



North Tyneside Council

Planning Committee

27 April 2023

To be held on **Tuesday, 9 May 2023** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

Agenda Item	Page
<p>1. Apologies for absence</p> <p>To receive apologies for absence from the meeting.</p>	
<p>2. Appointment of substitutes</p> <p>To be informed of the appointment of any substitute members for the meeting.</p>	
<p>3. Declarations of Interest</p> <p>You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.</p> <p>You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.</p> <p>You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.</p>	
<p>4. Minutes</p> <p>To confirm the minutes of the previous meeting held on 11 April 2023.</p>	5 - 8

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

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For further information please call 0191 643 5359.

Agenda Item	Page
<p>5. Planning Officer Reports</p> <p>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.</p>	9 - 12
<p>6. 21/01779/REM, Land West of Mackley Court, Wallsend</p> <p>To determine a reserved matters application from VB Benton Ltd for the approval of the access, scale, layout, appearance and landscaping of planning approval 12/02025/FUL, construction of 1no. retail / commercial unit falling within Use Class E.</p> <p>Speaking rights granted to:</p> <ul style="list-style-type: none"> • Local residents, Ben Reeve and Elaine Armstrong • Fraser Tinsley on behalf of the applicants 	13 - 50
<p>7. 22/02106/FUL, Land East of Backworth Lane, Backworth</p> <p>To determine a full planning application from Northumberland Estates for change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works.</p> <p>Speaking rights granted to:</p> <ul style="list-style-type: none"> • Local residents, Jowita Smolak and Max Seed • Northumberland Estates 	51 - 118
<p>8. 21/02496/FUL, Land Adjacent to Hatfield House, Borough Road, North Shields</p> <p>To determine a full application from Low Town Developments for the erection of 5no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space.</p>	119 - 154
<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 Land to the rear of 12, 14 and 16 Stoneycroft East, Killingworth, Tree Preservation Order 2022.</p>	155 - 182

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)
Councillor Peter Earley (Substitute)

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Planning Committee

Tuesday, 11 April 2023

Present: Councillor W Samuel (Chair)
Councillors J Cruddas, P Earley, M Hall, C Johnston,
T Mulvenna, J O'Shea and J Shaw

In attendance:
Councillor O Scargill

Apologies: Councillors M Green, John Hunter and P Richardson

PQ78/23 Appointment of substitutes

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

Councillor P Earley for Councillor M Green

PQ79/23 Declarations of Interest

Councillor M Hall stated that she had discussed planning application 23/00091/FULH, 160 Whitley Road, Whitley Bay with the applicant but she had not expressed an opinion on the matter, had not predetermined the application and maintained an open mind to the arguments to be presented at the meeting.

Councillor J O'Shea stated that he had met with the applicant in relation to planning application 23/00091/FULH, 160 Whitley Road, Whitley Bay when he had provided procedural advice. He had not predetermined the application and maintained an open mind to the arguments to be presented at the meeting.

Councillor P Earley stated that as a local ward councillor he had discussed details of planning application 22/02216/FUL, Site of Former West House, Grasmere Court, Killingworth with officers but he had not expressed an opinion on the matter and maintained an open mind to the arguments to be presented at the meeting.

PQ80/23 Minutes

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

PQ81/23 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.

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a planning application from Northumbria Homes Ltd for demolition of an existing dwelling house and construction of 7no. new dwellings.

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

In accordance with the Committee's Speaking Rights Scheme the local ward councillor, Councillor Olly Scargill, had been granted permission to speak to the Committee. Councillor Scargill spoke on behalf of residents of Murton and New York villages in relation to the landmark site which had fallen into a sad state. He suggested that the application ought to be amended to secure the demolition of the existing derelict building which had attracted vandalism and anti-social behaviour. There was no support for the proposed development as this application, together with a separate application for 3000 homes in the surrounding area, would change the unique character of Murton village, it would be visually intrusive, access to the site during the construction phase would have a detrimental impact, the road to the site was not considered fit for the volume of traffic and it was stated that a single dwellinghouse could not be replaced by seven.

Tom Gibbons of IDPartnership addressed the Committee on behalf of the applicant to respond to the speakers' comments. Mr Gibbons stated that the applicant had worked with officers to bring forward an application for the provision of high quality family homes. He understood the concerns of local residents regarding the vandalism and anti-social behaviour associated with the site but this application, if approved, would resolve these concerns with the demolition of the existing building and delivery of needed housing. The application process had demonstrated that the statutory consultees were satisfied with the proposal in terms of its impact on the highway network, car parking and access, residential amenity, landscaping and biodiversity. As these technical matters had been resolved in accordance with the relevant planning policies he urged the Committee to accept the officers recommendation and approve the application.

Members of the Committee asked questions of Councillor Scargill, Mr Gibbons and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the factors taken into account by the applicant and the Authority in determining the number of units which could be satisfactorily accommodated onto a site;
- b) the details and effect of the proposed condition requiring the applicant to submit to the Authority for approval a revised Japanese Knotweed Management Plan;
- c) the rewording of Condition 37 to allow the applicant to complete pre-commencement conditions prior to the commencement of the three months period allowed for the demolition of the existing dwelling;
- d) the status of the site as set out in the Local Plan and the Murton Gap Masterplan;
- e) the effect of Policy DM5.3 (Green Space Provision and Standards) of the Local Plan in relation to the application; and
- f) the likely impact of the development on the volume of traffic using Murton Lane.

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 and 1

member 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 and addendum;
ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and
iii) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure to secure affordable housing provision and a Coastal Mitigation Contribution to mitigate for the impacts on the Northumbria Coast Special Protection Area.

(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.)

**PQ83/23 22/02216/FUL, Site of Former West House, Grasmere Court,
Killingworth**

The Committee considered a report from the planning officers in relation to a full planning application from North Tyneside Council for new build housing consisting of 22no. units: a mixture of 1 & 2 bed flats, 2 & 3 bed houses with associated car parking and landscaping

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

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

On being put to the vote members of the Committee voted unanimously for 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 loss of open space, character and appearance of the area, residential amenity, highway safety and biodiversity.)

PQ84/23 Exclusion Resolution

Resolved that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

PQ85/23 23/00091/FULH, 160 Whitley Road, 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 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.

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

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

- a) representations received from the applicant setting out the reasons for the fence;
- b) the differences between the proposed fence at 160 Whitley Road and the boundary treatment granted permission at the adjacent Grapes Café;
- c) the impact of the proposed fence on the character and appearance of the area; and
- d) the extent to which the granting of permission would set a precedent for other similar applications.

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 and 2 members voted against the recommendation with 1 abstention.

Resolved that planning permission be refused on the grounds that 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.

PQ86/23 Land to the Rear of 12, 14 and 16 Stoneycroft East, Killingworth Tree Preservation Order 2022

Resolved that consideration of the Tree Preservation Order be deferred until the next meeting.

PLANNING COMMITTEE

Date: 9 May 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.

Planning Committee

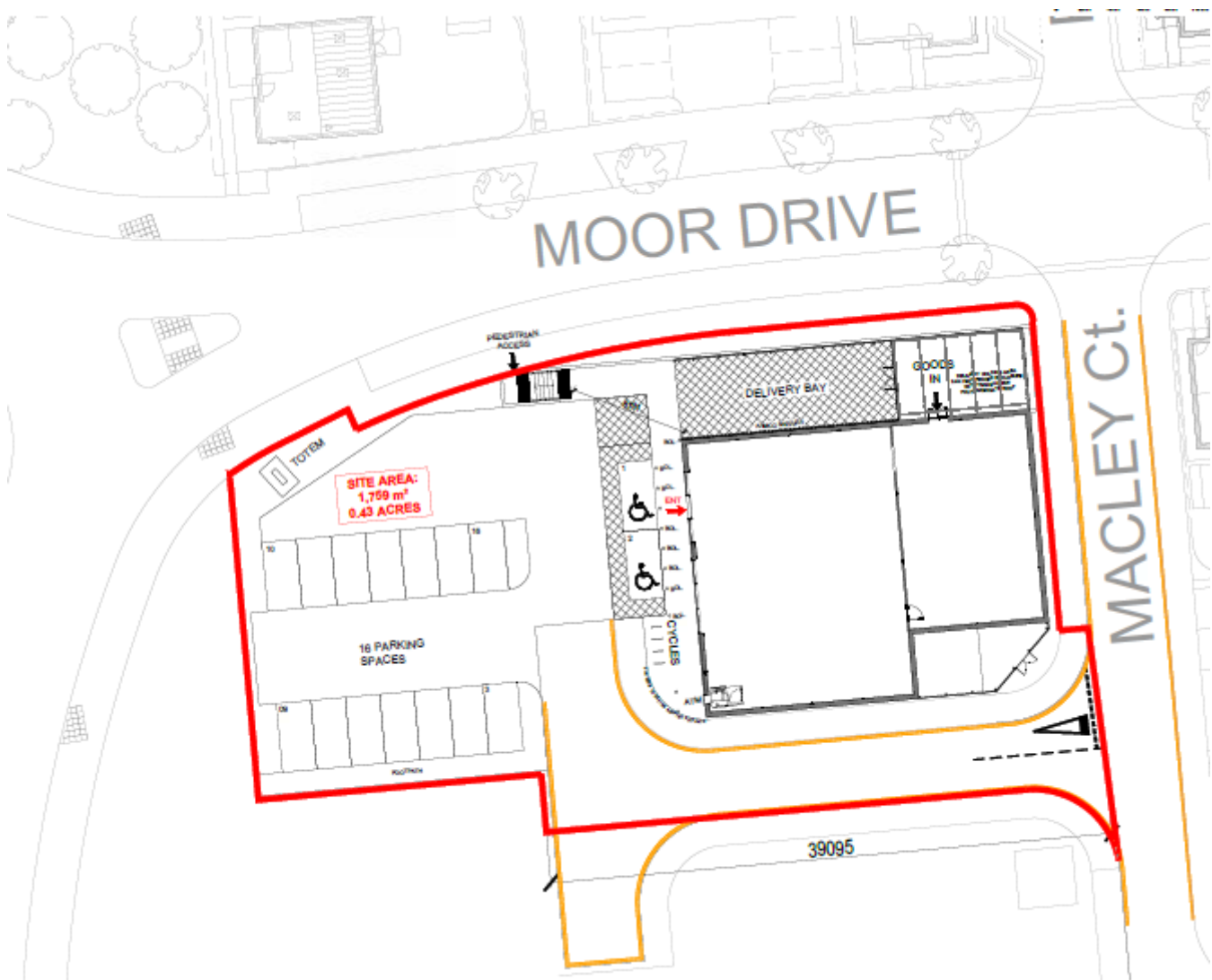
9 May 2023

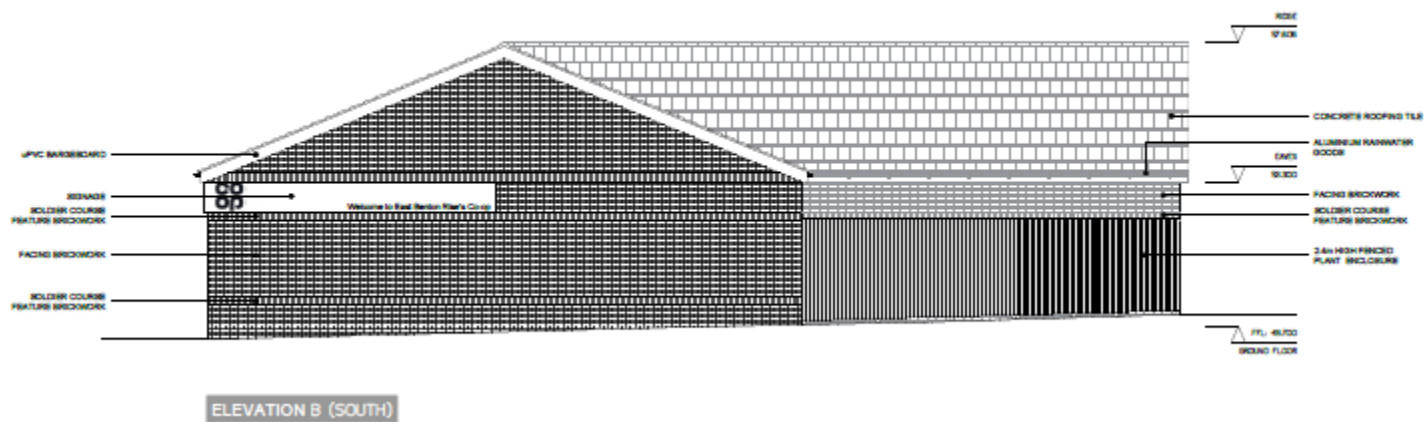
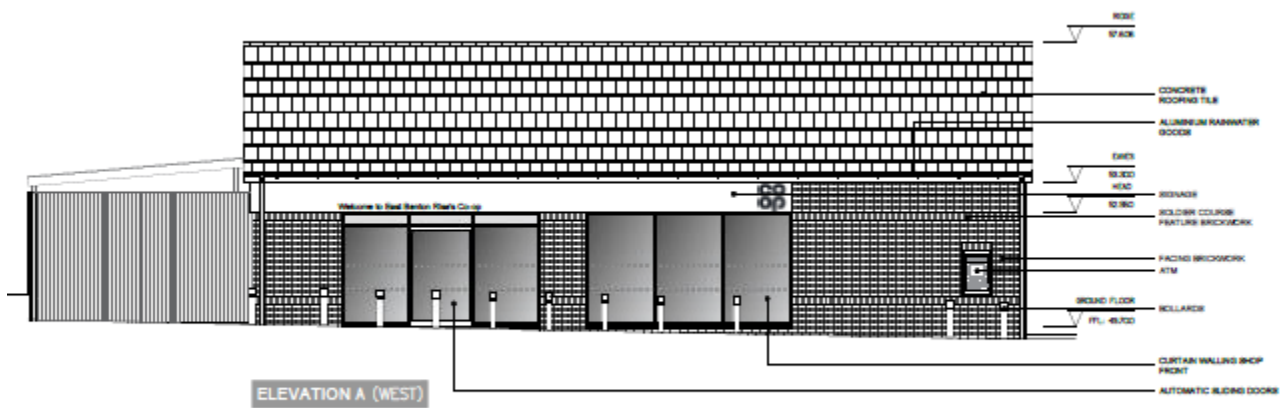
21/01779/REM

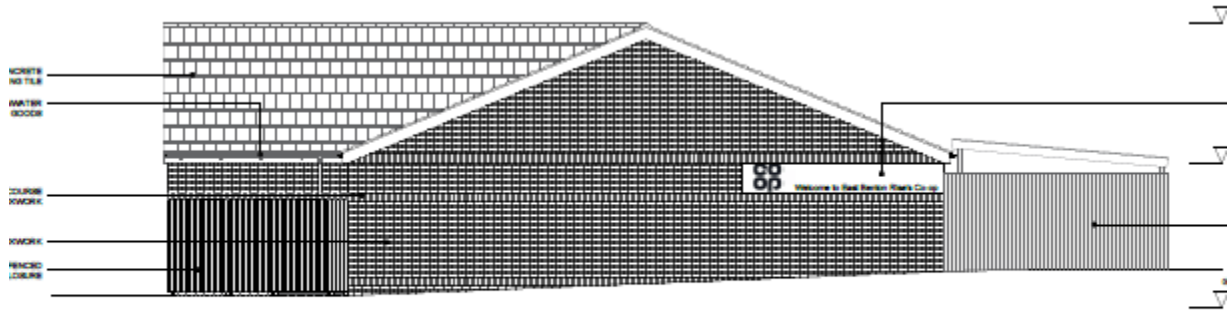
- Location: Land West Of Mackley Court, Wallsend
- Proposal: Reserved matters for the approval for the access, scale, layout, appearance and landscaping of planning approval 12/02025/FUL - Construction of 1no. retail / commercial unit falling within Use Class E
- Applicant: VB Benton Limited
- Ward: Northumberland



