



North Tyneside Council

Planning Committee

30 March 2023

Tuesday, 11 April 2023 Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY commencing at **10.00 am**.

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. Declarations of Interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes To confirm the minutes of the previous meeting held on 14 March 2023.	5 - 14
5. Planning Officer Reports 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.	15 - 18

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

Agenda Item	Page
<p>6. 22/00885/FUL, Moorlands, Murton Lane, Murton</p> <p>To determine a full planning application from Northumbria Homes Ltd for the demolition of existing dwelling house and construction of 7No. new dwellings.</p>	<p>19 - 70</p>
<p>7. 22/02216/FUL, Site of Former West House, Grasmere Court, Killingworth</p> <p>To determine a full planning application from North Tyneside Council for new build housing, consisting 22no. units: mixture of 1 & 2 bed flats, 2 & 3 bed houses with associated car parking and landscaping.</p>	<p>71 - 120</p>
<p>8. 23/0009/FULH, 160 Whitley Road, Whitley Bay</p> <p>To determine a full householder planning application from Mark Mulvaney to modify pre-existing boundary treatment to add fence above 1m and some extension of three brick corner pillars (increase in pillars).</p>	<p>121 - 136</p>
<p>9. Land to the Rear of 12, 14 and 16 Stoneycroft East, Killingworth Tree Preservation Order 2022</p> <p>To consider whether or not to confirm the Land to the Rear of 12, 14 and 16 Stoneycroft East, Killingworth, Tree Preservation Order 2022.</p>	<p>137 - 164</p>

Circulation overleaf ...

Members of the Planning Committee

Councillor Julie Cruddas
Councillor Margaret Hall
Councillor Chris Johnston
Councillor Tommy Mulvenna
Councillor Paul Richardson (Deputy Chair)
Councillor Jane Shaw

Councillor Muriel Green
Councillor John Hunter
Councillor Pam McIntyre
Councillor John O'Shea
Councillor Willie Samuel (Chair)

This page is intentionally left blank

Planning Committee

Tuesday, 14 March 2023

Present: Councillor W Samuel (Chair)
Councillors L Bones, P Earley, Janet Hunter,
John Hunter, C Johnston, T Mulvenna, J O'Shea,
M Rankin, and J Shaw

Apologies: Councillors K Barrie, J Cruddas, M Green, M Hall and
P Richardson

PQ67/22 Appointment of substitutes

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

Councillor L Bones for Councillor K Barrie
Councillor P Earley for Councillor M Green
Councillor Janet Hunter for Councillor P Richardson
Councillor M Rankin for Councillor M Hall

PQ68/22 Declarations of Interest

Councillor C Johnston declared a non-registerable personal interest in relation to planning application 23/00015/FUL, 23 Monks Way, Tynemouth because he lived in close proximity to the application site. Councillor Johnston withdrew from the meeting during consideration of this item and took no part in the discussions or voting on the matter.

Councillor T Mulvenna stated that as a local ward councillor he had submitted an objection to planning application 21/01513/FUL, Land South of Boundary Mills, Park Lane, Shiremoor and he had been granted speaking rights. As he considered that he had predetermined the application he stated that he would take no part in the discussions or voting on the matter.

PQ69/22 Minutes

Resolved that the minutes of the meeting held on 14 February 2023 be confirmed and signed by the Chair.

PQ70/22 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.

PQ71/22 22/01122/FUL, Land at Centurion Park, Rheydt Avenue, Wallsend

The Committee considered a report from the planning officers, together with two

addendums circulated prior to the meeting, in relation to a full planning application from Bellway Homes (North East) for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure.

The application had previously been considered by the Committee at its meeting on 17 January 2023. Following the meeting, a further representation had been submitted on behalf of Wallsend Boys Club which raised a number of issues detailed in the planning officers report. Having reviewed these issues, it was considered appropriate to bring the application back to the Committee for re-consideration. The planning officer's report had been updated/amended where necessary and the applicant had submitted an addendum to its Open Space Assessment and a Planning Note.

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, Maria Ferguson addressed the Committee on behalf of Wallsend Boys Club and a number of objectors who had been granted permission to speak to the Committee namely, Maureen Walsh, Katie McNally, Peter Kirkley, Martin Collins and Allan Henderson. She was accompanied by Steve Dale of Wallsend Boys Club.

Maria Ferguson noted with regret that it had been necessary for the Committee to reconsider the application following the representations made by Wallsend Boys Club highlighting deficiencies in the earlier decision and indicating that the Club were willing to challenge the decision. The Boys Club remained opposed to the loss of the open space as it provided one of the few opportunities in the area to meet a growing need for sports facilities. There was concern that if the poor condition of the open space could justify its loss then this would set a dangerous precedent for other sites. The application did not comply with relevant planning policies in relation to the loss of open space, the Authority's Green Space and Playing Pitch Strategies were out of date and the proposed creation of new open spaces were not comparable in terms of their potential for sport and recreation. Concern was also expressed regarding the proposed access to the development via Rheydt Avenue which by virtue of the density of dwellings on the site would lead to undue pressure on the highway network. As the development was contrary to the local plan and would be detrimental to the health and wellbeing of the local community the Committee were urged to refuse the application.

Steve Dale expressed his concerns regarding the role of Bellway Homes, as the applicants, in addressing the Boys Club's challenge of the Committee's earlier decision. He was also critical of the Authority's communications to objectors regarding the re-consideration of the application. The original letter contained an error regarding the date of the meeting which put into question any trust in the planning officers report. Mr Dale challenged the estimated number of traffic movements associated with the development as these had been calculated by netting off traffic movements to and from the golf club, whose membership had now significantly decreased. He asked why the leaseholders of the site had not maintained or developed the site for recreational use and questioned Sport England's decision not to object to the application.

Councillor Louise Marshall had been granted permission to speak to the Committee as ward councillor for the Wallsend Ward. Councillor Marshall had declined an invitation to speak at the meeting but had submitted a written statement which was considered by the Committee.

Sandra Manson of Pegasus Group, accompanied by Mark Gabriele of Bellway Homes (North East), addressed the Committee to respond to the speakers' comments. She thanked officers for working with the applicant to formulate a robust application which provided a plethora of benefits and mitigated its impacts. The application complied with the Local Plan when read as a whole and would make a valuable contribution towards the Authority's 5 year housing land supply and its commitment to provide 5000 affordable homes. She highlighted that the Authority did not have a 5 year housing land supply and therefore there was a presumption in favour of the development unless its impacts significantly and demonstrably outweighed the benefits. The impacts of the development had been assessed and no objections had been received from any statutory consultees, including Sport England. She described how the impact of the development in terms of loss of open space, highway safety, ecology, flood risk, and residential amenity had been assessed and set out details of the proposed mitigations. The scheme would also deliver a range of benefits including affordable housing, employment, biodiversity, sports facilities and highways improvements. As the impacts of the development did not outweigh the benefits the Committee were asked to support the officer recommendations.

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 evidence to emerge from the addendum to the applicant's Open Space Assessment and its desk top study of changes to green space in the Northumberland Ward since the Green Space Strategy was updated in 2015;
- b) the definition of open space contained within the National Planning Policy Framework;
- c) the status of the Authority's Green Spaces Strategy 2015 and Playing Pitch Strategy 2013 in determining the application;
- d) the impact of the development on the loss of open space;
- e) details of how the new open space within the development would be maintained;
- f) the impact of the development on highway safety in the area;
- g) the estimated number of vehicular movements on Rheydt Avenue and the methodology used to calculate the projections;
- h) the measures to be incorporated within the Travel Plan to minimise single occupancy car travel and improve accessibility to the development by a range of modes of transport;
- i) the applicant's landscaping scheme and biodiversity net gain assessment which demonstrated that a 10.83% net gain would be achieved by way of both on site compensation and off site compensation in Wideopen; and
- j) the latest Housing Land Availability Assessment which demonstrated that the Authority did not have a 5 year housing land supply and its effect on the allocations of housing land within the Local Plan 2017.

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

On being put to the vote, 6 members of the Committee voted for the recommendation and 4 members voted against the recommendation.

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 a financial contribution for the following:

- Affordable housing provision
- Allotments £21,600.00
- Ecology and Biodiversity £41,925
- Parks and Greenspace £114,421
- Built Sports Facilities £186,932
- Play/Multi Use Games Area £150,500
- Playing Pitches £162,219
- Primary Education £65,000
- Coastal mitigation £32,465
- Employment and Training £49,000
- Highways £50,000
- Travel Plan Bond £100,000

(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. Furthermore, its impact on the amenity of existing and future occupiers, the character and appearance of the area, biodiversity and landscaping, highway safety and flood risk were acceptable and did not significantly and demonstrably outweigh the benefits.)

(At the conclusion of this item Councillor M Rankin left the meeting.)

**PQ72/22 22/00886/FUL, Site of Former Trinity United Reformed Church,
Esplanade Place, Whitley Bay**

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 Fordinghall Ltd for construction of 12no. residential two storey terraces dwellings with private parking spaces and associated works.

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 a local resident, Stephen Overy, had been granted permission to speak to the Committee. He stated that whilst he had no objection in principle to development of the site he referred to the lack of available car parking spaces on Esplanade which was one of the few streets in the area without any parking restrictions. He envisaged that the construction of new homes, even with provision for 12 car parking spaces within the site, would create greater demand for parking on Esplanade and he suggested that parking restrictions should be extended should the development proceed. He also referred to the increasing number of properties which had installed dropped curbs to allow access to off street car parking. This had reduced the amount of on street parking and was detrimental to the character and appearance of the Victorian street.

Dave Parsons of Artisan Architecture, accompanied by Bernard Dunner of Whitehall Property Management, addressed the Committee to respond to the speakers' comments. He acknowledged the car parking pressures in Esplanade but emphasised that the proposed properties would each have an off street parking place. These places would be safer and more secure than Esplanade and they had been designed to ensure that the

amount of parking available on the adjacent back lane was not reduced.

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 impact of the development on the width, and access to, the back lane to rear of the site; and
- b) the processes available to the Authority and ward councillors, separate to the planning application, to survey residents of Esplanade as to possibility of introducing a residents parking scheme.

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

On being put to the vote, 7 members of the Committee voted for the recommendation, 0 voted against and there were 2 abstentions.

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, incorporating those amendments set out in the addendum to the 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

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

(At the conclusion of this item Councillor L Bones left the meeting.)

PQ73/22 22/02238/FUL, Beacon Hill School, Rising Sun Cottages, Wallsend

The Committee considered a report from the planning officers in relation to a full planning application from North Tyneside Council for the installation of an 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.

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 a local resident, Jon Goodwin, had been granted permission to speak to the Committee. He objected to the proposed development on the grounds that it would lead to an unacceptable loss of light to properties in Rising Sun Cottages. The two storey building would be located 30 metres to the south of the properties. There were also concerns regarding a loss of amenity caused by

increased traffic accessing the site, adding to car parking pressures and compromising highway safety. There were only two vehicular accesses to the site, from Rae Avenue which had been designated a play street, and from Kings Road North which already suffered from inconsiderate parking and behaviour at school pick up and drop off times. Residents had been invited to a drop in event to discuss the proposals on 15 February 2023 when various suggested changes to the design had been put forward including flipping the alignment of the building, relocating the building and creating an access from Mullen Road, but these suggestions had been ignored.

Rachel Coyne of North Tyneside Council, accompanied by Karvind Chohan, addressed the Committee to respond to the speakers' comments. Rachel described the history of Beacon Hill School and how its provision for 120 children with profound disabilities had developed over the years. Demand for places at the school now exceeded its capacity and the proposed development would replace off site and temporary facilities. The building could not be constructed on the playing fields to the west of the existing building because a culvert ran under the field and sports fields would be lost. Obscure glass would be installed on the north elevation of the building to mitigate against a loss of privacy for residents living in Rising Sun Cottages. The development included a new car park and improved access and during the construction period the car park at the nearby Barking Dog public house would be utilised to provide between 86 and 106 car parking places.

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

- a) the volume and nature of traffic associated with Beacon Hill School and the adjacent St Bernadette's Primary School;
- b) the congestion caused by the pinch point at the junction of Kings Road North and Mullen Road;
- c) details of the proposed new car park and access to the site;
- d) the rationale for the two storey section of the building being located to the north of the site, towards Rising Sun Cottages;
- e) the impact of the development, which had been measured to be 26 metres from the northern boundary of the site, on the amenity of residents living in Rising Sun Cottages; and
- f) the extent of the public consultation process undertaken by planning officers and the applicant in respect to the application.

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

On being put to vote the Committee voted unanimously in favour of 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 character and appearance of the area, residential amenity, highway safety and biodiversity.)

The Committee considered a report from the planning officers in relation to a full planning application from Mr W Collard for erection of gym with associated parking.

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 resident, Keith Dowd, had been granted permission to speak to the Committee. He stated that the development by virtue of its size and position would be detrimental to the appearance of the area. Reference was made to the reasons given by the Planning Inspector in dismissing an appeal against a refusal to grant planning permission for residential properties on the site which highlighted the importance of the scale, mass and form of any development on the character and appearance of the conservation area. Mr Dowd was concerned about the size of the development, which exceeded the footprint of the former school house and comprised two storeys. Reference was also made to the potential for noise and light arising from the development affecting neighbouring residents. Mr Dowd contended that the development was not in keeping with the area, it would not preserve and enhance the conservation area and the applicant ought to look at alternative and more appropriate locations for a gym.

Councillor Michelle Fox had been granted permission to speak to the Committee as ward councillor for the Weetsalde Ward. Councillor Fox was unable to attend the meeting and so she submitted a written statement which was considered by the Committee.

Hannah Wafer of George F White addressed the Committee on behalf of the applicant to respond to the speakers comments. She stated that the applicant had worked with officers to prepare a planning application which was in accordance with the Local Plan and National Planning Policy Framework. She acknowledged the concerns that had been raised and these had been subject to due consideration. The opening hours of the gym were to be restricted, a noise assessment was to be undertaken to ensure that appropriate mitigations would be secured, the separation distance from the development to neighbouring residential properties would be over 20 metres, the vehicular access and car parking had been agreed with the highways officer, the contemporary design of the gym was considered to be appropriate for the conservation area and a sequential assessment had demonstrated that there were no suitable, available or viable sites in local town centres.

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 proposed number of car parking spaces within the site;
- b) the capacity of Sandy Lane to accommodate any overspill car parking;
- c) provision for vehicles turning right into Sandy Lane from the B1318; and
- d) the impact of the development on highway safety.

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

On being put to the vote, 5 members of the Committee voted for the recommendation, 2 members voted against the recommendation and 1 abstained.

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 character and appearance of the area, residential amenity, highway safety and biodiversity.)

PQ75/22 21/01513/FUL, Land South of Boundary Mills, Park Lane, Shiremoor

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 Lidl Great Britain Limited for the erection of a new discount foodstore (Use Class E) with access, car parking and landscaping and other associated works.

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 a local resident, Andrea Knowles, had been granted permission to speak to the Committee. Councillor Brian Burdis, the local ward councillor, addressed the Committee on her behalf.

Prior to speaking Councillor Burdis asked that consideration of the application be deferred to allow members of the Committee to attend a site visit to observe the traffic conditions in the area. The Committee were advised that as site visits can cause delays to the planning process they should only occur in exceptional circumstances when the nature of the application or the site is such that only through a site visit would it be possible to give full consideration to such issues. Councillor O'Shea moved that the application be deferred to allow a site visit but as there was no seconder the motion was not put to the vote and the Committee proceeded to consider the application at the meeting.

Councillor Burdis stated that the application did not comply with various policies contained in the National Planning Policy Framework and Local Plan because it was not consistent with the Murton Gap Masterplan, an alternative preferential vacant site (the former Great Outdoors shop) had not been considered as part of the sequential test for town centre uses, the development would increase traffic congestion on Park Lane, the design of the building would have a detrimental impact on the character and appearance of the area and the loss of the 14 homes and their gardens to have been built on the site would be harmful to wildlife, despite the off-site mitigation for farmland birds.

Councillor Brian Burdis, the local ward councillor for the Valley Ward had been granted speaking rights. Councillor Tommy Mulvenna addressed the Committee on his behalf. Councillor Mulvenna questioned the purpose of the Murton Gap Masterplan, as agreed by the Authority and the Government, because the proposed development did not comply with the plan. The plan had designated a site in the north east corner of the area for commercial development but this development was to be in the opposite south west corner. The plan did not provide for any further vehicular access points onto Park Lane. He was concerned about the impact of another access onto Park Lane given its close proximity to the busy junction with New York Lane which was likely to lead to increased and dangerous traffic congestion.

Marcin Koszyczarek of Rapleys LLP, accompanied by Chris Blyth from Lidl GB Ltd, addressed the Committee to respond to the speakers' comments. He thanked officers for working with the applicants in bringing forward the application. The site was allocated for

housing within the Murton Gap Masterplan but it had been demonstrated that the proposed development would not jeopardise the overarching vision of the plan, evidenced by the fact the Murton Gap applicants and statutory consultees had not objected. The property previously occupied by Great Outdoors was not suitable or available. Its configuration, internal layout and car parking were unsuitable for Lidl's use, the unit was also situated in an out of town centre location and the property was only available to let and not for sale. Mr Koszyczarek highlighted the benefits of the development in terms of greater consumer choice, investment in the area, employment, vehicle charging points, biodiversity net gain, farmland bird mitigation and highways improvements.

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 details of the proposed vehicular access to the proposed development from Park Lane, Shiremoor; and
- b) the impact of the development on the local highway network and highway safety.

(Councillor Mulvenna left the meeting and took no part in the discussion, voting or decision making in relation to this application.)

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

On being put to the vote, 3 members of the Committee voted for the recommendation and 2 members voted against the recommendation with 2 abstentions.

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 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.

(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 character and appearance of the area, residential amenity, highway safety and biodiversity.)

PQ76/22 22/02195/FUL, Land East of Neptune Road, Wallsend

The Chair reported that at the request of the applicant this item had been deferred until a future meeting to allow further discussions between the applicant and planning officers over

the proposed conditions.

PQ77/22 23/00015/FULH, 23 Monks Way, Tynemouth

(Councillor C Johnston declared a non-registerable personal interest in relation to the application because he lived in close proximity to the application site. Councillor Johnston withdrew from the meeting during consideration of this item and took no part in the discussions or voting on the matter.)

The Committee considered a report from the planning officers in relation to a full householder planning application from Mr N Sandy for an over garage extension and porch to front elevation. Replacement of timber cladding with smooth white fibre cement cladding.

The matter had been brought before the Planning Committee for determination because an officer within the planning team had objected to the application.

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

On being put to the vote the Committee voted unanimously for the recommendation.

Resolved that planning permission be refused.

(Reason for decision: 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.)

PLANNING COMMITTEE

Date: 11 April 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: 22/00885/FUL Author: Maxine Ingram
Date valid: 24 May 2022 ☎: 0191 643 6322
Target decision date: 19 July 2022 Ward: Collingwood

Application type: full planning application

Location: Moorlands, Murton Lane, Murton, NEWCASTLE UPON TYNE, NE27 0LR

Proposal: Demolition of existing dwelling house and construction of 7No. new dwellings (additional information received 31.10.2022 and 01.11.2022)

Applicant: Northumbria Homes Ltd

Agent: IDPartnership Northern

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 any subsequent addendum(s); and,**
 - 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 affordable housing provision and a Coastal Mitigation Contribution to mitigate for the impacts on the Northumbria Coast Special Protection Area.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development;
- Impact on the character and appearance of the area,
- Impact upon the amenity of existing and future residents,
- Impact on highway safety;
- Impact on biodiversity, including the Local Wildlife Site (LWS) and wildlife corridor;
- Other issues.

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

2.0 Description of the Site

2.1 The application site is located on land immediately adjacent to the west of Murton Lane. The site consists of a detached residential property with associated landscaping including grassland, hedgerows and until recently, large mature trees to the entrance of the site. The property has suffered from fire damage and vandalism. An open grassed area is located to the west. To the south there is a dressage arena/paddock, stable block and associated grazing. To the north there is a Public Right of Way (PRoW). To the east of the site, beyond Murton Lane, is Murton Nurseries. The wider area surrounding the site is agricultural land.

2.2 Murton Village is located to the northeast of the site.

2.3 The application site is located within an area designated as a Strategic Housing Allocation – Murton Gap (Sites 35 to 41). However, it is clear from the Land Interests Plan included in the Murton Gap Masterplan that this site is excluded as it is not in the ownership of the consortia. It is also excluded from the Landscape Strategy in the Masterplan.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to demolish the existing dwellinghouse and construct 7no. detached residential dwellings.

3.2 Two house types are proposed. Each dwelling would be two storeys and accommodate four bedrooms. House type 1 would accommodate an integral garage. A detached garage would serve House type 2.

3.3 Other infrastructure includes access from Murton Lane, associated landscape and drainage works.

4.0 Relevant Planning

4.1 Application site

80/01782/FUL - Domestic dwelling, addition as breakfast room – Permitted
05.11.1980

83/00187/FUL - Porch, lounge, conservatory, greenhouse, hobbies room and double garage – Permitted 15.03.1983

03/02164/OUT - Erection of one single storey dwelling – Refused 16.09.2003

4.2 Adjacent land – strategic allocation Murton Gap

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

4.3 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 – Murton Gap.

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

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

- Principle of the development,
- Impact on the character and appearance of the area,
- Impact upon the amenity existing and future residents,
- Impact on highway safety,
- Impact on biodiversity, including the Local Wildlife Site (LWS) and wildlife corridor;
- Other issues.

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

8.0 Principle of development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF. However, it is clear from paragraph 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)". Except for 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.

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

8.3 Paragraph 8 of the 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.

8.4 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.

8.5 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.

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

8.7 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%.

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

8.9 Local Plan (LP) Strategic Policy S1.4 'General Development Principles' states "Proposals for development will be considered favourably where it can be

demonstrated that they would accord with strategic, development management and other area specific policies in the Plan.” Amongst other matters, this includes taking into account flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.10 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.

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

8.12 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.”

8.13 Members are advised that the site is located within the Strategic Allocation – Murton Gap. 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). 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 and provides a vision as to how the land included can be brought forward to deliver approximately 3, 000 homes and associated infrastructure.

8.14 It is clear from the Murton Gap Masterplan that this site is excluded from the land required to deliver the vision of the Masterplan. It is officer advice that bringing this site forward for development would not prejudice the delivery of the requirements of the Masterplan.

8.15 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. Members need to determine whether the principle of development is acceptable. It is officer advice, subject to all other matters set out below being addressed, the principle of bringing this site forward for development is acceptable.

9.0 North Tyneside 5-Year Housing Land Supply

9.1 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, 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 3 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).

9.2 It is officer opinion that the delivery of seven residential dwellings will make a small but valuable contribution towards the borough achieving a five-year housing land supply and to meeting the annual housing delivery requirement over the plan period.

10.0 The impact of the proposal on the character and appearance of the surrounding area and the site layout

10.1 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.

10.2 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.”

10.3 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities.

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

10.5 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design, should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promotes 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.

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

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

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

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

10.9 LP 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.

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

10.11 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. 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.

10.12 Objections have been received regarding the impact on amenity (visual and residential), the loss of open space, impact on landscape, non-compliance with approved policy, removal of trees, impacts on Green Belt, impacts on the character of a conservation area, out of keeping with surroundings and the amount of development proposed.

