties in terms of loss of outlook. As such, the proposed development accords with national and local planning policies.

11.0 Impact on highway safety

11.1 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.

11.2 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.

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

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

11.5 The objections received regarding the impacts of the proposed development on highway safety and adding to existing traffic congestion are noted.

11.6 The Highways Network Manager has been consulted. He has considered the submitted Transport Assessment (TA) and Travel Plan (TP). These supporting documents have analysed junctions in the vicinity of the site as well as the proposed site access. He has also advised that this development was also assessed in the A191 corridor model which formed part of the LP transport study. The impact of this development on the adjacent highway network is not considered to be severe.

11.7 The applicant is proposing off-site highway mitigation on Park Lane at the approach to the junction with New York Road to increase capacity and light-controlled crossing on Park Lane to the north of the site to improve pedestrian and cycling connectivity. The off-site highway works will be secured via a S278 Agreement.

11.8 Vehicular access and pedestrian access will be provided at the northwest corner of the site from Park Lane. A pedestrian crossing will be provided at the southwest corner of the site close to the existing signalised crossing. A further pedestrian link is proposed to the southern boundary which will provide access to users from New York Road. Parking is proposed to the west and south of the building. The Highways Network Manager has advised that the level of parking provision has been provided to meet the needs of the development and is at comparable levels to existing Lidl stores at Killingworth and North Shields. A parking study from the Killingworth store has also been provided that demonstrates the suitability of the amount of parking proposed.

11.9 Servicing is carried out via the main access. The service area is located to the northeast of the site. This layout is similar to existing stores at Killingworth and North Shields.

11.10 The NPPF clearly states 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. The Highways Network Manager considers the proposal to be acceptable subject to imposing the suggested conditions. His comments are clear that this development will not result in an unacceptable impact on highway safety.

11.11 The Sustainable Transport Team Leader has requested a Travel Plan Bond and Monitoring Fee. The bond will be required to be paid if the TP targets are not met. These financial contributions will be secured by a S106 Agreement. It is noted that the consultee comments refer to a detailed Travel Plan Scope being included in the S106 Agreement. It is considered that this can be included in the Travel Plan condition as some of the requirements may not be able to be met due to the site constraints i.e. the requirements of LTN 1/20.

11.12 The Public Right of Way Officer's comments are noted. Some of the points raised are not feasible to action and the applicant has considered existing connections. The applicant can only reasonably be requested to mitigate the impacts of the proposed development. It is officer advice that there are sufficient pedestrian and cycle connections being provided from Park Lane and New York Road.

11.13 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

12.0 Impacts on Biodiversity

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

12.2 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.

12.3 Paragraph 179 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 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.

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

12.5 LP Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states, amongst other matters, that development proposals should: protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; incorporate beneficial biodiversity features providing net gains. It goes on to state that proposals which are likely to significantly affect protected species or priority species must, amongst other matters, be accompanied by appropriate ecological surveys, and for all adverse impacts of the development secure appropriate mitigation measures or as a last resort off-site compensation.

12.6 The objections received regarding impacts on wildlife and loss of trees are noted.

12.7 The Landscape Architect and Biodiversity Officer have been consulted. It is clear from their comments they have concerns regarding this development as they consider it to be a departure from the Murton Gap Masterplan. The Masterplan offered areas of informal structure planting, that would have provided well connected and more extensive woodland and semi-natural buffer planting around the boundary for more effective screening and green links. The landscape planting associated with a commercial/retail development is more formal in character with emphasis on the visual prominence of the development and providing a reduced planting boundary that is interrupted by footpaths and access road. They have also expressed concerns regarding how the housing

numbers allocated for this site will be accommodated on the land already allocated for housing on the wider strategic allocation. Consideration regarding the principle of the development on this part of the wider strategic allocation has already been discussed in Section 8 of this report. The Planning Policy comments clearly concluded that the development would have a minimal impact on the overall housing delivery of the wider strategic allocation, and it will not prejudice the delivery of the Murton Gap masterplan. Members need to consider whether this development, when assessed on its own merits, is acceptable in terms of the landscaping provision being proposed.

12.8 It is clear from the consultee comments that the applicant has tried to address many of their previous concerns in relation to the landscape scheme and Biodiversity Net Gain.

12.9 None of the trees on the site are protected by a Tree Preservation Order (TPO). A managed hawthorn hedge is located to the south and occasional trees and shrubs are sited along the western boundary. An Arboricultural Report and Impact Assessment has been submitted. This assessment surveyed 12no. individual trees and 1no. hedge and all were category 'C'. The supporting information advises that three trees and one tree group are required to be removed to accommodate this development (T10, T11, T12 and G13). However, following various discussions, it is now proposed to retain G13 with only a small section to be removed for access. A condition is recommended to secure the submission of a revised Arboricultural Impact Assessment (AIA).

12.10 The applicant has worked proactively with the consultees, and they have made improvements to the landscape scheme to meet the requirements of Biodiversity Net Gain (BNG). The landscape plan proposes 52no. extra heavy standard trees, native scrub and hedgerow, ornamental shrub planting and wildflower planting. This will provide some structural diversity around the boundaries and entrances of the site and contribute to green links. The consultees consider there are still opportunities for additional planting to further improve visual amenity and reduce the visual impact of the development. This will improve visual amenity and green corridor links for wildlife along this boundary. These improvements/enhancements can be included via a suitably worded landscape condition.

12.11 The submitted Ecological Impact Assessment (EclA) advises that this development will result in the loss of arable habitat and small sections of native species hedgerow. No protected species issues have been identified as part of the EclA with the arable habitat providing limited or no opportunities for the majority of species. No ground nesting farmland birds such as skylark were recorded within the proposed development site, although 2 territories were recorded within the wider field adjacent. The scheme therefore has the potential to impact ground nesting birds (skylark territories) through disturbance impacts and the applicant has acknowledged this and agreed to pay a financial contribution towards off-site farmland bird compensation to be delivered on land within North Tyneside. The consultees consider that the landscaping scheme associated with the development, such as native scrub and hedgerows will provide additional valuable habitat for farmland birds and foraging/commuting habitat for bats.

12.12 A Biodiversity Net Gain Assessment has not been submitted. However, the Biodiversity Officer has advised that the results of the Biodiversity Metric 3.1 calculation show that all the habitats within the site boundary will be lost as part of the scheme. Post development habitat creation indicates creation of mixed native scrub, other neutral grassland and urban trees which will result in a 22.58% net gain. Some existing hedgerows will be lost to accommodate the scheme. New species rich hedgerow will be created within the site along with enhancement of the existing hedgerow which results in a large increase in hedgerow units. The consultee has advised that the Biodiversity Metric needs to be updated to reflect the changes to the landscape proposals. It is clear from their comments that this can be conditioned.

12.13 Members need to consider whether the impacts of the development on existing landscape features is acceptable, whether the landscape proposals are acceptable and whether the impacts on biodiversity are acceptable. The consultees have advised that this development will deliver a net gain in biodiversity and offers a higher quality landscape proposal in terms of planting associated with this type of commercial/retail development, and on this basis, they have advised the landscape is acceptable. Subject to imposing the suggested conditions and securing the farmland bird mitigation contribution via a S106 Agreement, it is the officer's advice that the proposed development is acceptable in terms of meeting the requirements of the NPPF and LP Policies.

13.0 Other Issues

13.1 Contaminated Land

13.2 NPPF paragraph 183 seeks to ensure that planning decisions have regard to ground conditions and any risks arising from land instability and contamination.

13.3 NPPF paragraph 184 states "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner".

13.4 LP Policy DM5.18 "Contaminated and Unstable Land" seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

13.5 The application site is located within a coal referral area. The Coal Authority has been consulted. They note that a Phase II GeoEnvironmental Investigation Report has been submitted which confirms site investigations across the site. This report confirms that only thin intact coal seams were encountered, which will not have been worked due to their uneconomical characteristics. Taking this into account and on the basis that the report confirms that all other seams have sufficient competent rock cover above them to afford ground stability, the Coal Authority is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated.

13.6 The Coal Authority has not objected to this application.

13.7 The Contaminated Land Officer has been consulted. She has considered the Phase II GeoEnvironmental Investigation Report and noted that no elevated

levels of contaminants were found. Therefore, no remediation is required relating to contamination.

13.8 The Contaminated Land Officer has advised that the gas monitoring readings cannot be accepted. However, it is clear from her comments that this can be conditioned.

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

13.10 Flooding

13.11 The NPPF paragraph 159 makes it clear that development should not increase flood risk elsewhere and only consider development in appropriate areas.

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

13.13 The objections received regarding increased flood risk and inadequate drainage are noted.

13.14 The Lead Local Flood Authority (LLFA) has been consulted. They have considered the surface water drainage proposals and have not raised any objections. It is proposed to provide surface water drainage via the use of permeable paving which will connect to an underground storage tank which will provide surface water attenuation within the site suitable for a 1in100 year rainfall event including a 40% increase for climate change. The surface water discharge rate from the site will be restricted to the equivalent greenfield QBAR rate of 3.2l/s which pass through a by-pass separator before discharging into the existing highway drainage system to the west of the site via a pump station. The LLFA have recommended conditional approval.

13.15 Northumbrian Water (NWL) has been consulted. They have not raised any objection to this application providing the application is carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy. This drainage scheme ensures that foul discharges to the combined sewer and ensures that surface water discharges into the existing highways drainage system. NWL have recommended conditional approval.

13.16 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is, and it would accord with both national and local planning policies.

13.17 Police

13.18 Northumbria Police have been consulted. They have raised no objection to the proposed development from a crime prevention point of view.

14.0 S106 Contributions

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

14.2 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.

14.3 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.

14.4 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.

14.5 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.

14.6 The Planning Obligations (2018) SPD 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.

14.7 The applicant is proposing to provide an employment and training contribution, a farmland bird mitigation contribution and a Travel Plan Bond and Monitoring Fee. These contributions are considered necessary and directly related to the development. As such, the development complies with the CIL Regulations, the NPPF and LP policies.

15.0 Local Financial Considerations

15.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a

local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy.

15.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

16.0 Conclusions

16.1 Members should carefully consider 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.

16.2 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. The site is allocated as part of the wider Murton Strategic Site. Ideally the development of the wider strategic site would have come forward in its entirety and the approved masterplan sought to encourage this. However, it is considered that it would be difficult to resist this development as it is not reliant on the key infrastructure i.e. highway infrastructure, drainage, greenspace, required to bring forward the wider strategic allocation nor would it prejudice the delivery of the wider strategic allocation. It is officer advice that this development is acceptable, albeit it does not fully comply with Policy S4.4(c).

16.3 Members need to consider whether the proposal is acceptable in terms of its impact on existing town centres. It is officer advice that it is acceptable.

16.4 Members need to consider whether this development is acceptable in terms of its impact on the amenity of nearby residential properties. It is officer advice that it is acceptable subject to imposing the suggested conditions.

16.5 Members need to consider whether the design and layout of the proposal is acceptable in terms of its impact on existing residential dwellings and existing commercial premises and the character and appearance of the immediate surrounding area. It is officer advice that it is acceptable.

16.6 Members need to consider whether this development is acceptable in terms of its impacts on highway safety and whether sufficient parking is provided. The proposal will provide parking to meet the needs of this development and will not have an unacceptable impact on highway safety or result in a residual cumulative impact that will be severe. It is officer advice that it is acceptable.

16.7 Members need to consider whether this development is acceptable in terms of biodiversity and landscaping. Subject to a legal agreement to secure the farmland bird mitigation contribution and imposing the suggested conditions the proposal would provide biodiversity net gain, which is encouraged by NPPF, and secure appropriate mitigation. The development will not significantly impact on biodiversity. It is officer advice that is acceptable.