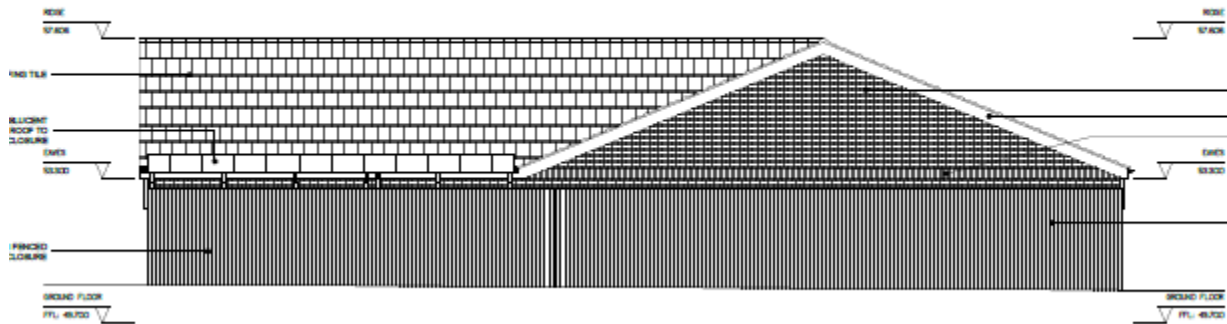


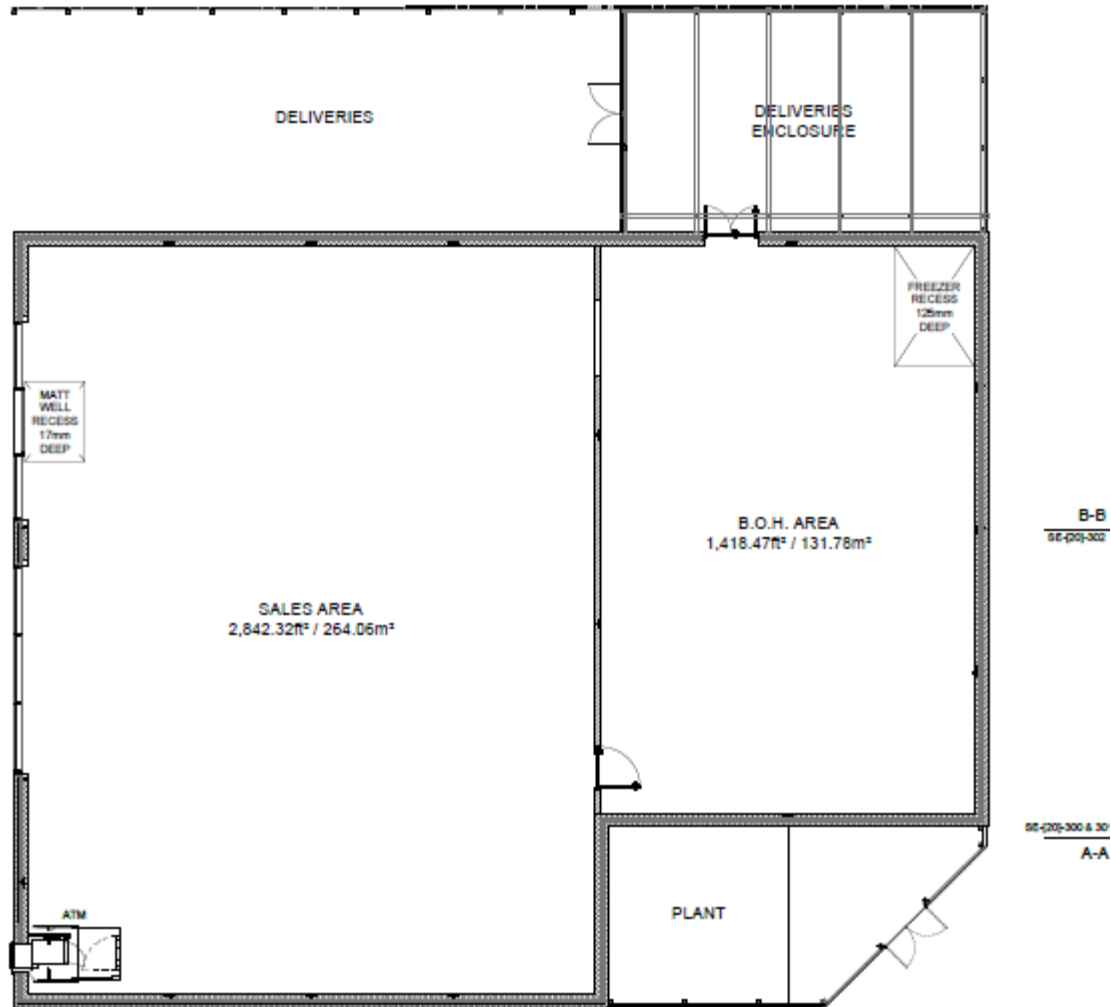


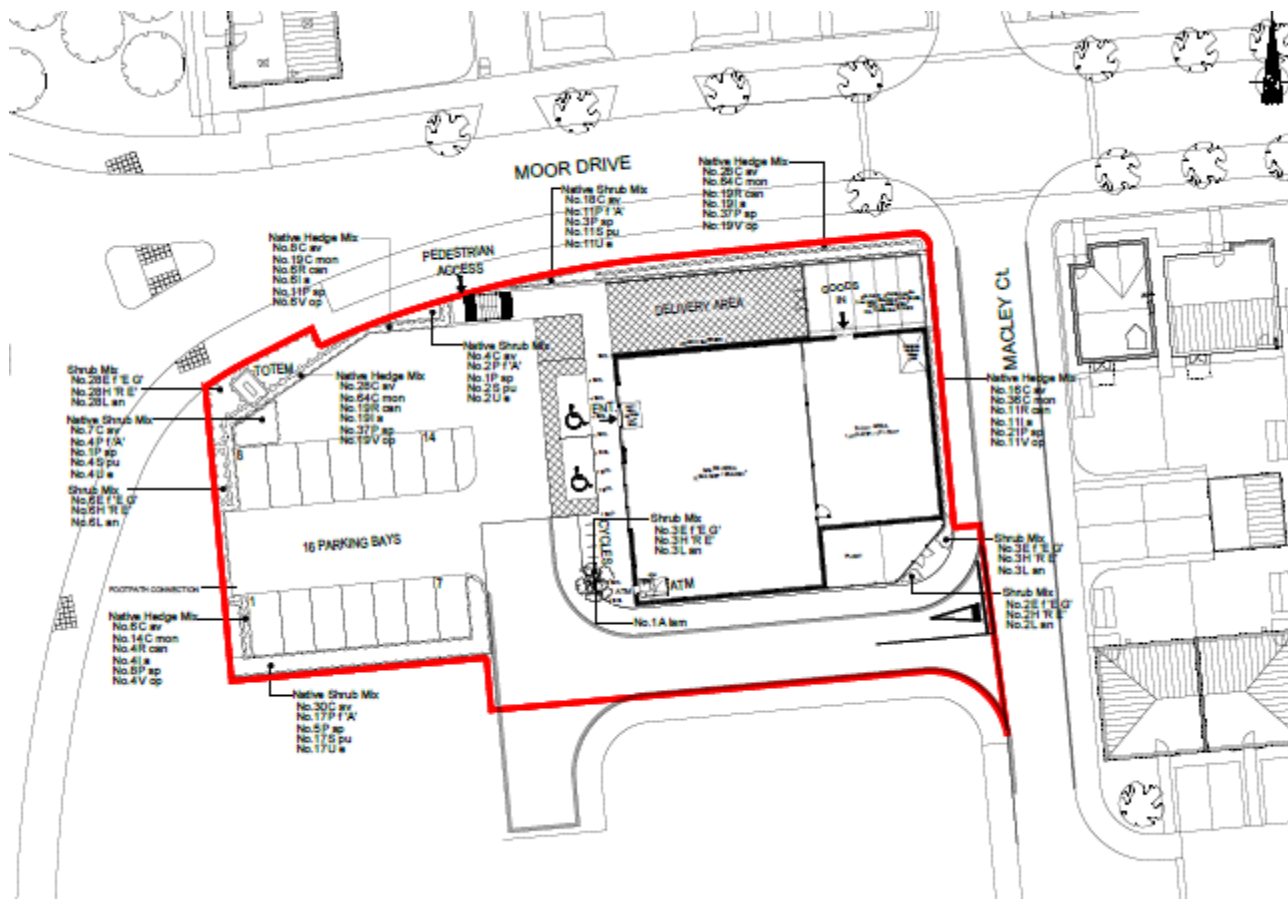




ELEVATION C (EAST)





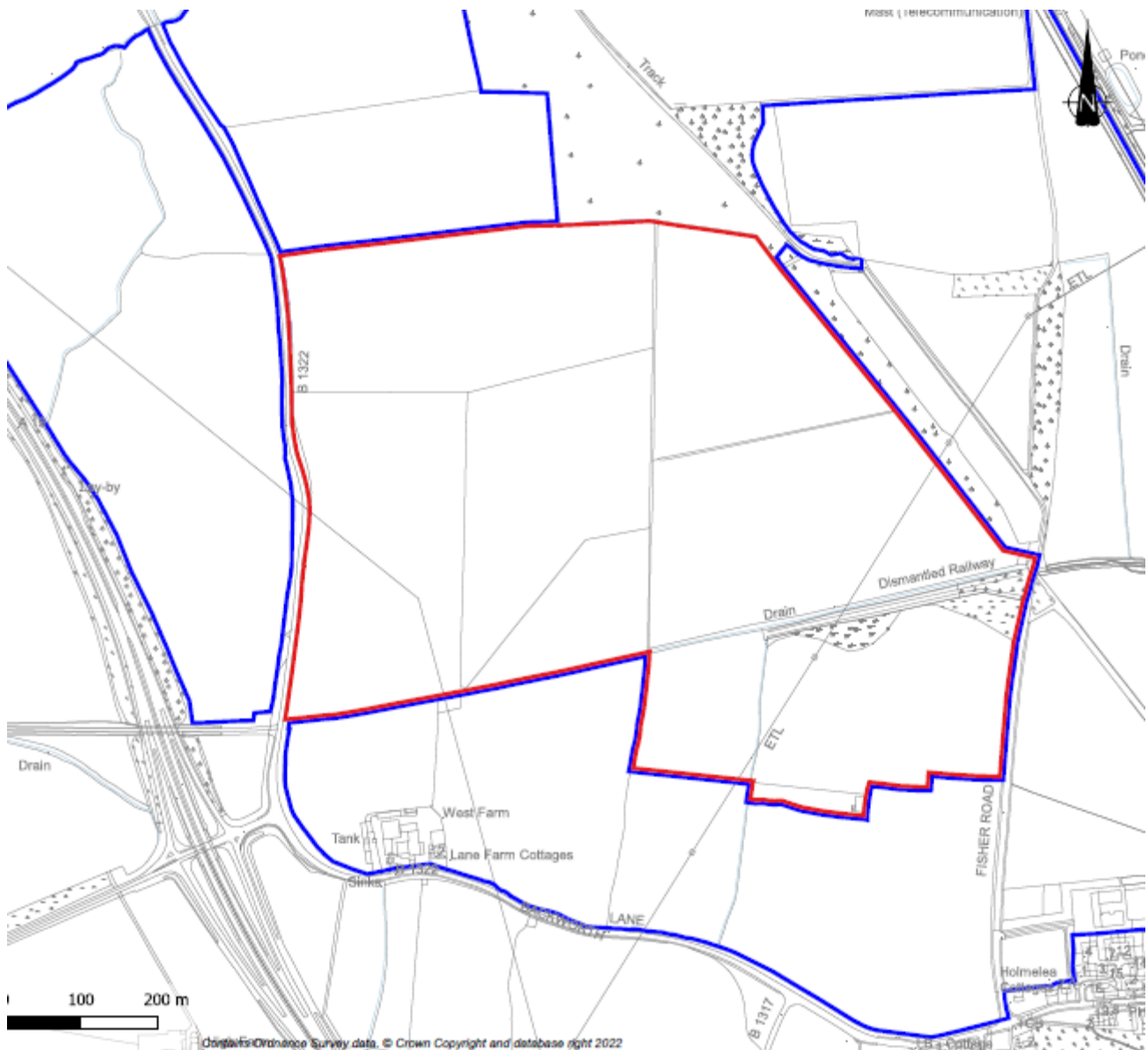


22/02106/FUL

- Location: Land to the east of Backworth Lane, Backworth
- Proposal: Change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works

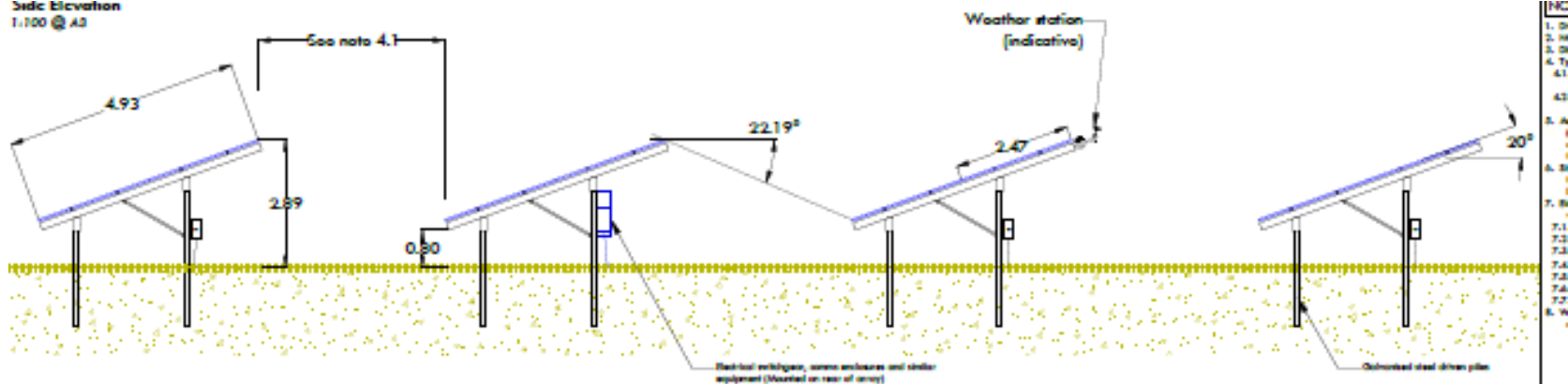
Applicant: Northumberland Estates

Ward: Valley

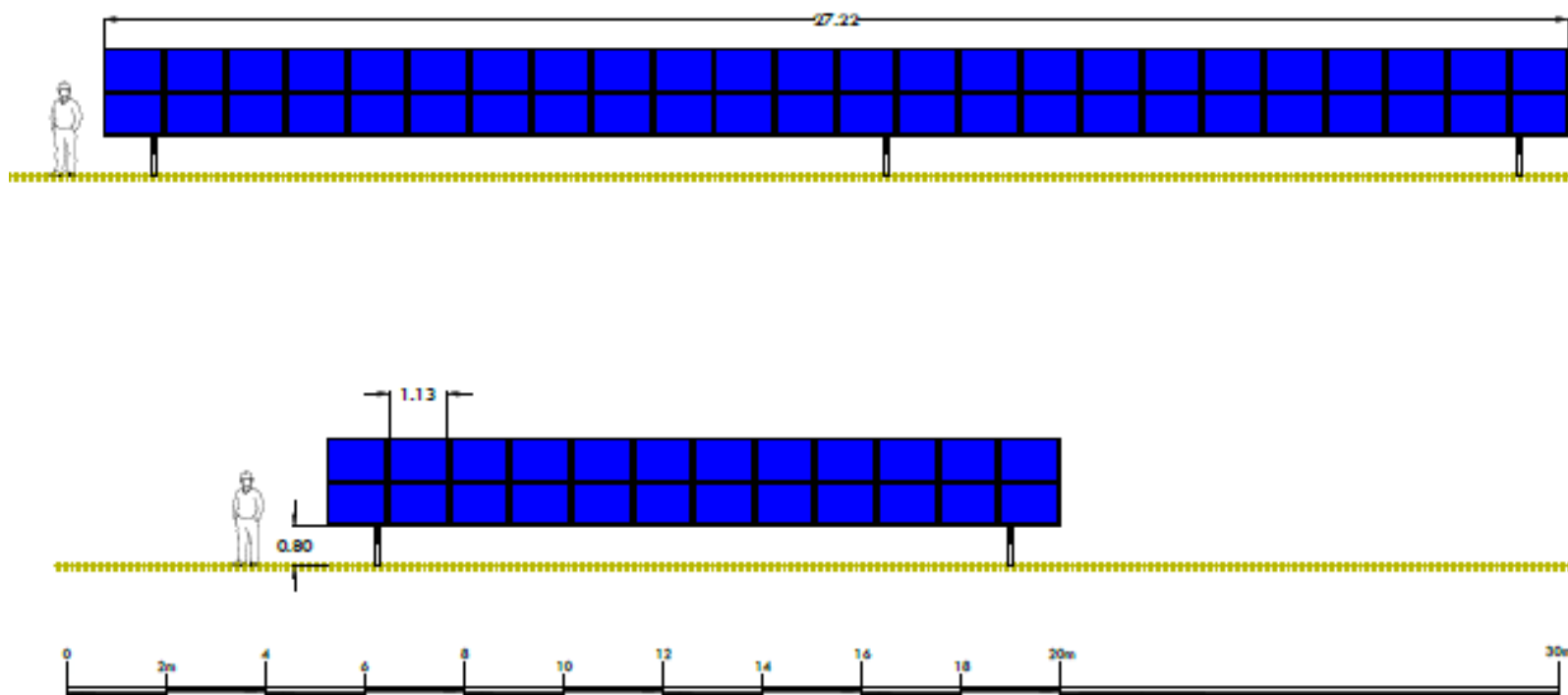




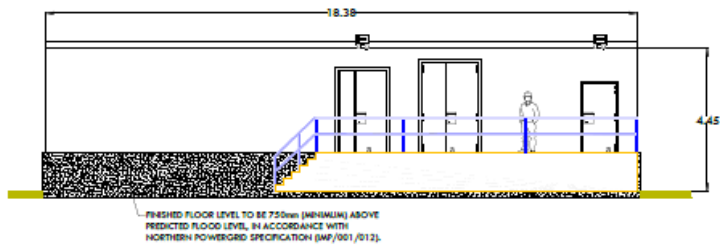
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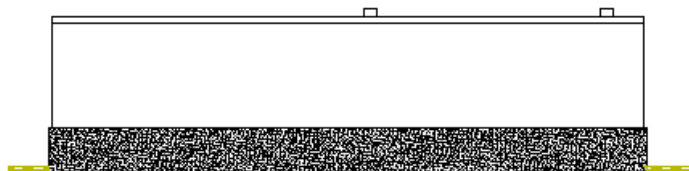
Front Elevation - Full and Half table
1:100 @ A3