10.13 The site is located within the wider strategic allocation, Murton Gap. However, the more detailed plans included in the Murton Gap Masterplan confirm that this site is excluded, and it is not required to deliver any part of the vision set out in the Masterplan. The Murton Gap Masterplan advises that the land to the north of the application site would form part of the wider green infrastructure to serve the strategic allocation and housing beyond. It is not considered that increasing the built form on this site would prejudice the delivery of the required green infrastructure and housing relating to the Masterplan requirements.

10.14 The site currently accommodates a two-storey detached residential dwelling sited on a large plot. It is noted that the dwelling has been subject to fire damage and vandalism. The built form that exists to the east of the site, Murton Nurseries, and to the south, stables, are single storey. Plots 1-3 and Plot 6 and 7 will sit beyond the built development that exists to the south of the site. The proposed built form will be positioned closer to Murton Lane, but it will remain set back from the PRoW to the north of the site. Views of the proposed housing will be visible from the surrounding area; however, it would not result in significant visual intrusion as it is contained within a part of Murton where built development already exists. The most western part of the site will be utilised to facilitate the proposed landscaping and Biodiversity Net Gain (BNG).

10.15 Prior to the submission of this application the mature trees sited along the eastern part of the site have been removed. Members are advised that the removal of these trees did not require consent from the Local Planning Authority (LPA) as they were not protected and not located in a conservation area.

10.16 Plots 1, 2 and 3 create an outward facing development onto Murton Lane. Plots 4-7 are orientated north-south creating an outward facing development onto the road required to service these properties. The rear gardens serving Plots 4-7 would be located to the north of the stables. It is clear from the design comments that the layout of the housing is logical, and the architectural design is acceptable. The surface materials and boundary treatments have been well considered. Soft landscaping has been introduced to the side of Plot 7 which assists in softening the appearance of the rear/side boundary. Conditions are recommended to secure materials, landscape details and details of any external flues, vents and meter boxes.

10.17 The proposed layout demonstrates that the site can accommodate seven dwellings that will have their own private garden and parking provision. Areas of landscaping are also proposed within the site. It is the view of officers that the site is not overdeveloped.

10.18 The existing dwelling is two storeys. The proposed dwellings will be two storeys therefore their height is considered appropriate for this location.

10.19 The Public Right of Way (PRoW) will not be affected as a result of this proposal and it will remain as existing.

10.20 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance when viewed from outside of the site, whether the proposed layout is acceptable and whether bringing this site layout forward would prejudice the delivery of the wider strategic allocation particularly the green infrastructure. It is officer that the proposed site layout and design is acceptable, and it would not prejudice the delivery of the vision set out in the Murton Gap Masterplan. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies DM5.9 and DM6.1.

11.0 Impact upon Amenity

11.1 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.

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

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 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 Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents.

11.6 Objections have been received regarding the impact on residential amenity, including noise, dust, dirt, fumes and disturbance.

11.7 The Manager for Environmental Health has recommended 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 neighbouring premises during construction works.

11.8 The proposed dwellings will be located to the north of the stables. Due to the layout of the stables, it is not considered that this development will result in a significant impact on their operation or would affect the amenity of these premises.

11.9 Murton nurseries is located to the east of the site on the opposite side of Murton Lane. Due to the orientation of this building, it is not considered that the proposed layout would affect the amenity of these premises.

11.10 The layout of the development is considered to provide an appropriate standard of living accommodation for future occupiers. Each house will have their own private garden. All units will have adequate windows to provide good levels of light, outlook and privacy. Each unit will have its own parking bay, cycle storage and refuse storage. A condition is recommended to ensure all units will be in accordance with the Government's Nationally Described Space Standards (NDDS).

11.11 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice, that the impacts on residential amenity can be appropriately addressed via condition. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies, DM5.19 and DM6.1.

12.0 The impact of the proposal on the highway network and whether sufficient parking and access would be provided

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 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.

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

12.5 The Council's maximum parking standards are set out in the Transport and Highways SPD (2022).

12.6 Objections have been received regarding the impacts on the highway network, highway safety and increased traffic movements.

12.7 The site is accessed via Murton Lane. The proposed parking provision and cycle storage meets the Council's standards and there will be an area to turn a refuse vehicle.

12.8 The Highways Network Manager has been consulted. He has not concluded that this development would result in an unacceptable impact on highway safety or the residual impacts on the road network would be severe. He has suggested planning conditions, which in his opinion, will mitigate the impacts of this development.

12.9 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and whether the proposed layout provides sufficient parking. It is officer that the proposed layout is acceptable, and it will not result in a severe impact on the adjacent highway network. As such, the proposed development accords with the NPPF and LP policies DM7.4 and the Transport and Highways SPD.

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

13.4 Paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

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

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

13.7 LP 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 site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

13.8 LP Policy DM5.9 'Trees, Woodland and Hedgerows' supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new development and, where appropriate, promote and encourage new woodland, tree and hedgerow planting.

13.9 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

13.10 Objections have been received regarding loss of open space, loss of landscaping, loss of trees, loss of wildlife and the remediation of Japanese Knotweed.

13.11 The Council's Biodiversity Officer and Landscape Architect have been consulted. They have considered the submitted Ecological Appraisal, Biodiversity Net Gain (BNG) Report/Biodiversity Metric 3.1 (V4) and the Tree Constraints Assessment.

13.12 The Ecological Appraisal recorded the following habitats within the site boundary: semi-improved grassland, hedgerows and a stand of Japanese Knotweed at the entrance of the site.

13.13 Surveys for bats in 2021 and a subsequent assessment of the building (post fire) assessed the structure as continuing to provide several potential roost locations for bats. Further surveys were recommended and demolishing the building may require a license may be required from Natural England.

13.14 The Ecological Appraisal advises that the site provides some habitats for birds in the local area with species using the building for nesting and the vegetation within the immediate area for foraging.

13.15 The Ecological Appraisal advises that the site offers suboptimal habitat for great crested newts during their terrestrial phase associated with the grassland and hedgerow which is limited in size and replicated in the local area. There are no areas of standing water on site but there are three ponds and a drainage ditch located within 500m which are buffered from the site by arable land and fields margins. The appraisal recommends eDNA survey of these three ponds, where access is available, to test for the presence of great crested newts.

13.16 The Ecological Appraisal advises that there is a low residual risk badger may pass through the site on occasion, if present in the local area.

13.17 The Ecological Appraisal makes several recommendations to mitigate the impacts of this development, including the additional survey work requirements for great crested newt highlighted above. These include the requirement for a Natural England EPS License for the demolition of the building and a Japanese Knotweed Working Method Statement. The consultees have put forward appropriate conditions to mitigate the impacts of this development.

13.18 The consultees have advised that the proposed development will deliver a BNG.

13.19 A landscape proposals plan has been submitted. This includes areas of retained and enhanced neutral grassland to the west of the proposed dwellings, 30no. heavy standard trees, native hedge planting, ornamental shrub planting and, amenity grass with open space areas. The consultees have advised that the BNG Assessment and Biodiversity Metric indicates the creation of 'other neutral grassland' as part of the habitat creation within the site, but this is still shown on the landscape plan as 'areas of amenity grass seed mix or existing grassland, made good'. It is considered that this can be addressed by imposing a condition to secure a detailed landscape plan.

13.20 Members are advised that the trees within the site that have been removed were not protected and did not require consent from the Local Planning Authority to be removed.

13.21 The submitted Arboricultural Impact Assessment (AIA) has advised that it will not be necessary to remove any trees to facilitate the proposed development but unfortunately, several trees across the site have symptoms indicative of Ash dieback (Trees 1, 6, 7, 8 and group 2) and will need to be managed through their decline. To address tree loss and the potential to lose more trees to Ash Die back, the proposed plans indicate that a comprehensive planting scheme will be implemented to complement the proposed development. However, to maintain tree cover to the northern boundary of the site, where the retained trees are evidencing Ash Die Back, a suitably worded condition for additional tree planting will be applied.

13.22 The Coastal Mitigation SPD enables the council to adequately protect European sites and be compliant with its duties under the Conservation of Habitat and Species Regulations 2017, and the requirements of the NPPF. The application site is located within the 6km buffer therefore it is subject to the higher coastal mitigation tariff. The applicant has agreed to pay the coastal mitigation contribution. This will be secured via a legal agreement.

13.23 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. The proposed development will not result in significant and demonstrable harm to the Northumbria SPA and Ramsar sites and appropriate mitigation can be secured by condition to deal with impacts on protected species and landscaping. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies DM5.9 and DM6.1.

14.0 Other Issues

14.1 Flood Risk

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 LP Policy ‘DM5.13 Flood Reduction Works’ states where development is proposed, and where it is deemed to potentially impact on drainage capacity (either individually or cumulatively), applicants will be expected to contribute to off-setting these impacts and work with the Council and its drainage partners to ensure any works are complementary to wider plans and fairly and reasonably related in scale and kind to the proposed development.

14.4 LP Policy DM5.14 ‘Surface Water Runoff’ states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water runoff rates will be sought for all new development. On brownfield sites, surface water runoff 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 runoff post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

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

14.6 Objections have been received regarding flood risk and drainage capacity.

14.7 A Flood Risk Assessment (FRA) has been submitted. It confirms that the site is located in Flood Zone 1.

14.8 The FRA advises that the development site is served by an existing private drain that discharges to an off-site combined surface and foul water system. Foul water should discharge to the combined sewer subject to agreement with Northumbrian Water.

14.9 The Lead Local Flood Authority (LLFA) has been consulted. They have advised that the principle of the surface water drainage proposals is acceptable. The applicant will be providing surface water attenuation within the site for a 1in100 year plus 40% increase for climate change via the use of underground storage crates, permeable paving and oversized pipes. The surface water discharge rate from the development will be restricted to 5l/s via the use of a vortex control device and will connect into Northumbrian Water’s sewerage network.

14.10 The LLFA has advised that the site is at potential flood risk from the surface water overland flow from the adjacent agricultural land to the southwest/west. They have requested that a condition is imposed which provides further details on how the proposals will mitigate this flood risk.

14.11 Members need to consider whether the proposal is acceptable in terms of its impact on flood risk. The proposed development will appropriately mitigate its own impacts in terms of drainage and flood risk. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies DM5.9 and DM6.1.

14.12 Ground conditions

14.13 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.

14.14 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.

14.15 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.

14.16 LP 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 which shows that investigations have been carried and set out detailed measures to allow the development to go ahead safely and without adverse effect.

14.17 Objections have been received relating to Japanese Knotweed and ground conditions.

14.18 The application site is located within a Contaminated Land buffer zone and a coal referral area.

14.19 The Contaminated Land Officer has reviewed the submitted documents. She has considered the information relating to ground conditions and subject to conditions the site is suitable to develop. A further condition is recommended to deal with the removal of the Japanese Knotweed.

14.20 The Coal Authority has been consulted. The submitted Exploratory Hole Location Plan shows the built development layout clear of the mine entries and their respective zones of influence. On the basis that the mine entry located within the site is proposed to be stabilised, which can be secured by way of condition, the Coal Authority has withdrawn its objection.

14.21 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that subject to conditions the application is acceptable in terms of its impact on ground conditions. As such, the proposed development complies with the NPPF and LP Policy DM5.18.

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 Conclusion

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, 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.

16.3 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.

16.4 Members need to consider whether the design and layout of the proposal is acceptable in terms of its impact on existing premises and future occupants. It is officer advice that it is acceptable.

16.5 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 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. It is officer advice that it is acceptable.

16.6 Members need to consider whether this development is acceptable in terms of biodiversity. Subject to securing appropriate coastal mitigation and imposing the suggested conditions the proposal would provide biodiversity net gain, which is encouraged by NPPF. The development would not significantly impact on protected species. It is officer advice that it is acceptable.

16.7 Issues to do with flooding, ground conditions, contaminated land and eradicating Japanese Knotweed can be dealt with via conditions.

16.8 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 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:

- 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 any subsequent addendum(s); and,**
 - 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 affordable housing provision and a Coastal Mitigation Contribution to mitigate for the impacts on the Northumbria Coast Special Protection Area.**

Conditions/Reasons

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

- Site location plan Dwg No. 001 Rev P1
- Proposed site plan Dwg No. 102 Rev P5
- Proposed Housetype HT1 - Plans Dwg No. 700 Rev P1
- Proposed Housetype HT1 - Elevations Dwg No. 701 Rev P1
- Proposed Housetype HT2 - Plan Dwg No. 702 Rev P1
- Proposed Housetype HT2 - Elevations Dwg No. 703 Rev P1
- Proposed double garage Dwg No. 706 Rev P1
- Proposed single garage Dwg No. 706 Rev P1
- Proposed streetscenes Dwg No. 300 Rev P1

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 five 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. 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.

4. 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 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.

5. 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).

6. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

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

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

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

8. Prior to commencement of demolition and development works on site, a revised Japanese Knotweed Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Japanese Knotweed Management Plan shall include the following:

- Scale drawing clearly identifying the areas infested with knotweed and how this area will be protected prior to demolishing the building.

- Any areas identified with Japanese Knotweed, whether established infestation or new growth to be fenced off and appropriate signage to be placed identifying the areas of Japanese Knotweed, this to prevent unauthorised access and prevent the spread of Japanese Knotweed across the site or off site

- The location and logs of test pits dug to identify the lateral extent the Japanese Knotweed infestation.

- Plan showing laydown area for plant to be used on site, this is not to be within 7m of any identified areas infested with Japanese Knotweed, to facilitate good site hygiene and to prevent the accidental spread of the plant across the site.

- Extreme care must be taken ensure that all equipment used on site is free of Japanese knotweed material before leaving the site to avoid contravening the Wildlife & Countryside Act, 1981. To reduce the risk of contaminating vehicles, excavators with caterpillar tracks must not be used and all plant leaving site must be thoroughly pressure-washed after use or before leaving site. This must be done in a designated area where all washings can be collected and subsequently removed off site as Japanese Knotweed contaminated material. The area to be designated for wash down is to be submitted to North Tyneside Council for approval prior to works commencing on site.

- Submission to North Tyneside Council of the waste disposal site identified to take Japanese Knotweed Controlled Waste.

- Submission to NTC copies of consignment notes (for material classified as hazardous) or waste transfer notes (for material classified as inert or non-hazardous) for any material that is removed off site as waste. It should be noted that the Environment Agency Guidance note advises that, you should only use approved herbicides. It usually takes 3 years to treat Japanese knotweed until the underground rhizomes become dormant. If sent for disposal off-site, the requirements of the EPA 1990 s.34 and the Duty of Care Regulations will have to be complied with in relation to the transfer of the waste. Using certain types or quantities of pesticide could mean that soil or plant material is classified as 'hazardous waste', and then you would need to dispose of it at a hazardous waste landfill. It would also have to be consigned and suitably described under the HWR 2016, which would include giving a description of the pesticide.

-A site plan must be submitted showing haulage route across site, this is to ensure that the safe minimum working distance between infested and non infested areas is identified and adhered to. Any material arising from decontamination procedures must be treated as controlled waste and measures in paragraph 6 be applied. It is good practice to clearly mark out your haulage routes with tape. You should limit access to these areas to vehicles involved in moving Japanese knotweed. You must decontaminate vehicles before they leave the area.

-No Japanese Knotweed material to be shredded as this may cause pieces to become airborne from which viable plants grow, thus causing an offence under Wildlife and Countryside Act 1981.

-Any chemical treatment proposed to be used on site has to be submitted and agreed prior to use on site, this is to prevent damage to trees currently on site that are subject to Tree Preservation Orders.

-Any current spoil heap is to be treated as infested with Japanese Knotweed. It is to be regarded as a controlled waste until such time as proven otherwise.

Due to the nature of Japanese Knotweed and the proven small amount of material required to start new growth (namely 0.7cm) the only way that spoil heap material will be accepted as free from knotweed is to sieve prior to removal or remove the whole stockpile as a controlled waste. Note that the Code of Practice advises Greenhouse trials have shown that as little as 0.7 gram of rhizome material (10 mm in length) can produce a new plant within 10 days. Cut fresh stems have also been shown to produce shoots and roots from nodes when buried in soil or immersed in water. Note that the Code of Practice also advises that If soil containing Japanese knotweed is stockpiled, the material must be stored in a manner that will not harm health or the environment. The stockpile should be on an area of the site that will remain undisturbed. You should clearly sign this area (appendix VII). You should regularly treat Japanese knotweed regrowth with herbicide to avoid reinfestation. As a precaution, you should lay the stockpiled material on a root barrier membrane to avoid contaminating the site further. If rhizome is buried deep, it can become dormant when inside the stockpile and regrow when the apparently clean soil is used for landscaping on the site.

-A minimum of 12 months shall be left between the completion of the knotweed treatment and building works commencing to allow for an accurate assessment of the treatment plan. If any new Japanese Knotweed is identified a new treatment plan is to be submitted and agreed before treatment takes place and before any development works are carried out. This is to prevent the development being affected by Japanese Knotweed and to allow for the successful treatment of the Japanese Knotweed on site without the risk of spreading infested material around the site and ultimately off site.

-After the completion of Japanese Knotweed treatment and prior to any development works commencing North Tyneside Council require the submission of a validation report to include (not exclusively) the following:- Scale plans showing areas and extent of infested areas treated, treatment type, if material disposed of, the landfill destination and a copy of any consignment notes or waste transfer notes, copy of warranty from company to show how long site is guaranteed Japanese Knotweed free.

-North Tyneside Council will also require inspection of the site by Council Officers once treatment is completed and prior to any development; to ensure the site is free from Japanese Knotweed.

The development hereby approved shall only be implemented and carried out in accordance with these agreed details.

Reason: To ensure that the Japanese Knotweed on the site is appropriately dealt with to ensure it does not affect adjacent land and to ensure that the development hereby approved can be constructed having regard to Policy DM5.18 of the North Tyneside Local Plan (2017).

9. No part of the development shall be occupied until the scheme for access has been laid out in accordance with the approved plans. This access 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. 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).

11. 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. This agreed level of refuse provision shall be provided prior to the occupation of each residential dwelling hereby approved. 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).

12. Notwithstanding Condition 1, prior to the occupation of each dwelling hereby approved the scheme for cycle storage 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).

13. No part of the development shall be occupied until details of Electric Vehicle (EV) charging 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 and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

14. 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. Cabins, storage of plant and materials, parking are not to be located within the root protection area (RPA) of the retained trees as defined by the Tree Protection Plan or within the neutral grassland field to the west of the site (identified as net gain enhancement area in the BNG Report and Landscape Strategy) and maintained for the duration of the works. The existing Public Right of Way is to remain accessible at all times and shall not at any time be obstructed as a result of the development hereby approved. 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 DM5.7, DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved a detailed drainage design, including a map detailing the surface water flow paths from adjacent agricultural land 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 shall be installed in accordance with these agreed details prior to any residential 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.

16. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a schedule and/or samples of the materials and finishes for the development 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: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

17. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of external features including vents, flues and meter boxes 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: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

18. 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).

19. No development shall commence until:

-Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the proposed development.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

20. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

21. No building demolition works shall commence on site until a Natural England EPS licence has been secured for the works. Thereafter, all works shall be completed in accordance with the requirements of the licence.

Reason: This information is required from the outset 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).

22. If the building is not demolished within 12 months of the last bat survey (September 2022), an additional survey between May and August will be required to inform a Natural England licence application for the scheme.

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).

23. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of integrated bat roost and hibernation features within the new buildings shall be

submitted to and approved in writing by the Local Planning Authority. These details shall include location and specifications of these features. Thereafter, these agreed features shall be installed prior to the occupation of the building on which they are to be installed and 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).

24. No works shall commence on site until eDNA surveys have been undertaken on the three ponds located within 500m of the site as identified within the Ecological Appraisal Report (OS Ecology October 2022). If survey work indicates the presence of great crested newt (GCN), no works shall commence on site until the development has approval under Natural England's District Level Licencing Scheme and details submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required from the outset 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).

25. 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).

26. 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).

27. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 2no. bird boxes and 1no. bat box to be provided in suitable locations within the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of bird and bat box specifications and locations and a timetable for their implementation. Thereafter the development shall be carried out in accordance these agreed details and shall be permanently retained and maintained.

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).

28. Notwithstanding Condition 1, prior to the commencement of any development hereby approved above damp proof course level details of the locations and specification of all boundary treatments, including the locations of the hedgehog gaps (13cm x 13cm) to be provided within any new boundary enclosures within the scheme, shall be submitted to and approved in writing by

the Local Planning Authority. The agreed hedgehog gaps shall be installed at the time of installing the boundary treatment and 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).

29. All trees on the site and adjacent to the site are to be retained. 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.

Reason: To ensure that existing landscape features are adequately protected during construction and to ensure local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

30. Prior to any works commencing onsite (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 overhang the site that are to be retained, shall be protected by fencing in accordance with the approved details and locations as described in the Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). The fencing shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development and 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. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. Photographic evidence is to be submitted on completion of the installation of the fence.

Reason: These protection measures are required from the outset to ensure that existing landscape features are adequately protected during construction having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

31. The development hereby permitted shall only be carried out in accordance with the 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: To ensure that existing landscape features are adequately protected during construction having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

32. 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 (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 Tree Protection Plan). Confirmation of the proposed working method shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing onsite. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that existing landscape features are adequately protected during construction having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

33. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level a fully detailed landscape plan for on-site landscape mitigation 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 and Biodiversity Metric V4 (OS Ecology Feb 2023). The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and maintenance and include new standard tree planting to Group 3 to replace those tree that may eventually be lost through Ash Die Back. The landscaping scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard (4428: 1989). Landscaping is to be implemented within the first available planting season following completion of the scheme by an approved contractor. Any trees, shrubs or wildflower areas that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policy DM5.5 and 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 damp proof course level, a detailed 30 year 'Management, Maintenance and Monitoring Plan' 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 long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed and paved areas. 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 the following:

- Details on the creation and management of all target habitats identified within the Net Gain Assessment Report V4 (OS Ecology February 2023) and approved landscape plans for on-site mitigation

- Survey and monitoring details for all target habitats identified within the Net Gain Assessment Report V4 (OS Ecology February 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.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

35. 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. All external lighting shall be limited to low level, avoiding use of high intensity security lighting. 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 the interest of visual amenity, protecting ecology and/or highway safety having regard to policy DM5.19 and DM5.5 of the North Tyneside Local Plan (2017).

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

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

37. Within three months of the date of the decision notice the existing dwelling onsite shall be demolished. Prior to the demolition of the existing dwelling a

Construction Method Statement, including a Japanese Knotweed Method Statement and Exclusion Zone, shall be submitted to and approved in writing by the Local Planning Authority. All materials from the existing dwelling shall be cleared from the site following demolition.

Reason: To remove the existing building from site to improve the character and appearance of the immediate surrounding area having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

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

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

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

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 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.