16.8 Issues to do with flooding and ground conditions (gas) can be dealt with via conditions.

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

16.10 It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

RECOMMENDATION:

It is recommended that:

- c) the Committee indicates that it is minded to grant the application; and**
- d) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:**
 - iv) the conditions set out in the planning officers report and addendum;**
 - v) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and**
 - vi) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:**
 - A £10,000 Travel Plan Bond is required. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.**
 - A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).**
 - A £25,580 farmland bird mitigation contribution is required towards implementing a scheme at the Rising Sun Country Park or alternative site.**
 - A £13,476 employment and training contribution is required to deliver employability interventions to upskill local residents to take advantage of apprenticeships/job opportunities.**
- c) the Assistant Chief Executive and the Director of Regeneration and Economic Development be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highway improvements:**

- New site access on Park Lane
- Shared path links into the site
- Localised road widening
- Localised shared path widening
- Right turning pocket
- Upgrade of footpath abutting the site
- Light-controlled crossing on Park Lane
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Detailed highway design
- Road safety audit

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. ZZ-XX-DR-A-900001 P2
 - Existing site plan Dwg No. ZZ-XX-DR-A-900002 P2
 - Proposed site plan Dwg No. ZZ-XX-DR-A-910010 P13
 - General Arrangement Elevations Dwg No. ZZ-XX-DR-A-020001 P4
 - General Arrangement Ground Floor Plan Dwg No. ZZ-XX-DR-A-010001 P6
 - General Arrangement Roof Plan Dwg No. ZZ-XX-DR-A-010001 P5
 - Access Arrangements Dwg No. 001 B

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

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

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

3. Notwithstanding Condition 1, the scheme for off-site highway works as set out in drawing number 16 -1176 - 001 - Revision B shall be carried out prior to occupation in and subject to Technical Approvals and Road Safety Audits and includes the following measures:
 - New site access on Park Lane
 - Shared path links into the site
 - Localised road widening
 - Localised shared path widening
 - Right turning pocket
 - Upgrade of footpath abutting the site
 - Light-controlled crossing on Park Lane
 - Associated highway drainage
 - Associated street lighting
 - Associated road markings

Associated signage
Associated Traffic Regulation Orders
Detailed highway design
Road safety audit

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. No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

5. Notwithstanding Condition 1, the scheme for cycling and pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

6. Notwithstanding Condition 1, the scheme for Heavy Goods Vehicles (HGV's) 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).

7. Notwithstanding Condition 1, the scheme for parking 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).

8. Notwithstanding Condition 1, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging 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).

9. Notwithstanding Condition 1, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans. This cycle storage 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).

10. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course details of a taxi and private hire servicing plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of drop off and pick up points and allocated parking bays as necessary. Thereafter the taxi and private hire servicing plan shall be implemented in accordance with the approved details and retained thereafter.

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

11. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course details of a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

12. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course details of a service management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

13. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development and include tree protection measures for the trees to be retained and maintained for the duration of the works. Cabins, storage of plant and materials, parking are not to be located within the root protection areas (RPA's) of the retained trees as defined by the Tree Protection Plan to be submitted pursuant to condition 33. 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.

14. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall

not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.9, DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Notwithstanding Condition 1, prior to the installation of any chimney or extraction vent to be provided in connection with the development details of the height, position, design and materials shall be submitted to and approved in writing by the Local Planning Authority. Any flues required for odour abatement purposes to 1 m above roof ridge of the buildings. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be permanently maintained.

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

16. Notwithstanding Condition 1, prior to the installation of any air ventilation systems to be provided in connection with the development details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be permanently maintained and retained.

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

17. Notwithstanding Condition 1, prior to the installation of any refrigeration plant to be provided in connection with the development details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be permanently maintained and retained.

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

18. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level a noise scheme shall be submitted to and approved in writing by the Local Planning Authority (LPA). The noise scheme must be submitted in accordance with BS4142 to ensure the noise rating level from the combined plant and equipment installed at the site does not exceed the background noise level of 31 dB LAeq for the night period and 48 dB LAeq for daytime at the nearest sensitive receptor located on Park Road. Within one month of the installation of any plant and equipment acoustic testing shall be undertaken to verify compliance with the background noise levels set out in this condition. These details shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the plant and equipment being brought into permanent use. Thereafter the plant and equipment shall be operated and maintained in full working order.

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

19. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

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

20. Deliveries and collections to the site shall be restricted to between 07:00 and 23:00 hours on any day.

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

21. The premises/buildings hereby approved shall only be open for business in accordance with the following:

08:00 to 22:00 hours Monday to Saturday and Bank Holidays

10:00 to 18:00 hours Sundays

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

22. 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.

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

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and

- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In order to safeguard the amenities of neighbouring properties, and to protect existing landscape features and biodiversity having regard to policies DM5.19, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

24. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

25. 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).

26. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "June 2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 7404 and ensure that surface water discharges into the existing highways drainage system as per agreement with the Lead Local Flood Authority (LLFA). Surface water flows shall not enter our public wastewater network.

Reason: To prevent the increased risk of flooding from any sources and ensure foul is appropriately disposed of in accordance with the NPPF.

27. Notwithstanding Condition 1, prior to any works commencing onsite a full condition survey of the highway drain that this development proposes to connect into for its full length from point of connection through to point of discharge into highway drain/sewer network shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA). Any remedial works identified within the highway drain to be agreed with the LLFA and all agreed works shall be carried out in full accordance with these agreed details and LLFA requirements prior to formal connection from the development.

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

28. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a detailed surface water drainage design and discharge rates, including pollution control measures and details of the appointed SUDS management company, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter, the surface water drainage, including pollution control measures, shall be installed in accordance with these agreed details prior to any unit hereby approved being brought into use and permanently maintained and retained by the agreed management company.

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

29. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of a food store (Use Class E (a)) and for no other purpose including any other purpose within the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to retain control over the use to ensure an appropriate standard of amenity and parking provision is retained having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

30. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved landscape plans or without the prior written consent of the Local Planning Authority. G13 is to be retained, contrary to the Arboricultural Impact Assessment. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure existing landscape features are adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

31. Notwithstanding Condition 1, prior to the commencement of any works starting on site, an Arboricultural Method Statement and Tree Protection Plan showing the retention and protection of G13 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure existing landscape features are adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

32. Notwithstanding Condition 1, prior to the commencement of any works starting on site, the trees or hedgerows within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan pursuant to condition 33 shall be installed. No operational work, site clearance works or the development itself shall commence until the fencing is installed and photographs of the installed

fencing have been submitted to and approved in writing by the Local Planning Authority. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

Reason: This information is required from the outset to ensure existing landscape features are adequately protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

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

Reason: To ensure that existing landscape features are adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

34. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level an arboricultural consultant shall be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement by All About Trees. These details shall be submitted to and approved in writing by the Local Planning Authority and shall include written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To ensure existing landscape features are adequately protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

35. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level a

a fully detailed landscape plan and specification, based on R/2498/1G, shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with an approved Biodiversity Net Gain Assessment Report and updated Biodiversity Metric required to be submitted pursuant to condition

38. The landscape scheme shall also include the following:

- Native shrub mix to extend behind the car parking bays located in the south-west corner of the site, behind the sign and extending to link with the new steps.

- Hibernacula will be created within landscaped areas of the site for wildlife. Locations of the hibernacula and their specification, including a timetable for implementation, shall be included on the landscape plan.

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

accordance with the approved details within the first available planting season following the approval of details.

Reason: To ensure the development provides an appropriate level of mitigation having regard to Policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

36. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level, an updated Biodiversity Metric 3.1 and a Biodiversity Net Gain (BNG) Report, based on an approved Landscape Plan pursuant to condition 37, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides an appropriate level of mitigation having regard to Policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

37. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:

- Details on the creation, enhancement and management of all habitats identified within an approved Biodiversity Net Gain Report/Biodiversity Metric and approved Landscape Plan pursuant to conditions 37 and 38.

- Survey and monitoring details for all target habitats identified within the approved Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric pursuant to condition 38.

Reason: To ensure the development provides an appropriate level of mitigation and to support and enhance existing biodiversity and landscape features having regard to Policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

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

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

39. Notwithstanding Condition 1, prior to any works commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The CEMP shall include method statements for protected/priority species (breeding birds, bats, hedgehog etc) and appropriate working methods including pollution control. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that protected/priority species are adequately protected during construction having regard to Policy DM5.5 of the North Tyneside Local Plan (2017).

40. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level details of 4no. bird boxes/features and 2no. bat boxes/features that include for a range of features for various shall be integrated into new buildings and suitable habitat locations within the development site, including specifications, locations and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird and bat boxes/features shall be installed in accordance with these agreed details and shall be permanently maintained and retained.

Reason: To ensure that protected/priority species are appropriately mitigated for having regard to Policy DM5.5 of the North Tyneside Local Plan (2017).

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

Reason: To ensure that protected/priority species are adequately protected during construction having regard to Policy DM5.5 of the North Tyneside Local Plan (2017).

42. Notwithstanding condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of details of all screen and boundary walls, fences and any other means of enclosure boundary treatments, including details of the locations and specification of hedgehog gaps (13cm x 13cm) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the development hereby approved shall not be occupied until the details have been fully implemented and shall be fully maintained and retained.

Reason: To ensure a satisfactory environment within the development and to ensure that protected/priority species are appropriately mitigated for having regard to Policies DM5.5 and DM6.1 of the North Tyneside Local Plan (2017).

43. No part of the development hereby approved shall be occupied until a Full Travel Plan in accordance with the Council's Travel Plan Scope (to be agreed), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to

be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the Council within two months of surveys being undertaken.

Reason: To accord with Central Government concerning sustainable transport.

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

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

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

CIL information (I50)

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

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 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

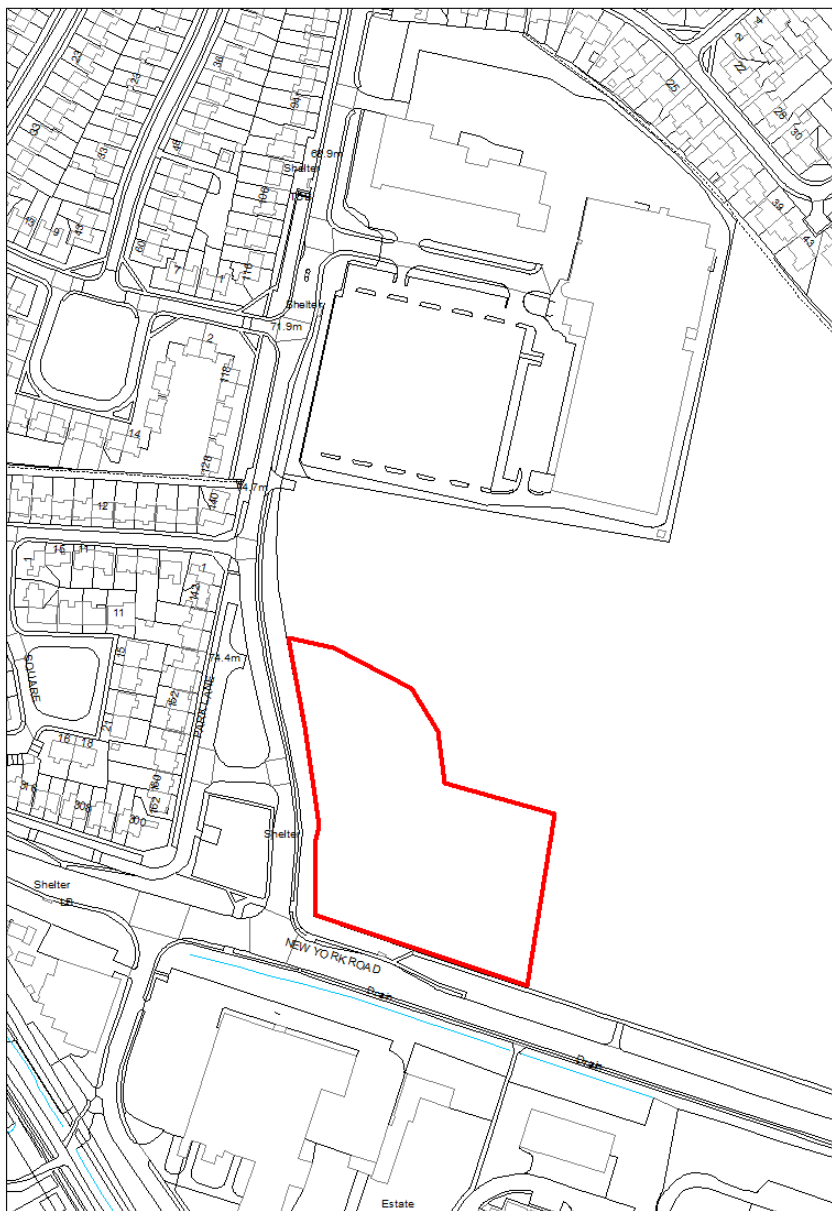
The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