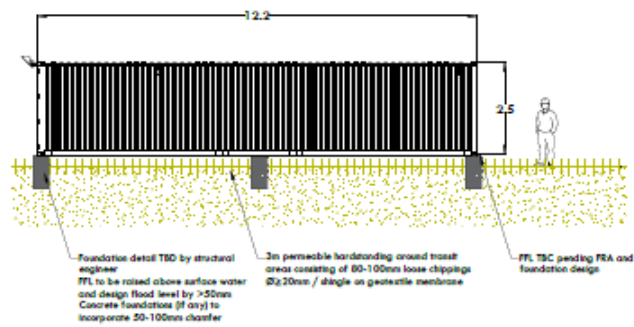
Front Elevation
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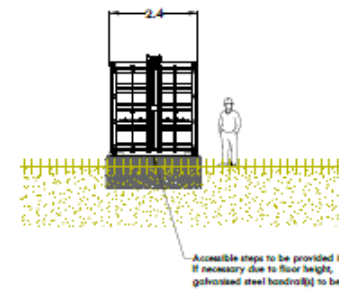
Back Elevation
1:100 @ A3



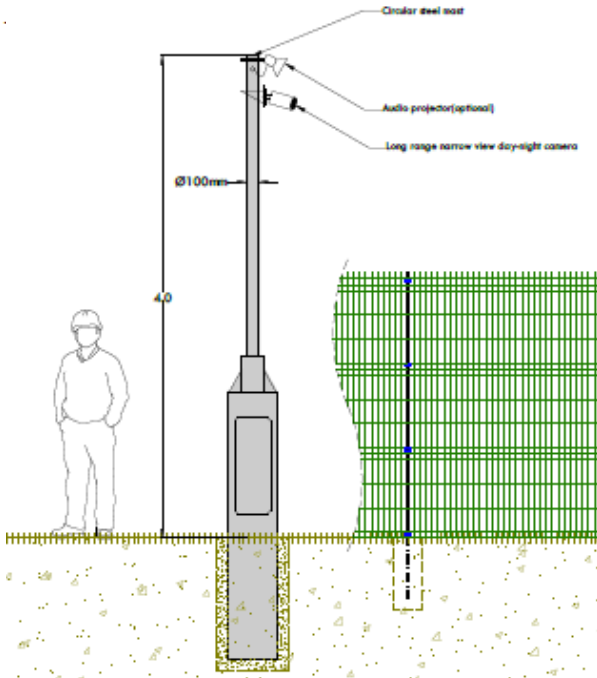
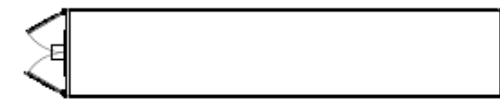
Side Elevation
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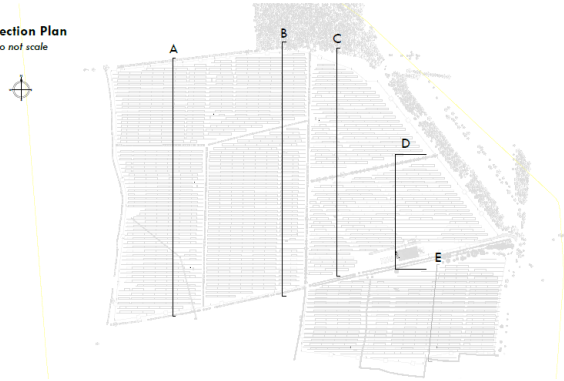
End Elevation
1:100 @ A3



Plan
1:100 @ A3



Section Plan
Do not scale

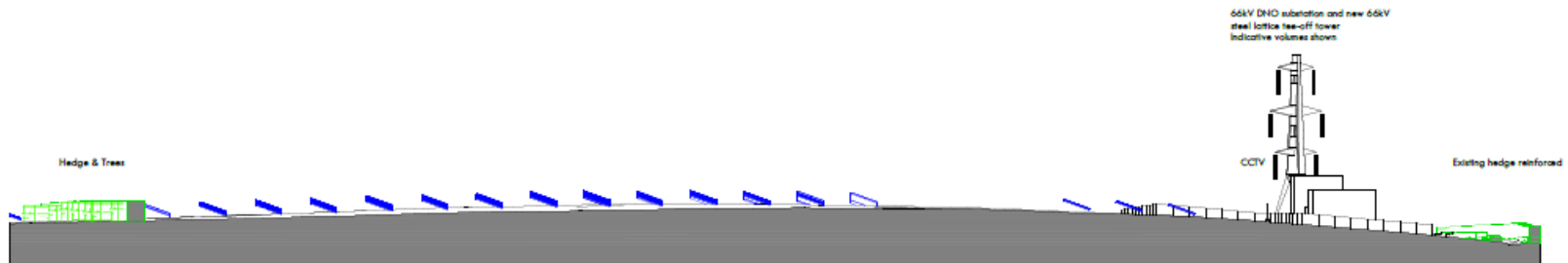


Section C
1:1000 @ A1

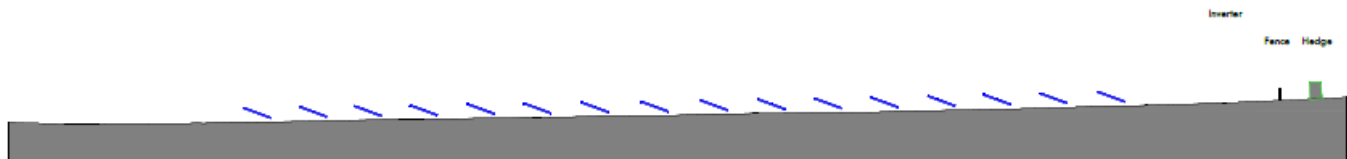
Page 29

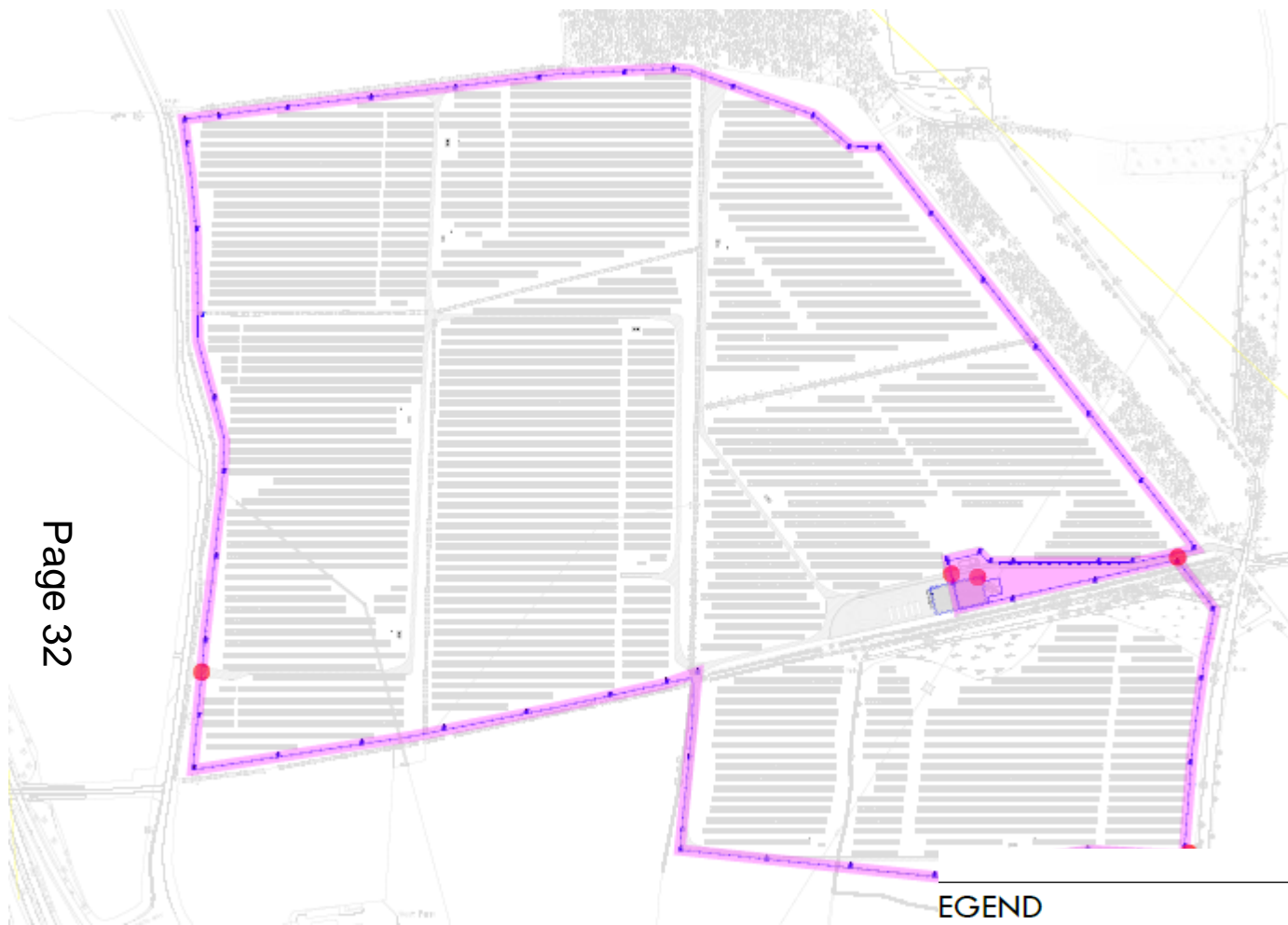


Section D
1:500 @ A1



Section E
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EGEND

—○— Fence



CCTV mast






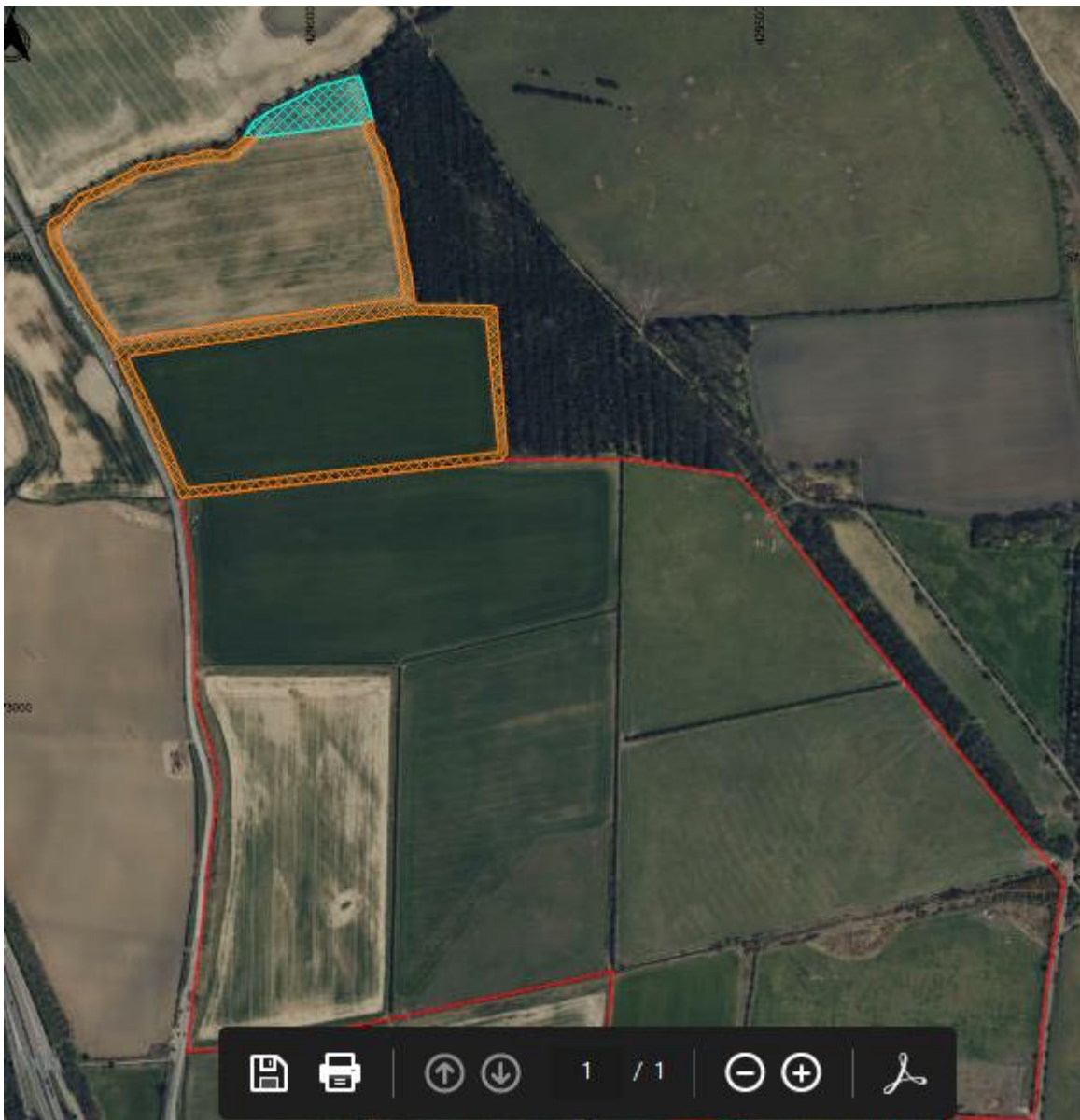
Electronic intruder detection zone

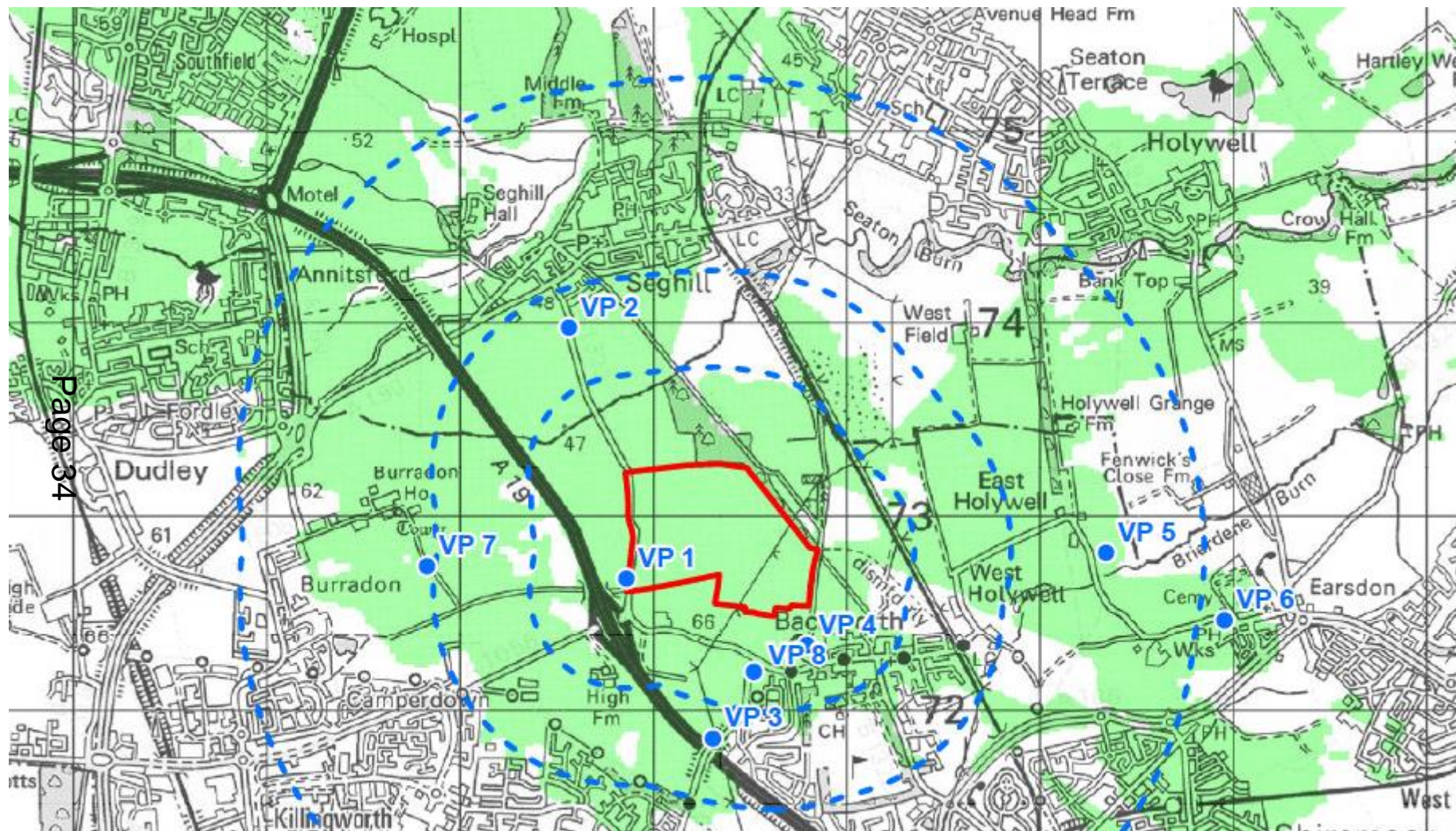


Vehicle identification from CCTV cameras

Legend

-  Site boundary
-  5 metre field margins to be maintained
-  Area for scrape creation