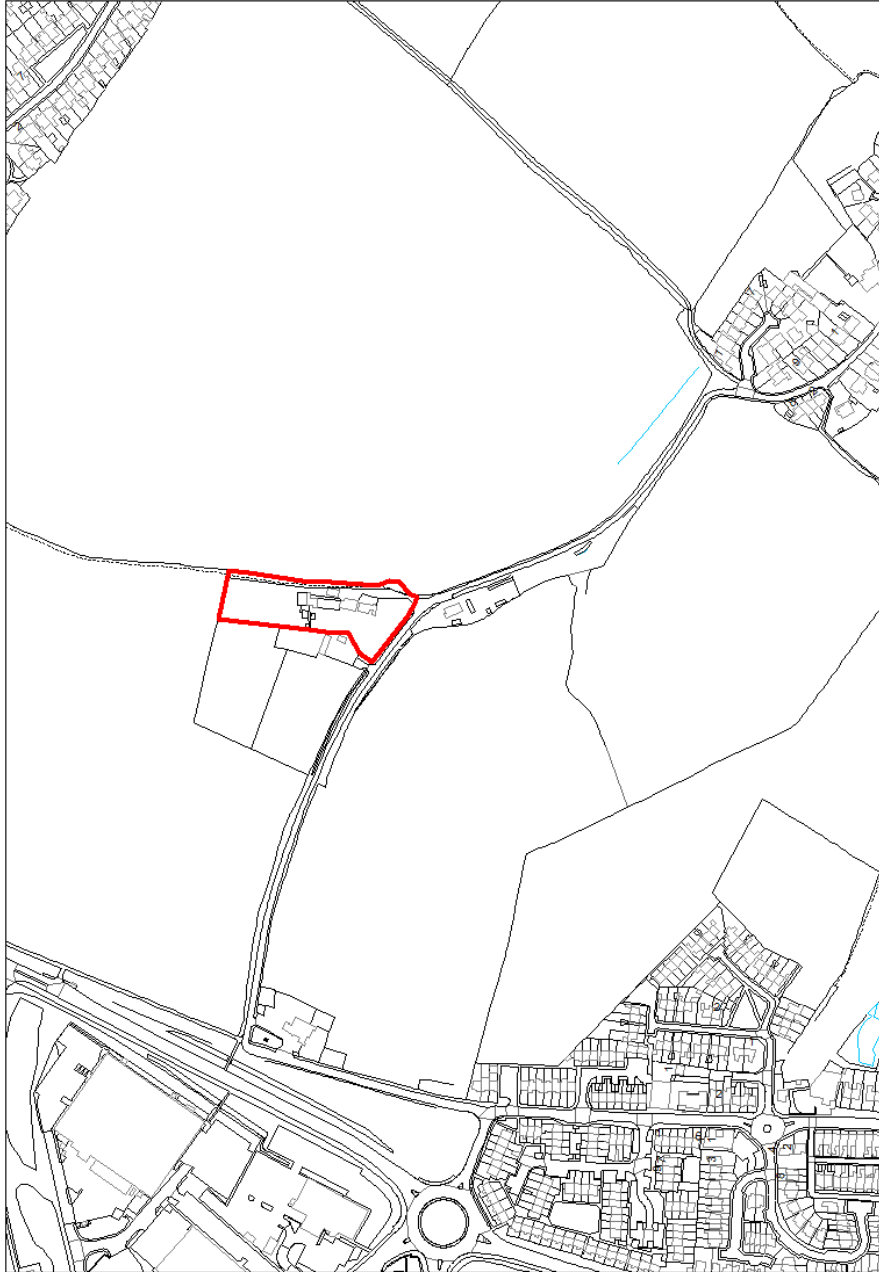
The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme 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.

Coal Mining Referral Area , (FULH) (I43)

CIL information (I50)

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.



Application reference: 22/00885/FUL

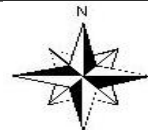
Location: Moorlands, Murton Lane, Murton, NEWCASTLE UPON TYNE

Proposal: Demolition of existing dwelling house and construction of 7No. new dwellings (additional information received 31.10.2022 and 01.11.2022)

Not to scale

Date: 28.03.2023

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



Consultations/representations

1.0 Councillors

1.1 Councillor Scargill

1.2 Councillor Scargill has requested that this application is presented at Planning Committee. Details of the application have been posted on social media asking residents for their views. At the time of this request, the post had 41 comments and 9 shares. The online portal also shows the application has 35 objections and no support.

1.3 Although the Moorlands property has become a centre for vandalism, with it even catching fire earlier this year, this application would not be fitting with the landscape. Murton is a village, and the Local Plan specifically includes mitigation to protect the heritage of Murton. It is clear that local residents agree with me that this application is not appropriate for the area.

1.4 I have been informed several residents in the local area would like to speak at the committee about this application. An application as contentious as this would be unfair to pass to officers and, in my view, must go to Planning Committee.

1.5 Officer note: It is noted that the comments refer to residents wanting to speak at Planning Committee. However, the Local Planning Authority (LPA) has not received any speaking requests for consideration.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 The site is accessed via Murton Lane, parking and cycle storage meet current standards and there will be an area to turn a refuse vehicle. Conditional approval is recommended.

2.3 Recommendation - Conditional Approval

2.4 Conditions:

No part of the development shall be occupied until the scheme for access has been laid out in accordance with the approved plans. This access shall not be used for any other purpose and retained thereafter.

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

No part of the development shall be occupied until 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).

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).

No part of the development shall be occupied until the scheme for cycle storage 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).

No part of the development shall be occupied until details of Electric Vehicle (EV) charging 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 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; 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.

2.5 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 licence 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 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 and 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 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.

2.6 Manager for Environmental Health (Pollution)

2.7 I have no objection in principle to this application but would recommend condition to control hours of construction and dust mitigation during construction.

HOU04

HOU05

SIT03

2.8 Manager for Environmental Health (Contaminated Land)

2.9 Phase 2 Geoenvironmental Appraisal, 24 September 2020 Page 3

2.2 Site History A 'well' was recorded to be present in the east adjacent to Murton Lane during the 1930s.

2.10 Page 8 - Mine Entries: Topsoil stripping was undertaken to locate mine entry 432570-004 (c. NGR 432349mE and 570602mN recorded by the Coal Authority) within the north of the paddock adjacent to the northern boundary. Removal of the topsoil was undertaken in a methodical manner in strips 1.8m wide and 6m long trending north to south and in a sequential manner from east to west. An area of 560m² was investigated covering the location of the CA recorded position. A circular feature (c. 2m diameter) comprising soft dark grey clay and mudstone was identified approximately 16m ENE of the CA recorded position (c. NGR 432333mE, 570606mW). This feature ties in with a darkened area identifiable on aerial photography (Google Earth©). All other areas proved undisturbed natural glacial clay directly beneath the topsoil.

2.11 4.4 Garden Well: During site reconnaissance, observations around the former well recorded a semi-circular stone feature at ground level. Excavation into this feature revealed wet dark brown organic soils including sandstone and large pottery fragments extending to approximately 1.2m bgl.

2.12 Due to the space restricted nature of this part of the site (mature trees and a telegraph pole anchor point) further excavation of this feature was not possible. Anecdotal information provided by the client confirmed that this was the location of the former well.

2.13 Page 14 8.1 Contamination: The generic risk assessment did not identify any contaminants of concern which may potentially pose a risk to human health for the proposed residential end-use. In the absence of any identified potential pollutant linkages, no remedial measures are considered required.

2.14 Vigilance should be undertaken during site clearance for any areas of contamination not identified during these investigations (i.e. in areas between the investigation locations). Should any suspect soils be encountered, then the advice of a geoenvironmental engineer should be sought immediately to address any remedial requirements.

2.15 Page 15 However, in order to re-use the existing topsoil, additional testing should be undertaken in accordance with YALPAG 'Verification Requirements for Cover Systems: Technical Guidance for Developers, Landowners and Consultants'.

2.16 Page 16 A circular feature in which soft disturbed soils were recorded was located to the west of the Coal Authority recorded position of mine entry 432570-004. Remedial measures to mitigate the impacts to development from this feature will be required. It is recommended that during site clearance that further investigation in this area is undertaken using a 360 excavator to better define the extents of the shaft. Temporary sump pumping may be required due to the presence of water. However, due to the proximity of the public footpath which follows the northern boundary, possible temporary closure of this footpath may be needed to allow safe excavation. Treatment of this feature will include probing to the base and grouting of the shaft annulus followed by the provision of a reinforced concrete cap. It is recommended that probing and grouting are undertaken at the same time to save on additional mobilisation costs. A safe development standoff zone may be required around this entry taken as a c. 10m radius from the centre of the shaft (based on a 2m dia. shaft and a 45-degree angle from bedrock (8.7m bgl) to surface).

2.17 Page 17 9.2 Garden Well The former well recorded on historical mapping has been identified within the garden in the east. Subject to development proposals in this area it is recommended that this feature is grouted and provided with either a concrete cap or (in less sensitive areas) a geogrid to prevent sudden collapse.

2.18 Page 19 10. Additional Works

Based on the findings of the desk study and ground investigation, the following works will be required for planning purposes:

- Further investigation of the known mine entry followed by probing, grouting and capping.
- Completion of the gas monitoring and issue of a final gas risk assessment.
- Carry out additional testing of topsoil in accordance with YALPAG.

2.19 This will require a validation report.

2.20 The results of the preliminary ground gas monitoring indicate that the site may be classified as CIRIA Characteristic Situation 2 (CS2) due to the presence of CO₂ above 5% on one occasion to date.

2.21 Garden Well: The former well recorded on historical mapping has been identified within the garden in the east. Subject to development proposals in this area it is recommended that this feature is grouted and provided with either a concrete cap or (in less sensitive areas) a geogrid to prevent sudden collapse. Approval for the use of a geogrid will need prior agreement with the NHBC and local planning authority. An appropriate development stand-off may also need to be considered for development proposed near the well.

2.22 This will seal off a preferential gas pathway, will this affect the development nearby development. Where is the well in relation to the Japanese Knotweed?

2.23 Hazardous Ground Gas Assessment letter report:

2.24 Gas Protection Measures

2.25 In accordance with BS8485, a residential end use equates to a Type A Building. For CS2 gas conditions, a point score of 3.5 must be achieved for adequate gas protection, which can be achieved from a range of measures as described in Section 7 of the standard.

2.26 In view of the information obtained during this assessment, it is considered that the provision of gas protection measures to new buildings will be required. The assessment has confirmed that a ventilated underfloor void will be required for all proposed plots. It is considered that this, in conjunction with a gas resistant membrane will prevent hazards associated with depleted oxygen from occurring internally within the proposed structures.

2.27 It is recommended that a Gas Verification Strategy is prepared for this site which will set out the proposed gas protection measures, products and validation procedures to be adopted. Such a document will require approval by the Environmental Health Officer at North Tyneside Council prior to the commencement of development.

2.28 If knotweed removed before planning application, then the need to put in additional topsoil testing that any material imported to fill knotweed area to be tested. Dig and dump probably most cost-effective method to deal with knotweed.

2.29 As the report states on Page 15 that in order to re-use the existing topsoil, additional testing should be undertaken in accordance with YALPAG 'Verification Requirements for Cover Systems: Technical Guidance for Developers, Landowners and Consultants', then verification will be required that the additional topsoil testing has been carried out.

2.30 The additional gas monitoring has been carried out and the site was classified as CS2 assessment is required to ensure that any grouting will not have a significant effect on the ground gas regime.

2.31 Due to the additional testing required the following must be attached:
Con 006
Con 007

The following sections of Gas 006 must be applied:

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).

2.32 Due to the Japanese Knotweed on site and its location the following must be applied:

Prior to commencement of development works on site the following is required to be submitted and approved to North Tyneside Council:

A Japanese Knotweed Management Plan to take account of the following:

- Scale drawing clearly identifying the areas infested with knotweed.
- Any areas identified with Japanese Knotweed, whether established infestation or new growth to be fenced off and appropriate signage to be placed identifying the areas of Japanese Knotweed, this to prevent unauthorised access and prevent the spread of Japanese Knotweed across the site or off site.
- The location and logs of test pits dug to identify the lateral extent the Japanese Knotweed infestation.
- Plan showing laydown area for plant to be used on site, this is not to be within 7m of any identified areas infested with Japanese Knotweed, to facilitate good site hygiene and to prevent the accidental spread of the plant across the site.
- Extreme care must be taken ensure that all equipment used on site is free of Japanese knotweed material before leaving the site to avoid contravening the Wildlife & Countryside Act, 1981. To reduce the risk of contaminating vehicles, excavators with caterpillar tracks must not be used and all plant leaving site must be thoroughly pressure-washed after use or before leaving site. This must be

done in a designated area where all washings can be collected and subsequently removed off site as Japanese Knotweed contaminated material. The area to be designated for wash down is to be submitted to North Tyneside Council for approval prior to works commencing on site.

-Submission to North Tyneside Council of the waste disposal site identified to take Japanese Knotweed Controlled Waste.

-Submission to NTC copies of consignment notes (for material classified as hazardous) or waste transfer notes (for material classified as inert or non-hazardous) for any material that is removed off site as waste. It should be noted that the Environment Agency Guidance note advises that, you should only use approved herbicides. It usually takes 3 years to treat Japanese knotweed until the underground rhizomes become dormant. If sent for disposal off-site, the requirements of the EPA 1990 s.34 and the Duty of Care Regulations will have to be complied with in relation to the transfer of the waste. Using certain types or quantities of pesticide could mean that soil or plant material is classified as 'hazardous waste', and then you would need to dispose of it at a hazardous waste landfill. It would also have to be consigned and suitably described under the HWR 2016, which would include giving a description of the pesticide.

-A site plan must be submitted showing haulage route across site, this is to ensure that the safe minimum working distance between infested and non-infested areas is identified and adhered to. Any material arising from decontamination procedures must be treated as controlled waste and measures in paragraph 6 be applied. It is good practice to clearly mark out your haulage routes with tape. You should limit access to these areas to vehicles involved in moving Japanese knotweed. You must decontaminate vehicles before they leave the area.

-No Japanese Knotweed material to be shredded as this may cause pieces to become airborne from which viable plants grow, thus causing an offence under Wildlife and Countryside Act 1981.

-Any chemical treatment proposed to be used on site has to be submitted and agreed prior to use on site, this is to prevent damage to trees currently on site that are subject to Tree Preservation Orders.

-Any current spoil heap is to be treated as infested with Japanese Knotweed. It is to be regarded as a controlled waste until such time as proven otherwise. Due to the nature of Japanese Knotweed and the proven small amount of material required to start new growth (namely 0.7cm) the only way that spoil heap material will be accepted as free from knotweed is to sieve prior to removal or remove the whole stockpile as a controlled waste. Note that the Code of Practice advises Greenhouse trials have shown that as little as 0.7 gram of rhizome material (10 mm in length) can produce a new plant within 10 days. Cut fresh stems have also been shown to produce shoots and roots from nodes when buried in soil or immersed in water. Note that the Code of Practice also advises that if soil containing Japanese knotweed is stockpiled, the material must be stored in a manner that will not harm health or the environment. The stockpile should be on an area of the site that will remain undisturbed. You should clearly sign this area (appendix VII). You should regularly treat Japanese Knotweed regrowth with herbicide to avoid reinfestation. As a precaution, you should lay the stockpiled material on a root barrier membrane to avoid contaminating the site further. If rhizome is buried deep, it can become dormant when inside the stockpile and regrow when the apparently clean soil is used for landscaping on the site.

-A minimum of 12 months shall be left between the completion of the knotweed treatment and building works commencing to allow for an accurate assessment of the treatment plan. If any new Japanese Knotweed is identified a new treatment plan is to be submitted and agreed before treatment takes place and before any development works are carried out. This is to prevent the development being affected by Japanese Knotweed and to allow for the successful treatment of the Japanese Knotweed on site without the risk of spreading infested material around the site and ultimately off site.

-After the completion of Japanese Knotweed treatment and prior to any development works commencing North Tyneside Council require the submission of a validation report to include (not exclusively) the following: Scaled plans showing areas and extent of infested areas treated, treatment type, if material disposed of, the landfill destination and a copy of any consignment notes or waste transfer notes, copy of warranty from company to show how long site is guaranteed Japanese Knotweed free.

-North Tyneside Council will also require inspection of the site by Council Officers once treatment is completed and prior to any development; to ensure the site is free from Japanese Knotweed.

Environment Agency Guidance

"Prevent Japanese knotweed from spreading": Cites the Trade Company Property Care Association this company has produced its own Code of Practice based on current "best practice".

2.33 This Code of Practice states:

2.34 There are various control methods available from companies specialising in Japanese Knotweed management on development sites. You should be careful of products and methods that claim to quickly eradicate Japanese knotweed.

2.35 Design

2.36 Following comments dated 15th July 2022, which raised concerns, further information has been submitted. A revised landscape plan has been submitted which shows replacement tree planting along Murton Lane and to the side of unit 7 to soften the appearance of the rear / side boundary. The design and layout of the proposal is now acceptable.

2.37 Suggested Conditions:

MAT03 Materials of construction

LAN005 Landscape works implementation

Details of external features including vents, flues and meter boxes.

2.38 Lead Local Flood Authority (LLFA)

2.39 I have carried out a review of the flood risk and surface water drainage proposals for planning application 22/00885/FUL, I can confirm in principle the surface water drainage proposals are acceptable. Ideally, I would have required the applicant to utilise the proposed Murton Gap developments surface water drainage systems but as this system is still being designed / formalised this is currently not feasible. The applicant will be providing surface water attenuation within the site for a 1in100yr + 40% increase for climate change, via the use of underground storage crates, permeable paving and oversized pipes. The surface water discharge rate from the development will be restricted to 5l/s via the use of

a vortex control device and will connect into Northumbrian Waters sewerage network.

2.40 I am aware the site is at potential flood risk from the surface water overland flow from the adjacent agricultural land to the Southwest/West as a result I will require further details on how the proposals will mitigate this flood risk.

2.41 I will require the following conditions to be placed on the application.

2.42 Prior to construction:

- Detailed Drainage design.
- Map detailing the Surface Water flow paths from adjacent agricultural land.

2.43 Prior to occupation

- Details of appointed SuDS management company.

2.44 Biodiversity Officer and Landscape Architect

2.45 The above scheme is for the demolition of an existing dwelling house and construction of 7no. dwellings on land to the west of Murton Lane. The proposed development area is located on land immediately adjacent to the west of Murton Lane to Murton village; access to the site is also gained from Murton Lane. The site consists of a detached residential property with associated landscaping including grassland, hedgerows and until recently, large mature trees to the entrance of the site. An open grassed field area is located to the west. There is a stable block and associated grazing land bordering the site to the south and a Public Right of Way (PRoW) to the northeast. The wider area bordering the site area is arable farmland, with the settlements of Shiremoor (northwest), West Allotment (west), New York (southeast) and the Robin Hood (PH) and a large car showroom and garage lying further off to the north. The village of Murton is located a quarter of a mile along Murton Lane to the northeast.

2.46 Pre-application advice has previously been provided for this site (October 2020 20/01119/PREAPP) which advised that the scheme should retain and protect mature trees and hedgerows within and adjacent to the site in line with Local Plan policies, including those on the eastern boundary of the site adjacent to Murton Lane. Unfortunately, many of the trees within the site were not protected and have since been removed.

2.47 Ecological Appraisal

2.48 An Ecological Appraisal (OS Ecology May 2022, updated October 2022) has been submitted to support the application. Habitats recorded within the site boundary include semi-improved grassland, hedgerows and a stand of Japanese Knotweed at the entrance of the site.

2.49 Survey for bats in 2021 recorded the emergence of a common pipistrelle bat from the building and subsequent assessment of the building in May 2022 (post fire) has assessed the structure as continuing to provide a number of potential roost locations for bats. The report recommended that a dusk emergence survey of the structure should be undertaken in order to further assess the presence / absence of a roost following the fire damage. It also advises that demolition of the building may require a Natural England licence and this should be confirmed

following updating activity survey work to confirm the presence / absence of active roosts.

2.50 Dusk emergence surveys were subsequently carried out on the 9th of August 2021 and 15th September 2022 and both recorded the emergence of a single common pipistrelle. In 2021 this was from the gable end on the southern elevation of the building. In 2022 this was from a ground floor window indicating that the roosting location was inside the fire damaged structure.

2.51 No evidence of maternity use of the structure was recorded with the building not heated, however there remains a low risk of maternity use. No evidence of hibernating bats was recorded, however given the nature of the building the risk is considered to be low, with no more than small number of pipistrelles likely to use the structure. Foraging and commuting activity was recorded intermittently throughout both surveys, associated with the old gardens to the east and commuting activity along the tree line to the north primarily.

2.52 The site provides some habitats for birds in the local area with species such as house sparrow and starling likely to use the building for nesting and other locally common species such as wren and blackbird likely to use the vegetation within the immediate area for foraging.

2.53 The site offers suboptimal habitat for great crested newts during their terrestrial phase associated with the grassland and hedgerow which is limited in size and replicated in the local area. There are no areas of standing water on site, although there are three ponds and a drainage ditch located within 500m which are buffered from the site by arable land and field margins. The Report recommends eDNA survey of the three ponds situated within 500m of the site, where access is available, to test for the presence of great crested newts. The site should also be included in the district level licence system for great crested newts in order to mitigate for impacts on the species should eDNA not indicate the absence of the species from the local area. The Report also advises that 'no works on site should take place until the presence of great crested newts has been ruled out through additional survey work'

2.54 There is also a low residual risk badger may pass through the site on occasion, if present in the local area.

2.55 The Impacts of the scheme are assessed as the following:

- Loss of a common pipistrelle day roost location through demolition of the building.
- Loss of additional potential roosting locations associated with the structure due to the proposed demolition works.
- Potential disturbance and harm to roosting bats, should they be present at the time of the works.
- Loss of and/or disturbance to bat commuting and foraging habitat.
- Potential harm and/or disturbance to nesting birds, should vegetation removal be undertaken in the breeding bird season (March to August inclusive).
- Damage to retained trees and vegetation during site works through root severance or asphyxiation.

-Possible disturbance to great crested newts if present in the ponds nearby and if using the habitats on site.

-Potential spread of Japanese Knotweed which is a Schedule 9 invasive species as under the Wildlife and Countryside Act 1981.

2.56 The Report makes a number of recommendations to mitigate the above impacts, including the additional survey work requirements for great crested newt highlighted above. These include the requirement for a Natural England EPS Licence for the demolition of the building and a Japanese Knotweed Working Method Statement. Appropriate conditions shall be attached to the application to address these.

2.57 BNG Report/Biodiversity Metric 3.1 (V4)

2.58 The Biodiversity Metric calculation and BNG Report (OS Ecology Feb 2023) indicate that the scheme will result in the loss of a small area of 'other neutral grassland' (0.05ha) with 0.19ha being retained and enhanced as part of the scheme. In addition, 0.31ha of urban trees will be lost and 0.18ha of vegetated garden. Habitat creation includes 30no. urban trees, of which 23no (0.8ha) are in open space areas, vegetated gardens, 0.04ha (400sqm) of other neutral grassland and 50 linear metres of native hedgerow. Overall, the scheme will deliver a net gain of 10.72 habitat units and 12.37% hedgerow units and is acceptable in accordance with Local Plan Policy and the NPPF.

2.59 Landscape Strategy

2.60 A Landscape Proposals Plan (DWG: c-2101-01 Revision C) has been submitted as part of the application and indicates the following planting:

- An area of retained and enhanced neutral grassland to the west of the development site
- 30no. heavy standard trees with 23no. within public open space within the site.
- Native hedge planting
- Ornamental shrub planting
- Amenity grass within open space areas

2.61 The BNG Assessment and Biodiversity Metric indicates the creation of 400m² of 'other neutral grassland' as part of the habitat creation within the site. This is still shown on the landscape plan as "*Areas of amenity grass seed mix or existing grassland, made good*" instead of 'other neutral grassland' and should be changed in accordance with the Metric/BNG Report as part of the Landscape Plan condition which will be attached to the application. A full planting specification and ground preparation details for all habitats, including the wildflower seed specification for the neutral grassland creation and enhancement will also need to be shown on the updated Landscape Plan as part of the Landscape Plan condition.