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

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

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



Application reference: 21/01513/FUL

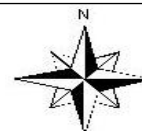
**Location: Land South Of Boundary Mills, Park Lane, Shiremoor,
NEWCASTLE UPON TYNE**

**Proposal: Erection of a new discount foodstore (Use Class E) with access,
car parking and landscaping and other associated works (Amended plans
received 28.06.2022)**

Not to scale

Date: 02.03.2023

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Consultations/representations

1.0 Member of Parliament (MP)

1.1 Alan Campbell MP, Tynemouth

- Adverse effect on wildlife
- Impact on landscape
- Loss of visual amenity
- None compliance with approved policy
- Nuisance - noise
- Poor traffic/pedestrian safety
- Traffic congestion

1.2 Access onto Park Lane will cause additional traffic and congestion to a road that already suffers from heavy traffic.

1.3 Wildlife will be adversely affected, and the removal of hedgerows will reduce nesting sites for birds and habitat for many vertebrates and invertebrates.

1.4 Residents living in the area will suffer increased noise levels due to an increase in traffic.

1.5 Overall, the negative impact on the wellbeing of local residents is a cause for great concern.

1.6 I request that this application is not approved.

2.0 Councillor Brian Burdis

2.1 I wish to ask for the right to speak at the Planning Committee.

2.2 I will be objecting to the application on a number of issues surrounding the proposed development.

- Adverse effect on wildlife
- Impact on landscape
- Inadequate drainage
- Nuisance - disturbance
- Nuisance - noise
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion
- Pressure on wildlife habitat
- Pollution and noise levels
- Visual amenity
- Concerns around drainage and flooding

2.3 Councillor Tommy Mulvenna

2.4 I request to speak due to the level of objection.

3.0 Internal Consultees

3.1 Planning Policy

3.2 The site is in a prominent location on the corner of New York Road (A191) and Park Lane in Shiremoor. The site is in an out of centre location for a main town centre use on an area of land that is currently agricultural land but allocated in the North Tyneside Local Plan (2017) as a strategic housing site.

3.3 Policy S4.4(a) identifies the strategic site of Murton Gap principally for residential development but allows for 1,000m² (net) of retail development. Policy S4.4 (c) requires a comprehensive masterplan to be prepared for the strategic site that is agreed by the relevant development consortia and North Tyneside Council. In accordance with this a jointly prepared Murton Gap Masterplan was adopted by the Council in December 2017. Policy 4.4(c) states that planning permission would be granted on the site for proposals that are consistent with the comprehensive masterplan and it does not prejudice the implementation of the whole allocation.

3.4 Although the net floorspace of the proposal 1,414m² is greater than that identified in the Masterplan (1,000m²), the principle of 1,414m² net of convenience retail development on the site is considered acceptable. The Masterplan states that a planning application for all or any part of the Murton Gap Strategic allocation will need to demonstrate that it meets the requirements of the Masterplan to ensure consistency and delivery of the key policy and design objectives for Murton Gap. Through cooperative working with the agent the plans indicate potential future locations for pedestrian links that could connect the site to the wider Masterplan area. These potential links illustrate an integration of the site with the Masterplan that would support the connectivity between existing and future communities.

3.5 Due to the development being an out of centre convenience store that is above the local threshold for an impact test (1,000m²) (Local Plan Policy DM3.4), the applicant has submitted an impact test along with a sequential assessment. The impact assessment has concluded that there would be no significant adverse impact on the existing local centres for existing, committed and planned public and private investment and it would also not undermine the future retail offer identified in the Masterplan.

3.6 Policy DM3.4 of the Local Plan (2017) also requires a sequential test to be submitted with an application of a town centre use in an out of town location. The Local Plan includes in its sequential assessment a requirement for existing out-of-centre development sites, previously occupied by appropriate main town centre uses, to be considered before looking at other out of centre locations. The vacant Great Outdoors Store 200m north of the site has been included in the sequential assessment, but it is not considered suitable, available or viable. The vacant Great Outdoors Store is the same size (1.0ha), on a brownfield site, in close proximity to another retail development, encouraging linked trips, and occupies a position that is clearly visible from the highway.

3.7 Visual prominence is a key factor in the business model for Lidl when investing in a new store. The applicant states that the Great Outdoors store is not considered visually prominent or accessible from a major road and this makes the site unsuitable, but the NPPF does guide applicants and Local Planning Authorities to demonstrate flexibility in their approach to fully explore alternative sites (accepting that this refers principally to utilise town centre or edge of centre sites, but the spirit of flexibility between both parties is clear). The location of the vacant Great Outdoor store is not considered to be so obscure or so inaccessible from a major road that it should be discounted when allowing for a small degree of flexibility in the Lidl business model. However, the site is not considered to be sequentially preferable as it is not believed to be available. Since the Great Outdoors store closed the site is not being marketed and therefore is not considered to be available. The sequential assessment therefore concludes there are no sequentially preferable sites that are available, suitable or viable.

3.8 Conclusion: The proposal would have a minimal impact on the overall housing delivery of the site and would not prejudice delivery of the Murton Gap Masterplan. The application has satisfied the sequential and impact test as outlined in Policy DM3.4.

3.9 Highways Network Manager

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

3.11 As part of the proposal, the developer has proposed off-site mitigation on Park Lane at the approach to the junction with New York Road to increase capacity and a light-controlled crossing on Park Lane to the north of the site to improve pedestrian and cycling connectivity.

3.12 The site will be accessed from Park Lane and parking has been provided to meet the needs of the development and is at comparable levels to the existing Lidl stores at Killingworth and North Shields, as well as stores in the wider area. A parking study from the Killingworth store has also been provided that demonstrates the suitability of number of spaces in the proposed car park.

3.13 Servicing is carried out via the main access and the service area is located to the north-east of the site in a layout that is very similar to the existing Killingworth and North Shields stores.

3.14 Conditional approval is recommended.

3.15 Recommendation - Conditional Approval

3.16 The applicant will be required to enter into a Section 278 agreement for the off-site highway works set out in drawing number 16 - 1176 - 001 - Revision B, which is subject to Technical Approvals and Road Safety Audits and includes the following measures:

New site access on Park Lane
Shared path links into the site
Localised road widening
Localised shared path widening
Right turning pocket
Upgrade of footpath abutting the site
Light-controlled crossing on Park Lane
Associated highway drainage
Associated street lighting
Associated road markings
Associated signage
Associated Traffic Regulation Orders
Detailed highway design
Road safety audit

3.17 Conditions:

Notwithstanding the details submitted, the scheme for off-site highway works as set out in drawing number 16 -1176 - 001 - Revision B shall be carried out prior to occupation in and subject to Technical Approvals and Road Safety Audits and includes the following measures:

New site access on Park Lane
Shared path links into the site
Localised road widening
Localised shared path widening
Right turning pocket
Upgrade of footpath abutting the site
Light-controlled crossing on Park Lane
Associated highway drainage
Associated street lighting
Associated road markings
Associated signage
Associated Traffic Regulation Orders
Detailed highway design
Road safety audit

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

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, the scheme for cycling and pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

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

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These 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 Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging 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 undercover cycle storage shall be laid out in accordance with the approved plans. This cycle storage 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 shall be laid out in accordance with the approved plans and prior to the occupation. 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).

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

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

No development above ground floor level shall take place until details of a car park management plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

No development above ground floor level shall take place until details of a service management plan has been submitted to and approved in writing by the

Local Planning Authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). 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 predevelopment to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

Reason: This information is required predevelopment 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

3.18 Informatives:

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

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

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

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange a joint inspection of the Public Right of Way network

on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact Highways@northtyneside.gov.uk for further information.

3.19 Manager for Environmental Health (Pollution)

3.20 I have concerns with regard to potential noise arising from the foodstore development affecting neighbouring residential properties located on Park Lane adjacent to the site.

3.21 I have reviewed the noise assessment which has considered noise from new plant and equipment to be installed at the site and from delivery noise.

Associated noise

arising from the loading of goods by customers will occur in the car park e.g. clashing of trolleys, slamming of car boots and doors etc, and its use can be controlled via a condition to restrict operating hours to no later than 22:00 hours. The noise assessment for the external plant has determined that the predicted noise level will be 24 dB LAeq,T and is below the existing background noise levels for both the day and night period and will not give rise to significant adverse impacts. A validation assessment will need to be carried out following installation. It is noted that the delivery bay is located to the eastern area of the site away from the residential properties on Park Lane. However, delivery vehicles will need to reverse into the bay. I note that the noise assessment states deliveries will only occur during daytime hours and the assessment has been based on this. The noise rating level was calculated as 39 dB and would be below the existing daytime noise level of 48 dB LA90 and will not result in significant adverse impacts. A condition to restrict deliveries to daytime hours will be required.

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

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

EPL01

EPL02

EPL03

EPL04

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

Deliveries and collection must not be permitted between 23:00 and 07:00 hours.

HOU03 08:00 to 22:00 hours Monday to Saturday and 10:00 - 18:00 Sundays and Bank Holidays.

Noise from External Plant and Equipment

The noise rating level from the combined plant and equipment installed at the site shall not exceed the background noise level of 31 dB LAeq for the night period and 48 dB LAeq for daytime at the nearest sensitive receptor located on Park

Road. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NOI02
HOU04
SIT03
REF01
REF02
LIG01

3.23 Manager for Environmental Health (Contaminated Land)

3.24 I have read the Phase 2 Geoenvironmental report and note that no elevated levels of contaminants were found. No remediation is required for this site and no further conditions relating to contamination are required.

3.25 The gas monitoring was only carried out on two occasions. On both occasions there was a high atmospheric pressure, and all the monitoring wells were flooded. Ciria c665 states:

"if the groundwater rises there is a potential for the response zone to be saturated (flooded) and inhibit gas flow into the monitoring well."

3.26 I cannot accept readings taken in flooded wells as a true representation of the ground gas regime.

3.27 As no readings were taken at falling atmospheric pressure and the boreholes were flooded further monitoring is required. Therefore Gas 006 must be applied.

3.28 Lead Local Flood Authority (LLFA)

3.29 I have carried out a review of the surface water drainage proposals for planning application 21/01513/FUL, I can confirm in principle I have no objections to the proposals as the applicant will be providing surface water drainage via the use of permeable paving which will connect to an underground storage tank which will provide 773 sqm of surface water attenuation within the site suitable for a 1in100 year rainfall event including a 40% increase for climate change. The surface water discharge rate from the site will be restricted to the equivalent greenfield QBAR rate of 3.2l/s which will pass through a by-pass separator before discharging into the existing highway drainage system to the west of the site via a pump station.