Viewpoint Type Type 1 Cylindrical	Lens Make and Focal Length 90°	Height of Ground Distance to Site Boundary Height of Camera Lens Above Ground Viewing Distance	Site ACD 10m 1.2km 522m @ A1
Project W4	Vertical Field of View 22°	Direction of View East	
Date and Time of Capture 28/10/2022 12:50	Camera Location (DMS Coordinates) Nikon D810, 400		
Camera Make, Model and Resolution			
Viewpoint Description A1022 between Backworth and Houghton, near Heritage Trail public footpath For viewpoint location also see drawing 101-100-0003 Photograph used is a composite panoramic image Refer to data document appendix for methodology explanation			
Drawn by AB	Project W4	Date 28/10/2022	Scale 1:50
wardell architects		PROJECT BACKWORTH SOLAR FARM	
		DATE/TIME VIEWPOINT 1 PROPOSED VIEW 10 YEARS AFTER COMPLETION	



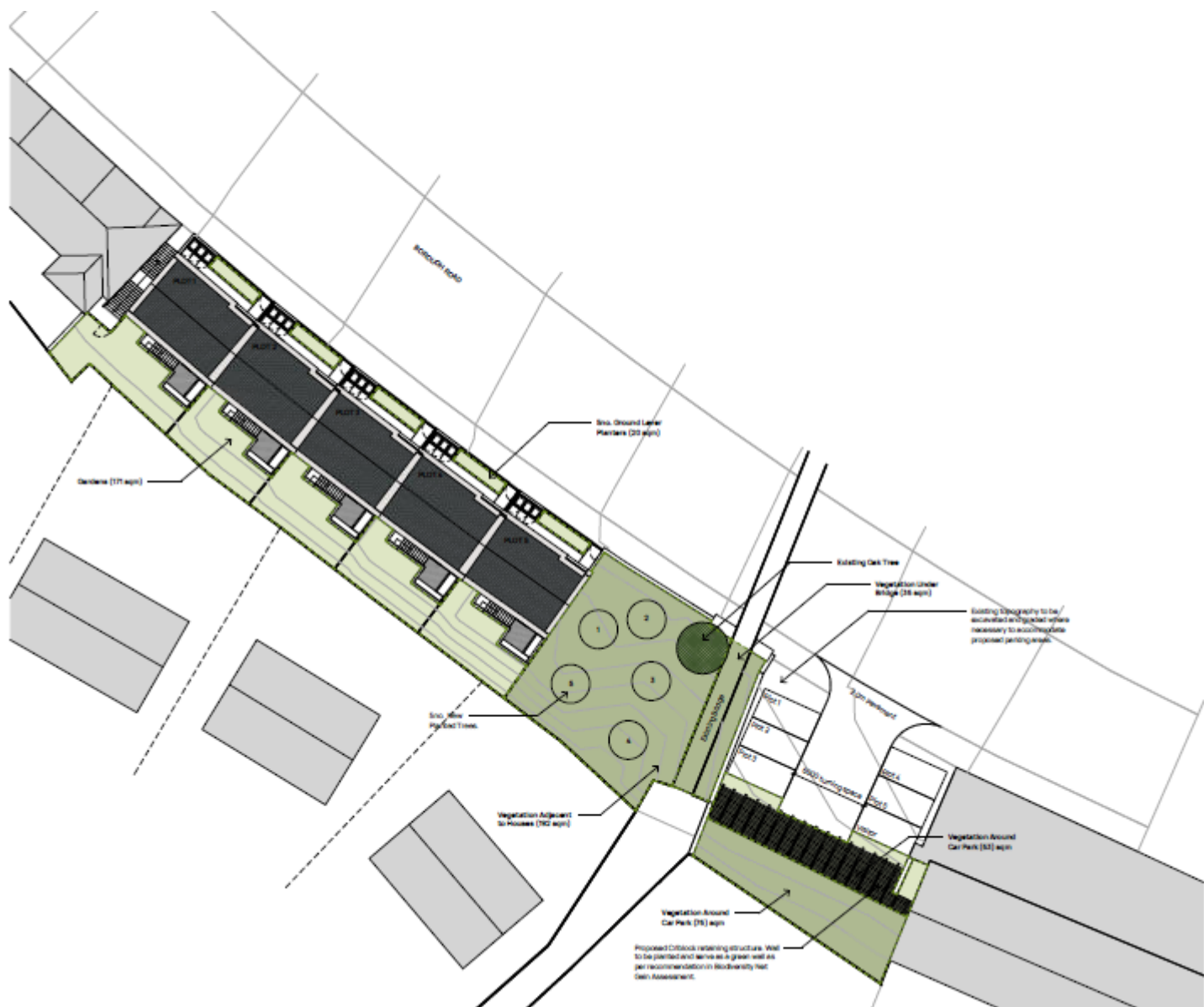
21/02496/FUL

- Location: Land Adjacent To Hatfield House, Borough Road, North Shields
- Proposal: Erection of 5no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space
- Applicant: Low Town Developments
- Ward: Riverside



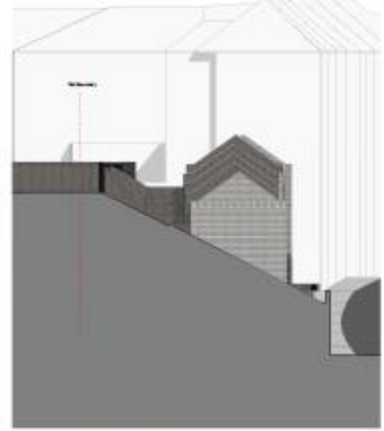








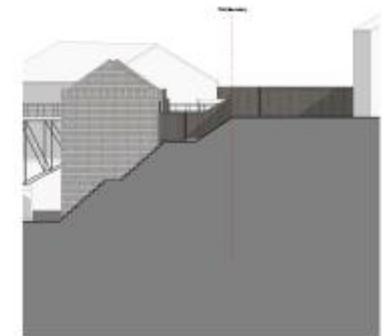
South-West Elevation (Proposed)
1/20



South-East Elevation (Proposed)
1/20



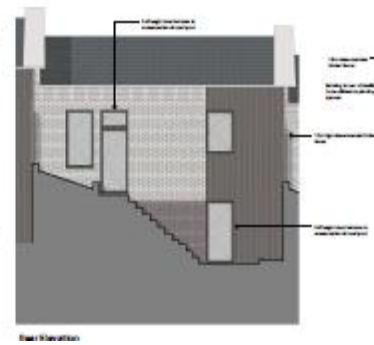
North-East Elevation (Proposed)
1/20



North-West Elevation (Proposed)
1/20



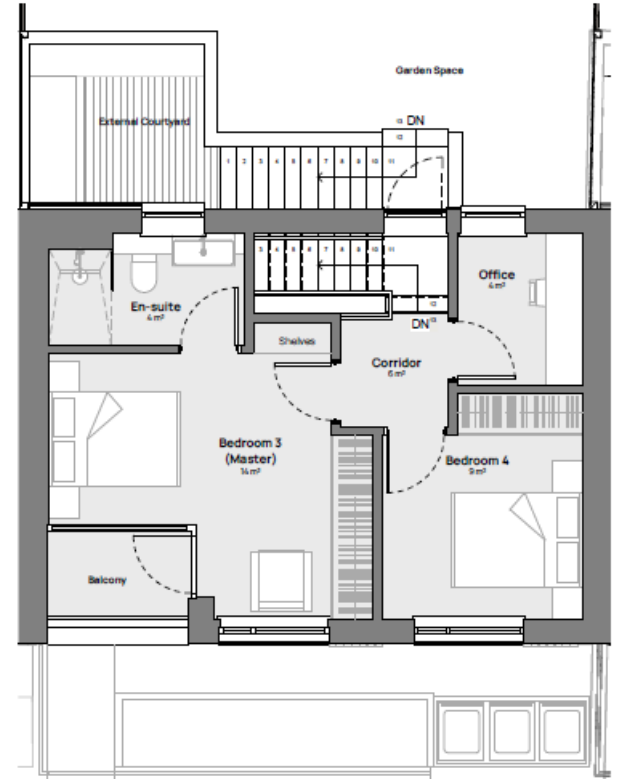
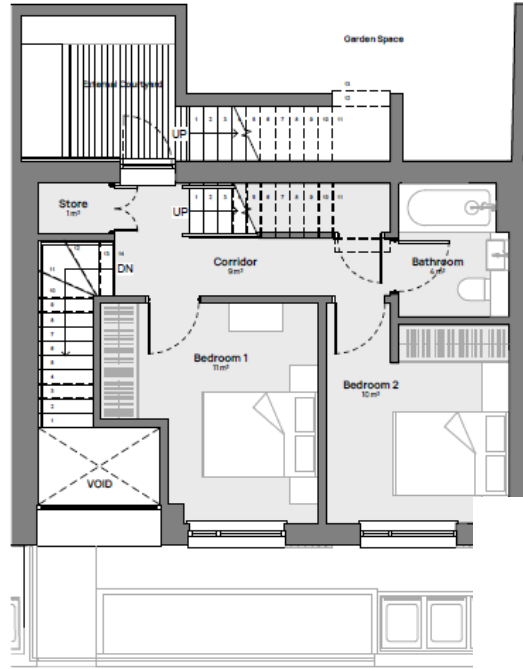
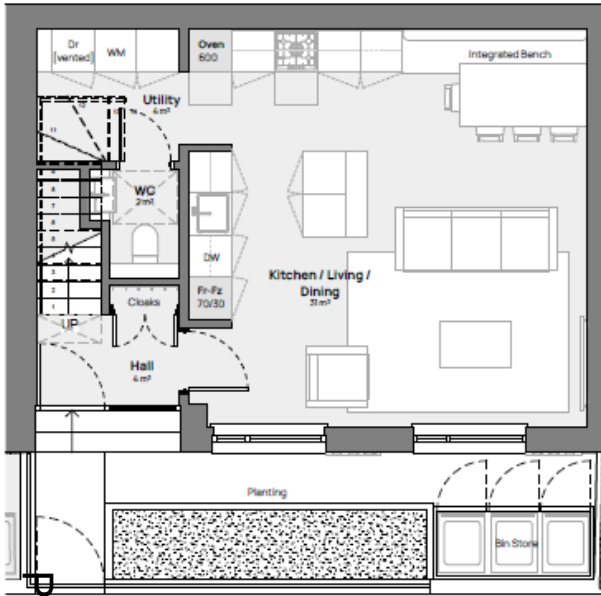
Front Elevation



Rear Elevation

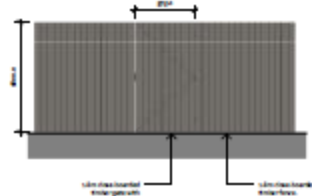
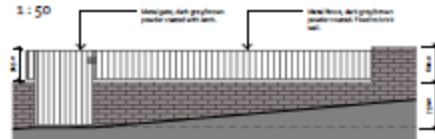