2.62 Arboricultural Tree Constraints Assessment

2.63 Preapplication advice was provided in October 2020 which stated: '*North Tyneside Council adopted the Local Plan which sets out a number of policies to ensure sustainable development within the borough. Policy DM5.9 Trees, Woodland and Hedgerows, applies to this site where the Council will support*

strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows.'

2.64 Trees are an important feature of our landscape and contribute to the diverse character and appearance of the local area, offering a sense of place and amenity with regard to the general public's interaction and enjoyment of the immediate and wider area.

2.65 Unfortunately, many of the trees within the site were not protected and have since been removed. A revised Arboricultural Impact Assessment (AIA) has been submitted that surveys the remaining trees on the site in accordance with BS 5837–2012 Trees in relation to design, demolition & construction, with regard to their quality and value (23rd February 2023). Whilst the red line boundary (Figure 1) is incorrect the trees to the northern boundary of the site have been included in the detail of the report.

2.66 The type and size of the root protection area of retained trees has also been calculated and the position of the protective barriers indicated on a Tree Protection Plan (TPP). It will be necessary to have access within the RPA of trees 1-3 and group 2. To avoid compaction damage to the underlying roots during construction ground protection measures as per section 5.2 of the AIA will be required.

2.67 It will not be necessary to remove any trees to facilitate the proposed development but unfortunately, a number of trees across the site have symptoms indicative of Ash dieback (Trees 1, 6, 7, 8 and group 2) and will need to be managed through their decline. To address tree loss and the potential to lose more trees to Ash Die back, the proposed plans indicate that a comprehensive planting scheme will be implemented to complement the proposed development. However, to maintain tree cover to the northern boundary of the site, where the retained trees are evidencing Ash Die Back, a suitably worded condition for additional tree planting will be applied.

2.68 Conditions

No building demolition works shall commence on site until a Natural England EPS licence has been secured for the works. Thereafter, all works shall be completed in accordance with the requirements of the licence.

If the building is not demolished within 12 months of the last bat survey (September 2022), an additional survey between May and August will be required to inform a Natural England licence application for the scheme.

Integrated bat roost and hibernation features shall be provided within the new buildings to address the loss of a bat roost/hibernation site. Details of the number, location and specifications of the features shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site and will be installed in accordance with the approved plans.

No works shall commence on site until eDNA surveys have been undertaken on the 3no ponds located within 500m of the site as identified within the Ecological Appraisal Report (OS Ecology Oct 22). If survey work indicates the presence of

great crested newt (GCN), no works shall commence on site until the development has approval under Natural England's District Level Licencing Scheme and details submitted to the Local Planning Authority for approval.

External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting.

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°.

Prior to development commencing on site, Japanese Knotweed will be removed in accordance with an appropriate Working Method Statement. Details of the Working Method Statement along with evidence of the removal of Japanese Knotweed, shall be submitted to the Local Planning Authority for approval prior to development 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.

2no. bird boxes and 1no. bat box will be provided in suitable locations within the development site. Details of bird and bat box specifications and locations shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and shall be installed in accordance with the approved plans on completion of works and permanently retained.

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 Local Planning Authority 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.

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 Root Protection Area (RPA) of the retained trees as defined by the Tree Protection Plan or within the neutral grassland field to the west of the site (identified as net gain enhancement area in the BNG Report and Landscape Strategy) and maintained for the duration of the works.

All trees on the site and adjacent to the site are to be retained. 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.

Prior to any ground being broken on site and 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 overhang the site that are to be retained, shall be protected by fencing in accordance with the approved details and locations as described in the AIA and AMS. The fencing shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development and 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. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence.

The development hereby permitted shall only be carried out in accordance with the 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'.

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.

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 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 and Biodiversity Metric V4 (OS Ecology Feb 2023). The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and maintenance and include new standard tree planting to Group 3 to replace those tree that may eventually be lost through Ash Die Back. The landscaping scheme shall be implemented in

accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard (4428: 1989). Landscaping is to be implemented within the first available planting season following completion of the scheme by an approved contractor. Any trees, shrubs or wildflower areas that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Prior to the commencement of any development, a detailed 30 year 'Management, Maintenance and Monitoring Plan' 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 long term design objectives, management responsibilities, timescales, and maintenance schedules for all landscaped, grassed and paved areas. 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 the following:

- Details on the creation and management of all target habitats identified within the Net Gain Assessment Report V4 (OS Ecology February 2023) and approved landscape plans for on-site mitigation.
- Survey and monitoring details for all target habitats identified within the Net Gain Assessment Report V4 (OS Ecology February 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 Local Planning Authority. The Plan will be reviewed every 5 years in partnership with the Local Planning Authority.
- 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.

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.

3.0 Representations

3.1 26 objections have been received. These objections are set out below:

- Loss of privacy
- Loss of visual amenity
- Adverse effect on wildlife
- Affect character of conservation area
- Impact on landscape
- Inadequate parking provision
- Inappropriate design
- Loss of/damage to trees
- Not in accordance with development plan
- Nuisance, disturbance, dust/dirt, fumes, noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- Will result in visual intrusion
- Within greenbelt/no special circumstance
- Already 300 homes planned for the nearby area. Perhaps we could leave a little bit of greenery for the wildlife and future generations.
- The pre-application shows a development of ten houses which was reduced to seven houses, with the proviso that the paddock was not to be developed. However, unit 07 and half of unit 06 are actually on the paddock. The original paddock size can be clearly seen on the aerial photograph on the first page of the Design and Access Statement. I know the paddock well as we used it for grazing for fifteen years with the permission of the previous owner.
- I would also query how this development fits in with the Local Plan not long since completed. It had seemed that this area was part of a green corridor for the protection of wildlife.
- Here's a novel idea, instead of building over what's left of our green spaces, try giving something back to nature! Plant some trees, some flowers, maybe a small manmade pond and seating areas. Sick to death of this council riding roughshod over the council taxpayers in North Tyneside! Stop destroying this area, leave our green fields alone!
- The immediate area already has 3000 new houses currently under construction there will be little green space left. The area cannot cope with the excess traffic and yet another entrance on/off the already chaotic New York roundabout.
- Seven dwellings on this site seems to be a substantial number in relation to the size of the area and it is to include vehicle access and parking given there is only a narrow lane into the village. It will also increase traffic on a route which is already pressured, affecting residents of the village and members of the local stables.

- The surrounding site is known for flooding and concerns are shared amongst local residents that this will worsen.
- It will grossly impact the already reduced greenbelt and disturb wildlife alongside ongoing work in the surrounding area.
- Building works will cause a nuisance to neighbours, wildlife and the neighbouring stables in relation to noise dust etc.
- Access into the village will be impacted during the building stage for residents.
- These plans are not in keeping with the surrounding area and greenbelt, will cause a visual intrusion, and spoil the character of the village.
- Murton Village has always been a quiet neighbourhood, recently the lack of care of the derelict building has brought teenagers into the area causing vandalism on the building. I accept that something has to be done but it seems that the lack of care has been on purpose to push through what seems to be a crowded 7 houses on to an already narrow lane into the neighbourhood. The corner where the original property stands is an already very tight bend. I really don't see how having these homes in that space can work.
- I have lived in Murton Village since 1998 I enjoy seeing the open fields with all the wildlife. I am worried that there will be nowhere left for the foxes, there is too much building happening around me.
- The house in question should be restored to how it was with maybe one 3 or 4 bedroom detached house being built that fits in with the rest of if the houses in Murton village and should be built from reclaimed brick none of this modern rubbish. Murton should be protected from the urban sprawl. We are currently under attack. We have already lost too much green space and its time we called it a day.
- The land was cleared to allow the property to become vulnerable and become a playground to reckless kids, they have aided in making the property unstable and unsafe in the hope this can be torn down and planning being granted. Had the property, trees, fencing been left alone the property would not have become subject to the amount of abuse that it has. Removing the fencing, trees, hedges has allowed vandals to abuse and set fire to this property on multiple occasions. This property could have been let out to Ukrainian families. There have been multiple fires at this property since February. Turning it into a housing estate is out of keeping with the area, this will impact on the conservation and wildlife. If planning permission is given this will cause noise, dirt, disturbance to wildlife, disturbance to neighbours. The plans are out of keeping with the surroundings and will result in a visual intrusion.
- The lovely chestnut tree on the site was cut down without permission. The property was very badly vandalised and was not boarded and protected sufficiently and was left wide open to be vandalised again and set fire to. The initial application to build on this site was rejected prior to the fire which raises suspicions.
- The loss of green space and habitat for wildlife, will impact on birds, deer, foxes, rabbits and butterflies and insects. There is little open green space left on North Tyneside for our wildlife.
- Concerns about sewer system failing due to lack of capacity for 7 houses instead of one.
- Concerns about increased traffic accessing and leaving the development on a tight corner.
- Concerns about Japanese Knotweed on site, not removed in accordance with current regulations and monitoring procedures.

- Whatever the outcome of planning, Moorlands must be demolished immediately. It is a magnet for vandalism and anti-social behaviour on a nightly basis and has made the life of neighbour's pure hell for months.

4.0 External Consultees

4.1 The Coal Authority

4.2 The Coal Authority Response: Material Consideration

4.3 The site falls within the defined Development High Risk Area. Consequently, within the site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of any planning application.

4.4 The Coal Authority records indicate that there are two recorded mine entries (shafts) within, or within close proximity of the planning boundary. Our records also indicate that the site is likely to have been subject to unrecorded underground mining at shallow depth.

4.5 The applicant previously submitted a Phase 2 Geoenvironmental Appraisal (24 September 2020, prepared by Coast Consulting Engineers Ltd), the content of which has been informed by appropriate coal mining information for the proposed development, as well as information from investigations undertaken. Based on this review of information the report confirms that identified shallow coalmine workings are at a depth whereby they pose no undue risk to ground stability.

4.6 In terms of the two recorded mine entries, the report confirms that shaft 432570-004 was located close to the northern boundary of the site and that shaft 432570-006 has been disproven from being within the site. However, and whilst the report goes on to confirm that shaft 432570-004 will require grouting and capping, neither mine entries and construction stand-off zones or no build zone are illustrated on the proposed site layout plan, which we considered was a failing.

4.7 The Coal Authority is therefore now pleased to note the Exploratory Hole Location Plan, which shows the built development layout clear of the mine entries and their respective zones of influence. On the basis that the mine entry located within the site is proposed to be stabilised, which can be ensured by way of condition, the Coal Authority is able to withdraw its objection.

4.8 The applicant should note that permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a planning context are without prejudice to the outcomes of a permit application.

4.9 Mine Gas

4.10 It should be noted that wherever coal resources or coal mine features exist as shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the Local Planning Authority. The Planning and Development team at the Coal Authority, in its role of statutory

consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or no specific emissions have been noted by the Coal Authority, Local Planning Authority's should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

4.11 Sustainable drainage

4.12 It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

4.13 The Coal Authority's recommendation to the LPA

4.14 The information submitted in support of this planning application confirms that a recorded mine entry (shafts) pose a risk to the proposed development and that remedial works to the mine entry will be required to be undertaken prior to the commencement of the development.

4.15 Accordingly, the Coal Authority recommends the imposition of the following conditions:

4.16 No development shall commence until:

Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the proposed development.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

4.17 The Coal Authority withdraws its objection to the proposed development subject to the imposition of the conditions to secure the above. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

4.18 The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

4.19 The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

Application No: 22/02216/FUL Author: Maxine Ingram
Date valid: 15 December 2022 ☎: 0191 643 6322
Target decision date: 16 March 2023 Ward: Camperdown

Application type: full planning application

Location: Site of Former West House, Grasmere Court, Killingworth, Newcastle Upon Tyne

Proposal: New build housing, consisting 22no. units: Mixture of 1 & 2 bed flats, 2 & 3 bed houses with associated car parking and landscaping

Applicant: North Tyneside Council

Agent: North Tyneside Council

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:
-Principle of the development, including the loss of open space,
-Impact on the character and appearance of the area,
-Impact upon the amenity future residents,
-Impact on highway matters,
-Impact on biodiversity, including the wildlife corridor; and,
-Other issues.

1.2 Planning law requires that application 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 materials considerations in reaching their decision.

2.0 Description of the Site

2.1 The application site measures approximately 0.5 hectares (ha). It contains the remnants of the demolished building, former public house, with surrounding hard standing and car parking. In the southeast corner of the site is an area of designated open space in the Council's Local Plan (LP). This area of open space is dissected by a footpath and trees are sited on a grass embankment. A small pond is located on the site.

2.2 To the north the site is bound by Angus Close. To the east the site is bound by Swindale Drive. To the south the site is bound by Grasmere Court. To the west of the site is Grasmere Academy.

2.3 Existing residential dwellings vary in height from bungalows to three storeys. The design of the properties also varies.

2.4 The site is located close to the Killingworth Centre and local bus services. Killingworth Lake and play site are located to the south of the site.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 22 residential units with associated car parking and landscaping.

3.2 The proposed units will be affordable. The following housing mix is proposed:

-10 no. 2 bed houses

-2 no. 3 bed houses

-2no. 1 bed flats

-8no. 2 bed flats

3.3 The proposed two storey houses will be sited in the northern part of the site. Each house will have a north facing front garden and a south facing rear garden. The refuse storage for units 2, 3, 4 and 9 will be sited in the front garden. The refuse serving the remaining houses will be sited in the rear garden. All units will be provided with a garden shed. Each unit will have its own parking.

3.4 The proposed apartments will be sited in the southern part of the site. Communal gardens are located to the north and south of the site. Each unit will have its own parking located to the west of the building.

3.5 The existing area of open space to the southeast side of the footpath will be retained. The existing area of open space to the northwest side of the footpath will be utilised to provide the detention basin and it will be landscaped. The existing footpath will be renewed.

3.6 The existing footpath along the western boundary of the site will be retained. Alterations to the existing footpath and fence line for the school will be altered and directed through the northwest corner of the site adjacent to Unit 1. This will then connect to the footpath that is sited along the northern boundary of the site and the south side of the parking bays that will be subject to a separate stopping up application.

4.0 Relevant Planning History

15/00245/FUL - Demolition of the former West House and erection of 11 new build residential dwellings (Amended plans received 19.10.15) – Permitted 17.11.2015

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:

- Principle of the development, including the loss of open space,
- Impact on the character and appearance of the area,
- Impact upon the amenity future residents,
- Impact on highway matters,
- Impact on biodiversity, including the wildlife corridor; and,
- Other issues.

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

8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF. However, it is clear from paragraph 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)". Except for 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.

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

8.3 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.

8.4 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.

8.5 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.

8.6 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.

8.7 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.

8.8 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.

8.9 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%.

8.10 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose is key to the role of the planning system

in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

8.11 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.

8.12 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.

8.13 Strategic 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.

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

8.15 LP Policy DM4.5 'Criteria for New Housing Development' states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

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

8.16 LP Policy DM5.2 'Protection of Green Infrastructure' 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.

8.17 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.

8.18 LP 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.

8.19 The Council's Green Space Strategy 2015 (GSS) identifies a range of green spaces. Part of the site is designated as open space (amenity greenspace) – high quality and medium value.

8.20 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."*

8.21 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"*.

8.22 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.

8.23 The area of designated open space is in the southeast corner of the site. It is dissected by an existing footpath. The area to the southwest side of the footpath will be retained and additional trees will be planted. The area to the northwest side of the footpath will be utilised to accommodate the required detention basin and it will be planted with a native scrub mix to enhance biodiversity.

8.24 It is noted that Policy DM5.3 requires new developments to sustain the current standards of green space provision. When considering the requirements of Policy DM5.2 it is not considered that this proposal results in a loss of open space as most of it is to be retained as is and will remain accessible. The area which will be altered will provide drainage and biodiversity enhancements thereby improving its function whilst still being accessible.

8.25 This proposal will make efficient use of this site part of which is brownfield. The site is located in close proximity to existing local services.

8.26 It is noted that the LP Policies Map identifies part of this site as a site with planning permission for residential development. Members are advised that the relevant grant of planning permission has lapsed. 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.

8.27 Members need to determine whether the principle of development is acceptable. It is officer advice that this proposal complies with the above policies as the existing open space is to be retained and enhanced. Subject to all other matters set out below being addressed, the principle of bringing this site forward for development is acceptable.

9.0 North Tyneside Council Housing Land Supply

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

9.2 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, 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 proposed development would assist in supporting the council's objective of meeting the objectively assessed housing need and ensure a mix of housing

for both existing and new residents in the borough. This is therefore in accordance with LP policies S4.1 and S4.2(a) 'Housing Figures'.

10.0 Impact on the character and appearance of the area

10.1 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.

10.2 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.”

10.3 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities.

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

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

10.6 LP Policy DM6.1 'Design of Development' states: “Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis 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.”

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

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

10.9 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.”

10.10 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.

10.11 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.

10.12 The proposed housing, Units 1-12, will be sited in the northern part of the site overlooking Angus Close. These units have been split into four blocks of short terraces and semi-detached properties. The staggered building line is reflective of the staggered building lines within the vicinity of the site. This design approach creates an outward facing development onto Angus Close and will increase natural surveillance to this part of the site.

10.13 The proposed flats will be sited in the southern part of the site overlooking Grasmere Court. Design features have been added to break up the visual appearance of the flats. The design of the flats will increase natural surveillance towards the parking area, the open space and the communal garden areas.

10.14 In response to the initial design comments, the applicant has amended the proposed boundary treatments. The rear gardens serving the housing will be enclosed by 1.8m high timber fencing with brick piers and the gardens will be divided with 1.8m high timber fencing. The front gardens will be enclosed by a 0.4m high timber trip rail. The communal gardens serving the flats will be partly enclosed by approximately 1.5m high timber fencing and a 0.4m high timber trip rail.

10.15 In response to the initial design comments, the applicant has amended the location of the refuse storage for most of the housing and apartments. Some of the houses require the refuse storage to be sited in the front garden therefore they will need to be in purpose-built accommodation to ensure the bins do not undermine the visual quality of the development. The applicant has also relocated the sheds serving the housing further from the rear windows.

10.16 The height of the existing housing varies from single storey to three storeys. The height of the proposed dwellings will not exceed two storeys.

10.17 The proposed layout demonstrates that the site can accommodate the number of units proposed. Each house will have its own garden and parking. Each flat will have access to a communal garden and parking. The site also accommodates a detention basin and landscaping.

10.18 Conditions to secure materials of construction, hard surfacing, landscaping, refuse stores and external features are suggested to ensure that appropriate final details are secured.

10.19 As already discussed, most of the designated open space will be retained and part will be used to accommodate the detention basin and provide biodiversity enhancements. These spaces will remain accessible, and the existing footpath will be renewed. The proposed layout maintains pedestrian access through and around the site.

10.20 Northumbria Police have advised that since their initial comments they have discussed the proposal with the development, and they are content with the current application.

10.21 The Northumberland and Newcastle Society (N&N) supports this proposal. Some of the comments raised have been addressed regarding refuse storage and boundary treatments.

10.22 Members need to consider whether the proposed development is acceptable in terms of its design and layout, and whether it is in keeping with the character and appearance of the immediate surrounding area. It is officer advice that the proposed number of units can be comfortably accommodated within the site without causing significant harm to the character and appearance of the

immediate surrounding area. As such, subject to the imposition of the suggested conditions, the development is in accordance with the advice in the NPPF, LP Policies DM6.1, DM5.9 and DM5.7 and the Design Quality SPD.

11.0 Impact upon the amenity future residents

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 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.

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

11.6 LP Policy DM4.9 'Housing Standards' 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 they must meet the standards set out in this policy subject to viability.

11.7 A noise assessment has been submitted as part of this application.

11.8 The Manager for Environmental Health has considered the noise assessment which included noise arising from the primary school and the distant

railway line. This assessment has considered the noise levels from both sources. Noise levels from the school and rail line are not considered to give rise to adverse impact. The consultee has advised that noise is not considered to be a deciding factor for this development and standard double thermal glazing will be sufficient.

11.9 The Manager for Environmental Health has recommended 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.

11.10 No. 62 Angus Close and Nos. 21-29 Dove Close are sited to the north of the application site. There are no windows sited in the south elevation of No. 62 Angus Close. A separation distance of over 21m will exist between the front of the proposed housing and the rear elevations of Dove Close. Due to the separation distance that will exist, it is not considered that these units will significantly affect the residential amenity of this neighbouring properties in terms of loss of light, outlook or privacy.

11.11 Unit 12 will be located to the west of No. 20 Swindale Drive. A separation distance of approximately 15m will exist between the gable of the proposed house and the gable of this bungalow. Due to the separation distance that will exist, it is not considered that this unit will significantly affect the residential amenity of this neighbouring property in terms of loss of light, outlook or privacy.

11.12 The proposed flats will be located to the west of Swindale Drive. Due to the siting of the proposed flats, it is not considered that they will significantly affect the residential amenity of these neighbouring properties in terms of loss of light, outlook or privacy.

11.13 The proposed flats will be located to the north of Grasmere Court. A separation distance of over 21m will exist between the south elevation of the proposed flats and the north elevation of the properties sited on Grasmere Court. Due to the separation distance that will exist and the orientation, it is not considered that this unit will significantly affect the residential amenity of this neighbouring property in terms of loss of light, outlook or privacy.

11.14 The layout of the development is considered to be acceptable in terms of separation distances and the standard of living accommodation for future occupiers. Each house will have their own private garden and the apartments will have access to outside space. All units will have adequate windows to provide good levels of light, outlook and privacy. Each unit will have its own parking bay, cycle storage and refuse storage. A condition is recommended to ensure all units will be in accordance with the Government's Nationally Described Space Standards (NDDS).

11.15 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity for both existing and future occupants. As such, it is officer advice, subject to imposing the suggested conditions, that the proposed development does accord with the advice in paragraph 185 of the NPPF and LP policies DM5.19 and DM6.1.

12.0 Impacts on highway matters

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 Transport and Highways SPD sets out the parking standards for new development.

12.7 The existing site access from Grasmere Court will be utilised as parking for the proposed flats. For the proposed houses to the north a mixture of off-road driveways have been provided and an area of existing residents parking leftover from the former garages will be utilised. The applicant has advised that existing residents parking will be subject to a stopping up application running in tandem with this planning application.

12.8 The applicant has carried out a traffic survey to determine the existing traffic and parking situation along Angus Close and Grasmere Court. The survey findings concluded that there will be very little impact on existing residents parking arrangements. The proposal accommodates enough parking to comply with the Council's parking standards as well as an additional nine spaces that can be used to cater for school parking and two spaces have also been provided for minibuses for use by the school.

12.9 The proposal also allows for cycle storage. A dedicated lockable cycle store for the flats and a shed will be provided for the houses.

12.10 The site has reasonable links to public transport and local services.

12.11 The Highways Network Manager has considered the submitted traffic surveys and plans. He has advised that parking and cycle will be provided in

accordance with current standards and refuse will be stored on site. He notes that an area of existing parking will be removed, and the associated adopted highway formally stopped up. The traffic survey demonstrates that this area is not particularly well-used.