3.30 I would recommend the following conditions are placed on the application.

-Full condition survey of highway drain this development intends to connect into for its full length from point of connection through to point of discharge into highway drain / sewer network to be provided to LLFA prior to formal connection. Any remedial works identified within the highway drain to be agreed with LLFA and works carried out in accordance with LLFA requirements prior to connection from development.

-A detailed drainage design to be provided to LLFA prior to commencement on site.

3.31 Sustainable Transport

3.32 Travel Plan Summary

3.33 A £10, 000.00 Travel Plan Bond is required, to be included as a Section 106 Agreement. This will have to be paid if the Travel Plan targets are not met.

3.34 A £1, 250.00 TP Monitoring Fee (£250.00 per annum) is required, to be included as a Section 106 Agreement. This is for North Tyneside Council (NTC) Officer time spent engaging with the Travel Plan Coordinator (TPC), monitoring the travel plan delivery by the TPC, evaluating and reviewing/approving annual travel plan progress reports produced by the TPC and annual survey results as submitted by the TPC.

3.35 The Travel Plan Scope will be included in the S106 Agreement and the following condition is recommended:

No part of the development hereby approved shall be occupied until a Full Travel Plan in accordance with the Council's Travel Plan Scope, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the Council within two months of surveys being undertaken.
Reason: To accord with Central Government concerning sustainable transport.

3.36 Biodiversity Officer and Landscape Architect

3.37 Following from various discussions with the applicant in relation to the landscape scheme and Biodiversity Net Gain, a revised landscape plan (R/2498/1 Rev G) has been submitted that addresses many previous concerns in relation to environmental Local Plan policies. There are still however concerns relating this scheme to the Murton Gap Masterplan.

3.38 This scheme is a departure from the approved Murton Gap Masterplan which offered areas of informal structure planting, that would have provided well connected and more extensive woodland and semi-natural buffer planting around the boundary for more effective screening and green links. The landscape planting associated with a commercial/retail development is more formal in character with emphasis on the visual prominence of the development and providing a reduced planting boundary that is interrupted by footpaths and access road. There are also uncertainties regarding how the housing numbers allocated for this site will be accommodated on the land already allocated for housing at Murton Gap and if this will impact on the approved green infrastructure on the wider Murton site.

3.39 Arboricultural survey

3.40 The tree cover within the survey area comprises of a small group of trees at the northern boundary of the site (likely planted as screening of the commercial

unit north of the survey area), with a managed hawthorn hedge to the south and occasional trees and shrubs along the western boundary. The central and eastern areas of the site contain little of arboricultural significance, consisting of arable farmland. None of the trees on the site are protected by a Tree Preservation Order (TPO).

3.41 The application is supported by an Arboricultural Report and Impact Assessment prepared by FDA Landscapes Ltd (dated May 2021). The trees have been evaluated for the purposes of British Standard 5837:2012 Trees in relation to design, demolition and construction, with regard to their quality and value. The type and size of the root protection area has also been calculated and the position of the protective barriers has been determined. The remaining contribution or safe useful life expectancy is estimated as an indication of the trees period of retention.

3.42 The Arboricultural Impact Assessment (AIA) surveyed 12no. individual trees and 1no. hedge. Of the trees surveyed, all 13 trees and groups are retention category 'C'.

3.43 The sites most significant tree is T9, a semi-mature Whitebeam situated to the north of the site and is visually prominent throughout the entire site and surrounding area and provides a moderate level of amenity value. In the northern corner of the survey area are a small group of screening trees (T1-T8). Individually these trees are of no arboricultural interest with low amenity values, but as a group they effectively contribute to the screening of a large commercial site and carpark. The western boundary is primarily made up of dense brambles and a small group of shrubby Berberis. At the south western corner are 2no. Hawthorn (T10 and T11) and a small Apple (T12). These trees are of low value and should not pose any significant constraint on the development potential of the site. The southern boundary hedge (G13) is of equally low amenity.

3.44 The current AIA states that 3 trees and one tree group will require removal as they are situated in the footprint of the structure or their retention and protection throughout the development is not suitable. The trees that require removal are T10, T11, T12 and G13, all which have a low retention value (category 'C'). T10 and T11 are semi-mature Hawthorn with little visual amenity. T12 is an Apple that has a significant north westerly lean and G13 is a managed boundary hedge consisting primarily of Hawthorn. However following various discussions, it is now proposed to retain G13 with only a small section to be removed for access.

3.45 Landscape Plan R/2498/1G

3.46 Following discussions with the applicant, improvements have been made to the 'Landscape Details Plan' (R/2498/1G Rev G) that meet the requirements of Biodiversity Net Gain. The landscape plan proposes 52no. extra heavy standard trees, native scrub and hedgerow, ornamental shrub planting and wildflower planting. This will provide some structural diversity around the boundaries and entrances of the site and contribute to green links. However, there are still opportunities for additional planting to improve visual amenity and reduce the visual impact of the development, specifically in the south-west corner of the site, by linking up the native scrub planting proposed between the southern and

western boundary. This will improve visual amenity and green corridor links for wildlife along this boundary. These improvements/enhancements can be included via a suitably worded landscape condition. The Landscape Plan will therefore need to be updated to address this which can be submitted via a landscape condition.

3.47 Updated Ecological Impact Assessment (EclA)

3.48 An updated Ecological Impact Assessment (May 2022) has been submitted to support the application. The scheme will result in the loss of arable habitat and small sections of native species rich hedgerow. No protected species issues have been identified as part of the EclA with the arable habitat providing limited or no opportunities for the majority of species. Surveys for breeding birds confirmed a typical assemblage of common bird species at the site, including nine priority and amber/red list species mainly associated with the boundary hedgerows. No ground nesting farmland birds such as skylark were recorded within the proposed development site, although 2 territories were recorded within the wider field adjacent. The scheme therefore has the potential to impact ground nesting birds (skylark territories) through disturbance impacts and the applicant has acknowledged this and agreed to pay a financial contribution towards off-site farmland bird compensation to be delivered on land within North Tyneside. It is considered that the landscaping scheme associated with the development, such as native scrub and hedgerows will provide additional valuable habitat for farmland birds and foraging/commuting habitat for bats.

3.49 Biodiversity Net Gain/Metric

3.50 A Biodiversity Metric 3.1 calculation (Enzygo June 2022 Rev A) has been submitted which sets out the baseline value of the site (before development) and the post-development habitat value. The metric calculation provides the raw data for a Biodiversity Net Gain (BNG) Assessment which was requested to support the application and should typically outline how the site has been assessed using the Defra Biodiversity Metric including information on the condition scoring criteria for each habitat type as set out in the Technical Guidance documents. A BNG Assessment Report has not been submitted, however, the Metric calculation does provide some additional limited information within the 'Comments' section (Assessor Comments) of the calculation tool.

3.51 The results of the metric show that all the habitats within the site boundary (arable land, species poor neutral grassland and bramble scrub) will be lost as part of the scheme. Post development habitat creation indicates creation of mixed native scrub, other neutral grassland and urban trees which will result in a 22.58% net gain.

3.52 The hedgerow baseline information indicates that some existing hedgerow will be lost to accommodate the scheme. New species rich hedgerow will be created within the site along with enhancement of the existing hedgerow which results in a large increase in hedgerow units.

3.53 The submitted Biodiversity Metric needs to be updated to take into account the changes that have been made in the updated 'Landscape Details Plan' (R/2498/1G Rev G) as the Metric data is no longer correct. These changes are unlikely to reduce the net gain of 22.58% as additional habitat has been provided

as part of the updated Landscape Plan. It will, therefore, be acceptable for an updated Biodiversity Metric to be conditioned as part of the application. Similarly, a Biodiversity Net Gain (BNG) Report will also need to be provided by way of condition to support the findings of the Metric and ensure habitat condition assessment information is provided that will then form the basis for an ongoing 30 year management plan (LEMMP) for this site.

3.54 The scheme (Landscape Proposal DWG: R/2498/1G Rev G) will deliver a net gain in biodiversity on site in accordance with Local Plan Policy and the NPPF and offers a higher quality landscape proposal in terms of planting associated with this type of commercial/retail application, and on this basis the landscape scheme is acceptable. Should the application be approved, the following conditions should be applied:

3.55 Conditions

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved landscape plans or without the prior written consent of the Local Planning Authority. G13 is to be retained, contrary to the AIA. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Prior to commencement of works starting on site, an Arboricultural Method Statement and Tree Protection Plan is to be submitted for approval showing the retention and protection of G13.

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

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

The contractor's construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing

and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement by All About Trees. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan and specification, based on R/2498/1G, shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with an approved Biodiversity Net Gain Assessment Report and updated Biodiversity Metric. The landscape scheme shall also include the following:

- Native shrub mix to extend behind the car parking bays located in the south-west corner of the site, behind the sign and extending to link with the new steps.

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

Within 4 weeks of development commencing on site, an updated Biodiversity Metric 3.1 and a Biodiversity Net Gain (BNG) Report, based on an approved Landscape Plan, shall be submitted to and approved in writing by the Local Planning Authority.

Within 4 weeks of development commencing on site, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within an approved Biodiversity Net Gain Report/Biodiversity Metric and approved Landscape Plan.

- Survey and monitoring details for all target habitats identified within the approved Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports

will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

-Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

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

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

All works will be undertaken in accordance with an approved Construction Environmental Management Plan (CEMP) that includes method statements for protected/priority species (breeding birds, bats, hedgehog etc) and appropriate working methods including pollution control. Details shall be submitted for approval by the LPA prior to works commencing on site.

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

4no. bird boxes/features will be integrated into new buildings and suitable habitat locations within the development site. Details of bird box/features specifications and locations must be submitted to and approved in writing by the Local Planning

Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

2no. bat boxes/features will be integrated into new buildings within the development site. Details of bat box/features specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

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

Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details of the locations and specification of the hedgehog gaps shall be submitted to the LPA for approval within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

Hibernacula will be created within landscaped areas of the site for wildlife. A Plan detailing the locations of the hibernacula and their specification shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site.

3.56 Public Rights of Way Officer (PRoW)

3.57 Is there any reason why the unit cannot come to the front and have the loading and parking to the rear?

3.58 Is that a signalised crossing over Park Lane? A parallel would suffice. There needs to be a constructed link into Brunswick to support cycling walking from there to the crossing.

3.59 The right turn pocket is going to further diminish on road space for cycling. There is an opportunity to construct links into the Park Lane (estate road) from New York Road and, to add another link at the north end to meet up with the crossing and link path set out above.

3.60 At the south end of the estate road there is a crossing but the link path from the west is very narrow, this needs to be widened and fully surfaced to create the links set out above. Also, we have a ramped access up to New York Road from the estate road - can this be newly constructed and widened with drops from the main road?

3.61 There is an opportunity in line with LTN 1/20 to create a stepped cycle track footway along the east side of Park Lane and to incorporate a priority crossing over the site road. Why does the footway not continue on the south side of the access road?

3.62 The two link paths to the south need to be splayed at both ends - line up and be fully continuous into entrance and cycle parking. I note one is to have

steps - for cycling there needs to be another that can fall gradually into site (if there are height level issues) - this would mean rearranging the false zebra. There also needs to be a same type link to the crossing on New York Road. This needs careful work.

3.63 The stepped track/footway should continue around bend to New York Road - and cycle element bypass the bus stop and tie into false zebra into site.