South-East Elevation (Proposed)
1/20

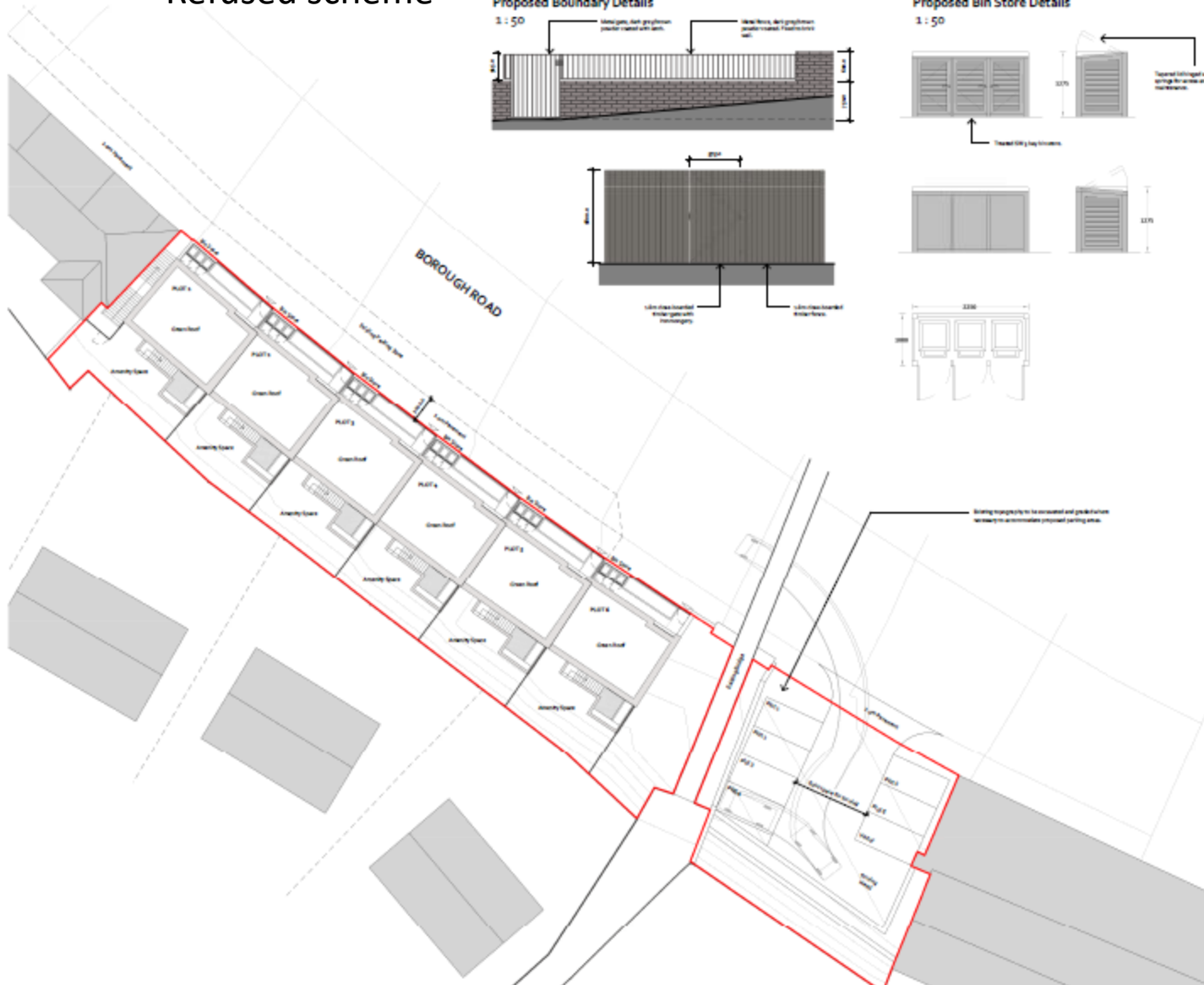


Refused scheme

Proposed boundary Details
1:50



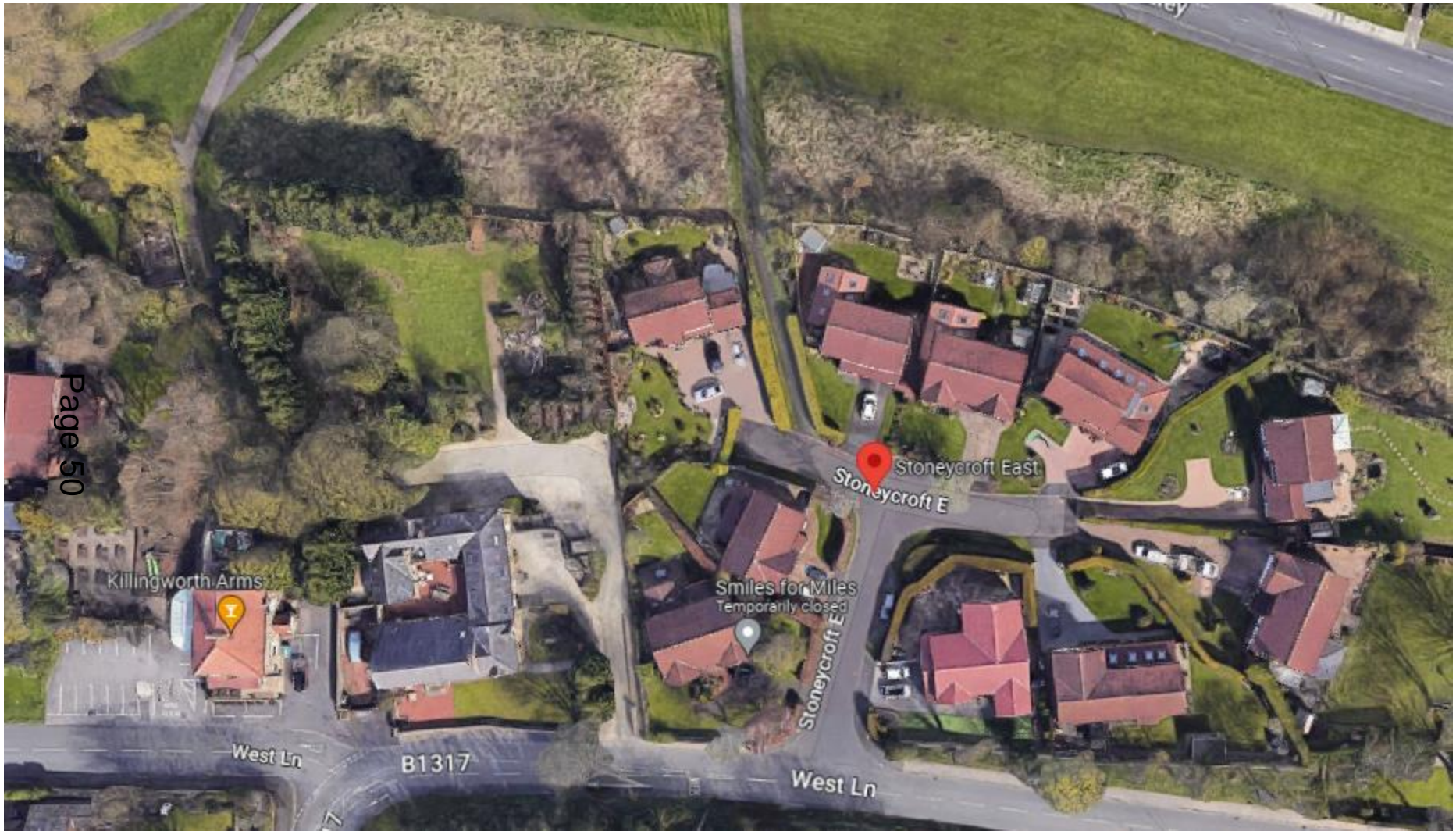
Proposed bin store Details
1:50

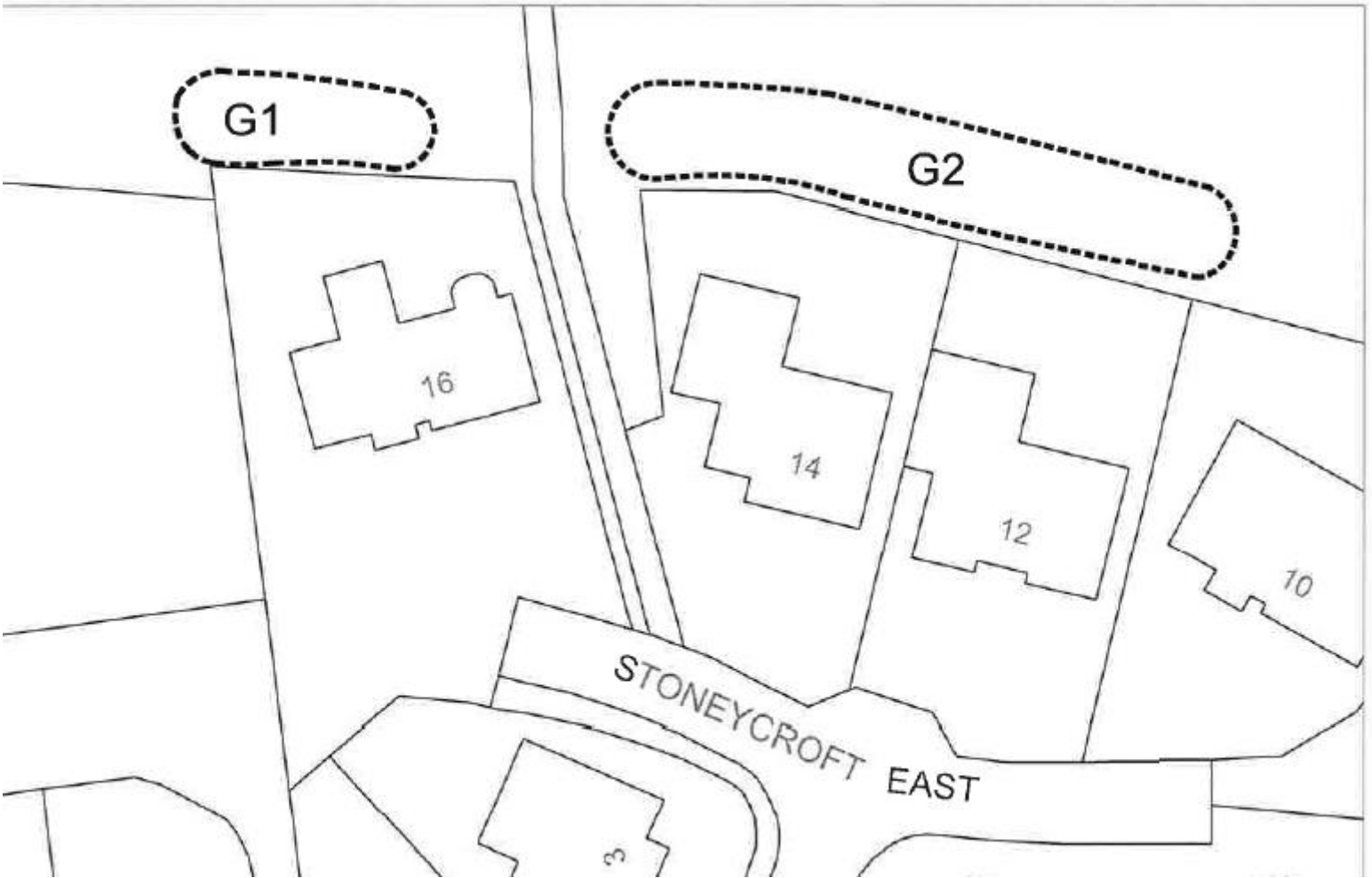


Refused scheme



- TPO Stoneycroft East





Photograph of the trees to the rear of 10, 12 and 14 Stoneycroft East (Image taken 15.12.2022)



Google Street View Image of the trees from East Bailey (Image April 2021)



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Application No:	21/01779/REM	Author:	Maxine Ingram
Date valid:	2 August 2021	☎:	0191 643 6322
Target decision date:	27 September 2021	Ward:	Northumberland

Application type: approval of reserved matters

Location: Land West of Mackley Court, Wallsend, Tyne And Wear

Proposal: Reserved matters for the approval for the access, scale, layout, appearance and landscaping of planning approval 12/02025/FUL - Construction of 1no. retail / commercial unit falling within Use Class E (Amended plans received 17.01.2023)

Applicant: VB Benton Limited

Agent: BH Planning & Design

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

-Whether the revised matters relating to the layout, scale, appearance, landscaping and access for the construction of one commercial/retail unit falling within Use Class E of the hybrid planning permission 12/02025/FUL are acceptable.

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

2.0 Description of the Site

2.1 The application site forms part of a wider residential development that was allowed at appeal on 15 December 2014. The site is currently a grassed area that is located to the southeast of the roundabout junction (A186/Moor Drive). Only the most northern part of the grassed area relates to this application. Members are advised that planning permission has been granted, subject to the completion of the legal agreement, for 13no. residential properties on the southern part of this grassed area. The site slopes north to south. The site is bound by Moor Drive to the north, beyond which lies residential properties. The site is bound by Mackley Court to the east, beyond which lies residential

properties. The site is bound by Station Road (A186) to the west, beyond which lies a committed residential development (Ref: 16/01885/FUL). Beyond the southern boundary of the grassed area are existing residential dwellings and apartments and associated parking provision.

2.2 The site is designated in the Council's Local Plan (LP) (2017) as a site with an existing planning permission for residential development.

3.0 Background information and a description of the proposed development

3.1 In 2014, a hybrid application was allowed at appeal. This application granted full planning permission for 225 dwellings and outline planning permission for 425 dwellings, including approximately 718 sqm of commercial space.

3.2 This application seeks approval of all the matters reserved under condition 3 of the hybrid planning permission for the construction of a commercial/retail unit.

3.3 The proposed building would be sited in the northeast corner of the site closest to the junction of Moor Drive and Mackley Court. The delivery area would be sited on the north side of the building, and it would be enclosed to its north and east side by a 2.4m high fence. The proposed plant would be sited on the southeast corner of the building, and it would be enclosed by a 2.4m high fence. Parking is proposed to the west of the building, including 14no. parking bays and 2no. disabled bays. Cycle parking provision is proposed to the front of the building.

3.4 The proposed building would be single storey with a pitched roof.

3.5 Vehicular access is proposed from Mackley Court. Pedestrian access is provided from Mackley Court and Moor Drive.

3.6 Landscaping is proposed to the north, west and east boundaries of the site. Landscaping is also proposed adjacent to the most southern parking bays.

4.0 Relevant Planning History

Site known as East Benton Rise

21/01958/FUL - Development of 13 residential dwellings (C3 use) with the associated infrastructure and landscaping, Station Road (East), Phase 4 – Pending decision

20/01047/FUL - Development of 35 residential dwellings (C3 use) with the associated infrastructure and landscaping – Permitted 11.01.2021

18/00452/REM - Reserved matters for the submission of details of; Appearance, Landscaping, Layout and Scale in respect of erection of 295 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Revised site layout) – Permitted 05.09.2018

17/01224/REM - Reserved matters for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure

pursuant of hybrid application 12/02025/FUL (Amended site plan received 6.10.17, drainage and highway plans received 16.10.17). Discharge of conditions for Phase B (Part 1) only: 12 (gas), 13 (gas), 14 (contaminated land), 20 (refuse storage), 26 (pollution prevention), 36 (bus stop), 38 (cycle storage), 39 (multi user links), 41 (traffic calming), 42 (surface water disposal), 43 (foul disposal) of 12/02025/FUL – Permitted 23.11.2017

12/02025/FUL - Hybrid application comprising: Outline planning permission with all matters reserved: Development of 18.976ha for residential uses capable of accommodating approximately 425 dwellings and approximately 400sqm of A1 retail use, 318sqm of D1 health centre use and associated car parking. Full planning permission: Erection of 225 dwellings, construction of a 3 arm roundabout at the roundabout at the A186 (Station Road) and provision of associated open space, landscaping and SUDs and strategic open space. EIA Development – Refused 24.10.2013 . Allowed at appeal 15.12.2014.

Station Road West

16/01885/FUL - Hybrid application; Outline application for approximately 418 residential dwellings (C3 use) with associated highways, infrastructure and landscaping, all matters reserved with the exception of access. Full planning permission for 175 dwellings (C3 use) with associated infrastructure, landscaping, Sustainable Urban Drainage system and access (Amended description) – Permitted 15.01.2018

19/01085/REM - Reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 66 dwellings, garages, car parking together with associated boundary treatment and infrastructure pursuant to hybrid application 16/01885/FUL (amended plans 28.11.2019) – Permitted 07.06.2022

21/02460/REM - Development of 115no 3 and 4 bedroom properties with associated infrastructure – Permitted 03.08.2022

New Lidl, Whitley Road

22/01191/FUL - Demolition of existing buildings and proposed retail development and drive through cafe with associated access, car parking, landscaping and all ancillary works – Pending decision

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

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

development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

-Whether the reserved matters relating to layout, scale, appearance, landscaping and access for the commercial part of outline planning approval, Ref: 12/02025/FUL, are acceptable.

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

8.0 Preliminary Matters

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

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

8.3 LP 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 the strategic, development or areas specific policies of the Local Plan.

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

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted."

8.5 LP Policy DM3.6 'Local Facilities' states: "Small-scale out of centre facilities serving local retail and leisure needs of less than 500m² gross floorspace, or extensions to existing facilities, will be permitted if it can be shown that all of the following requirements are met: a) The proposal is of an appropriate size and function to meet specific day-to-day needs of a neighbourhood population with convenient, safe walking distance (300m); b) It will not have an adverse effect on the amenity of neighbouring uses; c) Contribute to social inclusion and

sustainable development; and d) Safeguard the retain character and function of existing centres and not detract from their vitality and viability.....”

8.6 The objections received regarding sufficient provision already being provided and impacts on existing town centres are noted. Members are advised that residents are also supporting a retail unit on this estate.

8.7 The wider residential estate accommodates 685 properties approved under 12/02025/FUL and 20/01047/FUL. An application for 13 residential dwellings on the land to the south of this site has also been recently considered by Members of Planning Committee. This application is minded to grant subject to completion of the legal agreement. Members are also advised that to the west of Station Road up to 593 residential dwellings are to be constructed and works have already commenced on site for the first phase. The proposed retail unit has the potential to serve existing and proposed properties.

8.8 The principle of constructing commercial/retail provision on this site has already been firmly established by the granting of the previous outline permission. Members are advised that it is only reserved matters that are being assessed in relation to layout, scale, appearance, landscaping and access.

9.0 Layout, scale and appearance

9.1 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. These aims are further supported by paragraph 130 of the NPPF.

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

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

9.4 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 positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.5 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.

9.6 The objections received regarding the impacts on visual amenity, residential amenity, layout, design, loss of open space, impacts from noise and disturbance as result of vehicles, customers and plant equipment and impacts on health are noted.

9.7 The application site sits within a wider residential estate that is characterised by a variety of property types, including heights and materials. The site is prominently located at the entrance to the wider residential estate and it is visible from the A186 and internal estate roads.

9.8 The proposed building would be single storey and it would accommodate a pitched roof. No windows are proposed to its north, east or south elevations. It is officer advice that the proposed building would not significantly affect the privacy of neighbouring properties.

9.9 The proposed building would occupy the east part of the site and it would be located to the north of the proposed road. Parking provision would occupy the west part of the site. The proposed delivery bay and goods entrance are sited on the north side of the building. They would be enclosed by a 2.4m high fence. The proposed plant is proposed to the southeast corner of the building. This would be enclosed by 2.4m high fence. The entrance to the building is from the west side. The positioning of the entrance would improve natural surveillance towards the car park and the proposed pedestrian access from Moor Drive. Natural surveillance would also be provided from the existing dwellings to the north, south and east of the site and further natural surveillance would be provided should the 13 residential dwellings be constructed immediately to the south of the site. The chosen boundary treatment is discussed in greater detail in paragraphs 9.19 and 9.20.

9.10 The proposed building would be sited close to the existing footpath which bounds the site to the north and east. Areas of soft landscaping are proposed between the building and these footpaths which would assist in reducing the visual impact of the building and the fencing proposed to the north and east of the delivery bay and goods entrance.