12.12 The Highways Network Manager has not concluded that this development would result in an unacceptable impact on highway safety or the residual impacts on the road network would be severe. He has suggested planning conditions, which in his opinion, will mitigate the impacts of this development.

12.13 The Sustainable Transport Team Leader has advised they do not have any comments to make.

12.14 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable. As such, the proposed development accords with the NPPF and the LP.

13.0 Impact on biodiversity, including the wildlife corridor

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 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 Policy DM5.2 'Protection of Green Infrastructure' relates to proposals which include any loss of any part of the green infrastructure network.

13.6 LP Policy DM5.5 'Managing Effects on Biodiversity and Geodiversity' states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

13.7 LP 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 site's integrity can

only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

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

13.9 LP Policy DM5.9 'Trees, Woodlands 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.

13.10 The application site falls beyond 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. Therefore, this development will need to comply with Policy DM5.5 and 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.

13.11 Natural England have been consulted. They are satisfied that, subject to appropriate coastal mitigation being secured, there will be no damage or disturbance to the coastal areas. A condition is recommended to ensure appropriate mitigation is secured.

13.12 The Biodiversity Officer has considered the submitted Ecological Impact Assessment (EclA) and the Biodiversity Net Gain (BNG) Report and Biodiversity Metric.

13.13 The southern part of the site is brownfield land formerly accommodating buildings set out on hardstanding. The buildings have been demolished and this area now comprises ephemeral/short perennial vegetation which grades to areas of poor semi-improved grassland and tall ruderal. There is a small pond in the centre of the brownfield area. The north and east of the site comprises hardstanding, used as car parking, and amenity grassland. There are also a number of amenity trees across the site.

13.14 The submitted EclA advises the site is considered of up to local value for foraging/commuting bats, birds and hedgehog with other protected and priority species likely to be absent. The EclA does not recommend any further ecological surveys and concludes that subject to the recommendations in the report being implemented, the proposal could proceed with no significant adverse effect on

notable species and/or habitats. Conditions to secure ecological enhancements will be secured by condition.

13.15 The BNG Report and Biodiversity Metric show that most of the habitat lost within the site is modified grassland with some ruderal/ephemeral habitat, a small pond and 7 small and medium size trees. The Landscape Strategy indicates that the site will deliver species rich neutral grassland, mixed native scrub, 8no. medium size urban trees and a SUDs scheme. However, due to the limited space within the site, the scheme is unable to deliver a net gain for biodiversity on site, therefore, off-site compensation will be required. The off-site compensation can be delivered at Keegan Park opposite the site. It is noted that the consultee has advised that the BNG Report and Metric are not consistent with the landscape strategy. A condition is recommended to ensure these reports are updated and demonstrate consistency with the landscape strategy and also provided details of the off-site compensation land.

13.16 This development will also result in the loss of a small pond. The proposed drainage is a dry detention basin. The consultee has advised that to satisfy the trading rules of the biodiversity metric the drainage will need to be designed to hold some permanent water to replace this pond. A condition is recommended to secure these details.

13.17 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity, including the wildlife corridor, and whether appropriate landscaping is being secured. Subject to imposing the suggested conditions, it is officer advice that the proposal will not cause unacceptable harm to biodiversity interests, regarding the existing wildlife corridor and protected species. Officers do not consider that the proposal will conflict with Policies S5.4 and DM5.5 of the LP which seek to protect biodiversity resources, including non-statutory sites; conserving, enhancing and managing local sites and wildlife corridors; and the effects on protected species and locally designated sites. Officers do not consider that the proposal will conflict with Policy DM5.7 which seeks to ensure that all new developments take account of and incorporate existing wildlife links into their plans at the design stage. In the absence of harm, neither will there be conflict with paragraph 180 of the NPPF which seeks to avoid, adequately mitigated, or as a last resort, compensate for significant harm to biodiversity.

14.0 Other issues

14.1 Flood Risk

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

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

14.6 The site is in Flood Zone 1 and a Critical Drainage Area. A Flood Risk and Drainage Impact Assessment and drainage plans have been submitted as part of the application.

14.7 The Lead Local Flood Authority (LLFA) has reviewed the application documents. The development will be providing surface water attenuation in the form of an underground storage tank with treatment being provided by a detention basin and permeable paving in the parking bays. These surface water features will provide attenuation for a storm event of 1 in 100 year + 45% allocation, for climate change and 10% urban creep. The surface water from the development will then discharge into the adjacent Northumbrian Water surface water sewer with a restricted discharge rate of 5l/s. This sewer then discharges into Killingworth Lake which the flood risk assessment states as an endorheic basin this in fact does have two outfalls which discharge into local watercourses, so the proposals are a suitable solution in the drainage hierarchy. Subject to imposing the suggested condition, it is considered that surface water can be appropriately mitigated for.

14.8 Northumbrian Water have raised no objections subject to imposing a condition to ensure the development is carried out in strict accordance with the submitted Flood Risk and Drainage Impact Assessment. They have advised that the submitted document reflects their pre-planning enquiry advice identifying foul connections and a surface water connection at a restricted rate of 5l/s.

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

14.10 Ground conditions

14.11 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.

14.12 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.

14.13 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.

14.14 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.

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

14.16 A Geo-Environmental Assessment has been submitted as part of the application.

14.17 The Contaminated Land Officer has reviewed the submitted reports and has confirmed no gas protection measures are required. Conditions to deal with contaminated land will be required. Subject to imposing the suggested conditions, she does not object to this proposal.

14.18 The Coal Authority has advised that the site is not located in a coal referral area. They have advised that there standard informative is imposed should planning permission be granted.

14.19 Members need to consider whether the site is appropriate for its proposed use. It is officer advice, subject to conditions that the site would be appropriate for housing and mixed uses in accordance with the advice in NPPF and Policy DM5.18 of the LP.

14.20 Sustainability

14.21 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. Paragraph 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.

14.22 LP Policy DM7.6 ‘Renewable Energy and Low Carbon Technologies’ 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.

14.23 The properties will also be installed with solar panels and air source heat pumps are proposed to encourage use of renewable energy and low carbon technologies.

14.24 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.

14.25 Aviation Safety

14.26 Newcastle International Airport Limited (NIAL) has been consulted. They have advised that whilst the landscaping will attract additional bird activity to the site. However, due to the location of the site and the relatively modest level of landscaping within a medium size development, the Airport considers that the hazardous species will not lead to any detrimental impact to their aerodrome operations. On this basis they do not object.

14.27 Archaeology

14.28 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.”

14.29 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.

14.30 The Tyne and Wear Archaeology Officer has advised no archaeological work is required.

15.0 S106 Contributions

15.1 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.

15.2 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.

15.3 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.

15.4 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.

15.5 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.

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

15.7 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.

15.8 A Viability Assessment has been submitted. This has concluded that the scheme is not viable and the requested S106 contributions cannot be secured. Members are advised that this proposal will deliver 22no. affordable units and a coastal mitigation scheme will be secured by condition.

15.9 As this proposal will deliver 100% affordable housing provision, it is exempt from a CIL payment.

16.0 Local Financial Considerations

16.1 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.

16.2 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.

17.0 Conclusions

17.1 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.

17.2 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.

17.3 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.

17.4 The proposed layout demonstrates that the designated open space will be retained and enhanced. Members need to consider whether the design and layout of the proposal is acceptable in terms of its impact on existing residential dwellings and proposed residential dwellings. It is officer advice that it is acceptable.

17.5 Members need to consider whether this development is acceptable in terms of its impacts on existing and future occupants having regard to paragraph 185 of the NPPF and Local Plan Policies DM6.1 and DM5.19. It is officer that it is acceptable subject to imposing the suggested conditions.

17.6 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 in accordance with the Council adopted standards 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.

17.7 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 securing appropriate coastal mitigation 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 protected species or significantly impact on the wildlife corridor. It is officer advice that it is acceptable.

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

17.9 This proposal will deliver 100% affordable housing provision which significantly weighs in favour of this proposal.

17.10 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 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. 22/004 003 Rev D
 - Existing site plan Dwg No. 22-004 002
 - Proposed site plan Dwg No. 22-044-010 Rev C
 - Construction details 1 Dwg No. 22-044-401 Rev P1
 - Block 1 elevations Dwg No. 22-044-116
 - Block 2 elevations Dwg No. 22-044-126
 - Block 3 elevations Dwg No. 22-044-136
 - Block 4 elevations Dwg No. 22-044-146
 - Block 5 elevations Dwg No. 22-044-158 Rev B
 - House Type D Dwg No. 22-004-D-101 Rev 1
 - House Type E Dwg No. 22-044-D-101 Rev 1
 - Block 5 floor plans Dwg No. 22-044-151 Rev B
 - Proposed external levels Dwg No. P22-266-3E-ZZ-XX-DR-C-2000 Rev P01
 - Drainage management and maintenance plan Dwg No. P22-266-3E-ZZ-XX-DR-C-0001 Rev P01
 - Proposed drainage layout Dwg No. P22-266-3E-ZZ-XX-DR-C-1000 Rev P01
 - Swindale Drive Flood Risk and Drainage Impact Assessment Dated 07.12.2022
- 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. Notwithstanding Condition 1, the scheme for new means of access shall be laid out in accordance with the approved plans prior to any part of the development hereby approved being occupied and retained and maintained 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 and Electric Vehicle (EV) charging shall be provided and laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

5. Notwithstanding the Condition 1, the scheme for undercover cycle storage shall be provided and 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).

6. Notwithstanding Condition 1, the scheme for the provision of and storage of refuse, recycling and garden waste bins shall be provided and laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.

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

7. Notwithstanding Condition 1, no part of the development shall be occupied until the scheme for highway closure under Section 247 of the Town and Country Planning Act 1990 has been carried 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).

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

9. Notwithstanding Condition 1, prior to the first occupation of any part of the development hereby approved details of the appointed SUDS

management company, to manage the SUDS and any associated infrastructure is managed and maintained in perpetuity, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details. Following the appointment of the SUDS management company, if any changes to the appointed SUDS management company are required the Local Planning Authority must be informed in writing before any changes occur.

Reason: To ensure the viability of the surface water attenuation is maintained in perpetuity having regard to the NPPF.

10. 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 Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management.

Reason: This information is required 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.

11. Prior to the occupation of each dwelling on 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.

12. 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.

13. 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.

14. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Swindale Drive Flood Risk and Drainage Impact Assessment" dated "7th December 2022". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 2401 or 2305 and ensure that surface water discharges to the surface water sewer at manhole 1302. The surface water discharge rate shall not exceed the available capacity of 5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

15. Notwithstanding Condition 1, prior to the construction of any part of the residential development and any part of the commercial development hereby approved above damp-proof course level a schedule and/or samples of all hard surfacing materials and external building materials, including doors and windows 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: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

16. Prior to any building works being first commenced, details of external features including extractor vents, solar panels, air source heat pumps, heater flues, alarm boxes, meter boxes and satellite dishes shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interest of visual amenity having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

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

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Class A, B, C, D, E and F of Part 1 of Schedule 2 or within Class A of Part 2 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

19. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level, 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 approved Biodiversity Metric and Biodiversity Net Gain Report. The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and their maintenance. The landscaping scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard (4428: 1989). On site landscaping is to be implemented within the first available planting season following completion of the scheme by an approved contractor. Landscaping of the approved off-site compensation land is to be implemented upon commencement of development within the first available planting season by an approved contractor. Any trees, shrubs or wildflower areas that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

20. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level, a detailed 30 year 'Management, Maintenance and Monitoring Plan' 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 long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed and paved areas. 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 the following:

- Details on the creation and management of all target habitats identified within the approved Biodiversity Metric, BNG Report and landscape plans for on-site and off-site mitigation/compensation.

- Survey and monitoring details for all target habitats identified within the approved Biodiversity Metric and BNG Report 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.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

21. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level, details of a sustainable drainage scheme containing permanent open water shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented in accordance with these agreed details prior to the occupation of any part of the development hereby approved and shall be permanently maintained and retained.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

22. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level, an updated Biodiversity Metric 3.1 and BNG Report shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of the off-site compensation at Keegan Park to deliver a biodiversity net gain.

Reason: To ensure that appropriate mitigation is secured and to enhance existing landscape features and wildlife populations having regard to the NPPF and Policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

23. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level, details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Light levels close to foraging/commuting areas such as trees and semi-natural habitats shall be low level, below 2m in height, and low lux (below 1 lux 5m from the light source). Warm-light LEDs with low UV shall be used, with cowls designed to accurately target which areas are lit. No lighting shall be installed within 5m of, or which spills onto, the group of amenity trees to the east of the site, particularly the low suitability tree in the north of the group.

Reason: To ensure that appropriate mitigation is secured to ensure protected species are adequately protected having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

24. Prior to the commencement of any part of the development hereby approved, a Precautionary Amphibian Working Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be undertaken in accordance with the approved details thereafter.

Reason: This information is required from the outset to ensure that appropriate mitigation is secured to ensure protected species are adequately protected having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

25. Prior to the installation of any boundary treatment details of hedgehog gaps 13cm x 13cm to be provided in fences between gardens and landscaped areas to allow hedgehogs to forage and commute across the site 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 which shall be permanently maintained and retained.

Reason: To ensure that appropriate mitigation is secured to ensure protected species are adequately protected having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

26. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 10no. bird boxes specifications and locations (including a mix of hole, open fronted and sparrow terrace boxes) shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed on new houses/buildings within the development and shall be a minimum of 2m from the ground, near foraging habitat and ideally north to east facing. Thereafter, the bird boxes shall be installed in accordance with these agreed details prior to the completion of the development hereby approved and shall be permanently maintained and retained.

Reason: To ensure that appropriate mitigation is secured to ensure protected species are adequately protected having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

27. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 4no. bat boxes and 4no. bird boxes specifications and locations (suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird and bat boxes shall be installed in accordance with these agreed details prior to the completion of the development hereby approved and shall be permanently maintained and retained.

Reason: To ensure that appropriate mitigation is secured to ensure protected species are adequately protected having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

28. 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).

29. 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).

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 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 three years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants of similar size and species.

Reason: To ensure that existing landscape features are adequately protected during construction and to ensure local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

31. Prior to the commencement of any part of the development hereby approved 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 Arboricultural Impact Assessment, Method Statement and Tree Protection Plan by Elliott Consultancy Ltd, 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.

Reason: This information is required from the outset to ensure that existing landscape features are adequately protected during construction and to ensure local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

32. All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement submitted by Elliott Consultancy Ltd and within the guidelines contained within BS5837:2012 - Trees in Relation to Design, Demolition and Construction and NJUG Volume 4. The AMS is to form part of the contractors method statement regarding the proposed construction works. Regular inspections to be undertaken in accordance with section 6.8 of the Arboricultural Method Statement to provide any arboricultural advice necessary and to ensure the efficiency of the Tree Protection measures.

Reason: To ensure that existing landscape features are adequately protected during construction and to ensure local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

33. Prior to the occupation of any residential unit hereby approved, a scheme to address the impacts of the hereby approved development on the Northumberland Coast SPA shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be in full accordance with the North Tyneside Coastal Mitigation Supplementary Planning Document July 2019.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017 and the North Tyneside Coastal Mitigation Supplementary Planning Document July 2019.

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)

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 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 all adopted highway no longer required must be stopped up under Section 247 of the Town and Country Planning Act 1990. 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 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.

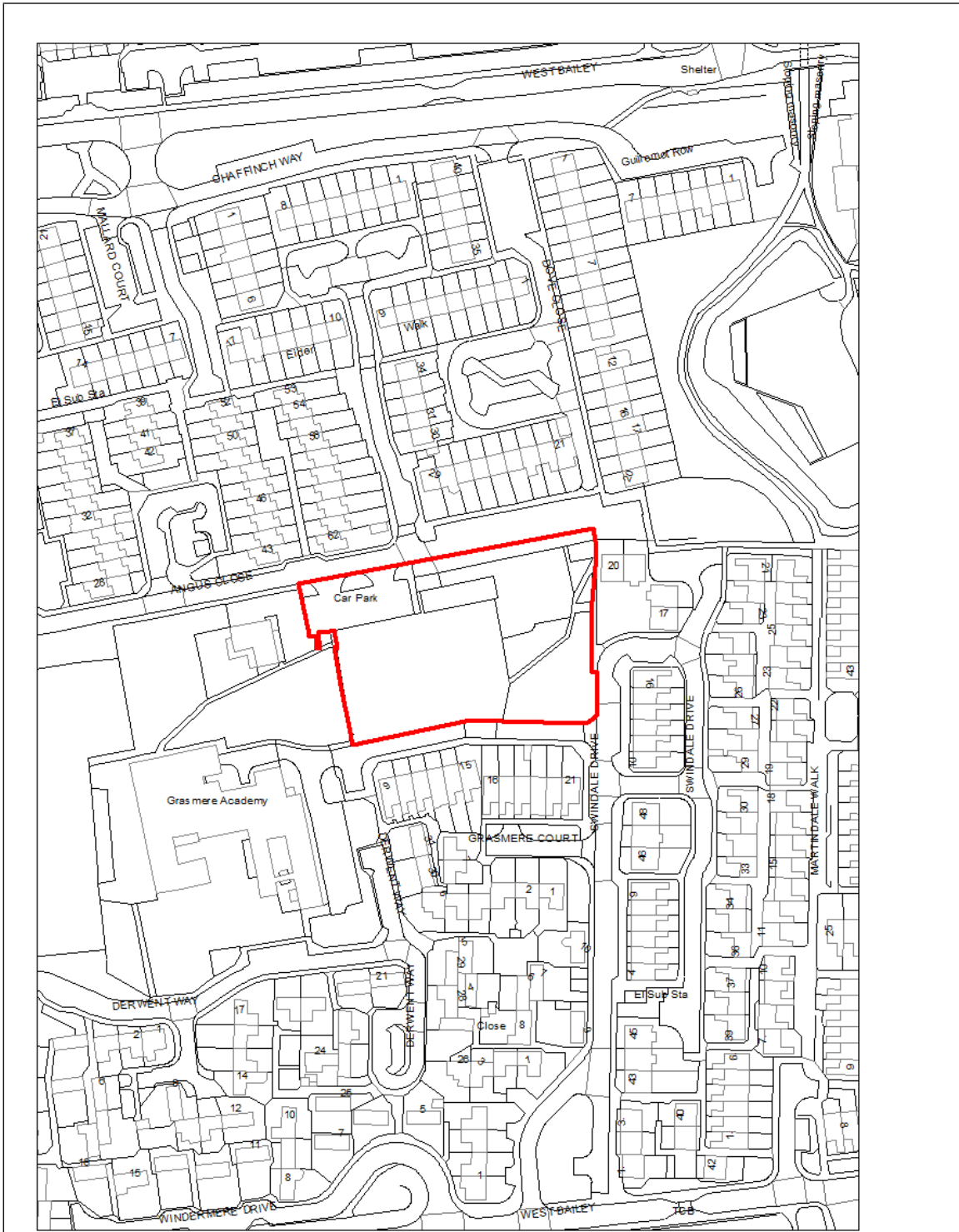
The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

Northumbrian Water informs you that a public sewer and a water main 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. Further information is available at <https://www.nwl.co.uk/services/developers/>



Application reference: 22/02216/FUL
Location: Site Of Former West House, Grasmere Court, Killingworth, Newcastle Upon Tyne
Proposal: New build housing, consisting 22no. units: Mixture of 1 & 2 bed flats, 2 & 3 bed houses with associated car parking and landscaping

Not to scale
 Date: 29.03.2023

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



Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 The apartments will be accessed from Grasmere Court to the south and the dwellings via Angus Close to the north. Parking and cycle parking will be provided in accordance with current standards and refuse will be stored on site.

1.3 An area of existing parking will be removed, and the associated adopted highway formally stopped up. The developer has carried out parking surveys which demonstrate that this area is not particularly well-used. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

Notwithstanding the details submitted, the scheme for new means of access shall be laid out in accordance with the approved plans. This access 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 and Electric Vehicle (EV) charging 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, recycling and garden waste bins shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for highway closure under Section 247 of the Town and Country Planning Act 1990 has been carried 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 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 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.

1.6 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 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 all adopted highway no longer required must be stopped up under Section 247 of the Town and Country Planning Act 1990. 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 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 no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

1.7 Manager for Environmental Health (Pollution)

1.8 The proposed site is adjacent to other residential dwellings and adjacent to a primary school.

1.9 I have viewed the noise assessment that has considered noise arising from the primary school and distant rail line. The noise consultant indicates associated noise from the school and the distant rail line would give noise levels of around 52 dB LAeq for the school and 55 dB LAeq for rail noise. Outdoor garden amenity will achieve levels of 50 dB LAeq or below based on a 1.8 boundary garden fence being provided. Noise levels from the school and rail line are not considered to give rise to adverse impact. Therefore, noise is not considered to be a deciding factor for this application and standard double thermal glazing will suffice for the development. If planning approval is to be given, I would recommend the following:

HOU04
HOU05
SIT03

1.10 Manager for Environmental Health (Contaminated Land)

1.11 I have read the Gas Risk Assessment and I am satisfied that no gas protection measures are required. No condition related to gas is needed.

1.12 With regards to other contamination my previous comments still stand:

1.13 I note that there has been an area of elevated PAH's identified. The Phase 2 report states:

1.14 Following a review of ground conditions noted within TP04 it is considered that the recorded levels of PAH contamination could potentially be attributable to an isolated 'hotspot' associated with the presence of ash contained within the made ground at this location. However, as the presence of ash was noted contained within the made ground at a number of the exploratory hole locations. In order to more accurately assess the potential for the increased levels of PAH's at the location of TP04 to be representative of an isolated 'hotspot' it is recommended that further sampling and screening of the made ground from around this location be undertaken to evaluate the extent of the affected materials.

1.15 Based upon the findings of these works, should made ground around TP04 be confirmed as representing an isolated 'hotspot' in order to negate any future risk it is recommended that the full extent of the affected materials be excavated and removed off-site to a suitable landfill facility, which would effectively remove the source of contamination off-site and negate the requirement for a dedicated clean cover system.

Alternatively, if the presence of PAH contamination is confirmed as being pervasive within the made ground below the site as a whole, further remedial measures (i.e. the implementation of a clean cover system) would be required for this site to negate any risk to future end users.

1.16 As contamination has been found a remediation strategy is required to be submitted, it should state what works are proposed to be carried out.

1.17 Based on the information submitted the following conditions must be applied:

Con 005

Con 006

Con 007

1.18 Design

1.19 Following comments which raised concerns, further information and amendments have been submitted. The revised plans address the issues previously raised regarding the bin stores, landscaping and boundary treatments. The application is now acceptable, subject to the recommended conditions.

1.20 Suggested conditions:

MAT03 Materials Building Schedule

MAT04 Materials Surfaces Schedule

LAN005 Landscape Scheme Implementation Period

DES01 External Features

Design of Refuse Stores

1.21 Sustainable Transport

1.22 No comments.

1.23 Lead Local Flood Authority (LLFA)

1.24 I have carried out a review of the surface water drainage proposals as submitted as part of planning application 22/02216/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 an underground storage tank with treatment being provided by a detention basin and permeable paving in the parking bays. These surface water features will provide attenuation for a storm event of 1 in 100 year + 45% allocation, for climate change and 10% urban creep. The surface water from the development will then discharge into the adjacent Northumbrian Water surface water sewer with a restricted discharge rate of 5l/s. This sewer then discharges into Killingworth Lake which the flood risk assessment states as an endorheic basin this in fact does have two outfalls which discharge into local watercourses, so the proposals are a suitable solution in the drainage hierarchy.