4.0 Representations

4.1 Objections: 74 representations objecting to this application have been received. These are summarised below:

- Adverse effect on wildlife
- Affect character of conservation area
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision
- Traffic congestion
- Loss of visual amenity
- Nuisance: disturbance, dust/dirt, fumes, noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Will result in visual intrusion
- Loss of/damage to trees
- Loss of privacy
- Within greenbelt/no special circumstance
- Inappropriate in special landscape area
- Nowhere in the Murton Gap Masterplan of 2017 is there any mention of retail development on the land in question and this application should be refused.
- With two Morrison's and an Aldi store in very close proximity this store is just not needed other than to property developers and landowners making a fortune. Please withdraw permission.
- There's a huge issue of congestion on the main road that links Shiremoor to the coast especially during rush hours. Many school runs are done in morning to schools along coast and there's no alternative route that has same speed. There is already some congestion on Cobalt Business Park as well as people going to work or school in coastal areas. A separate lane off the main road or something like that would be needed on designs to stop major delays and congestion around that junction.
- There is absolutely no need for yet another Lidl in this area. Far too much of our farmland has already been taken away in the last decade or two. It will also create even more traffic chaos than we already have. Cobalt, new estates etc are just making enormous traffic problems and taking away the last few inches of whatever habitat we ever had for wildlife. This makes me so sad having lived here for 40 years and seen the detrimental impact it has had. There are already plans for a Lidl less than 1 mile away from this proposed site. I will also be writing to my MP about this.
- The Traffic congestion on Park Lane/New York Road/Cobalt is already bad enough with regular gridlock particularly at peak times. An additional store will further increase heavy traffic on this road creating problems for exiting housing

estates opposite as well as encouraging more traffic to cut through estates to try and beat the queue which happens regularly already.

-It appears over development of food stores as this area already has a Lidl on Rake Lane plus two nearby Aldi stores, two Sainsburys, Tesco Extra, Spar, Herons and a Farmfoods as well as several local general dealers. It appears to be overkill on the supermarket front and very much not required. If this and the proposed petrol station, M&S store and additional Costa application is approved, traffic will be at a virtual standstill. Very much over development of the area which is also a wildlife corridor area.

- Park Lane gets busy in rush hours - mornings and evenings with traffic queues at the lights already. I will most likely have to set off earlier for school run/work.

- I feel for the residents who live opposite the site who probably moved to the area because of the nice outlook they have but will now have to see a grey building in front of them rather than farmer's fields.

- Yes, it will create jobs, have nice landscaping around it and parking for customers but I really don't feel Shiremoor needs this at all.

- It is nigh on impossible to get out of my street and on the main road as it is. There is however a "Keep Clear" painted sign on the road that absolutely no one takes any notice of. I feel that creating another opening very near would make it impossible to get out of my estate and on the main road.

- The submitted plan does not deal adequately with the issues that a consequential increase in the volume of traffic will have on an area that is already overloaded, particularly at peak times.

- The junction between Park Lane and New York Road is exceptionally busy between the 'rush' hours of 08:00 to 09:00 and 16:00 to 17:30 as it serves as one of the main routes to and from the Cobalt Business Park. At these times traffic is often queued up Park Lane from the junction with New York Road, all of the way past the proposed junction for the proposed new store (and often backs up past the mini roundabout which forms the entrance to Boundary Mill Stores).

Customers of the new Lidl store will find it difficult to get both in and out of this new junction, particularly those coming from the New York Road direction who will have to turn right into the new store. Any Lidl customers queuing to turn right into the new junction will back traffic up Park Lane and impact the smooth operation of the Park Lane / New York Road Junction.

-I live in St. Albans View, which is a street that is accessed using the junction between the new proposed junction for the new Lidl store entrance and the main junction between Park Lane and New York Road. This junction is already extremely difficult at most times to turn right out of due to its close proximity to the main junction and the general volume of traffic. All of the points made earlier will make my exit from my street onto Park Lane unacceptably much more difficult than it already is.

- The vehicular access plan for the proposed Lidl store will have a severe cumulative impact on the effective operation of the surrounding road network, which is grounds for refusal under paragraph 109 of the National Planning Policy Framework 2019. I therefore formally object to the planning application and petition for its refusal.

- It should also be noted that I engaged with the developers during their pre-application consultation phase, making them aware of all of the points made in this objection. None of my concerns have resulted in any change to their original draft plan, leading me to believe it was simply a 'box ticking' exercise. Also, for information, another resident contacted the Mayor of North Tyneside during Lidl's

own pre-application consultation, expressing concern over the traffic situation. The Mayor offered the following response indicating the Local Planning Authority did not support the plan as it stood at the time (and it currently remains unchanged).

Case Officer Note: An objector has included a response from the Mayor as part of their objection. This correspondence advises that the Elected Mayor does not have any control over the quasi-judicial functions of the Authority and cannot intervene in planning decisions. It advises that no planning application had yet been submitted but confirmed the developer had carried out their own community engagement process. It advises that if a planning application is submitted the resident would be invited to make representations to the Council which the Planning Committee will be able to take into account as part of the formal planning decision making process. It advises that traffic impacts will be a key consideration and a Transport Assessment would be required to consider impact of traffic on the site access and other junctions on the A191. The letter advises that the LPA does not support the proposal and that Lidl should consider accessing any development via the new roads rather than via Park Lane. Residents were encouraged to respond to Lidl at this time but if an application were to be submitted, they would have a further opportunity to comment.

-There is already traffic congestion most of the day with the rat races to Silverlink/Cobalt as well as traffic to Boundary Mills. We have battled for years to get these rat races stopped and reduce traffic on Park Lane for this being a totally residential area and a lot of the houses not having parking on site and having to park on road. Likely to become worse already when everyone returns to work and Sage move to Cobalt.

-Why can't the empty Great Outdoors be used which already has parking and access from Park Lane?

-If this is a tick box and council are already going to approve then seriously think of where the entrance will be, Park Lane a residential street, or New York Road, a bigger non-residential area that would be much better suited, plenty space to organise proper entrance, definitely not Park Lane, this will also have a huge impact onto the value of houses opposite which since being a resident for 30 years is not something we wish to have.

-Sending the odd person from the traffic department is a total waste of time as they only attend during quiet periods as they cannot cope if they had to attend during busy times morning and night on a regular basis to check traffic flow.

-At present Park Lane has 4 junctions between Boundary Mill site and New York Road which causes considerable congestion and makes access from our estate very difficult. According to the proposed site plan it would mean we have to cross two lanes of traffic to get to the third lane to access New York Road east bound. At the present time it is difficult to exit the estate even though there is a "keep clear" box on the road and the proposed plans to add another junction on this stretch would only compound the access problems and congestion.

-When the Murton Gap Masterplan was published in 2017, we were informed that a road was to be constructed between Earsdon roundabout and New York road to reduce the traffic flow on Park Lane. The proposed plans for the Lidl store appear to contradict the original plan and will increase traffic considerably.

-Noise levels. We are extremely concerned about the noise pollution from refrigeration equipment. The noise levels predicted at night could be a constant

30 db. We normally have our bedroom windows open at night for ventilation and this constant background noise could cause sleep deprivation. We are also concerned about the excessive noise levels when delivery vehicles are arriving, unloading and leaving the premises at any time between 7 a.m. and 11 p.m. seven days per week. These vehicles will also add to the traffic congestion on Park Lane.

-Obviously there has been no traffic survey carried out on Park Lane Shiremoor, in respect to the increased volume of traffic this development will bring to this area.

-We live at New York Road and find the traffic now without any increase to be at times far too heavy for the class of road.

-We live in a cul-de-sac with one way in /out, I would estimate about 100 to 200 metres from your proposed Entrance/Exit to the proposed site, We already experience lots of difficulty exiting from our estate at peak times of the day, there are times it takes between 5 to 10 minutes (depending on the generosity of other drivers) to exit the estate. With added increase of traffic along Park Lane I feel these times will increase.

Also, on Bank holidays and weekends when your car park is full there will be an overspill of vehicles into the surrounding housing areas, which we have experienced before and when everyone is at home there are no vacant parking spaces in our street as we have no drives and so have to park on the road.

-Pedestrian access to the store will also be problematical given that the pedestrian crossing at the end of Park Lane is a multi-way crossing, predominantly to control the traffic flow to the Cobalt. Given that the bulk of pedestrians who may use the proposed store will come from residences further down Park Lane and adjacent estates and they will need to cross Park Lane via the crossing located near the end of Brenkley Avenue, and so crossing the access road to Boundary Mills to reach the proposed Lidl. This access road is often extremely busy too, should people wish to visit the proposed store on foot.

-Shiremoor, and the surrounding area, already has issues regarding adequate drainage, over-congestion and over-development of green-spaces. And constantly the response by the council is to develop over more green space, against the wishes of those who live here. Over the last decade, the North Tyneside council has continually allowed the development of community enjoyed green spaces and necessary floodplains, for its own short-term profit. The absolute audacity of the council to allow another supermarket on one of the only untouched green space left in Shiremoor is embarrassing and insulting, when there is already an excessive abundance of supermarkets nearby already, (especially when considering the new Aldi that was built little over four years back).

-The reason people like the North Tyneside and want to live here is because it is a surprising blend of urban and rural living. If you want to destroy the entire appeal of your constituency by turning into a metropolitan cityscape with no greenspaces left, because they've all been built up by Lidl's and housing estates, go ahead. But know that this isn't setting a precedent, it's following a precedent set over a decade ago. If the current council leaders want to keep their jobs, I recommend they stop this foolish over-development, lest they all get rightfully voted out.

-The traffic assessment that has been submitted as part of this application is a work of fiction worthy of Hans Christian Andersen. It is an exercise in selecting the data and working assumptions required to give the outcome that the

developer wants, i.e. traffic flow is not severely impacted. Specifically: the traffic volumes used are from another junction and not based upon a survey of actual traffic volume at the proposed site. Not all of the impacted junctions have been included in the modelling, i.e. the junction that is an offshoot of Park Lane that leads around to St Albans View, or the Junction with Brunswick Road, which are both very difficult to get out from at peak times. The assumptions around volume of new traffic vs existing traffic using the store flatters the developer's case that traffic flow is not impacted. They choose to model based upon a high number of existing passers by using the store, so it looks like the overall increase in traffic is negligible. Strangely, they do not really include any significant volume of new customers who would use the store that otherwise would not drive on Park Lane. This is not reasonable given the number of directions traffic flows into the Cobalt business Park from. It is entirely reasonable to assume that vehicles that enter the Cobalt normally via the Silverlink end, or coming off the A19, or driving towards the Cobalt via New York Road, could make a diversion on their way to / from work or at lunch time to visit the Lidl store. The volume of these journeys is not adequately accounted for in the traffic modelling. In my view, the traffic assessment that has been submitted is completely inadequate and is there only to counter the inevitable opposition from frustrated residents who already have to live with the existing traffic nightmare day to day.

- While I appreciate that it will be hard for the local authority to turn down the additional rates revenue and one off environmental levy this development will put into the coffers, public servants need to remember who they are there to serve ... the people they represent, not the interests of big business. Do the right thing for the local residents and refuse this planning proposal!

- I am well aware of how my health suffers due to very slow-moving cars along Park Lane and this proposal will add to the problem. Residents, including many young children walking to and from school will have added burden of poor air quality due to car fumes, which will be negative for their long-term health.

- The store is likely to have a negative effect on local independent community shops whilst compared as equals sell a wider range of products including for example a full range of newspapers and ability to purchase single ice creams. A lifeline for residents in local estates.

- As a pedestrian the proposed development is a danger to me. There is no provision in the site plan of how to safely cross the entrance road into the store to continue to the A192. It also fails for pedestrians travelling up from Boundary Mill and into the store (a route likely to be the main route, even if the Puffin Crossing is used). As a pedestrian we are abandoned to soft landscaping and cannot walk traffic free to the store entrance. We have to contend with crossing the road and dodging incoming and outgoing traffic.