9.11 The proposed building would be located to the south of No. 1 Benton Rise, Nos. 3, 5, 7 and 9 Moor Drive. These properties are separated from the application site by the estate road. These properties also sit at a higher level than the application site. No. 1 East Benton Rise is orientated west-east therefore it is not considered that the siting of the proposed building would significantly affect the residential amenity of this property. Nos. 3, 5, and 7 Moor Drive face towards the application site. An area of parking is located immediately to the front of these properties. A separation distance of over 18m would exist from the front of these properties to the north boundary of the application site. No. 9 Moor Drive faces towards the application site. This property has an open plan garden to front. The parking provision serving this property is located to the rear and visitor parking bays are located to the east. A separation distance of over 14m would exist from the front of this property to the north boundary of the application site. Having regard to the separation distances that would exist between the site and these neighbouring properties, the scale of the proposed building and the levels, it is

not considered that their residential amenity (outlook and light) would be significantly affected to such an extent that would sustain a recommendation of refusal.

9.12 No. 2 Moor Drive is located to the east of the site. This property is separated from the site by an estate road. It is orientated north-south. Its rear garden is enclosed by a brick wall with pillars and timber fencing. It is noted that there are windows sited in its gable, but these windows do not appear to serve habitable rooms. A separation distance of approximately 8m would exist between this neighbouring property and the east boundary of the site. Due to the orientation of this neighbouring property and its existing boundary treatment, it is not considered that the proposed layout or scale of the building would significantly affect its residential amenity (outlook and light) to such an extent that would sustain a recommendation of refusal.

9.13 To the southeast of the vehicular entrance into the site are the bungalows of Mackley Court. No. 37 Mackley Court would be the closest bungalow to the site. There are no windows sited in its west elevation and its rear garden is enclosed by a brick wall with pillars and timber fencing. This existing boundary treatment would assist in reducing the visual impact of the proposed building from this neighbouring property.

9.14 Obscure views of the application site would be afforded from Nos. 28 and 29 Mackley Court. However, these views would be limited to the windows sited in their front elevation only. Due to the positioning of the proposed building in relation to these neighbouring properties it is not considered that their outlook would be significantly affected to such an extent that would sustain a recommendation of refusal.

9.15 Due to the separation distance that would exist between the application site and the residential properties located to the south of the site, it is not considered that the proposed site layout or the scale of the building would significantly affect their residential amenity (outlook and light) to such an extent that would sustain a recommendation of refusal.

9.16 Should planning permission 21/01958/FUL be implemented four residential dwellings would be located to the south of the proposed building. These dwellings would front onto the proposed road and would afford views of the proposed building. A separation distance of approximately 15m would exist between the front of these dwellings and the south boundary of the site. No windows are proposed to the south side of the building. Due to the scale of the building and the separation distance that would exist, it is not considered that the residential amenity (outlook, privacy and light) of future occupants would be significantly affected to such an extent that would sustain a recommendation of refusal. This planning permission also approved nine apartments which, if built, would be located to the south of the proposed parking. Due to the siting of these apartments, it is not considered that the proposed layout, including the positioning of the buildings entrance, would significantly affect the residential amenity of future occupants in terms of outlook or privacy.

9.17 As already discussed, the proposed building would be single storey. The scale of the building is considered to relate well to the adjacent housing and bungalows. It is noted that a condition relating to levels (Condition 17) was imposed as a condition as part of the hybrid application. It is not necessary to duplicate this condition. The wording of this condition is set out below:

“In each phase, no development shall take place until details of the existing and proposed ground levels and the proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.”

9.18 The design of the building is simple. It would be constructed predominantly in brickwork with contrasting soldier courses. The roofs will be pitched, gables and constructed in plain concrete tiles. The chosen design approach is considered in keeping with the character and appearance of the surrounding residential properties.

9.19 The Design Quality SPD sets out guidance on boundary treatments. Boundary treatments should relate to the property that it surrounds and be appropriate to the appearance, style and scale of the building and street scene. Where new boundary treatments are required, their design should match those used elsewhere locally and comprise of materials and details which relate to the context of the site.

9.20 It is proposed to enclose the delivery bay and the external plant and equipment area with a 2.4m high timber fence. This fence would be visually prominent, and it would detract from the character and appearance of this part of the street scene. It is noted that careful consideration has been given to boundary treatments on the wider estate particular those plots that lie adjacent to footpaths or are positioned on corners. In these locations the boundary treatments tend to be a brick wall with pillars and timber infill panels. It is considered that this type of boundary treatment would be more appropriate to enclose the proposed delivery bay and external plant and equipment. A condition is recommended to secure these details to ensure it is acceptable in terms of its visual appearance and provides the necessary acoustic protection.

9.21 Members are advised that the hybrid application, Ref: 12/02025/FUL, identified this site as delivering built development. The site formed part of the outline application which suggested that it would bring forward commercial development on this site to make provision for commercial uses of approximately 718 square meters (sqm) of which 400sqm for retail purposes and 318 sqm for a doctor's surgery. It is noted that some objector's have advised that they were not aware this part of the site was to be brought forward for such uses, unfortunately sales matters or information provided by the developer to those purchasing a property is not a material planning consideration. As the commercial part of the development formed part of the outline permission it does not mean that a doctor's surgery must be delivered or comply with the layout shown as this matter was reserved for future consideration. Regarding the doctor's surgery the hybrid application secured either the delivery of a surgery on-site or a financial contribution to improve existing health facilities. Members are advised that a financial contribution has been secured to improve existing health facilities. The

footprint of the proposed building complies with the area specified in the outline permission.

9.22 As already discussed, this site was identified as bringing forward built development. It was not intended to be used as open space or an area to provide informal recreation.

9.23 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.

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

9.25 The Manager of Environmental Health has been consulted. She notes that the proposed layout has been revised and that external plant would be located to the southeast of the site. The distance to sensitive residential receptors is similar and therefore the noise report should be reflective of the revised location. The submitted noise assessment for the plant and equipment has not considered the proposed residential properties to the south of the site for planning application 21/01779/REM, but a noise emission target can be conditioned with a requirement to validate the noise levels following installation.

9.26 The location of the delivery bay has been relocated to the north of the site. The Manager for Environmental Health has considered delivery and collection noise in relation to the nearest residential properties, including those to the north of the site. She has confirmed that the noise assessment has not been updated to reflect the revised location but the distance to sensitive receptors is similar and therefore the noise levels given within the noise report would be relevant. She has advised that daytime noise levels were calculated as adverse impact with appropriate acoustic screening. The applicant has advised that a 2.4m high timber fence is proposed to enclose the delivery bay but no details on its design have been submitted. As already discussed, a 2.4m high fence in this location is not acceptable, as it would result in an unacceptable visual impact and a condition is recommended to secure the same height boundary treatment but with a different visual appearance. This condition will also need to include acoustic details to ensure appropriate mitigation can be secured.

9.27 Members are advised that conditions relating to the outline application of 12/002025/FUL were included on the appeal decision notice. These conditions included controlling the hours of operation and delivery and collections relating to the commercial element. These conditions (7 and 8) are set out below:

“No construction work shall be carried out or deliveries made to the site outside of the following times: 08:00 to 18:00 hours from Monday to Friday, and 0800 to 1400 on Saturdays. No construction work shall be carried out or deliveries made to the site at any time on Sundays or public holidays.

The hours of operation of the A1 and D1 units and the use of the adjacent car park shall be restricted to the following times: 0730 to 2200 hours. No deliveries shall be made, or collections taken from the A1 and D1 units outside the following times: 0730 to 2200 hours.”

9.28 It is noted that the hours put forward by the applicant do not comply with the conditions set out on the appeal decision notice. The Manager for Environmental Health has expressed concerns if deliveries and collections are to be made before or after the times set out in the appeal conditions. The applicant is required to comply with the conditions imposed as part of the hybrid application. A condition relating to the hours of construction was also imposed as part of the hybrid application. It is not necessary to duplicate these conditions.

9.29 With regard to air quality issues, this was considered as part of the hybrid application. The Council does monitor local air quality in the vicinity of Station Road representative of residential facades and air quality objectives levels are being met. Short term use of generators would contribute to air pollution but not to an extent to result in exceedances of the annual objective level. Also, numbers of vehicles attending the store will not result in a sufficient increase of traffic on the roads to require a detailed air quality assessment to be submitted for consideration.

9.30 The Town and Country Planning (Use Classes) Order 1987 (as amended) Use Class E covers a range of commercial business and services. The former Use Class A now falls under Use Class E. Given the range of uses that are covered by Use Class E it is considered reasonable to impose a condition restricting the use of the proposed building to Use Class E(a) ‘Display of retail sale of goods, other than hot food’ only to ensure the residential amenity of adjacent properties is adequately protected from any potential changes of use that may result in impacts that need to be further considered by the Local Planning Authority.

9.31 Members need to determine whether the proposed layout, scale and appearance are acceptable and whether they accord with policies DM5.19 and DM6.1 and the Design Quality SPD and weight this in their decision. It is officer advice that, subject to imposing the suggested conditions and compliance with the conditions imposed as part of the hybrid application, the proposed layout, scale and appearance are acceptable and accord with national and local planning policies. An informative is suggested to advise the applicant that the conditions imposed as part of the hybrid application must be complied with.

10.0 Landscaping

10.1 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

10.2 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.

10.3 LP Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states that all development proposals should:

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

10.4 The ecology issues associated with the development of this land have been assessed and fully considered as part of the approved hybrid application, Ref 12/02025/FUL. As part of the approved hybrid application a landscape buffer to be provided around the perimeter of the wider site and sustainable drainage was secured. It was agreed that this landscape buffer would be provided in phases and these details were conditioned as part of the original hybrid application.

10.5 The objections received regarding loss of open space and impacts on wildlife are noted.

10.6 The Council' Landscape Architect and Biodiversity Officer have been consulted.

10.7 A landscape plan to enhance the site and mitigate for the loss of improved grassland of low habitat value has been submitted. This plan provides native hedgerows and shrub mixes along the perimeter areas of the development. The planting has been chosen to provide visual amenity, wildlife connectivity and important green links with the areas to the wider development site as approved under 12/02025/FUL. The planting would to some extent screen the development from adjacent residential areas but the addition of standard trees within the proposed native hedgerows will filter any direct views whilst still showcasing the proposed development. The requirement for standard tree planting will be included in a condition.

10.8 The proposed development would not affect the agreed landscaping required to be delivered as part of the hybrid application.

10.9 Members need to consider whether the proposed landscaping would be acceptable and in accordance with policies DM5.5 and DM5.9 and weight this in

their decision. Based on the comments from the consultees and subject to conditions, it is officer advice that the proposed landscaping is acceptable and accords with national and local planning policies.

11.0 Access

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

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

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

11.4 LP Policy S7.3 'Transport' 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.

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

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

11.7 The objections received regarding impacts on the highway network, impacts on pedestrian safety, preventing emergency vehicles from accessing the estate, lack of parking provision on the existing estate particularly for visitors and health care workers, estate roads not being able to accommodate heavy goods vehicles and existing junctions and residents parking being blocked are noted. Members are advised that this application is required to mitigate its own impacts not mitigate the existing impacts raised by residents.

11.8 The site would be accessed from the adjacent A186 via Moor Drive and Mackley Court. It would utilise the existing road spur that exists onsite which is located opposite the driveways serving Nos. 2 and 4 Moor Drive and the rear garden serving No. 37 Mackley Court.

11.9 Members are advised that the hybrid application and subsequent reserved matters application for the housing have all been assessed in accordance with the Council's Transport and Highways SPD. The parking requirements for housing developments has not changed since the determination of the hybrid and reserved matters application. Each residential dwelling on the wider estate is provided with parking provision to meet the Council's parking standards as well

as visitor parking provision. It is not considered that the proposed development would affect this existing level of residential parking provision.

11.10 The proposed development provides parking on-site. A total of 16no. parking bays, including 2no. disabled parking bays to the front of the building, are to be provided. Cycle parking is also proposed to the front of the building. Deliveries would be carried out within the site. Pedestrians can access the site from Moor Drive or Mackley Court.

11.11 The Highways Network Manager has been consulted. His comments confirm the off-site highway improvements secured under the hybrid applications. He has confirmed that these agreed highway improvements included bringing this site forward for commercial development.

11.12 The Highways Network Manager has advised that the parking proposed would meet the needs of the site and servicing would take place in the site. On this basis, he has recommended conditional approval.

11.13 The Public Rights of Way (PRoW) comments are noted. However, the hybrid application required a landscape buffer to the west of the application site and to support this landscape buffer landscaping is required to be delivered around the northwest corner of the site. Any further connections in this area would erode the landscaping. Cycle connections, albeit not the most direct route, are available from the site entrance from Mackley Court via Moor Drive or the footpath that exists to the south of the site from the A186.

11.14 Members need to consider whether the proposed access would be acceptable. Based on the comments from the consultees and subject to conditions, it is officer advice that the proposed landscaping is acceptable and accords with national and local planning policies.

12.0 Other Matters

12.1 Flood Risk

12.2 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....”

12.3 A Flood Risk Assessment (FRA) was submitted as part of the hybrid application (12/02025/FUL).

12.4 The Council’s Lead Local Flood Authority (LLFA) has been consulted. They have advised that the proposed development would provide surface water treatment on site via the use of inline storm water treatment unit which would ensure any pollutants from the development would be contained within the drainage system reducing the risk of pollution to the main developments sustainable drainage system. The development would not be providing on site attenuation but will be utilising the East Benton Rise sustainable drainage system to provide surface water attenuation.

12.5 Conditions relating to flood risk and surface water drainage were imposed as phased conditions as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

12.6 Members need to consider whether the impacts on flood risk are acceptable. Based on the consultee comments, it is officer advice that the proposed development would not increase flood risk and accords with the advice in the NPPF.

12.7 Ground conditions

12.8 The Contaminated Land Officer has confirmed that no conditions relating to gas or contaminated land are necessary.

13.0 Public Sector Equality Duty

13.1 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.

13.2 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.

13.3 The objections are noted, but subject to conditions to control opening hours, construction work and noise, it is considered that the proposal would meet the requirements of the Public Sector Equality Duty.

14.0 Conclusion

14.1 The principle of providing a commercial development on this site has been firmly established by the hybrid application. This application relates to those details still to be approved. Officer advice is that the layout, scale, appearance, landscaping and access are acceptable. Members need to decide whether they consider that these reserved matters are acceptable.

14.2 Members are advised that the conditions attached to the hybrid application remain and will have to be complied with as development is progressed. It is therefore not necessary to repeat conditions which are already in place.

14.3 Approval is recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Site Location Plan Dwg No. EW-90-900 PL04
- Proposed Site Plan Dwg No. EW-90-902 Rev T07
- Elevation A (West) Elevation B (South) As Proposed Dwg No. EL-(20)-200 Rev T03
- Elevation C (East) Elevation D (North) As Proposed Dwg No. EL-(20)-201 Rev T03
- Proposed Plan Dwg No. PO-(20)-100
- Proposed drainage layout Dwg No. P20-387-4050HYD-ZZ-XX-DR-C-100 Rev P02
- Proposed drainage maintenance plan Dwg No. P20-387-4050HYD-ZZ-XX-DR-C-1002 Rev P02
- Surface water catchment plan Dwg No. P20-387-4050HYD-ZZ-XX-DR-C-1000 Rev P02
- Micro Drainage Calculations

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

2. Notwithstanding Condition 1, the scheme for access shall be laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. 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).

3. Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07). These parking areas shall not be used for any other purpose and retained thereafter.

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

4. Notwithstanding Condition 1, the scheme for servicing and refuse collection shall be provided and laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. These areas shall not be used for any other purpose and retained thereafter.

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

5. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of a scheme for the provision of and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be provided and laid out in accordance with the approved plans and prior to the development hereby approved being brought into use. These storage areas shall not be used for any other purpose and retained thereafter.

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

6. Notwithstanding Condition 1, the scheme for the provision of cycle parking shall be provided and laid out in accordance with the approved plans (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. The cycle parking areas shall not be used for any other purpose and retained thereafter.

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

7. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until details of Electric Vehicle (EV) charging provision has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details prior to the development hereby approved being brought into use and retained thereafter.

Reason: In the interests of improving parking options having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. No part of the development shall be occupied until details of a parking management strategy 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).