1.25 I will require the following conditions to be placed on the application:
- Details of the appointed SuDS management company to be provided to LLFA following completion of development.

1.26 Biodiversity Officer

1.27 The development scheme is to provide 22no. units comprising 2 and 3 bedroom houses and 1 and 2 bed apartments. The proposed site is located in Killingworth on the site of the former Grasmere Court with Angus Close to the north and Swindale Drive to the east. Existing housing is located to the north, east and south of the site with a primary school to the west. The majority of the site to the west is allocated for housing and a smaller area to the east of the site is open space and within the wildlife corridor.

1.28 Ecological Impact Assessment (E3 Ecology R03 Dec 2022)

1.29 An ecological walkover survey of the proposed development site was undertaken in June 2022.

1.30 The site is approximately 0.5ha and comprises two distinct sections. The southern part of the site is brownfield land which formerly supported two buildings set on hardstanding, with grassland at the western edge. The buildings were demolished between 2018 and 2020 and this area now comprises ephemeral/short perennial vegetation which grades to areas of poor semi-improved grassland and tall ruderal. There is a small pond in the centre of the brownfield area, also created since 2018. The north and east of the site comprises hardstanding, used as car parking, and amenity grassland. There are also a number of amenity trees across the site. The site is considered of up to local value for foraging/commuting bats, birds and hedgehog with other protected and priority species likely to be absent. No further ecological surveys are recommended as a result of the assessment.

1.31 The EclA concludes that provided that the recommendations in the report are implemented, the proposal could proceed with no significant adverse effect on notable species and/or habitats. Ecological enhancement opportunities include landscaping focused on biodiversity and bat and bird nest box provision to deliver a net gain for biodiversity.

1.32 The results of the site survey combined with the desk study have highlighted a number of mitigation and compensation requirements in relation to protected

species, lighting and landscaping and these will be attached as conditions to the application as set out below.

1.33 BNG Report & Biodiversity Metric

1.34 A Biodiversity Net Gain (BNG) Report (E3 Ecology R02 Feb 23) & Biodiversity Metric 3.1 (E3 Ecology Dec 2022) have been submitted to support the application. The Metric calculation shows that the majority of the habitat lost within the site is modified grassland with some ruderal/ephemeral habitat, a small pond (approx. 30m²) and 7 small and medium size trees. The Landscape Strategy (DWG No: 400 Rev F) indicates that the site will deliver species rich neutral grassland, mixed native scrub, 8no. medium size urban trees and a SUDs scheme. However, due to the limited space within the site, the scheme is unable to deliver a net gain for biodiversity on site, therefore, off-site compensation will be required which has been identified and agreed within Keegan Park opposite the site. The current Metric and BNG Report are not consistent with the Landscape Strategy (which shows the correct detail), therefore, a condition will need to be attached to the application to ensure an updated Biodiversity Metric and BNG Report are submitted that are consistent with the on-site Landscape Plan and also include the details of off-site habitat creation to deliver a net gain.

1.35 A small pond is also being lost as part of the scheme and a SUDs scheme is shown as part of the development proposals. The BNG Report makes note of the importance of this SUDs feature being designed as a pond with some open water, even if the water supply is in part from roof run-off from the development, to ensure that the habitat trading rules are satisfied within the metric (i.e like for like habitat replacement is being provided). The 'Proposed Drainage Layout' (DWG: P22-266-3E-ZZ-XX-DR-C-1000 REV P01) shows this pond as a dry basin and this is also indicated in the Design and Access Statement. In order to satisfy the trading rules of the metric, the SUDs feature on site will need to be designed to hold some permanent open water to replace the pond which has been lost on site. A condition will need to be attached to the application to ensure that these details are submitted to the LPA for approval prior to development commencing on site.

1.36 Impacts on Coastal Designated Sites

1.37 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.

1.38 Conditions:

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 approved Biodiversity Metric and Biodiversity Net Gain Report. The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and their maintenance. The landscaping scheme shall be implemented in accordance with the approved details and to a

standard in accordance with the relevant recommendations of British Standard (4428: 1989). On site landscaping is to be implemented within the first available planting season following completion of the scheme by an approved contractor. Landscaping of the approved off-site compensation land is to be implemented upon commencement of development within the first available planting season by an approved contractor. Any trees, shrubs or wildflower areas that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

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 detailed 30 year 'Management, Maintenance and Monitoring Plan' 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 long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed and paved areas. 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 the following:-

- Details on the creation and management of all target habitats identified within the approved Biodiversity Metric, BNG Report and landscape plans for on-site and off-site mitigation/compensation.

- Survey and monitoring details for all target habitats identified within the approved Biodiversity Metric and BNG Report 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.

Prior to development commencing on site, details of a SUDs scheme containing permanent open water shall be submitted to the LPA for approval and shall be implemented in accordance with the approved details.

Prior to development commencing on site, an updated Biodiversity Metric 3.1 and BNG Report shall be submitted to the LPA for approval and shall include details of the off-site compensation at Keegan Park to deliver a biodiversity net gain.

Details of lighting shall be submitted to the LPA for approval in writing within 4 weeks of development commencing on site. Light levels close to foraging/commuting areas such as trees and semi-natural habitats will be low level, below 2m in height, and low lux (below 1 lux 5m from the light source). Warm-light LEDs with low UV will be used, with cowls designed to accurately target which areas are lit. No lighting will be installed within 5m of, or which spills onto, the group of amenity trees to the east of the site, particularly the low suitability tree in the north of the group.

Prior to works commencing on site, a Precautionary Amphibian Working Method Statement will be submitted to the LPA for approval in writing. All works will be undertaken in accordance with the approved details thereafter.

Hedgehog gaps 13cm x 13cm will be provided in fences between gardens and landscaped areas to allow hedgehogs to forage and commute across the site. Details of gaps and their locations shall be provided on a Plan and submitted to the LPA for approval within 4 weeks of development commencing on site.

10no. bird boxes (including a mix of hole, open fronted and sparrow terrace boxes) shall be installed on new houses/buildings within the development and shall be a minimum of 2m from the ground, near foraging habitat and ideally north to east facing. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and shall be installed in accordance with the approved plans on completion of works and permanently retained.

4no. bat boxes and 4no. bird boxes will be provided on suitable trees within the development site. Details of bat and bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

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

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

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.

Prior to any ground being broken on site and 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 shown and detailed in the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan by Elliott Consultancy Ltd, 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.

All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement submitted by Elliott Consultancy Ltd and within the guidelines contained within BS5837:2012 – Trees in Relation to Design, Demolition and Construction and NJUG Volume 4. The AMS is to form part of the contractors method statement regarding the proposed construction works. Regular inspections to be undertaken in accordance with section 6.8 of the Arboricultural Method Statement to provide any arboricultural advice necessary and to ensure the efficiency of the Tree Protection measures.

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.

2.0 Representations

2.1 None

3.0 External Consultees

3.1 Tyne and Wear Archaeology Officer

3.2 I have checked the application site against the Historic Environment Record and historic maps. This was formerly the site of West House Farm (HER17562), a post-medieval farmstead which was demolished in the 1960s and rebuilt as a public house and community room. The public house was recorded in 2017 ahead of its demolition (HER event 4663 report 2017/83). The 20th century redevelopment of the site and the 21st century demolition is likely to have truncated any earlier deposits and structures. The report on the Phase II Geo-environmental Assessment by Hydrock 3E demonstrated the presence of modern made ground across much of the site to depths of between 0.52m and 2.00m.

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

3.4 The Coal Authority

3.5 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.

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

3.7 Newcastle International Airport Limited (NIAL)

3.8 The proposal has been assessed by the Aerodrome Safeguarding Team and they have the following comments to make. The proposed landscaping of the site consists of a number of species listed in the hazard species list. Such species are likely to attract additional bird activity to the site. In this case however, given the location of the site and the relatively modest level of landscaping within a medium size development, it is not considered that the hazardous species would lead to any detrimental impact to the aerodrome operations. NIA would not therefore offer any objection to this application.

3.9 Northumbria Police

3.10 Since our prior comment on this matter when out for consultation in January, we have had the opportunity to discuss the proposals with the developers and are content with the current application.

3.11 Northumbrian Water

3.12 In making our response to the LPA Northumbrian Water will assess the impact of the proposed development on our assets and assesses 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.

3.13 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>.

3.14 We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Swindale Drive Flood Risk and Drainage Impact Assessment". This document reflects our pre-planning enquiry advice identifying foul connections at manhole 2401 or 2305 and a surface water connection to manhole 1302 at a restricted rate of 5l/s.

3.15 We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above named document:

3.16 Condition: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Swindale Drive Flood Risk and Drainage Impact Assessment" dated "7th December 2022". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 2401 or 2305 and ensure that surface water discharges to the surface

water sewer at manhole 1302. The surface water discharge rate shall not exceed the available capacity of 5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority. Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

3.17 It should be noted that we are not commenting on the quality of the of the Flood Risk Assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the LLFA, 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. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts/design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where is it their intention to offer SuDS features for adoption.

3.18 For information only

3.19 We can inform you that a public sewer and a water main 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. Further information is available at <https://www.nwl.co.uk/services/developers/>

3.20 Natural England

3.21 No objection – subject to appropriate mitigation being secured.

3.22 We consider that without appropriate mitigation the application would:
-Have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA) & Ramsar site.

3.23 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigations options should be secured:

-A contribution to the Coastal Mitigation Scheme for developments outside the 6km buffer zone of £151.00 per residential unit.

3.24 We advised that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

3.25 Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

3.26 Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

3.27 Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

3.28 Natural England offers the following additional advice:

3.29 Landscape

3.30 Paragraph 174 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

3.31 Best and most versatile agricultural land and soils

3.32 Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website.

3.33 If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further. Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying *Good Practice Guide for Handling Soils in Mineral Workings*.

3.34 Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

3.35 Protected Species

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

3.37 Local sites and priority habitats and species

3.38 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

3.39 Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found on Gov.uk.

3.40 Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

3.41 Ancient woodland, ancient and veteran trees

3.42 You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

3.43 Environmental gains

3.44 Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where

onsite measures are not possible, you should consider off site measures.

Opportunities for enhancement might include:

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

3.45 Natural England's Biodiversity Metric 3.1 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.1 and is designed for use where certain criteria are met. It is available as a beta test version.

3.46 Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.1 and is available as a beta test version.

3.47 Green Infrastructure

3.48 Natural England's Green Infrastructure Framework provides evidence-based advice and tools on how to design, deliver and manage green infrastructure (GI) . GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

3.49 Development should be designed to meet the 15 Green Infrastructure Principles. The Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

3.50 GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

3.51 Access and Recreation

3.52 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be

explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

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

3.54 Paragraphs 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

3.55 Biodiversity duty

3.56 Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

3.57 The Northumberland and Newcastle Society (N&N)

3.58 The Northumberland and Newcastle Society (N&N) supports grant of planning approval for this application subject to the comments below.

3.59 The proposed plans for an infill of much needed social housing in Killingworth makes good use of a currently unused brownfield site. Although the designs are a little bland, they are however, in keeping with many of the properties in the immediate vicinity. It is pleasing to see the use of photovoltaics incorporated into the actual roof structures rather than having to be retro-fitted to a tile or slate roof at a later date. With the addition of air source heat pumps in the proposed specification, these installations will assist the council in reaching their ambitious targets for carbon zero in the borough by 2030.

3.60 With a focus on environmental issues, the use of permeable paving, installation of a water attenuation system and a sustainable urban drainage system, is to be applauded, however we would like to see at least one tree or sizable shrub planted in all the front gardens facing the estate road. North Tyneside council has for some time been encouraging all residents to plant trees, so it would be an ideal opportunity to include this measure as part of the conditions of approval.

3.61 Locating house bin stores next to windows seems odd and could be better placed at the rear of the properties. If no side access from rear gardens is available to the front where refuse / recycling collections are made a better solution is provision of neat stores at the front. This is evident locally for people faced with this problem resulting in an inconsistent approach to the quality and security of refuse and recycling material.

The high fencing at the rear could also be improved possibly with a mix of brick walling and timber which would probably be more durable. Minor issues apart, we feel that this is a good scheme and would support the application.

Application No: 23/00091/FULH Author: Julia Dawson
Date valid: 20 February 2023 ☎: 0191 643 6314
Target decision date: 17 April 2023 Ward: Whitley Bay

Application type: Householder Full application

Location: 160 Whitley Road, Whitley Bay, Tyne and Wear, NE26 2LY

Proposal: To modify pre-existing boundary treatment to add fence above 1m and some extension of three brick corner pillars (increase in pillars)

Applicant: Mark Mulvaney

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

The main issues in this case are;

- The impact upon residential amenity.
- The impact on the character and appearance of the site and the surrounding area.
- 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 a two-storey semi-detached dwelling located within Whitley Bay town centre. The attached dwelling, No.4 Percy Road, faces in a westerly direction, whereas the host property has a different orientation facing in a southerly direction onto Whitley Road. Due to its corner position the host dwelling abounds Percy Road, Whitley Road, and the access road which runs along the eastern boundary of the property. Each of these boundaries abuts the pavement/highway. On the opposite side of the access to the east is the Whitley Bay Big Local building (previously the Job Centre), this fronts directly onto the pavement with no front curtilage. On the opposite side of Percy Road to the west is 'Grapes Café', which faces directly onto the pavement on Whitley Road. It has an external seating area at the junction with Percy Road, which is enclosed by a 0.7m high wall (approx.) and

1.8m high brick pillars (approx.) along the footpaths with Whitley Road and Percy Road.

2.2 Directly opposite the host property on Whitley Road is a terrace of two storey buildings, these are commercial (mainly restaurants) at ground floor level with access gained directly from the pavement.

2.3 Percy Road is a residential street and the dwellings on this street have a variety of low-level boundary treatments enclosing their front curtilages. The front boundary of the adjoining property, No.4, is enclosed by a low-level fence and brick pillars, which delineate the vehicular access point to the front garden.

3.0 Description of the Proposed Development

3.1 The proposal relates to an application for planning permission to make alterations to the existing (unlawful) fence along the western and southern boundaries of the host site. The original boundary treatment (pre-2014) consisted of a low-level brick wall to the western, southern and part eastern boundaries with dense shrubbery to all boundaries, along with a higher-level double gate along the eastern boundary to the access road/Back Lane. A centrally positioned low-level pedestrian gate originally provided access from Whitley Road.

3.2 In 2014 high level closed boarded timber fencing was installed to the northern, western, southern and eastern boundaries. This was placed immediately behind the existing brick walls and pillars. The fence projects upwards for approximately 1.21m above the brick wall (which has a height of between 0.67m and 0.93m), resulting in an overall combined height of between 1.89m and 2.15m from ground level. The height differs due to a slope in the ground level. A higher-level pedestrian gate was also installed, and the central brick pillars located either side of the gate were increased in height.

3.3 The current application relates to proposed works to the existing unlawful boundary treatment to increase the height of the existing corner pillars and slightly reduce the height of the fencing to match the increased height of the pillars. The unlawful pedestrian gate, central pillars and higher-level fence to the front part of the eastern boundary are to be retained as existing. Specifically, the corner pillars and fence are proposed to be amended as follows:

3.4 Percy Road frontage:

- Pillar adjacent to boundary with No.4 Percy Road to be increased in height from 1.27m to 2m.
- Reduction in overall fence height from between 1.89m and 2.09m (right to left) to 1.8m and 2m (right to left).

3.5 Whitley Road frontage:

- Pillar at north-western corner to be increased in height from 1.1m to 1.8m.
- Pillar at corner adjacent with access lane to be increased in height from 1.42m to 2.06m.
- Reduction in overall fence height from between 1.89m and 2.15m (left to right) to 1.8m and 2.06m (left to right)

4.0 Relevant Planning History

4.1 Application Site:

14/01093/FULH – Remove existing bushes and conifers along boundary of property (Percy and Whitley Road) and install wooden board fence along all perimeters increasing height of existing brick walls boundaries. Replace existing wooden fence above wall on perimeter of Percy back road, fence to sit behind wall on Percy and Whitley Road perimeters (Retrospective) – Refused 10.10.2014. Dismissed on Appeal (APP/W4515/D/15/2230028) 21.03.2015.

16/00017/S174 - Unauthorised erection of a boundary enclosure over 1 metre in height and adjacent to a highway (appeal against enforcement notice) – Appeal Dismissed (APP/W4515/C/16/3153229) 14.12.2016

4.2 1 Percy Road and 162 Whitley Road:

19/00282/FUL - Change of use and subdivision of 162 Whitley Road from a tattoo parlour (sui generis use class) to Use Class A3 to provide an extension to the existing Grapes Café at 164 Whitley Road and a living room for the residential dwelling at 1 Percy Road (i.e. reinstate the original floor plan of this dwelling). New shop front facing Whitley Road. Outside seating area to be created for Grapes Café, to be enclosed by new boundary treatment. – Approved 03.05.2019

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

1.0 Main Issues

The main issues in this case are;

- The impact upon residential amenity.
- The impact on the character and appearance of the site and the surrounding area.
- 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 Background

2.1 April 2014: LPA Officers received a complaint regarding the installation of a high level fence adjacent to the highway at the application site. An investigation took place and an officer visited the site. It was found that a fence in excess of 1m in height had been constructed adjacent to the public highway without planning permission. A letter was subsequently sent to the owner of the application site to advise them of the findings of the investigation and invite the submission of a retrospective planning application.

2.2 July 2014: Planning application (14/01093/FULH) was submitted on 15 July 2014.

2.3 October 2014: Application 14/01093/FUL was refused on 10 October 2014 as it was considered that the fence in question was unacceptable due to its impact on visual amenity and highway safety.

2.4 February 2015: The applicant submitted an appeal against the refusal of planning permission to the Planning Inspectorate (APP/W4515/D/15/2230028).

2.5 March 2015: The appeal was dismissed on 21 March 2015.

2.6 August 2015: Following on from the dismissal of the appeal the LPA allowed the applicant reasonable time to remove the fence. However, it remained in situ and, as such, officers wrote to the applicant to request that the fence be removed.

2.7 2016: A planning enforcement notice was served on the applicant requiring the unauthorised erection of a boundary enclosure over 1m in height and adjacent to a vehicular highway to be: 1. Reduced in height around the perimeter enclosure, including the gate and pillars to no more than 1m in height measured above the natural ground level; 2. The reduced brick piers with stone caps and the timber fence to be neatly finished, and; 3. All debris resulting from compliance with the notice to be removed from land and disposed of accordingly. The enforcement notice took effect on 25 July 2016. The applicant submitted an appeal against the enforcement notice (APP/W4515/C/16/3153229) which was validated by the Planning Inspectorate on 27 July 2016.

2.8 December 2016: The appeal was dismissed on 14 December 2016 and the enforcement notice was upheld.

2.9 2017 - 2020: The Council prosecuted the applicant for failing to comply with the enforcement notice. The Magistrates found the applicant guilty in March 2020 and imposed a fine.

2.10 January 2023: The applicant submitted the current application in order to make changes to the boundary treatment at the application site as set out within this application.

3.0 Residential Amenity

3.1 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.

3.2 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.

3.3 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.

3.4 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.

3.5 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.

3.6 One objection has been submitted by the occupant of a neighbouring dwelling who has advised that prior to the erection of the fence, the security and privacy of the boundaries was provided naturally by mature trees, hedges and bushes which were felled prior to the erection of the fence.

3.7 As set out earlier within this report, the existing fence is unauthorised and has been the subject of two appeals, both of which were dismissed by the Planning Inspectorate. By way of the current application, the applicant is seeking to retain the high-level pedestrian gate and associated pillars and to substantially increase the height of the corner pillars whilst marginally decreasing the height of the fence to match the pillar heights. This will result in the fence and corner pillars being between 1.8m and 2m in height. The applicant considers that this is acceptable due to a change in local and personal circumstances and that a perimeter of at least 1.8m (at the lowest and most exposed point) is required to provide the necessary security, privacy, prevent litter discarding, infestations and pollution reduction.

3.8 The applicant has stated that since the current boundary treatment was installed (in 2014) there have been significant changes in the area including a change in the number and type of commercial establishments in close proximity to the application site. The LPA acknowledges that several of the current

operators did commence trading after 2014. However, prior to this there were existing restaurants, takeaways and a gymnasium in this town centre location, occupying several of these premises.

3.9 In addition, since the last appeal decision (the enforcement notice appeal, which was dismissed in December 2016) there has been little change to nearby commercial operators. Shikara, Elder and Wolf, Shampan and Kismet were all in use as restaurants prior to December 2016. The most notable changes to take place since 2016 are the opening of Pepe's takeaway and restaurant, which occupies the former Ming Cottage Chinese restaurant, the Whitley Bay Big Local, which occupies the former Job Centre, and the first floor Shampan Lounge Gin and Cocktail Bar. A small external seating area has also been constructed to the Grapes Café on the opposite corner of Percy Road.

3.10 The applicant argues that there has been an increase in footfall and vehicular traffic, taxis, delivery drivers (particularly since the pandemic), noise, waste, mechanical ventilation, cooking fumes, and delivery vehicles. It is acknowledged that the pandemic would likely have resulted in a temporary increase in delivery drivers attending these businesses at a time when the roads were quieter, and customers were staying at home and not attending the premises. However, the businesses are all now open to the public and it is likely this has reduced the takeaway element and associated deliveries. Background noise levels will have increased as a result of the pandemic restrictions being lifted, similar to pre-pandemic levels, meaning that lone delivery vehicles will not appear so prevalent.

3.11 The LPA is not aware of any new mechanical extraction equipment which has been installed to any premises in the immediate vicinity of the application site, i.e., Grapes Café or the Whitley Bay Local, which would result in increased noise or cooking smells for the occupants of the application site. The installation of any new external plant or machinery to the Whitley Bay Big Local building is strictly controlled by planning condition attached to approval 22/00891/FUL, which will ensure that, if any is installed in the future, it will not result in disturbance to the occupiers of the surrounding residential dwellings, including 160 Whitley Road. Activities at the Whitley Bay Big Local building are also controlled in order to protect residential amenity, i.e. approved roof terrace (hours of use are restricted and screening required along north-western boundary towards access lane/Back Lane), no music to be played, external lighting controlled, construction hours, dust suppression measures etc.

3.12 As set out above, whilst there have been some changes as would be expected in such a town centre location, there is limited material change to the area surrounding the application site since the Inspector's enforcement notice appeal decision in December 2016. With regard to security and litter, it is noted that in his decision he stated the following:

"I have specifically taken into account the appellant's concerns regarding security and litter and whilst acknowledging that these are very valid and understandable concerns, I do not consider that they are sufficient to outweigh the harm caused to visual amenity by the development as carried out. In any case, there are many other ways to ensure security including lighting; closed circuit television and

landscaping (natural planted screening as opposed to solid walls or fencing) which would not require planning permission”.