- The public consultation summary is erroneous at point 5.3 when the phrase Park Road is used. The summary presents a positive for the development without taking into account the thousands of residents who made no comment at all. Roughly 75% of residents made no comment. 60% of positive comments is only attributed to 25% of residents.

- The Murton Development Plan did not plan for an enterprise at this corner and should reject this application.

- There will be a loss of habitat if the hedgerows are removed. Even if they are kept, birds and small animals will be impacted by increased pollution/noise from cars and probably find new places to nest/live. Do we need a new construction on a greenfield site can we not find suitable brownfield development sites (for

example the old Go Outdoors unit is standing empty).

- There is no planned crossing of the new junction entrance into the supermarket, how are pedestrians meant to continue on foot to New York road, to the bus stop and Algernon Industrial Estate? This is a route I walk a few times a week. Safety is now going to be a concern, having to cross over two lanes of traffic without a safe means to do so, the junction looks to be 9m in length.

-When was the last traffic survey conducted that underpins the modelling? Has it taken into account the change to traffic as a result of Sage moving to the Cobalt and the development of the petrol station which has been approved? Also, in the report under the CAPITA section it also mentions Rake Lane in a number of sections (Part 2, 3 & 6) which implies that parts of this document are a copy and paste for the other new store on Rake Lane, which is disappointing and undermines the content.

- In the adopted Local Plan, Policy S4.4 (a) Murton strategic allocation concept plan and the image at section 7.46 totally contradict the siting of a retail unit at this location. It also shows the proposed highway routes and access points were not intended to be on Park Lane. Point B states; primary and secondary access points suitable to accommodate evidence-based traffic flows.

-Policy S1.1 Spatial Strategy for Sustainable Development states;

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

i. within the main town centres of Wallsend, North Shields and Whitley Bay, as well as Killingworth town centre, taking advantage of the excellent accessibility, services and infrastructure invested in those locations. Section 4.10 states The emphasis on town centres reflects the retail guidance in the NPPF.

-I strenuously object to the placement of a crossing directly opposite my house. This will not only bring further noise disruption but will also bring about a decrease in privacy as people wait to cross. The siting will also make entry/exit from Brunswick Road increasingly dangerous. If such a crossing is required, it should be sited closer to the actual Lidl site where there is greater distance from residential dwellings. The current siting right next to a junction is ludicrous.

- The environmental report (which, I note, was undertaken solely by a company hired by Lidl) does not pay sufficient attention to visiting species such as Lapwing (which are regular visitors to the field in question and have been for many years) and Skylark (which have been present on site for at least the previous two summers). Far too little attention is also paid to the nearby hedgerows which would be destroyed and which host numerous small bird species (yes, all of them relatively common but still worthy of consideration given North Tyneside Council's promise to re-green the area).

I would ask that a separate and independent environmental impact report be undertaken, preferably by freelancers who do not (as the two gentlemen who compiled the report) do not have a history of working with companies seeking to develop land for commercial or industrial use.

-If the permission is given to Lidl (as I suspect) then I would very strongly request that a screen of trees and shrubs is demanded to screen the site from the residential properties on Park Lane and Brunswick Road. This screen should extend from the New York Road part of the site to the current entrance to the field opposite Brunswick Road. Such an undertaking by Lidl would not only be appreciated by residents but would also: 1. Encourage wildlife species, especially garden birds; 2. Would tie in with NTC's commitment to plant more trees in the area; 3. Prove Lidl's commitment to work alongside local residents rather than simply ignore.

- I also notice that the noise analysis was undertaken at one of the quietest points possible on the road (next to part of a car park which is often empty) and was not taken on the actual location of the site. Surely it would have been necessary for the sample to have been taken far closer to the junction of Park Lane and New York Road? As a resident of a corner property on Brunswick Road I can assure NTC that traffic noise is currently a problem and this would make things worse.
- The description of the site (2.1.1, p. 5) is incorrect in asserting that the site is currently 'vacant land', it is not. The site is currently actively farmed land and had been for decades.
- The accident analysis (2.2, p. 6) is lacking in thoroughness. Although the road may not be an accident blackspot, the analysis fails to take into account the added risk that the site would bring. The presence of three junctions in such close proximity would bring added risk as would the notable increase in traffic levels.
- I simply cannot agree with the wordy conclusion of the traffic impact survey (5.0, pp. 16-18). As a resident on this road for almost 50 years I can judge traffic levels for myself and, Covid aside, the levels have increased drastically over the last few years due to new housing developments, etc. This development would, no matter what models and theories show, increase traffic levels on both Park Lane and New York Road. This, without traffic calming measures to ease this is unacceptable.

4.2 Support: 25 representations supporting this application have been received.

- Support the need of this venture in this location as providing further residential support and competition to keep other suppliers focused on price control.
- Support, handy as next to Boundary Mills, but why not use the old Go Outdoors store sharing same entrance with Boundary Mills?
- A Lidl in Shiremoor would conveniently serve the local community and provide shoppers competition with Northumberland Park and more choice.
- Very simply I strongly support the application for the construction and opening of this Lidl store hence no ticks in the above list which only appear to be relevant for objections.
- I support the proposal especially when the adjoining land is a proposed housing development site, this means we will be needing the facility in this area. As an older resident being able to walk to the local supermarket is essential especially if you don't have access to transport.
- There are so many housing estates around that it would be very beneficial for the community at large to have an additional supermarket.
- I no longer drive, but living in Holyfields, I could walk to that location in 10 minutes and there is also a bus service towards Park Lane.
- This area of land has been designated for development for many years and Lidl's proposals would be very welcome. They construct attractive buildings and surroundings in addition to the job opportunities that they would create it is an opportunity not to be missed to improve this area. I hope you will approve this project. If I can add one request could you request a goodly number of trees be included in their landscaping proposals.
- We live directly opposite so get the whole traffic thing. However, we could walk over as could a lot of other people do our little bit for the environment by not having to drive to the nearest supermarket. It will also create more jobs for the area too.

- It brings great job prospects to the area with a lot more flexibility for part time hours which is lacking when looking to get back into the working world. Once the housing development progresses in the same area this will be a vital part of the community and provide affordable amenities.
- I am for this development. This land has stood empty for such a long time whereas "green space" is being taken instead.
- It is a welcomed addition to the area.
- I do not agree with a lot of the comments raised to date. The only concern is traffic which after a study, will hopefully show if this project is viable or not, everything else is a non-issue.
- The comments about house prices are laughable (visual amenity? really?). Pollution and noise levels when there is a massive switch to electric cars therefore in a few years to come that will have negated itself. Drainage and flooding are something that can be managed also.
- I think a lot of the comments are basically people clinging onto every opportunity for this development not to go ahead, rather than just focusing on the main one which is traffic. I for one, will be walking to this development if it was created, therefore saving myself going to Asda or Tesco and therefore creating more traffic.
- The area is lacking in adequate affordable amenities within a walkable distance. There is already access to Boundary Mills so don't see improving this part of the road as an issue. The traffic issues are only early morning but that's everywhere you go not just this junction. Not many people tend to be rushing to the supermarket in rush hour so I don't see there being any increase to traffic issues. The area needs expanding with good practical businesses so I do hope this goes ahead it will also bring much needed jobs to the area and as I understand Lidl pay is above average. This also helps to increase house prices in the area too, the houses by Rake Land Lidl went up approximately £10k unable to see a downside to this development.

5.0 External Consultees

5.1 Northumbria Police

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

5.3 The Coal Authority

5.4 The application site falls within the defined Development High Risk Area.

5.5 The Coal Authority information indicates that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth associated with thick coal seam outcrops.

5.6 The Coal Authority notes the submitted Phase II GeoEnvironmental Investigation Report (dated April 2021) from Earth Environmental & Geotechnical Ltd, the content of which confirms site investigations across the site. In terms of the results, the Report confirms that only thin intact coal seams were encountered, which will not have been worked due to their uneconomical characteristics.

5.7 On account of the above, and on the basis that the Report confirms that all other seams have sufficient competent rock cover above them to afford ground stability, I can confirm that the Coal Authority is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated.

5.8 The Coal Authority considers that the content and conclusions of the information prepared by Earth Environmental & Geotechnical Ltd, are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

5.9 Northumbrian Water

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

5.11 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/developers.aspx>.

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

5.13 We have no issues to raise with the above application, provided the application is approved and carried out in strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy June 2021". This document is prepared in accordance with advice provided by NW in our pre-planning enquiry response.

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

Condition: Development shall be implemented in line with the drainage scheme contained within the submitted entitled "Flood Risk Assessment and Drainage Strategy" dated June 2021. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 7404 and ensure that surface water discharges into the existing highways drainage system as per agreement with the Lead Local Flood Authority. Surface water flows shall not enter our public wastewater network.

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

5.15 It should be noted that we are not commenting on the quality of the Flood Risk Assessment as a whole or the developers 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.

Application No: 22/02195/FUL Author: Rebecca Andison
Date valid: 9 December 2022 ☎: 0191 643 6321
Target decision date: 10 March 2023 Ward: Wallsend

Application type: full planning application

Location: Land East of Neptune Road, Wallsend, Tyne and Wear

Proposal: Use of the site (as shown on the attached site location plan) as a combined B2 (General Industrial) / B8 (Storage and Distribution) use.

Applicant: Offshore Technology Park

Agent: Fairhurst

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

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

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

2.0 Description of the Site

2.1 The application relates to a vacant 6ha site which is located on Neptune Road, Wallsend.

2.2 The adjoining site to the northeast is occupied by large factory (Heraeus Conamic) and to the southeast are further industrial sites along the banks of the River Tyne. The Hadrian's Wall Path runs along the site's south eastern

boundary while the western and northwest boundaries abut Neptune Road and the A187.

2.3 The site is allocated for employment use within the Local Plan and lies within the River Tyne North Bank Area. It is also located within a wildlife corridor and the Hadrian's Wall Military Zone.

3.0 Description of the proposed development

3.1 Planning permission is sought to use the site for mixed B2(General Industrial) and B8 (Storage and Distribution) purposes. No new buildings or other built development is proposed.

3.2 The applicant has stated that the purpose of the planning application is to allow the application site to be used for the storage of construction material, plant, machinery, and modular buildings (portacabins).

4.0 Relevant Planning History

13/01127/FUL - Change of Use to Vehicle dismantling and depolluting centre – Permitted 02.10.2013

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

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

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

8.0 Principle of the Proposed Development

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

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

8.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

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

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

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

8.7 Policy DM2.3 states that the Council will support proposals on employment land for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals on identified employment land or other buildings in use class B1, B2 or B8, for uses that could conflict with the development and regeneration

of sites for economic development, will be permitted where these proposals would not:

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

8.8 Policy AS2.5 states that across the River Tyne North Bank area proposals for all forms of employment development will be supported to enable economic growth, investment and regeneration of the area where they do not restrict

riverside access that could compromise the capacity of the River Tyne North Bank to support marine and off-shore related industry.

8.9 The Council will support and encourage further development and investment in the advanced engineering, manufacturing and renewables sector providing a range of office and manufacturing space, with access to multi-purpose hard standing and deep-water berths, and additionally to the provision of accommodation for training and education in related sectors, across the River Tyne North Bank area with particular focus upon the following locations highlighted on the Policies Map:

- a. Former Swan Hunter shipyard, part of the North East Low Carbon Enterprise Zone.
- b. Land at Port of Tyne, part of the North East Low Carbon Enterprise Zone.
- c. Existing and available employment land adjacent to a. and b. above within the River Tyne North Bank area.

8.10 The application site is allocated for employment use by the Local Plan and lies within the River Tyne North Bank Area. The proposed development would create employment opportunities and bring a vacant employment site into use. It would not restrict riverside access.

8.11 The proposal is therefore considered to be acceptable in principle and in accordance with Policies DM2.3 and AS2.5 of the Local Plan.