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

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

10. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course levels, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed specification, including full details of the species, plant numbers and sizes for all new planting. The landscape plan is to be revised to include standard tree planting at approximately 5.0m intervals to the native hedgerows (trees to be a minimum 12-14cm girth). All details of ground preparation are to be provided to ensure successful establishment. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure an appropriate landscape scheme is secured in the interest of amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

11. Prior to the development hereby approved being brought in use/occupied a long term 'Landscape Maintenance and Management Plan', including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure an appropriate landscape scheme is secured in the interest of amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

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

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

13. Notwithstanding Condition 1, 2no. bird boxes and 1no. integrated bat box shall be provided on the building hereby approved. Prior to the commencement of any part of the development hereby approved above damp proof course level details of bird/bat box specifications and locations shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be implemented prior to the development hereby approved being brought into use/occupation 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).

14. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

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

15. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

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

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

Reason: In the interest of visual amenity and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of Use Class E (a) and for no other purpose including any other purpose within the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to retain control over the use to ensure an appropriate standard of amenity and parking provision is retained having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

17. The noise rating level from any external plant and equipment must not exceed 5 dB above the existing daytime background noise level of 42 dBLA90 1hr as measured in accordance with BS4142. Following installation of the plant and equipment acoustic testing must be undertaken to verify compliance with this condition within one month of its installation and submitted for written approval to the Local Planning Authority prior to the permanent operation of the plant/equipment and thereafter permanently retain in accordance with these agreed details and maintain in working order.

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

18. Prior to the commencement of any part of the development hereby approved details of all boundary enclosures, including a 2.4m high acoustic screen of a brick wall with pillars and timber infill enclosing the delivery area and external plant/equipment area, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed boundary enclosures shall be installed and permanently retained and maintained in accordance with these

agreed details prior to the development hereby approved bring brought into use/occupied.

Reason: To ensure that the proposed development does not adversely affect the residential amenity of neighbouring properties from undue noise and disturbance and to ensure a satisfactory environment within the development having regard to policies DM5.19 and DM6.3 of the North Tyneside Local Plan (2017).

19. The hours of operation of the building hereby approved and use of the adjacent car park shall be restricted to the following times: 0730 to 2200 hours. No deliveries or collections shall be made or taken from the development hereby approved outside the following times: 0730 to 2200.

Reason: In order to safeguard the amenities of neighbouring properties having regard to policy DM5.19 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)

Consent to Display Advertisement Reqd (I04)

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

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

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

The applicant is advised that it is an offence under the Highways Act 1980 to deposit mud or debris on the highway and reasonable measures must be in place to prevent this occurrence in the first instance and to remove any occurrences, should they occur. Contact New.Developments@northtyneside.gov.uk for further information.

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

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

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

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

The development hereby approved must comply with the conditions set out on the appeal decision notice Ref: APP/W4515/A/13/2210012 (Dated 15.12.2014) (Application ref: 12/02025/FUL). Any variations to these conditions will need to be dealt with as a separate application.



Application reference: 21/01779/REM

Location: Land West Of, Mackley Court, Wallsend, Tyne And Wear

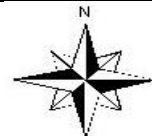
Proposal: Reserved matters for the approval for the access, scale, layout, appearance and landscaping of planning approval 12/02025/FUL -

Construction of 1no. retail / commercial unit falling within Use Class E

Not to scale

Date: 27.04.2023

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Number 0100016801



Consultations/representations

1.0 Ward Councillors

1.1 Councillor Andy Newman

1.2 I have been contacted by a number of residents who want to ensure that the above application is heard by the planning committee.

1.3 I wasn't sure if this application was going in front of the committee or if an officer was going to make the decision. If it is not going in front of the planning committee, can I take this opportunity on behalf of the residents who have contacted me to ask that it be sent to the Planning Committee for consideration.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 This is a reserved matters application for access, scale, layout, appearance, and landscaping of planning approval 12/02025/FUL - construction of 1 retail unit.

2.3 A hybrid application was granted permission on appeal in 2014 (12/02025/FUL) on the eastern side of Station Road and another hybrid application granted permission on the western side of the road in 2017 (16/01885/FUL). There have been several reserved matters and full applications on each site since.

2.4 A Transport Assessment (TA) was included as part of the previous applications that assessed the local highway network and the following off-site highway improvements have been or will be carried out as part of the two previous applications:

Station Road East (12/02025/FUL):

New roundabout junction to the south of the site

Secondary T-junction access to the north of the site

Traffic signals at the junction of Hotspur Road

Localised widening at the junction of Mullen Road & Wiltshire Drive

Improvements to the junction with the A1058 Coast Road

Improvements to junction of A186 Station Road & A191 Whitley Road roundabout

Station Road West (16/01885/FUL):

New roundabout junction at the site access (north)

Alterations to the roundabout junction at the site access (south)

New traffic signals with pedestrian & cycle crossing facilities at the junction of the A1058 (Coast Road) & A186 (Station Road North)

Toucan crossing on the A191 to the east of Proctor & Gamble connecting into existing routes

Localised road widening

Upgrade & widening of footpaths surrounding the site

Connection & enhancements to the continuous shared footway/cycleway on southern side of A191 (Whitley Road)
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

2.5 The highway improvements previously agreed considered this proposal. The site will be accessed from the main access road – Moor Drive and Mackley Court. Parking will be provided to meet the needs of the site, as well as cycle parking and servicing will take place in the site. Conditional approval is recommended.

2.6 Recommendation - Conditional Approval

2.7 Conditions:

Notwithstanding Condition 1, the scheme for access shall be laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. 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 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 Condition 1, the scheme for servicing and refuse collection shall be provided and laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. 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).

Notwithstanding Condition 1, details of a scheme for the provision of and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be provided and laid out in accordance with the approved plans and prior to the development hereby approved being brought into use. These storage areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, the scheme for the provision of cycle parking shall be provided and laid out in accordance with the approved plans (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved

being brought into use. The cycle parking areas shall not be used for any other purpose and retained thereafter.

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

No part of the development shall be occupied until details of Electric Vehicle (EV) charging provision has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details prior to the development hereby approved being brought into use and retained thereafter.

Reason: In the interests of improving parking options having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No part of the development shall be occupied until details of a parking management strategy 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 bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

2.8 Informatives:

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

disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

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

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

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

2.9 Lead Local Flood Authority (LLFA)

2.10 I have carried out a review of the surface water drainage design proposed to be installed as part of planning application 21/01779/REM. I can confirm in principle I have no objections to the drainage design as the applicant will be providing surface water treatment on site via the use of inline storm water treatment unit which will ensure any pollutants from the development will be contained within the drainage system reducing the risk of pollution to the main

developments sustainable drainage system. The development will not be providing on site attenuation but will be utilising the East Benton Rise sustainable drainage system to provide surface water attenuation.

2.11 Landscape Architect and Biodiversity Officer

2.12 This reserved matters application is submitted for retail development pursuant to a hybrid planning consent for mixed use development on land adjacent to the junction of the A186 and Moor Drive at East Benton (12/02025/FUL). The principle of retail/ commercial development on the site has already been established in this case through the granting of the outline planning consent, however in 2017 the Council adopted the Local Plan which outlines the policies that any development is required to meet for an application to be successful.

2.13 The application site comprises of approximately 0.152ha of land located south of Moor Drive and east of the A186 at East Benton (East Benton Rise). The site is an open-aspect area of former arable farmland, largely rectangular in shape and incorporating a gentle but progressive sloping landform, which falls south-easterly from the junction of the A186 Station Road and Moor Drive. The adjacent land to the north, east and south contains recent residential development and there are no significant landscape assets within the current site area.

2.14 The proposed retail/commercial unit would include car parking and associated landscaping. Following discussions with the applicant/agent, a landscape plan to enhance the site and mitigate for the loss of improved grassland of low habitat value, has been developed that meets the environmental policies (Landscape and biodiversity) as set out in the Local Plan.

2.15 The approved masterplan (12/02025/FUL) shows a continuation of the linear landscaped parkland to the western boundary of the application site. This is supported by standard tree and shrub planting along all its boundaries. This has been designed to provide a landscape buffer zone between the respective and adjacent residential and semi-natural land uses.

2.16 A revised landscape plan associated with the application site (146664/8001 Rev D) provides native hedgerows and shrub mixes along the perimeter areas of the development. The planting has been chosen to provide visual amenity, wildlife connectivity and important green links with the areas to the wider development site as approved under 12/02025/FUL. The planting will to some extent screen the development from adjacent residential areas but the addition of standard trees within the proposed native hedgerows will filter any direct views whilst still showcasing the proposed development. The requirement for standard tree planting will be included in a condition.

2.17 Should the application be supported; the following conditions are to be applied.

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

Planning Authority. The landscape scheme shall include a fully detailed specification, including full details of the species, plant numbers and sizes for all new planting. The landscape plan is to be revised to include standard tree planting at approximately 5.0m intervals to the native hedgerows (trees to be a minimum 12-14cm girth). All details of ground preparation are to be provided to ensure successful establishment. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Before the development is first occupied or brought into use, a long term 'Landscape Maintenance and Management Plan', including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

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

2.18 Manager for Environmental Health (Contaminated Land)

2.19 I have read the Geo-Environmental report and note that it states:

"This proposed development lies within a wider site and development area which was investigated in 2013 for the adjacent residential development currently under construction, known as East Benton Rise.

The findings contained in the Phase 2: Ground Investigation Report (GIR) produced for the whole site area by Arc Environmental Limited, reference 13-497, dated December 2013, has been reviewed as part of this report with the findings used to aid the design and scope of the intrusive investigation works carried out on site by GEOL."

2.20 5.4 Landfill & Waste and Hazardous Ground Gas Risk Assessment

There are no Historical or Registered Landfill Sites or potential in located within a plausible migration distance from the site (i.e. lateral distance of 250m), and as such no plausible sources of ground gas have been identified.

2.21 As part of the ground investigation works carried out by Arc Environmental Limited, reference 13-497, dated December 2013, in situ ground gas monitoring was undertaken within eight boreholes installed across the wider site area, with monitoring completed on six occasions over a minimum period of 3 months. No elevated levels of Methane or Carbon Dioxide were recorded, and the risk

assessment concluded that the site would be classified as Characteristic Situation 1 indicating that the site would not require gas protection measures.

2.22 I accept these findings and no further gas assessment is required.

2.23 From the results of the laboratory testing, none of the maximum concentration values for the generic contaminants or PAH's listed in the Tables exceed the critical concentration values adopted for this site. In addition, none of the samples screened were found to contain the presence of asbestos. Therefore, the topsoil and made ground deposits present across the site do not pose a risk to human health and are considered suitable for reuse on this site within areas of soft landscaping without the need for any remedial measures.

2.24 I accept these findings and no further contamination assessment or remediation is required.

2.25 Based on the above no conditions relating to contamination or gas are required.

2.26 Manager for Environmental Health (Pollution)

2.27 I note that the layout for the store has been revised and that external plant will be located to the southeast of the site. The distance to sensitive residential receptors is similar and therefore the noise rating levels given in the noise report should be reflective of the revised location. However, the noise assessment for the plant and equipment has not considered proposed residential properties to the south of the site for planning application 21/01779/REM, but a noise emission target can be conditioned with a requirement to validate the noise levels following installation.

2.28 With regard to delivery and collection noise the location of the delivery bay has been relocated to the north of the site. Nearest residential properties are located across the main road into the estate. The noise assessment has not been updated to reflect the revised location but the distance to sensitive receptors is similar and therefore the noise levels given within the noise report will be relevant. Day time noise levels were calculated as adverse impact with appropriate acoustic screening. I note the noise assessment for the delivery operation states a delivery between 0600-0700 hours but planning consent for 12/02025/FUL provided condition 8 to restrict deliveries and collections before 07:30 hours and I would have concerns if deliveries were permitted during night time hours. I note that 2.4m high timber fencing is to be provided around the delivery bay but full details on its design have not been given. I would recommend a condition is attached to any approval to require these details are submitted for approval.

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

The noise rating level from external plant and equipment must not exceed 5 dB above the existing daytime background noise level of 42 dBLA90 1hr as measured in accordance with BS4142. Following installation of the plant and equipment acoustic testing must be undertaken to verify compliance with this

condition within one month of its installation and submitted for written approval to the Local Planning Authority prior to the operation of the plant and thereafter maintain in working order.

NOI02

Details of the 2.4m high acoustic screening to be provided about the delivery area, must be submitted in writing details to the Local Planning Authority for approval and thereafter implemented and retained.

LIG01

HOU04

SIT03

2.30 Public Rights of Way

2.31 There is no link from Station Road into the site for cycles from the shared path and refuge crossing. A simple link with drops between parking bays 14 and 15 would suffice. Also, are there drops in front of cycle parking units to transition from road. Units could be turned east/west to aid matters.

3.0 Representations

3.1 Objections

3.2 29 objections have been received. These objections are summarised below:

- Adverse effect on wildlife
- Affect Site of Spec. Scientific Interest
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision
- Inappropriate in special landscape area
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- Nuisance – disturbance, dust, dirt, fumes, noise
- Out of keeping with surroundings
- Pollution of watercourse
- Poor traffic/pedestrian safety
- Traffic congestion
- Will result in visual intrusion

-In reference to "Swept Path Analysis", dated 08/02/23. This analysis assumes no other vehicles are parked on Mackley Court entrance off Moor Drive allowing kerb to kerb turning radius of 11.00m. This turning radius is not safe if vehicles are parked on Moor Drive and / or Mackley Court as pointed out in objections and proved in the analysis.

-Looking at the revised plans I cannot see any significant changes that haven't already been widely objected to. Swapping the plant room and delivery bay does not solve any of the original problems. Noise created from both has not been addressed, it has simply moved the issue from one household to another. The unit is still unnecessarily close to neighbouring properties.

-Living on Moor Drive, near to the entrance to the estate, it takes a matter of minutes to understand the infrastructure and layout of the estate it does not lend

itself to coping with an increased level of traffic. Lack of parking for residents and visitors results in cars parking, and blocking, the main thoroughfare. Access into and out of driveways on Mackley Court is already challenging at times, and with a main entrance into the car park situated so near, will be nigh on impossible. An entrance to the carpark off Mackley Court, and the resultant increase in flow of traffic on that route, will increase the risk of accidents in the area.

- A large part of East Benton Rise are young families with children often playing, cycling, scootering the streets. A simple risk assessment of the area would identify the hazards associated with increased vehicles from shoppers and deliveries. This is particularly relevant with the completed structure causing a blind corner at the junction of Moor Drive/Mackley Court.

- Locally there are already a number of convenient retail units. Asda (1.1 miles), Iceland/The Range (0.4 miles), B&M (0.8 miles). Recent plans for a Lidl supermarket (in a much more suitable and accessible area), approximately 0.4 miles from this site also brings into question the competition and necessity for a Co-op.

- This development should be viewed in context with planning application 21/01958/FUL, the development of 13 residential dwellings, the two are interlinked and have the potential to be detrimental to each other.

- Lidl and Greggs want to build retail stores less than 500 meters away from this proposed development. As this looks very likely to go ahead (as so far there have been no objections) Lidl would be closer than the Co-op for around 40% of the residents of East Benton Rise, a large percentage of Fallow Park and all the Charles Church development giving easier access to staple foods. As the Lidl development is not within a residential housing estate but is very much within walking distance for residents the Co-op would have to attract a large number of customers from outside the estate. This will increase of traffic onto the East Benton Rise roads particularly from online deliveries and peak time passing trade.

- Radical change to original plans (made as part of the East Benton Rise development).

- Noise disturbance due to commercial business activities and equipment.

- Anti-social behaviour increases in a residential area.

- Increase of traffic in a residential area.

- Inadequate roads to support HGV's due to parked cars and narrow roads.

- Pedestrian safety concerns-particularly children.

- Light pollution and disturbance from exterior lighting and signage.

- After input from Environmental Health regarding the noise being generated from HGV deliveries so close to the proximity of new housing to be built, the revised plans show a change to the unloading of deliveries. Delivery input is now to be positioned on Moor Drive. This unloading site is now closer to residential property (2 Moor Drive) than it would have been to the new properties therefore bringing the problem of noise to existing housing. I would like Environment Health to comment on this as their original concern was to houses that hadn't even been built.

- The building to be erected offers little if anything in the way of energy reduction or efficiency something that we are all being asked to reduce our consumption of. There will be air conditioning and refrigeration systems running constantly. The building design does not lend itself to make use of renewable energy sources such as solar panels.

-Concealed driveways on Mackley Court (from No. 2 and 4 Moor Drive). As vehicular and pedestrian traffic increases due to the retail shop, I need to raise awareness of these driveways (holding four cars). This could cause a problem for the expected HGV's and LGV's as these vehicles carry large loads and have poorer line of sight and less braking efficiencies. There is to be an 8ft fence build to contain the delivery site meaning this driveway is not visible from any approach to drivers coming into Mackley Court from Moor Drive. This is a hazard for both the owners of the driveways and traffic coming into the Co-op.