3.13 In the original planning application appeal decision (March 2015), the Inspector also noted the town centre location and character of the area, specifically referencing the job centre (now Whitley Bay Big Local), health centre, public car park, and commercial properties, including those opposite the application site and stated the following:

“I recognise that a high fence increases security and prevents litter being deposited in the property. However, whilst there are again valid considerations, they do not outweigh the harm to visual amenity caused by the fence. Similarly I do not consider that the inability to retain a perimeter fence of this height significantly prejudices the right to a private life.”

3.13 The applicant has provided some information with regard to typical traffic data to demonstrate the times at which the roads are most congested, which he states result in increased noise and pollution. However, no evidence has been provided to demonstrate that this situation is worse than when the original planning application was refused in 2014 (and dismissed on appeal in 2015), or when the enforcement notice appeal was dismissed in 2016. There is no evidence that noise levels or air pollution levels have increased or that, if this is the case, the only way to address this would be via a high level closed boarded timber fence and high-level brick pillars. As suggested by the Planning Inspector, as well as advice previously given to the applicant by the LPA and as noted by the objector, natural planted screening (as originally existed) could provide mitigation for all these concerns.

3.15 With regard to all of the above, it is considered the proposed revisions to the existing unauthorised boundary treatments are unacceptable due to their harmful impact on the character and appearance of the host site (as discussed in the following section). The justification that the applicant has set out in support of the application does not outweigh the harm that will result from the proposed works as set out within this application or for the retention of the existing unlawful boundary treatment in its current form.

3.16 Members must determine whether the proposed boundary treatment is acceptable. Officer advice is that the applicant’s concerns are not sufficient to outweigh the harm caused to visual amenity either by the proposed development, or as carried out.

4.0 Character and Appearance

4.1 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.

4.2 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).

4.3 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.

4.4 The Council's Design Quality SPD applies to all planning applications that involve building works. It states that care should be taken to limit the need for long sections of new walls or high close boarded fences, especially where these bound public areas. Where new boundary walls/fences are required, their design should match those used elsewhere locally and in particular comprise of materials and detailing which relate to the context of the site.

4.5 Generally, the front of a building will be the most sensitive to alteration as it is the elevation which is most visible to the public. Front gardens form an important part of the character and appearance of an area, which can suffer significant harm through the erection of inappropriate boundary enclosures.

4.6 The host property occupies a corner plot and is quite unusual in that it faces onto a part of Whitley Road which is commercial in nature. As such, there are no other frontages of similar residential dwellings within the immediate street scene along this part of Whitley Road to which the host property can be directly compared. Nonetheless, this does not render the proposed fence acceptable in this location, and the impact upon visual amenity of the street scene must still be taken into account.

4.7 One objection has been received. The objector has stated that they consider the fence to be an eyesore, which is completely out of character to the area due to its height and over-bearing presence. They have also referred to the growth of unsightly green algae on the external fencing boards. These concerns are noted.

4.8 The applicant has provided reasons why he considers the fence necessary and these have been set out in the previous section. With regard to the impact on the character and appearance of the site and surrounding area, the applicant considers that the proposed boundary treatment is similar to other boundary treatments, including the enclosure to the external seating area at the Grapes Cafe, and those along the access lane/Back Lane. The applicant has also drawn attention to high-level fences along Whitley Road towards the junction with John Street, Victoria Avenue and Station Road.

4.9 Firstly, with regard to the Grapes Cafe. The approved enclosure is a low-level 0.7m high wall with brick pillars which are approximately 1.8m in height. The approved plans show that the gaps in between the pillars will be infilled with open style wrought iron black railings with a maximum height of approximately 1.7m from ground level. The lengths of this boundary are also significantly shorter than the application site and this is entirely different to the high level closed boarded timber fence boundary treatment, which is subject of this application. The railings at the Grapes Cafe, when installed, will ensure that the open nature of the boundary is retained and will avoid the harmful impact which

results from long sections of high close boarded fences, especially where these bound public areas, as is the case for the proposed development which is directly in conflict with advice set out in the Council's Design Quality SPD.

4.10 It is also considered that the impact of the high-level boundary treatment proposed at the application site cannot be compared to the high-level boundary walls and fencing which enclose rear yards facing onto the narrow access road. These do not enclose frontages of a dwelling located at a prominent corner junction within a busy front street scene and are not comparable.

4.11 The references to high level fences in the wider surrounding area are noted. However, again, it is not considered that these are directly comparable to the application site. It is noted that no specific addresses have been provided and therefore the LPA is unable to confirm whether the fences in question have planning permission, although officers can confirm that there do not appear to be any planning approvals for such development to residential dwellings on Whitley Road in recent years.

4.12 The impact of the proposed development on the immediate surrounding street scene and the existence of other fences to properties in the surrounding area and wider Borough were also considered by the Planning Inspector in both of the previous appeals relating to the application site. In the 2015 planning application appeal decision, the Inspector stated the following:

"This is an area where high level fences are not normally encountered....."

There are more commercial properties opposite the appeal site, then, further to the south east, substantial terraced houses set back behind small front gardens which typically have low frontage walls. The pattern of houses set behind small gardens with low frontage walls is repeated on Percy Road. When seen in this context the high fence enclosing the appeal site appears as an incongruous and intrusive element in the street scene.

The appellant refers to other elements in the street scene which detract from its appearance. Whilst this is a valid observation many of the unattractive aspects are not amenable to planning control. Importantly, the fact that a scene may contain some unattractive elements does not justify abandoning efforts to maintain or improve amenity. In this regard I am satisfied that the fence is visually harmful and that permission should not be granted. The appellant also refers to fences granted planning permission in other locations. I do not have full details of these other fences or what considerations led to their approval but my decision must in any event reflect the character of this particular location."

4.13 In the 2016 planning enforcement notice appeal decision the Planning Inspector stated the following:

"Having seen the sections of fencing on top of the brick walls, I share the concerns of the LPA and those of the previous Inspector. As the latter stated this is a part of Whitley Bay where boundary fences are not normally encountered. As one travels past the site, towards the town centre, the commercial premises extend to the edge of the footways (pavements) and to the south east there is a

health centre and a car park both with trees to their frontages. The roads at right angle, are residential in character where the frontage boundaries are generally low.

When seen in its overall context I agree with the previous Inspector that the high fence/wall sections surrounding the appeal property are incongruous and intrusive elements within the street scene. When viewed from Whitley Road (from both directions), the fencing appears as a stark, alien and visually intrusive built form against the traditional boundary treatments in the immediate vicinity.”

4.14 In officer opinion the proposed works to the existing unauthorised boundary treatment will result in a highly incongruous and dominating feature within the street scene of this part of Whitley Road and Percy Road, appearing highly detrimental to the appearance of the site. The position of the application site exacerbates the problem as it is located on a prominent corner plot. There have been no significant material changes in the area surrounding the application site since planning permission was previously refused, or since the appeals were dismissed, which would change this position.

4.15 The proposed works to the pillars and the fence will not address the harm which has resulted from the existing unlawful boundary treatment. The proposed works will remain out of keeping with the predominately low boundary treatments to the front of properties on Percy Road as they will be seen in the context of the front gardens of these residential properties. It is considered that the large expanse of high, close boarded fencing will continue to have a significant detrimental impact on the appearance of the site and the street scene.

4.16 Members need to consider whether the proposed design is acceptable or whether it would harm the character and appearance of the surrounding area. It is officer advice that for the reasons set out above and taking into account the previous two appeal decisions for similar development to that which is proposed as part of the current planning application, the proposed works are unacceptable.

5.0 Highway Impact

5.1 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.

5.2 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.

5.3 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.

5.4 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.

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

5.6 A local resident has objected, stating that the existing fence is a danger to pedestrians approaching the junction of Percy Road and Whitley Road as they have no visibility of approaching vehicles from Percy Road. This concern is noted. However, the original planning application (14/01093/FULH) was refused on similar highway safety grounds, and whilst the Planning Inspector agreed with the LPA that the high fence limits visibility for vehicles emerging from Percy Road and Victoria Avenue, he did not consider there was such a sufficient conflict with local plan policy for this to be a decisive objection given that the application site previously had a high level hedge which would have imposed a similar restriction on visibility.

5.7 The Planning Inspector who subsequently dealt with the enforcement notice appeal (APP/W4515/C/16/3153229), also stated that, "*There is clearly no issue regarding highway safety.*". This would again apply to the current application whereby the fence is proposed to be slightly reduced in height.

5.8 Members must determine whether the proposed works to the boundary treatment at the application site are acceptable in terms of their impact on vehicular and pedestrian safety. Officer advice is that the proposed works are acceptable in this regard.

6.0 Local Financial Considerations

6.1 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.

6.2 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.

7.0 Other Matters

7.1 In determining this application, Members must have regard to the public sector equality duty (PSED) under section 149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions). The PSED must be considered as a relevant factor in making this decision but

does not impose a duty to achieve the outcomes in s.149, it is only one factor that needs to be considered and may be balanced against other relevant factors.

7.2 The applicant has stated that the proposed high level boundary treatment is required in order to meet their personal circumstances. The PSED, under s.149 of the Equality Act 2010 requires the LPA, in considering and determining this planning application, to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. It is not clear from the details provided with the planning application that the occupant/s of the property has protected characteristics for the purposes of applying the PSED.

7.3 However, consideration has been given to the need for the occupant/s of the host dwelling to have a high-level secure boundary. No substantive evidence has been presented showing that an alternative proposal could not deliver similar benefits for the occupant/s and result in less harm, i.e., secure open railings or secure lower-level boundary treatment. Suggestions were also made by the Planning Inspectors in their appeal decisions. Therefore, the LPA has given weight to the need for the proposed boundary treatment, but it does not outweigh the harm that this would result in with regard to the character and appearance of the application site and surrounding area.

7.4 Members should also be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights (ECHR). Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property).

7.5 In his determination of the 2016 planning enforcement notice appeal, the Planning Inspector noted the applicant's argument that "*the fence is required for security reasons and that it is essential to him under Article 8 of the European Court on Human Rights (ECHR)*". However, the Inspector concluded that, "*.....the need to comply with the requirements of the (enforcement) notice are proportional and necessary in order to safeguard the amenities of this part of Whitley Bay in the public, rather than private interest and with regard to his rights under the ECHR*". In summary, it is not considered that the recommendation to refuse permission in this case interferes with the applicant's right to respect for their private and family life.

8.0 Conclusion

8.1 The proposed works will result in significant harm to the appearance of the site, the street scene and the character of the area. Refusal is recommended.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. The application site occupies a prominent position at the corner of Whitley Road and Percy Road. The proposed high-level closed boarded timber fencing and high-level brick pillars will appear highly incongruous in this part of the Whitley Road street scene, and are out of keeping with the low level boundary treatments to the front of properties on Percy Road. The proposed boundary treatment is out of keeping with the character of the area and results in significant harm to the street scene due to its height, position and close boarded design. The proposal fails to comply with policies S1.4 and DM6.1 of the North Tyneside Local Plan 2017, the Design Quality SPD and National Planning Policy Framework 2021.

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

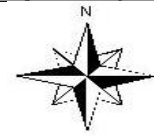
Prior to the submission of the planning application and following on from a previous refusal of planning permission and two unsuccessful appeals to the Planning Inspectorate, the Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was, however, unwilling to amend the plans. Without these amendments the proposal would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. In the absence of amendments or conditions which could reasonably have been imposed to make the development acceptable it was not 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: 23/00091/FULH
Location: 160 Whitley Road, Whitley Bay, Tyne And Wear, NE26 2LY
Proposal: To modify pre-existing boundary treatment to add fence above 1m and some extension of three brick corner pillars (increase in pillars)

Not to scale
 Date: 29.03.2023

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



Consultations/representations

1.0 Ward Councillors

1.1 Councillor John O’Shea (Whitley Bay Ward)

In the event that the above application is not supported by Planning officers, I request that the application, because of its previous history, be considered by the Planning Committee.

1.2 Representations

1no. objection has been submitted; this is set out below:

- The fence surrounding 160 Whitley Road is completely out of character to the area due to its height and over-bearing presence. It is an eyesore. Negatively and adversely impacts surrounding properties. Encourages the growth of unsightly green algae on the external fencing boards.
- It is a danger to pedestrians approaching the junction of Percy Road and Whitley Road as they have no visibility of approaching vehicles from Percy Road.
- Prior to the erection of the fence, the security and privacy of the boundaries was provided naturally by mature trees, hedges and bushes which were felled prior to the erection of the fence. Neither planning permission or neighbour consultations were sought at the time, prior to the works being carried out.
- Subsequently, this fence has previously been refused (retrospective) planning permission, had an appeal dismissed and there have been three enforcement notices issued to remove the fence, one currently outstanding, with no enforcement or corrective action taken to date.

This page is intentionally left blank

North Tyneside Council Report to Planning Committee Date: 11 April 2023

Title: Land to the rear of
12, 14 and 16 Stoneycroft
East, Killingworth Tree
Preservation Order 2022

Report from Directorate: Regeneration and Economic Development

Report Author: John Sparkes, Director of Regeneration and Economic Development (Tel: 643 6091)

Wards affected: Killingworth

1.1 Purpose:

To consider the above Tree Preservation Order for one tree taking into account any representations received in respect of the Order.

1.2 Recommendation(s)

Members are requested to consider the representations to Land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth, Tree Preservation Order 2022 and to not confirm the Order.

1.3 Information

1.3.1 The Council were notified of the intention to prune the poplar trees on Council owned land to the rear of 12, 14 and 16 Stoneycroft East. These works were assessed and it was determined that if the pruning works were applied to the maximum extent they would be contrary to good tree management and weaken their positive contribution to the character and appearance of the conservation area. The National Planning Practice Guidance (NPPG) advises that a local authority should propose a TPO if it is 'expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area' (Town and Country Planning Act, 1990). The Order was served in December 2022 (Appendix 1).

1.3.2 Two objections have been received following the Council's decision to serve a TPO on the trees from 10 and 16 Stoneycroft East, Killingworth. A copy of the representations are included as Appendix 3 and 4 to this report.

1.3.3 Objection from 10 and 16 Stoneycroft East, Killingworth can be summarised as follows:

- The trees are in a poor condition and have not been managed by North Tyneside Council for a number of years.
- The trees should be in a sustainable condition before a TPO is applied.
- The original application was submitted due to the Council not seeing the works as a priority even though they have previously undertaken works to the trees.
- Unclear why a TPO has been issued on these trees when previous works have taken place without the need for a TPO.
- The application was to cut back over hanging branches because they pose a danger to properties, overhanging habitable rooms.

- The Council have previously paid compensation when branches caused damage to the owners property. This is an acknowledgement from the Council of both their responsibility and liability of the trees not being appropriately managed.
- The trees in question are short lived tree and susceptible to dropping large branches.
- The trees are now larger and more invasive than they have ever been.
- The trees were not viewed from within the grounds of the properties to fully appreciate the proximity of the trees to the properties and the overhang in question when issuing the TPO.
- Questioning of the significant contribution the trees make to the visual amenity and character of the conservation area. The area around the trees is an eyesore with debris from previous pruning works.

1.3.4 The Council has responded, in consultation with the landscape architect, to each of the objections:

- a) The trees are in poor condition and have not been appropriately managed by the Council, or the land around them, and not worthy of TPO status;
- b) The proposed works were as a result of the Council not accepting the works as an immediate priority and the residents then agreeing to undertake the works themselves;
- c) The trees pose a danger to properties, overhanging habitable rooms, which the Council acknowledgement responsibility and liability for;
- d) The Council have previously undertaken works to the trees without a TPO being issued;
- e) The trees are too large and invasive for the area and not an appropriate species being short lived and susceptible to dropping large branches;
- f) Concluding remarks.

a) The trees are in poor condition and have not been appropriately managed by the Council, or the land around them, and not worthy of TPO status

1.3.5 The trees are mature poplars that have previously been managed by the Council, but on an irregular basis. When assessing the condition of the trees against the British Standard 'Trees in relation to design, demolition and construction – Recommendations' BS 5837:2012 the trees would be considered as a group to be category B trees (trees of moderate quality). This is the mid category of tree classification (A being high quality and C being low quality) with a life expectancy of at least 20 years and a landscape conservation value making them worthy of preservation as a group.

1.3.6 The land around the trees has been deliberately left as an unmanaged area to increase its biodiversity value, reflecting the Councils Biodiversity Action Plan and the Grass Biodiversity Areas Plan. The previously pruned branches have been left to enhance the biodiversity habitat for the area. Whilst it may look more untidy, compared to the more frequently mowed areas along East Bailey, this is a deliberate approach and the area is designated as a Wildlife Corridor in the Local Plan.

b) The proposed works were as a result of the Council not accepting the works as a priority and the residents then agreeing to undertake the works themselves?

1.3.7 Prior to the section 211 notice (application of works to a tree(s) in a conservation area) being submitted the resident of 16 Stoneycroft East had met with the Council Tree officer to discuss possible pruning works. The principle of pruning works to the rear boundary of Stoneycroft East was accepted as part of the trees ongoing management. However, because the pruning works were not considered an immediate Council priority the residents decided to submit and finance the pruning works themselves.

- 1.3.8 Once the residents had submitted the section 211 notice the details of the pruning works were described as 'over hanging branches to be cut back to trees on boundary fence'. This broad definition of works meant the trees could potentially be pruned in such a way that would not be considered sound arboricultural practice.
- 1.3.9 The Council Landscape Architect, who comments on all applications to protected trees and the Council Tree officer did not support the proposed description of works. Instead they both favoured a more detailed description applying a target approach to the pruning that would retain the overall amenity value of the trees.
- 1.3.10 A decision is required within 6 weeks from the section 211 notice being submitted. The decision was made to issue a provisional TPO on the trees to allow more time to consider and discuss possible options to prune the trees.
- 1.3.11 Since the provisional TPO has been placed on the trees the Council Tree officer revisited the site and identified a series of acceptable pruning works to the trees and confirmed that these would be undertaken before the end of the summer in 2023 and ideally by the start of the summer. This new proposed timeframe of pruning works was welcomed by the resident of 16 Stoneycroft East.

c) The trees pose a danger to properties, overhanging habitable rooms, which the Council acknowledgement responsibility and liability for?

- 1.3.12 The trees are not considered to be dangerous and the recommended pruning works, as suggested by the Tree Officer, would be part of their ongoing management. The trees are a species that naturally shed limbs, which can be disconcerting, but is a natural process that can be mitigated against as part of an active management plan.
- 1.3.13 The trees do overhang the rear gardens of the properties of Stoneycroft East, but they do not overhang habitable rooms. Some gardens have outbuildings in their rear gardens that are underneath the canopy of the trees, but these structures, such as sheds and garden rooms are not considered to be habitable rooms as they are a separate structure from the main residence and do not require building regulations for their installation.
- 1.3.14 The Council Claims Investigation Team have made two payments to residents of Stoneycroft following damage to property caused by the trees. One payment was several years ago when the Council accepted pruning works should have been undertaken and the second was a more recent claim after Storm Arwen.
- 1.3.15 The Council did not accept the second claim as an admission of liability because pruning works had been carried out to the trees prior to the damage caused, but because there was no record of the Council undertaking the pruning works the Council had no evidence that it had been acting as a responsible owner by actively managing the trees and made a small payment to the resident.
- 1.3.16 The Claims Investigation Team believe that if the trees are inspected at regular intervals and work done within a reasonable timescale, which is then recorded (this now takes place), it would allow the Council to defend future claims of damage.

d) The Council have previously undertaken works to the trees without a TPO being issued

- 1.3.17 The Council had previously undertaken maintenance works to the trees without a TPO being issued because the works were considered appropriate based on sound arboricultural reasons and the Council are exempt from having to submit an application for works to trees in a conservation area.

e) The trees are too large and invasive for the area and not an appropriate species being short lived and susceptible to dropping large branches

1.3.18 The trees are large specimens that make an important contribution to the mature canopy cover of Killingworth Village conservation area, which is an important feature of its character and appearance. The species of tree in question are susceptible to dropping branches and therefore require regular inspections with pruning works where necessary. If the trees are actively managed, they should not have a detrimental impact on the garden areas of neighbouring properties.

f) Concluding remarks

1.3.19 As landowner of the trees it is expected that the Council would undertake all works to the trees in accordance with British Standards 'Tree Work – Recommendations (BS3998:2010) to safeguard their health and amenity value.

1.3.20 The Council has accepted that it will undertake the pruning works first requested by the residents after they were initially told the works weren't a priority.

1.3.21 The Council no longer believes it is worth pursuing a TPO on the trees as the management and maintenance of the trees will be undertaken by the Council and not by third parties, ensuring the amenity value and contribution to the conservation area of the trees is protected.

1.3.22 It would not be expedient for the Council to pursue a TPO on the trees as the trees would not be considered under threat from inappropriate works. The same principle applies to many other Council trees across the Borough that are worthy of TPO status, but are not subject to a TPO as there is no perceived threat of inappropriate works to the trees. When discussing with the applicant the prospect of not confirming the TPO they were supportive. This was based on their desire to see works done to the trees at the earliest opportunity and any potential delays to undertaking works due to the TPO process should be avoided. They are keen to see the Council undertake works in timescale suggested as the absolute maximum.

Additional Guidance

1.3.23 North Tyneside Council is firmly committed to providing a clean, green, healthy, attractive and sustainable environment, a key feature of the 'Our North Tyneside Plan'.

1.3.24 Trees play an important role in the local environment providing multiple benefits but they need to be appropriately managed, especially in an urban environment.

1.3.25 Not confirming the TPO will allow the Council to undertake works to the trees without having to submit an application and therefore speed up the process of being able to react to residents' request for works, if they are considered appropriate. This is due to local authorities' being exempt from having to submit an application form (Section 211 notice) for works to trees in a conservation area (Paragraph 132 of government guidance Tree Preservation Orders and trees in conservation areas, 2014).

1.3.26 It is the Councils intention to resume an active management programme of works to the trees, maintaining records of the works undertaken. This will allow the Council the opportunity to review and assess the impact of the works to the trees and respond accordingly. Currently the Council aims to undertake works to the trees by the summer of 2023.

1.3.27 The resumption of the active management of the trees would be in accordance with the Councils adopted Local Plan policy DM5.9 Trees, Woodland and hedgerows, which states;

'DM5.9 Trees, Woodland and Hedgerows: Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the borough and:
a) Protect and manage existing woodlands, trees, hedgerows and landscape features'

1.3.28 Policy S6.5 (Heritage Assets) and DM6.6 (Protection, Preservation and Enhancement of Heritage of Heritage Assets) of the Local Plan also seek to pro-actively preserve and enhance its heritage assets, which includes conservation areas.

1.3.29 Trees are recognised in the Killingworth Village conservation area character appraisal (February 2008) as making a significant contribution to the green and open spaces in the conservation area and this mature green character should be protected and managed into the future to ensure long term sustainability. The importance of the trees to the rear of Stoneycroft East and West are highlighted in the Character Appraisal as a comparison of how the village has some a short but wide views (Stoneycroft East and West) and other that are long and narrow (West Lane), but in both, trees draw the eye either above the roof tops or along the street to provide a verdant quality to the area. Local Plan Policy S6.5 and DM6.6 states;

'Policy S6.5 - North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.'

'Policy DM6.6 - 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:

c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths'

1.3.30 The recently updated National Planning Policy Framework (July 2021) also emphasises the importance of trees, specifically street trees to the character and quality of urban environments, which can help to mitigate and adapt areas to the impacts of climate change.