9.0 Impact on surrounding occupiers

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

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

9.3 Policy DM6.1 (b and f) states that proposals should demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

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

9.5 The application site is located within an area which is characterised by large scale industrial uses. The proposal is to use the site for the storage of construction material, plant, machinery, and modular buildings (portacabins). The applicant is seeking a mixed B2 and B8 use.

9.6 The closest residential properties are located on the north side of the A187, approximately 50m from the site's northern boundary. While the proposed mixed B2 and B8 use has the potential to result in noise disturbance which could impact on the amenity of residents it is important to take into account that the site is located within an area characterised by industrial uses and is separated from these properties by a main highway and a belt of trees.

9.7 The Manager of Environmental Health has been consulted and provided comments. She raises concern regarding the potential impact of noise on nearby residents and recommends conditions in respect of external plant, tannoy, delivery and operation hours, external lighting and refuse storage. It is considered that these conditions are reasonable and necessary to ensure that the development does not adversely impact on the amenity of nearby residents. A further condition is recommended requiring that a noise management plan must be submitted prior to the B2 use commencing. This is considered to be reasonable given that no details of the nature of this use have been provided.

9.8 The Manager of Environmental Health also recommends conditions in respect of dust suppression during construction, ventilation and chimneys/extraction. Given that the proposal does not include any new buildings where ventilation/extraction may be required and that no construction work is proposed, these conditions are not considered to be necessary.

9.9 The impact on the visual amenity of residents is considered to be acceptable given that it is the blank gable elevations of these properties which face towards the site and the screening provided by the trees.

9.10 Subject to the conditions discussed above it is officer opinion that the impact on existing occupiers would be acceptable and in accordance with Policies DM6.1 (b and f) and DM5.19.

10.0 Character and appearance

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

10.2 NPPF (para. 130) states that planning decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) 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);
- d) 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;

- e) optimise the potential of the site 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
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

10.4 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.

10.5 The Design Quality SPD applies to all planning applications that involve building works.

10.6 The proposal relates to the use of the site and does not include any buildings or other built development. While the storage of materials and machinery would have some impact on the appearance of the site it is not considered that it would appear out of keeping or result in any harm to the streetscene when taking into account the character of the surroundings

10.7 It is therefore considered that the development complies with Policy DM6.1.

11.0 Whether there is sufficient car parking and access provided

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

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

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

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

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

11.6 The site is currently vacant and there is no parking laid out. No alterations to the parking or access are proposed.

11.7 The Highway Network Manager has been consulted and raises no objections to the proposal.

11.8 It is therefore officer opinion that impact on the highway network is acceptable and in accordance with the NPPF, Policy DM7.4 and the Transport and Highways SPD.

12.0 Other Issues

12.1 Hadrian's Wall

12.2 The site is located within the Hadrian's Wall Military Zone. As the proposal involves a change of use of land with no above ground development or below ground foundations, it is not considered that there would be any adverse impact on archaeology or the World Heritage Site.

12.3 Local Finance Considerations

12.4 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy.

12.5 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

12.6 It is considered that the creation of jobs is material in terms of making this development acceptable in planning terms.

13.0 Conclusions

13.1 The proposal would bring a vacant employment site into B2/B8 use and create additional jobs in accordance with Policies DM2.3 and AS2.5 of the Local Plan. In officer opinion that the principle of development is acceptable.

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

13.3 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval.

RECOMMENDATION: **Application Permitted**

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.
 - Application form
 - Title planReason: To ensure that the development as carried out does not vary from the approved plans.
2. Standard Time Limit 3 Years FUL MAN02 *
3. There shall be no burning of materials on the site.
Reason: In the interests of protecting the amenities of the occupiers of surrounding land and properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).
4. Noise No Tannoys Externally Audible NOI002 *
5. Flood Lighting Scheme Details LIG001 *
6. There shall be no deliveries or collections outside the hours of 07:00 and 23:00 on any day.
Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).
7. There shall be no operational activities within the site outside the hours of 07:00 and 23:00 on any day.
Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).
8. Prior to any B2 (General Industrial) activities taking place within the site a noise management plan must be submitted to and approved in writing by the local planning authority and implemented thereafter. The noise management plan must be set out what activities will be taking place and what measures will be taken to protect the amenity of nearby occupiers from noise disturbance. The operations on the site must be carried out in accordance with the approved details.
Reason: In the interest of residential amenity with regards to policy DM5.19 of the North Tyneside Local Plan 2017.
9. Prior to the installation of any external plant a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the rating level from plant and equipment, as measured one metre from facade of nearest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142. The approved scheme shall be carried out in full prior to the plant being brought into use.

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.

10. Within one month of the plant and equipment being installed acoustic testing must be undertaken to verify compliance with condition 9 and a report of the findings submitted to and approved in writing by the Local Planning Authority.

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.

11. Prior to the use commencing facilities for the storage of refuse and recycling must be provided within the site and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy DM6.1 of North Tyneside Local Plan (2017).

12. Restrict Hours No Construction Sun BH HOU004 *

13. Prior to the installation of any portacabins or other temporary buildings/structures within the site details of the location, height and appearance must be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenity of the area having regard to policy DM6.1 of North Tyneside Local Plan (2017).

14. Materials shall not be stacked or deposited to a height exceeding 2m.

Reason: In order to safeguard the visual amenity of the area having regard to policy DM6.1 of North Tyneside Local Plan (2017).

15. Details of any trees to be removed must be submitted to and approved in writing by the Local Planning Authority prior to their removal.

Reason: In order to safeguard the visual amenity of the area having regard to policy DM6.1 of 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

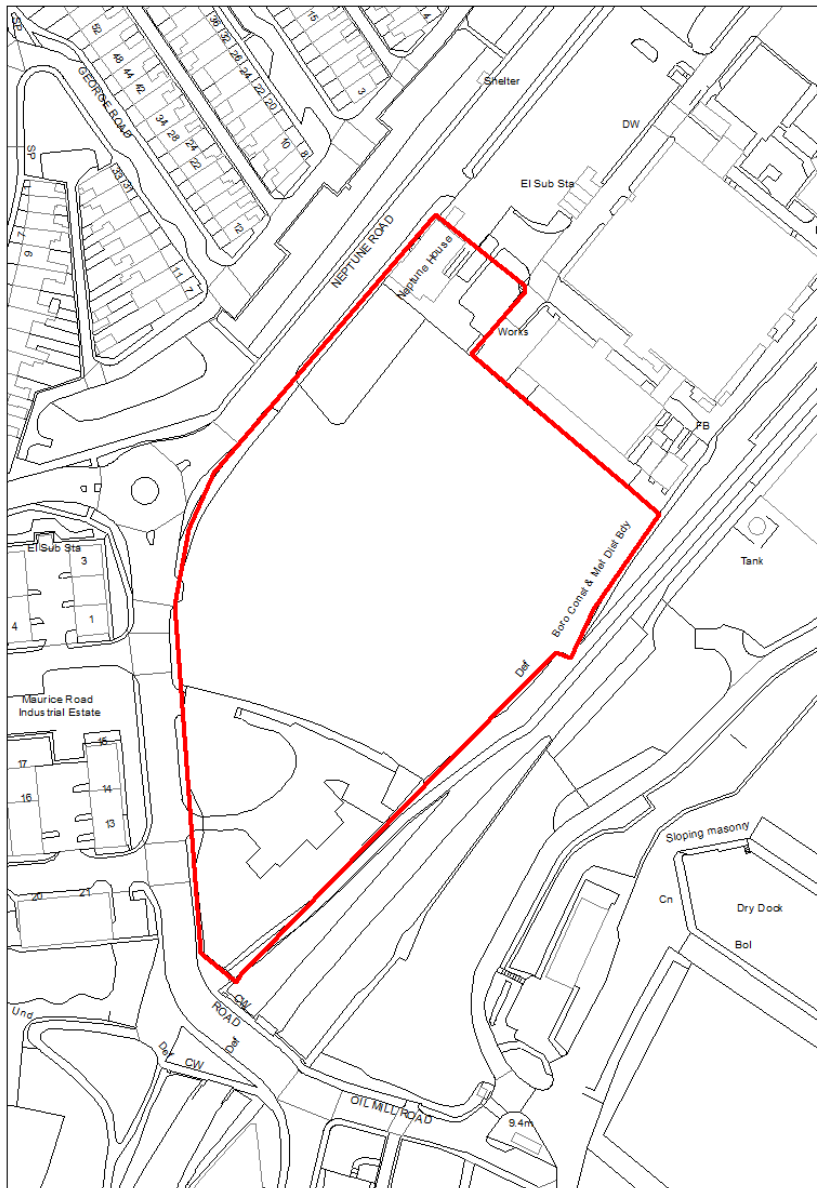
Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

Highway Inspection before dvlpt (I46)

No Doors Gates to Project Over Highways (I10)

The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.



Application reference: 22/02195/FUL

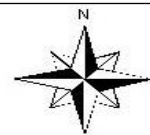
Location: Land East Of, Neptune Road, Wallsend, Tyne And Wear

Proposal: Use of the site (as shown on the attached site location plan) as a combined B2 (General Industrial) / B8 (Storage and Distribution) use.

Not to scale

Date: 02.03.2023

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 The site is long-established, access remain unchanged, and an appropriate level of parking is being proposed. Conditional approval is recommended.

1.3 Recommendation - Approval

1.4 Condition:

Notwithstanding the details submitted, the scheme for parking and turning of vehicles 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).

1.5 Informatives:

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

The applicant is advised that a license must be obtained from the Local Highway 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, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

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

1.6 Regeneration and Economic Development

1.7 Happy to support the change of use of the site from an Economic Development Perspective.

1.8 Manager of Environmental Health (Pollution)

1.9 The site is located within an industrial area with residential located some 50metres to the north of the site at Philiphaugh, George Road and The Avenue. I have concerns regarding potential noise arising from the proposed B2 and B8 use. There will be associated noise from delivery vehicles, unloading/loading operations and noise from any associated plant and equipment.

1.10 No noise assessment has been provided to assess potential noise from the proposed activities. If planning consent is to be given, I would recommend the following conditions are attached to any approval.

External plant only

A noise scheme must be submitted to the planning authority for written approval and implemented prior to development to ensure the rating level from plant and equipment, as measured one metre from facade of nearest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NOI02

NOI10

Prior to any B2 (General Industrial) activities taking place within the site a noise management plan must be produced, submitted to and approved in writing by the local planning authority and implemented thereafter. The noise management plan must be set out what activities will be taking place and what measures will be taken to protect the amenity of nearby occupiers from noise disturbance.

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

Deliveries and collections to be restricted to 0700-2300 hours.

EPL01

EPL02

HOU03 0700-2300

HOU04

SIT03

LIG01 for any new external lighting provided

REF01

REF02

1.11 External Consultees

1.12 Newcastle Airport

1.13 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

1.14 South Tyneside Council

1.15 No objections to the proposal.

Application No: 23/00015/FULH Author: Adam Howarth
Date valid: 17 January 2023 ☎: 0191 643 6334
Target decision date: 14 March 2023 Ward: Tynemouth

Application type: Householder Full application

Location: 23 Monks Way, Tynemouth, Tyne and Wear, NE30 2QN

Proposal: Over garage extension and porch to front elevation. Replacement of timber cladding with smooth white fibre cement cladding (Re-submission)

Applicant: Mr Nathan Sandy

Agent: Butler-Curnow Building Surveyors LLP

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Introduction

1. Members are advised that this application is being referred to Planning Committee as an objector is 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;
- The impact of the proposal on the character and appearance of the surrounding 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 northwest facing semi-detached property in a residential area of Tynemouth. Attached to the southwest elevation of the property there is a garage and kitchen extension.