1.3.31 'Amenity' is not defined in law, but the local authority should be able to show that protection would bring about a reasonable degree of public benefit in the present or future. The NPPG identifies certain criteria to consider when assessing the amenity value of a tree(s) that include the visibility of the tree to the public, its contribution to the landscape, the characteristics of the tree, its future potential and whether the tree has a cultural or historical value.

1.3.32 In this instance the local authority thought it expedient to place a temporary TPO on the tree in accordance with the Town and Country Planning Act 1990 (as amended) to maintain and safeguard the contribution made by the trees to the landscape and visual amenity of the area. This was due to the works not being supported by the Council Tree Officer or the Council Landscape Architect and although owners are allowed to prune branches overhanging their property the extent of the works were considered to be inappropriate. It was therefore considered expedient to serve a provisional TPO on the

owners and other relevant parties on 21 December 2022 as it was the only option available to the Council to control works to the trees outside of the six week timeframe of the section 211 notice being served. The provisional TPO has also allowed the opportunity to discuss alternative pruning works between the Council and residents. A copy of the TPO schedule (Appendix 1) and a map of the TPO (Appendix 2) is included in the Appendices.

1.3.33 If the Order is not confirmed by 21 July 2023 the Order will lapse and the works to the trees that overhang the boundary would be reconsidered by a subsequent section 211 notice.

1.4 Decision options:

1. To not confirm the Tree Preservation Order
2. To confirm the Tree Preservation Order with modifications.
3. To confirm the Tree Preservation Order.

1.5 Reasons for recommended option:

Option 1 is recommended. The trees are owned by North Tyneside Council and within Killingworth Village conservation area. The trees are believed to have sufficient protection in place to ensure only appropriate works are undertaken as part of their ongoing management and the intention to undertake the works by third parties is no longer applicable.

1.6 Appendices:

Appendix 1 – Schedule of Land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth Tree Preservation Order 2022

Appendix 2 – Map of Land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth Tree Preservation Order 2022

Appendix 3 – Objection from 16 Stoneycroft East, Killingworth 11.01.2023

Appendix 4 – Objection from 10 Stoneycroft East, Killingworth 23.12.2022

1.7 Contact officers:

Peter Slegg (Tel: 643 6308)

1.8 Background information:

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012
4. National Planning Policy Framework (July 2021)
5. Killingworth Village Conservation Area Character Appraisal February 2008)
6. North Tyneside Council Local Plan (2017)
7. Newcastle and North Tyneside Biodiversity Action Plan
8. North Tyneside Grass Biodiversity Areas

Report author Peter Slegg

Town and Country Planning Act 1990
The Council of the Borough of North Tyneside (Land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth) Tree Preservation Order 2022

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the (Land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth) Tree Preservation Order 2022.

Interpretation

2. (1) In this Order “the authority” means the Council of the Borough of North Tyneside

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,


any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4.—In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 21st day of December 2022

The Common Seal of the
Council of the Borough of North Tyneside
was affixed to this order in the presence of:


Authorised Signatory



TREE PRESERVATION ORDER 2022

LAND TO THE REAR OF 12, 14 and 16 STONEYCROFT EAST, KILLINGWORTH

SCHEDULE

The map referred to is at a scale of 1:500 and is based on an enlargement of the O.S. edition of sheet numbered NZ2871 and NZ2870. The area covered by the Order is on land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth. The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

GROUPS OF TREES (within a broken black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Group comprising of 2no Poplar (Populus sp.)	Group located within open space to the north of 16 Stoneycroft East, Killingworth.
G2	Group comprising of 8no Poplar (Populus sp.)	Group located within open space to the north of 12 and 14 Stoneycroft East, Killingworth.

WOODLANDS (within a continuous black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



JOHN SPARKES
 DIRECTOR OF REGENERATION AND ECONOMIC
 DEVELOPMENT

QUADRANT EAST
 THE SILVERLINK
 COBALT BUSINESS PARK
 NORTH TYNESIDE
 NE27 0BY

© Crown Copyright and database right 2022.
 Ordnance Survey Licence Number 0100016801

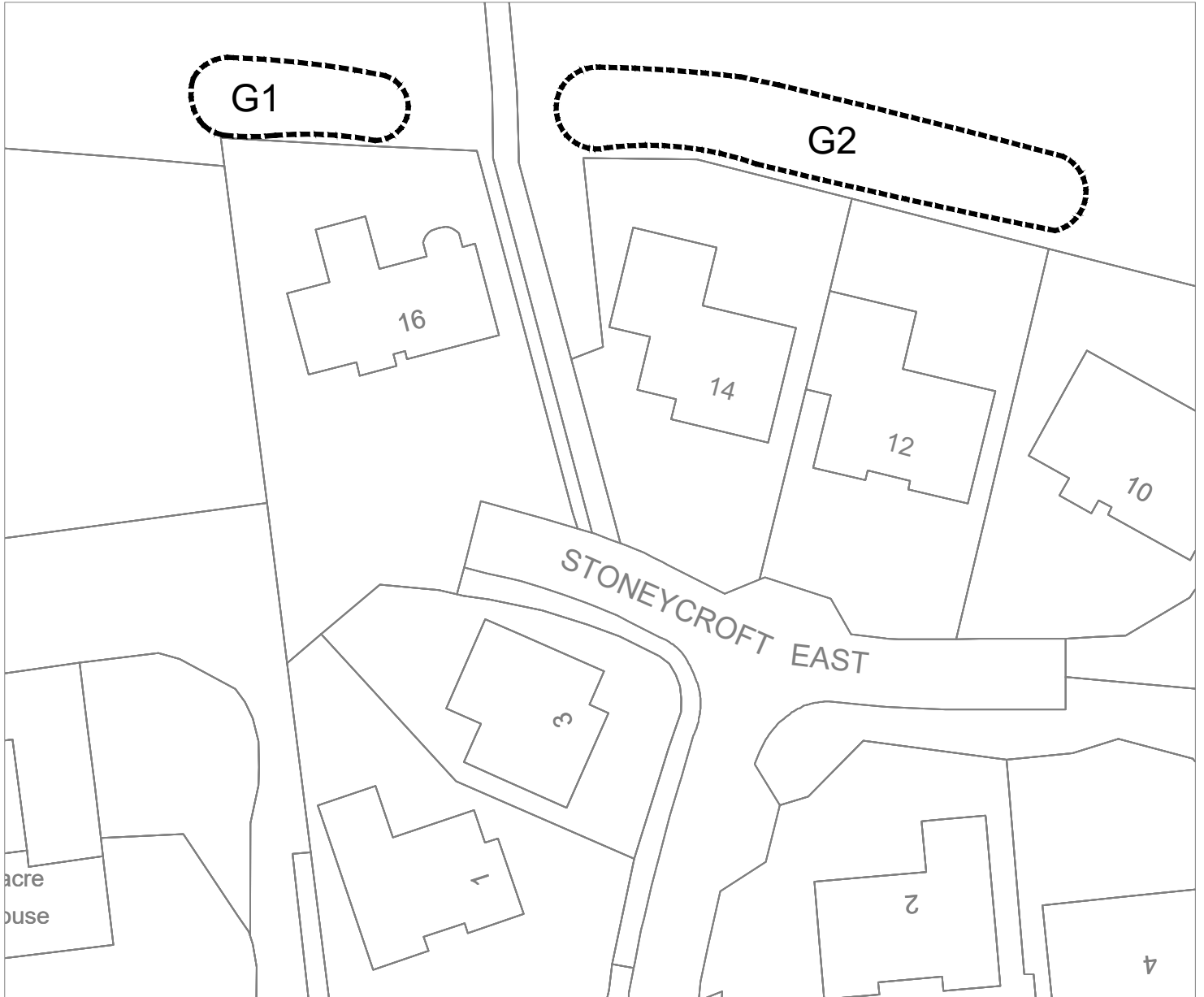
Dated this day :
21 December 2022 (date)

The Common Seal of the Council of
 the Borough of North Tyneside was
 affixed to this Order in the presence of :

J. Bainton
 (Authorised Signatory)

**NORTH TYNESIDE COUNCIL
 TREE PRESERVATION ORDER 2022**

**LAND TO THE REAR OF
 12, 14 and 16 STONEYCROFT EAST
 KILLINGWORTH**



Dated this day :
(date)

The Common Seal of the Council of
 the Borough of North Tyneside was
 affixed to this Order in the presence of :

 (Authorised Signatory)

JOHN SPARKES
 DIRECTOR OF REGENERATION AND ECONOMIC
 DEVELOPMENT

QUADRANT EAST
 THE SILVERLINK
 COBALT BUSINESS PARK
 NORTH TYNESIDE
 NE27 0BY

© Crown Copyright and database right 2022.
 Ordnance Survey Licence Number 0100016801

NORTH TYNESIDE COUNCIL
TREE PRESERVATION ORDER 2022

LAND TO THE REAR OF
12, 14 and 16 STONEYCROFT EAST
KILLINGWORTH

This page is intentionally left blank

16 STONEYCROFT EAST
KILLINGWORTH VILLAGE
NEWCASTLE NE12 6YU

RE TREE PRESERVATION ORDER 2022, LAND TO THE REAR OF 12 14 AND 16 STONEYCROFT EAST, KILLINGWORTH.

DEAR SIR,

I REFER TO YOUR CORRESPONDANCE OF 21/12/22 AND WISH TO COMMENT/OBJECT TO THE GRANTING OF THE ABOVE ORDER.

THE APPLICATION WAS TO CUT BACK OVER HANGING BRANCHES WHICH POSE A DANGER TO THE ABOVE PROPERTIES, THIS WORK HAS BEEN CARRIED OUT BY THE COUNCIL IN THE PAST ON AT LEAST 4 SEPARATE OCCASIONS, AS CAN BE SEEN BY THE MARKS ON THE TRUNK WHERE BRANCHES HAVE BEEN LOPPED. THE BRANCHES HAVE AGAIN BEEN ALLOWED TO ENCROACH OUR PROPERTIES OVERHANGING HABITABLE ROOMS.

FOLLOWING AN EARLIER APPLICATION TO THE COUNCIL WE WERE VISITED BY YOUR ARBORIST JOHNATHAN KENNEDY WHO ADVISED ME ,DUE TO LACK OF RESOURCES THE COUNCIL COULD NOT UNDERTAKE THE WORK, BUT WAS QUITE HAPPY FOR MYSELF AND MY NEIGHBOURS TO HAVE THE OVERHANG CUT AT OUR EXPENCE IF WE WISHED TO DO SO, WE ALL AGREED WE WERE PREPARED TO DO THAT BECAUSE OF THE DANGER THE TREES POSED. THESE TREES ARE A VARIETY OF POPLAR , WHICH ACCORDING TO THE R.H.S ARE DEFINED AS "SHORT LIVED 30 -50 YEARS AND SUSCEPTABLE TO DROPPING LARGE BRANCHES IN BOTH DRY AND WINDY CONDITIONS". THE TREES IN QUESTION ARE OVER 30 YEARS OLD AND APPROXIMATELY 20/25 METRES HIGH.

IN THE PAST LARGE BRANCHES HAVE CAUSED DAMAGE AND WE HAVE PAID FOR REPAIRS OURSELVES, HOWEVER ON THE LAST OCCASION I DID CLAIM FOR DAMAGE WHICH WAS SETTLED BY THE COUNCIL WHO OBVIOUSLY ACKNOWLEDGED BOTH RESPONSIBILITY AND LIABILITY.

AFTER OUR APPLICATION THE TREES WERE VIEWED ON A RECENT VISIT FROM A PLANNING OFFICER ,VIEWING THEM FROM THE STREET AND DEEMED WORTHY OF A T.P.O. HOWEVER TO FULLY APPRECIATE THE INTRUSION OF THE TREES SO NEAR TO OUR HOMES THE OVERHANG NEEDS TO BE SEEN FROM OUR PERSPECTIVE (PHOTOGRAPHS ENCLOSED) WHICH WAS NOT CONSIDERED IN THE DECISION.

I WOULD ALSO LIKE TO COMMENT ON THE RATIONAL OF GRANTING A T.P.O. IN THAT " THE TREES ARE WORTHY OF PRESERVATION DUE TO THE SIGNIFICANT CONTRIBUTION THEY

MAKE TO THE VISUAL AMENITY AND CHARACTER OF THE CONSERVATION AREA". SINCE THE CREATION OF THE ENVIROMENTAL BIODIVERSITY AREA THE TREES WHEN CUT IN THE PAST THE BRANCHES HAVE BEEN LEFT TO ROT AMONG THE WEEDS AND BRAMBLES CREATING AN EYESORE AND IS CERTAINLY NOT THE ENVISAGED AREA LEFT TO "FLOURISH ALLOWING IMPORTANT GRASSES AND FLOWERS TO GROW AND SET SEED AND MOWING WILL TAKE PLACE IN OCTOBER" AS IS STATED ON THE N.T.C. WEBSITE.

I ENCLOSE VARIOUS PHOTOGRAPHS WHICH SUPPORT OUR APPLICATION TO HAVE **ONLY** THE OVERHANGING BRANCHES CUT.

IN SUMMARY, WHY HAS A T.P.O. BEEN DECLARED NOW ON THESE TREES WHEN HISTORICALLY THE COUNCIL HAS BEEN PREPARED TO CARRY OUT LOPPING OF DANGEROUS OVERHANGING BRANCHES.

THE COUNCIL HAS ACKNOWLEDGED THESE TREES CAN AND HAVE CAUSED DAMAGE.

THE TREES ARE NOW LARGER AND MORE INVASIVE THAN THEY HAVE EVER BEEN.

IN ORDER FOR A FULL UNDERSTANDING OF THIS SITUATION MYSELF AND MY NEIGHBOURS CAN BE AVAILABLE TO DISCUSS ANY ISSUES.

AN ACKNOWLEDGEMENT AND EARLY RESPONSE WOULD BE APPRECIATED.

YOURS FAITHFULLY,

[REDACTED]

[REDACTED]

11th JANUARY 2023.



INDICATION OF OVERHANGING
BRANCHES, REAR OF
16 STONEYCROFT EAST.



INDICATION OF OVERTHANGING
BRANCHES, REAR OF
14 STONEYCROFT EAST.

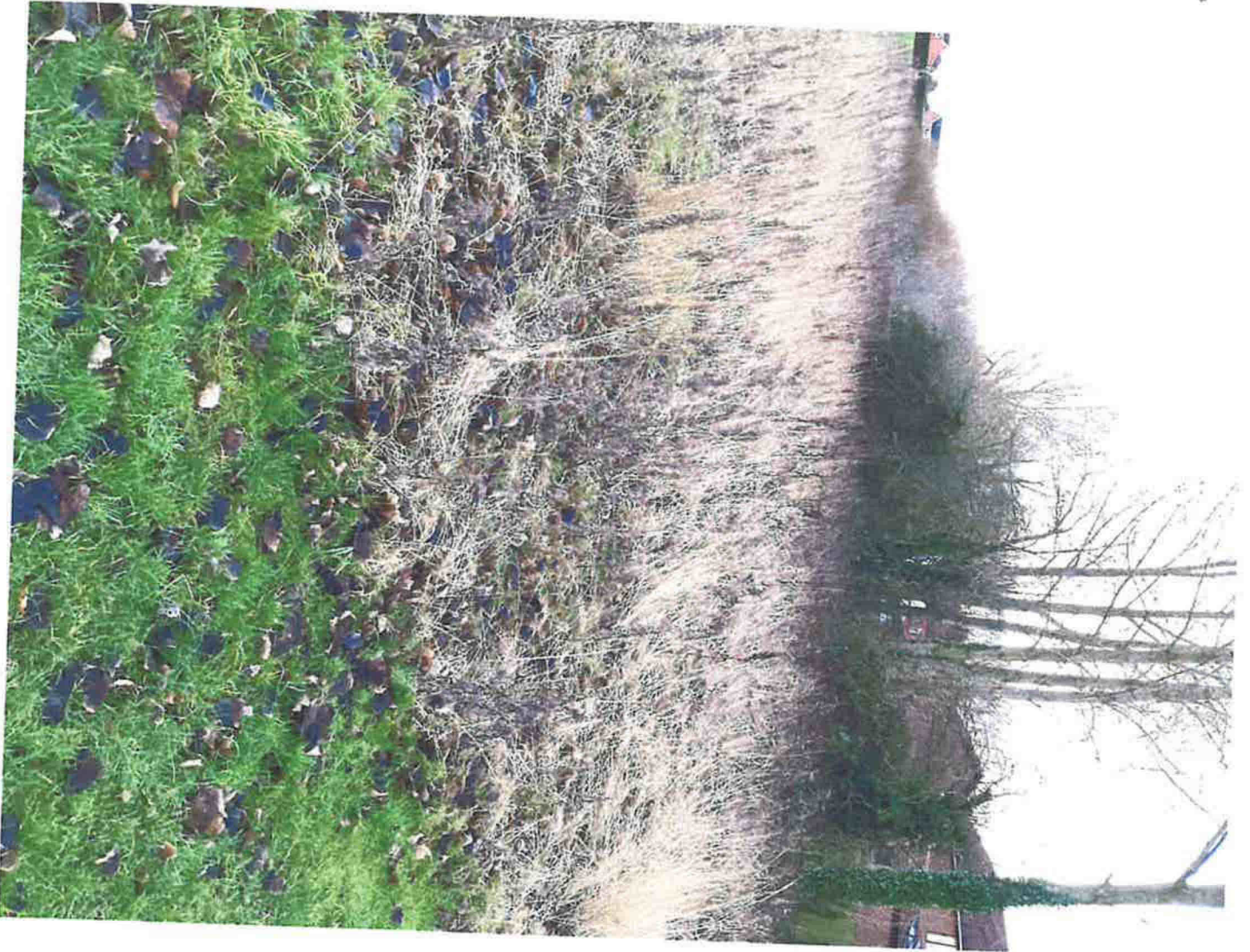


INDICATION OF OVERHANGING
BRANCHES, REAR OF
12 STONEYCROFT EAST.



NORTH THUESIDE COUNCIL
BIO DIVERSITY AREA TO THE
ROAD OF 16 STONEYCROFT EAST





NORTH TUNESIDE COUNCIL
BIO DIVERSITY AREA TO THE
RAMP OF I2 & I4 STONEYCROFT
EAST.

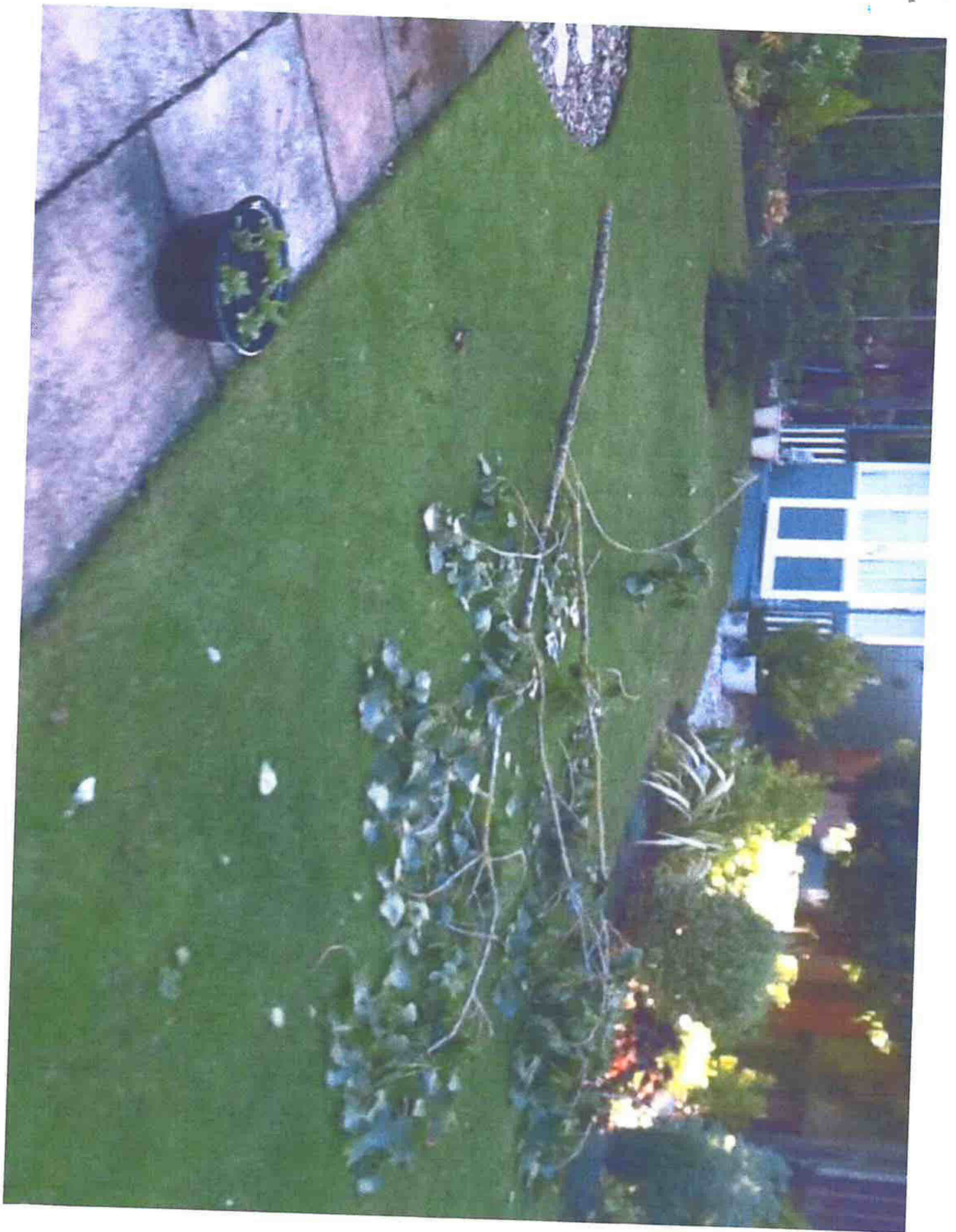




INTERIOR VIEW OF THE
OVERHANGING BRANCHES
FROM THE ROAD OF
LE STONEY CROFT EAST.



TYPICAL DEBRIS OF LARGE
BRANCHES FALLING FROM
THE TREES TO THE ROOF OF
16 STONEYCROFT EAST, LANDING
APPROX 1 MTR FROM
OUR HOME.





- TREES TO THE REAR OF 16 STONEYCROFT EAST INDICATING WHERE BRANCHES HAVE BEEN LOPPED IN PREVIOUS YEARS BY NORTH TYNESIDE COUNCIL,
- TREES TO THE REAR OF 12 BAY STONEYCROFT EAST ALSO HAD SIMILAR SCARS, EVIDENCE OF PREVIOUS LOPPING BY NORTH TYNESIDE COUNCIL.

This page is intentionally left blank

From: [REDACTED]
Sent: 23 December 2022 15:22
To: Democratic Support <DemocraticSupport@northtyneside.gov.uk>
Subject: TPO Land to the rear of 12,14 and 16 Stoneycroft East - Objection

EXTRNL

Dear Sir

I object to this TPO covering the trees in G1 an G2 on the following grounds

The trees are currently in a poor condition having not been managed by N.Tyneside council for a number of years.

Surely the trees should be in a sustainable condition before a TPO is applied ?

Regards

[REDACTED]
10 Stoneycroft East
Killingworth Village
Newcastle upon Tyne
NE12 6YU

This page is intentionally left blank