3.2 The adjoining property to the northeast is no.21 Monks Way. To the west are nos.12 and 14 Marshmont Avenue. Nos. 12 and 14 have a different orientation to the host property. Their rear elevations face the side elevation and rear garden of the host. To the north is 16 Monks Way.

4.0 Description of the proposed development

4.1 Planning permission is sought to construct a first-floor side extension and a porch to the front elevation. The application also includes the replacement of timber cladding with smooth white fibre cement cladding.

4.2 The application is a resubmission of a previous refusal, reference 22/01502/FULH. The previous refusal incorporated a flat roofed side extension whereas a pitched roof is now proposed. In addition the proposed first floor side extension is set in from the front and first floor of the host building by approximately 0.2 metres instead of being set-forward of the front elevation of the dwelling.

5.0 Relevant planning history

22/01502/FULH, Over garage extension and porch to front elevation.
Replacement of timber cladding with smooth white fibre cement cladding, refused 27.09.2022 for the following reasons:

1. The proposed first floor side extension, by virtue of its size, height and position in relation to the neighbouring properties, Nos. 12 and 14 Marshmont Avenue, would have a significant overbearing impact on the residents of those properties, resulting in an unacceptable loss of residential amenity in terms of loss of outlook and light from the rear gardens and windows; contrary to Policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017 and the Design Quality SPD.

2. The proposed first floor side extension, by virtue of its flat roof, is not in keeping with the design of the existing dwelling and would be out of character with the host dwelling and neighbouring properties. The proposal is therefore considered to be contrary to policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017.

23 Monks Way

87/00762/FUL, Kitchen extension and front porch, permitted 09.07.1987

14 Marshmont Avenue

79/00124/FUL, Erection of porch, permitted 20.02.1970

77/02354/FUL, New garage laundry and porch and fence, permitted 27.02.1978

17 Monks Way:

83/00292/FUL - Bedroom extension over existing garage – permitted 26.04.1983

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.

8.2 Members are advised that 4No. 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.”

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.

9.6 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.”

9.7 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.

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

9.9 Supplementary Planning Documents (SPD's)

9.10 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.

9.11 The Design Quality SPD 'Front Extensions and Porches' states : The size of extensions to the front of a property will generally be determined by the amount of available space and the character of the dwelling. Porches should avoid the inclusion of side windows where they would directly overlook a neighbour's habitable window. Obscure glazing may provide an alternative solution in these instances. Windows located on the side elevation of other front extensions will not be supported to protect neighbours privacy. It is also important that the driveway is retained at the lengths set out in the Highways section.

9.12 The Design Quality SPD 'Side Extensions' states: As an alteration affecting the front of a dwelling, it is important that the width of side extension remains subordinate to the original house. It should also reflect the characteristics of the surrounding area,and designed to ensure the dwelling remains balanced in the street scene. Particular care should be given to properties on a corner plot as it must respond appropriately to more than one frontage.

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

10.1 The proposed porch will project out by approximately 1m, to the same level as the existing garage front. Due to the limited projection and the separation

distance to the shared boundary with no.21 Monks Way, it is not considered that the porch extension will significantly impact the light out outlook of no.21. There are no windows proposed on the side elevations of the porch, thus there will be minimal impact on the privacy of no.21. Views towards the front garden of no.21 are already afforded from the existing windows on the front elevation.

10.2 The first-floor side extension is set behind the existing first floor extension by approximately 0.2 metres, however the pitched roof will overhang to the front and will be in-line with the rest of the roof's eaves. Thus, considering the projection and separation distance, the outlook, light and privacy of no.21 will not be significantly impacted.

10.3 The proposed first floor side extension runs along the shared boundary with no.14 Marshmont Avenue for approximately 8.3m and also along a small part of the rear boundary of no.12. Due to the orientation of no.14, which is west facing, the west side elevation of the host's extension is located on the rear boundary of no.14, adjacent to no.14's rear garden and no.14's rear elevation. The rear elevation of no.14 is located approximately 7m from the shared boundary. The extension would impact the light reaching both the rear garden and the windows on the rear elevation of no.14 in the morning. Due to the proximity of the extension to no.14's rear windows, the outlook of from the rear windows and rear garden would be impacted. Therefore, in terms of the impact of the extension on the outlook and light to No.14, it is considered that the side extension would have a detrimental impact. As the side extension will also run along a small part of the shared boundary with no.12 Marshmont Avenue, there will also be some impact to the outlook to the rear of no.12. The addition of a pitched roof to the extension exacerbates the impact on light and outlook compared to the previous refused application.

10.4 There is a frosted window proposed on the southwest side elevation of the extension. Due to this window being located on the shared boundary, this window would need to be obscured glazed to a sufficient level to prevent detriment to the privacy of no.14. However, despite minimising the impact to the privacy of no.14 the impact to the outlook and light to no.14 would still warrant refusal.

10.5 Located to the rear of the host property are the rear gardens of properties on Marshmont Avenue, specifically the rear gardens of nos. 10, 8 and 6 Marshmont Avenue. Due to the separation distances and the existing views already afforded from the existing first floor rear windows of the host property, the proposed side extension would not have a significant impact on the outlook, light and privacy of these properties.

10.6 Similarly, due to the separation distance and the existing views already afforded from the windows on the front elevation of the host property, the proposed porch and side extension will have minimal impact on the residential amenity of the property to the front (No.16 Monks Way).

10.7 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 the proposal would have a detrimental impact

on the amenity of the neighbouring properties to the west, nos. 12 and 14 Marshmont Avenue and is therefore contrary to policies DM6.1 and DM6.2(c).

11.0 The impact of the proposal upon the character and appearance of the surrounding area

11.1 The immediate street scene is largely characterised by semi-detached and detached residential dwellings. There are numerous examples of side and front porch extensions within the area.

11.2 The porch extension accommodates a mono pitched roof, this aids the extension to fit in with the rest of the dwelling. The host property has a hipped roof and the proposed first-floor side extension accommodates a pitched roof with a gable end on the west elevation. The proposed side extension is acceptable in character and appearance. Though most of the properties within the neighbourhood have a hipped roof, the host property's materials and the gable end on the west elevation will not cause significant harm to the overall character of the property or the street-scene.

11.3 The existing timber cladding will be replaced with a smooth white fibre cement cladding. This will not cause significant harm to the street-scene.

11.4 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 the surrounding area. It is officer advice that the proposed development is in accordance with DM6.1 and DM6.2 and the Design Quality SPD.

12.0 Other Issues

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

12.2 It is noted that the proposed development would increase the number of bedrooms from three to four. Therefore, the level of parking provision provided does not meet the Council's parking standards set out in the Transport and Highways SPD. However, this estate was built prior to the adoption of the Transport and Highways SPD and there are no parking restrictions or known parking problems in the immediate vicinity. Therefore, it is not considered that this proposal would significantly impact on parking provision within the immediate vicinity or severely affect highway safety.

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 proposal is acceptable in terms of the impact on residential amenity and whether it will have a detrimental impact on the streetscene.

14.2 It is officer advice that the proposal will have a detrimental impact on residential amenity. The application is recommended for refusal.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. The proposed first floor side extension, by virtue of its size, height and position in relation to the neighbouring properties, Nos. 12 and 14 Marshmont Avenue, would have a significant overbearing impact on the residents of those properties, resulting in an unacceptable loss of residential amenity in terms of loss of outlook and light from the rear gardens and windows; contrary to Policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017 and the Design Quality SPD.

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

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



Application reference: 23/00015/FULH

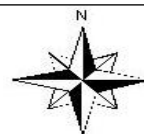
Location: 23 Monks Way, Tynemouth, Tyne And Wear, NE30 2QN

Proposal: Over garage extension and porch to front elevation. Replacement of timber cladding with smooth white fibre cement cladding (Re-submission)

Not to scale

Date: 02.03.2023

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0100016801



Consultations/representations

1.0 Internal Consultees

1.1 None

2.0 Representations

2.1 4No. representations have been received from 3 properties. These are summarised as follows:

- Adverse effect on wildlife
- Impact on landscape
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- Out of keeping with surroundings
- Will result in visual intrusion
- Inappropriate design
- Inappropriate materials
- My objection to the previous proposal stated the over garage extension would significantly impact on our views/sightline from the rear of our property. However, this resubmission and amendment to the previous proposal, with the addition of a full height ridge and gable end, would be overbearingly monolithic, blocking views of the sky and reducing light entering our home. The building would be even more intrusive and would most definitely impact on the value and saleability of ours and our neighbours' properties. It would block light and result in the view from the rear of our property - especially from our bedroom window, being blocked by a huge brick building.
- The proposed rear window would look directly into our garden and rear windows only metres away. Our rear garden is small but is used nine months of the year and is a small sanctuary - to be overwhelmingly overlooked by this huge structure would negatively impact on the use of the garden. The plans state there are no trees/shrubs in the immediate area that would be effected, in fact, our tree sits directly on the corner of the proposed structure with almost inevitable damage to branches at least.
- Some thought could be taken over the impact this would have on privacy and overall outlook from ours and our neighbours' property as this is already proving to be very stressful.
- As stated in my previous objection to the first application: " I wish to object to the proposed extension for the reasons highlighted above. The new rear window would look directly into our rear garden, impacting on our privacy. Also, the build would result in visual intrusion as it would block our views and limit light from the side. This would also impact on visual amenity as the build would be overbearing in addition to the existing brick kitchen extension, which stands at 3m(H) x 4m(W) bordering our small rear garden. The application states there are no trees or shrubs at risk, however, the extension would interfere with our tree, which has regular nesting birds and stands directly at the corner of the proposed extension." Can I also state that this new proposal will have a colossal brick wall from ridge

and gable end. The rear window will overlook on every aspect to our small garden and would feel our privacy would be impeded.

- It is surprising that having been refused planning permission for his previous proposal (22/01502/FULH) partly on the grounds of "unacceptable loss of outlook and light from the rear gardens and windows" of properties in Marshmont Avenue the applicant has submitted another which would result in greater detriment to his neighbours.

- The significant increase in the size of the extended pitched roof and the extra brickwork required to support it will block even more light than the original proposed flat-roofed extension. It will be overbearing and present a very gloomy outlook to the occupants of several other homes. The style of the extended roof and gable end would be conspicuously different to other houses of similar design in Monks Way and nearby.

- There has always been an unfortunate degree of overlooking and intervisibility between the rear aspects of some houses in Monks Way, Marshmont Avenue and Monkstone Crescent. Sixty years ago when "bedrooms" were mainly used only at night for sleeping this was less of a problem. Nowadays, when upstairs rooms are frequently used at any time of day or night for other purposes and more time is spent outdoors in back gardens, privacy is harder to achieve. The addition of a new upstairs rear window at 23 Monks Way whilst beneficial to its occupants could impair the privacy of several other families.

- I am writing in connection with the revised proposals for extensions to No 23. Our interest is that this property is next door, even though our house is on another street. Hence from the rear rooms of this house at no.14, Marshmont Avenue, No 23 is overlooked. In brief, the new application appears not a great deal better than the first submission. The raising of the current line of the front portion of the garage at No 23 is likely to darken the aspect from our rear downstairs windows.

- The current arrangement at least has the interest of a change of level: however, the proposed construction will comprise nothing but an excessively lengthy wall and flat roof. More importantly however, if I have understood the plans correctly, the proposed side elevation will be of unrelieved brickwork with the exception of one small window indicated as 'A' on the drawings. In other words from three bedrooms and one back living room, we will be faced with unpleasant, sizeable areas of brickwork. This will not be an attractive prospect.

- It is true the revised application seems to go some way in tackling the disadvantage of the initial plan - that of the newly-built construction obscuring the light to several of our rooms. However, I'd have assumed that instead of yet more brickwork, the occupants of No 23 could achieve their perfectly understandable objective by converting their loft into living space.

3.0 External Consultees

3.1 None