-Is it a good idea to increase vehicle traffic into a residential and family estate that already has significant vehicle and parking issues? Is it acceptable to have the sale of alcohol brought into a residential estate increasing anti-social behaviour as is proved by crime figures of other licensed shops in the area? Are the estate roads suitable and wide enough for HGV and LGV daily use without causing inconvenience and disturbance to residents?

-I would like the opportunity to speak to the planning committee to make representations about this and previous objections.

-I strongly object to the revised plan, turning it around without considering the same problems as before, speaking to the planning was requested last time these plans were submitted yet not one of the residents were contacted.

-We moved into our bungalow in February 2017 with the understanding a medical centre and one unit was earmarked for this site (I have a copy of the original plan submitted). We are all elderly residents (within 10 bungalows) with at least one person in each bungalow with a severe health condition. We feel our quality of life would be severely affected if planning permission was to be granted. A commercial unit of this size would not only affect our health and wellbeing but the impact would be so traumatic and result in many more residents having greater health issues (no quality of life at all).

-Building far too close to residential bungalows and housing (not as original plans show).

-Noise and pollution from traffic all day until late at night.

-Traffic congestion on estate roads due to delivery's and customers cars from early morning till late at night.

-Noise from all plant air conditioning extractor fans and refrigeration units situated far too close to residents homes. Revised plans show it nearer to our bungalow and we will get all the noise pollution.

-Disturbance and traffic pollution all day long and we will not be able to sit and enjoy our garden as it is directly opposite the proposed entrance to this site.

-This commercial unit is absolutely not necessary as we have plenty of shops that cover this area 24hrs a day ASDA. We understand planning permission been submitted for a new Lidl site just a walk away.

-Poor drainage on estate, site field prone to flooding. This can be seen after heavy rainfall.

-No parking at all due to lack of parking spaces on the estate. Nowhere for any visitors and most importantly nurses who visit every day to attend to elderly.

-We hope the planning committee takes into account all objections and refuses this planning application.

-We would hope that the planning committee would be trying to save our shops in Wallsend Town Centre instead of making more people's lives a misery by granting more unwanted shops.

-If this land has to be developed on it would be better if more bungalows (which is needed) or houses are built here or a much needed medical centre that was on

original plans over 6 years ago would be a much better option as more people need Doctors than more shops.

-Turning the development around still does not account for the extra traffic now Fallow Park has started.

-No thought has been put into the supporting infrastructure for all these new homes, no medical centres, no schools, there are just shops, shops, houses and shops. Along with the 13 more houses Persimmons still wish to build on the same land.

-I am appealing for someone in planning to have some common sense and think of the affect, of such a large development will have on the elderly people in the Mackley Court bungalows and the surrounding residents this development is literally going to be squeezed into the space.

-This is a despicable disrespectful plan for the residents of this new estate, instead of a small green patch where children of the estate can play, I will now view the back of a building, the inflow of traffic, customers, delivering wagons, and staff the noise and congestion is positively accidents and major disruption to residents living near to this unsightly building, the congestion to enter this estate is at breaking point already. I am disabled and housebound and live in a social housing bungalow, I would never have moved here if I'd known this was to come.

-The proposed retail unit will contribute to an already busy entry road to the estate. Access to neighbouring driveways will be compromised, with increased traffic also risking the safety of residents. Carpark and delivery access through existing road infrastructure will impact greatly on surrounding properties.

-The layout of the proposed plant of the building will impact on our residential building and cause significant noise pollution. Delivery vehicles will be constant impacting on congestion on Mackley Court road and affecting our entrance to our garage. Mackley Court road is already a busy road with constant pedestrians and traffic, it will lead to further noise and disturbance to our residential building.

-Kids use that field to play. At a time when we're encouraging kids to play outside for exercise does it make sense to close the only available space to them?

-Mackley Court is a narrow residential street. The junction is very close to Moor Drive and this will cause the residents considerable problems with noise and vehicle parking on Mackley Court outside our homes and on Moor Drive to gain access into the loading area of the shop when the loading dock is in use from the proposed 6am to 11pm. There are also great concerns that this is a housing estate that has families and young children using this street all day and we feel that their safety will be compromised greatly.

-The use of this street being used a lot right up until 11pm at night is not going to be good for all the residents on Moor Drive and Mackley Court who will be constantly being bombarded by the noise from the shop with the traffic on our street and there is an element of noise and disruption coming from the delivery vehicles and the shop will attract the normal young persons who will be hanging around the shop at night and our part of the estate causing noise and hassle for the residents and this is not acceptable at all outside our front doors.

-Mackley Court we have a lot residents that have got major health issues and we do not need to be disturbed during the said hours of trading from the shop. Residents that have major illnesses do not need this kind of disruption in the lives during their crisis that they are trying to deal with, and I can speak from myself with my major health problems.

- Build the shop further up Station Road beside the other retail shops that are already there. This would be the right choice to do instead of resident's lives being made a misery.
- Original development plans had a GP surgery which is now not included. If you look at local area GP service capacity is currently high and once Fallow Park estate is built will put more pressure on these services. There is a local service need for a GP surgery over retail outlet.
- Then there is the building etc of the shop and storage facilities and the hassle of trucks and machines and muck that we have yet again having to put up with is not good at all and not acceptable
- The existing residents of the flats adjacent to the site frequently complain about lack of parking, and this will be confounded if additional residential units are built on the other half of the site. Therefore, it would not be surprising if some of the 18 spaces are used by nearby residents. Furthermore, staff working at the retail unit also need to park and if driving will take up more spaces for customers.
- If spaces are limited and therefore staff and customers cannot find a space to park, they may be forced to park elsewhere on the estate. This will have numerous effects on the residents of the estate. Firstly, this will take away parking spaces used by residents which are already limited. Secondly, increasing the number of cars driving looking for a space will worsen pollution. Finally, our streets have no pavements meaning children and pets often have to walk along the road (and children often play on less busy streets). Increasing the number of vehicles looking for a space will mean that their safety may be compromised.
- We are happy for a retail unit to be built, however we feel increased parking provision should be available, by increasing the number of spaces on the plans. Customers and staff should be encouraged to park on site and should not be penalised for this. Every step should be taken to reduce the burden of increased traffic on the surrounding residents.
- Mackley Court consists of 10 social housing bungalows some are occupied by sick, elderly, and disabled people. I am disabled with very poor mobility, and I am housebound. The intrusion into our lives is going to affect us greatly, the traffic situation for a start, the inroad to the estate is very narrow, any cars parked on the road make access difficult the oncoming traffic must wait for courtesy forward waves from drivers in the opposite direction. Station Road is gridlocked with traffic at the slightest interruption. The addition of a retail unit on the site will add greatly to this traffic congestion, not to mention how the huge delivery lorries are going to enter the estate, getting in and out of the estate is already difficult along Moor Drive when entering or exiting, add to that, delivery lorries, staff, customers cars, and the increase that will happen when Fallow Park is completed.
- There will also be a lot of extra noise added to a very quiet part of the estate, with deliveries from huge lorries, very early in the mornings and then the bread and newspaper deliveries later in the day, every day. The plant at the corner of Moor Drive and the road down to Mackley Court, will be going 24/7 which we will all be able to hear. The noise assessment was done on a calm quiet day, which seems ridiculous as it was carried out before the construction of Fallow Park had begun, we have noise and dirt from the site, we were the first here on the East Benton Rise site, so we have already been through being surrounded by construction and all the noise and dirt that comes with it. Now we are getting noise and dirt from the Fallow Park site, we were not informed of any plans for the patch of green next to the bungalows, I strongly object to going through it for

a third time in such close range to the bungalows I would never, have moved here if I'd known this was planned.

-The estate is very family orientated, this is the only patch of green left, the children play on the field every day, where are they to play, with the increased level of traffic its and accident waiting to happen. The added traffic is also going to be a hazard as the road is going to get extremely busy. I cannot see the need for, yet another shop especially so closely tucked into the estate, we already have convenient stores locally, One Stop, Premier on Mullen Road and the coast road, Nobles Convenience store on Station Road, B & M, The Range and Asda all within walking distance.

-The opening times of this Co-op, from very early in the morning until 11.00 at night, which means mostly alcohol will be what is served, encouraging a late night stream of traffic, youths hanging around drinking, the noise, not to mention the fact that there are 10 vulnerable people living next to all that activity late at night, when building the bungalows Persimmons forgot to erect street lights and instead installed solar lights, in the dark winter nights these are useless and makes Mackley Court very dark, the threat of burglaries concerns me greatly, in fact this whole debacle has been detrimental to my health and that of my neighbour's.

-I first must comment on how disappointed I am with Cooperative Group LTD on this matter, for a business that prides itself on its ethics, transparency and community commitments they and their developer have failed to attempt to engage or consult with any residents on the East Benton Rise estate. I also need to state that these plans are a radical change from those proposed and approved in the original planning application submitted (a GP's surgery, small retail unit and car park) which I had no issue with.

-The plant area containing refrigeration, gas cooling and air conditioning is less than 20 meters from my front door (18.6 meters), these will run day and night causing a noise disturbance. These systems will run at around 60 decibels as stated in the specifications submitted in the planning drawings. Once ambient noise drops through the night this will become a nuisance. Although the area of plant will be screened off by a fence on the Mackley Court side the fencing on Moor Drive could only be partial due to the units needing good air flow from both top and bottom, this is not acceptable. These systems should be away from nearby homes, it's not normal design practice to place these so close to residential housing due to the noise generated.

-Light pollution will also be an issue, I'm concerned that signage will be illuminated, and lighting will be needed on the outside of the building (car park and delivery / staff areas). Lighting will cause a nuisance for surrounding homes.

-Deliveries to the unit will inevitably cause a disturbance to residents on both Moor Drive and Mackley Court as it would be expected that these would take place from 6am to 7pm, however there would be nothing stopping the Co-Op having deliveries at any time and for any length of time after the unit is constructed and disregarding any noise survey recommendations.

-The selling of alcohol attracts anti-social behaviour hence why it's a licensed activity. This estate already suffers from problems with anti-social behaviour usually fuelled by alcohol on a weekend with the Police being called out on several occasions. This retail unit would be adding to the problem of anti-social behaviour in a residential area particularly to Moor Drive and Mackley Court. Other than its legal statutory responsibilities what would the Co-Op be willing to

put in place to ensure its customers do not cause anti-social behaviour and what would they do to support the community and local residents on these matters?

-Moor Drive and Mackley Court streets are intended for residential use. Moor Drive measures 6.6 meters wide kerb to kerb and Mackley Court only 5.8 meters wide and are not main roads. Parking is a serious issue on the estate however it's a particular problem on the entrance to Moor Drive (this being the main access to the estate and proposed entrance of the new retail unit) and Mackley Court. When entering the estate on Moor Drive vehicles are usually confronted with parked cars on the left of them, vehicles entering must give way to vehicles exiting as there is no room for two cars to pass. This causes traffic to back up onto the roundabout on Station Road. It is also a problem when exiting from Ridge Way to Moor Drive as visibility is severely restricted by parked cars.

Mackley Court also has the same problem as when residents have visitors the only parking is on the road again meaning two cars cannot pass. These roads are unsuitable and inadequate for use by HGV's, we've seen this already with Persimmon having deliveries and vehicles struggling to pass parked cars with some being damaged on Moor Drive. Having a retail unit here will inevitably generate more traffic, not only from residents but from the general public.

-This estate is full of families with young children and highway safety is a particular concern, I have already spoken to North Tyneside Council regarding this matter, they have recommended that traffic calming measures including speed bumps are installed on Moor Drive, this goes against the noise survey recommendations. I cannot see that attracting more traffic to an already congested residential street would be a good thing, not only will pollution increase but as traffic builds it will lead to more residential streets being used as rat runs as people look for alternative routes around pinch points and key times. Many of these streets have no pavements or pedestrian safety areas. Please see photos of Moor Drive for current parking and access issues.

-Where would staff members for the retail unit park their vehicles, on the premises or in surrounding streets? It would be nice to think that staff would be encouraged to use green forms of transport to get to and from work but in reality, this rarely happens due to early starts and late finishes.

-My son is disabled and goes to a special school and is picked up and dropped off by a local authority bus. Due to my son's disability this takes place at the front of our house however the bus has problems parking due the current volume of traffic; this will only get worse if this Co-Op is built. The bus cannot use Ridge Way as this street has no footpath and is only 4.9 meters wide in sections and once parked causes a blockage for other vehicles. It can take between 5-10 minutes for him to board the bus. The only option the bus currently has is to park on Moor Drive or Mackley Court. How would the Co-Op be willing to ensure that disabled residents on the estate are not discriminated by having to alter their lives and way of living to accommodate this proposed retail unit?

-Whilst purchasing my property from Persimmon I was told there would be a retail unit and possibly a GP surgery built. Now the councillor is saying 9 additional houses will be built instead of the GP surgery. This was not what I was told when purchasing my property. I am not objecting to the shop, I always knew about this, I am objecting to the sudden 9 new proposed properties.

-I was told a fence would be erected alongside our private car park so that shoppers would not park in our allocated and VP parking. I expect this still to be the case.

- The plan shows four additional houses and some apartment buildings that were not on the original plan for that area. That whole of that area was originally intended to be for a commercial unit and a Medical Centre, now it is just the shop.
- The houses that are facing the proposed building will be more affected than what our property will be, no matter what is attempted in the landscaping, they will always be looking onto a shop. I would have thought that this would have a detrimental effect on the values of those homes. We live in social housing so that applies to our landlord, Bernicia.
- It is difficult to park in Moor Drive and Mackley Court as it is, no spaces for visitors or room for blue light vehicles, without adding additional traffic to those two streets. Add to that the traffic that will be added once Fallow Park is up and running, the roundabout on Station Road/Moor Drive will become even more of a nightmare. The cul de sac on Mackley Court for the 10 bungalows, only has one space per house. Each of these bungalows has at least one disabled person living there, their dependence on blue light traffic can only increase.
- The roundabout on Station Road at the junction of Moor Drive, will become denser with traffic when there is no space to turn into Moor Drive and the build-up goes up and down the road. The only option to residents is to get in their car and join the circus. Whilst I realise that we are hoping to cut down on traffic emissions, there are still older vehicles on the road contributing to it. Partner is in a wheelchair and is at that level where the emissions are worst which will add to her medical condition.
- Having read the noise report, I am not convinced that there will not be excessive noise through the night with the running of the generator and cooling systems required for the shop. There is also the fumes from the generator, as I expect that will be diesel. Those families on Moor Drive with young children will, I believe, have a harder job of getting younger members to sleep with the additional noise and light.
- Increase of litter, encouraging rats with resulting environmental health concerns
- No thought was put into parking for numbers 1 to 7 Moor drive, we have 1 allocated parking space per house, (other Seaton houses have more parking) however these are 3 bedroomed houses so obviously most have more than 1 car. We have no visitor parking at all which means we have no choice but to park on the road itself. As you know Moor Drive is only narrow which means only 1 car can pass at a time which is difficult as this is the main entrance into the estate from Station Road.
- I'm worried about crime and anti-social behaviour that the shop could/would attract; I've looked at the crime figures from the Police website and can see that shops that sell alcohol in the very close area have had problems with this. B&M stores and ASDA, both very close to us, have had problems reported to the Police in the past 12 months. I don't see why this would be any different if a shop selling alcohol was built.
- I am in poor health and find this extremely distressing, I am also worried of the effects this will have on my granddaughter who is on the autism spectrum and regularly stays over at my house in the front bedroom. She could not cope with this at all. This would completely ruin the quality of life for those of us who are closely affected.
- The current planning application does not consider the direct effect on the quality of life of those living directly in the surrounding area of the Coop shop. The additional traffic, lightening, and noise will hugely negatively impact on

several homes.

- Positioning the building to the west of the site would move loading and unloading activities away from dwellings and reduce noise impact.

- I have family who live on Moor Drive, and I am a frequent visitor, due to childcare. I often have problems parking. The parking bays beside their property are regularly used by residents, therefore no visitor parking available in bays. The road outside is also used for resident parking. There is no chance of parking on Ridgeway as it is very narrow and has many driveways leading off it. I find myself parking as far as Mackley Court area, and as my mobility is not what it was this is not very convenient.

- Moor Drive is a very busy road, and some drivers speed along it. I worry about children in the area, especially at times as they come from school, and during school holiday time. The housing development is populated with young families.

3.3 Support

3.4 17 representations supporting this application have been received. These comments are summarised below:

- No access to a car a lot of the time, a shop within easy walking distance of the house would be absolutely ideal.

- We frequently run into problems just getting simple household items without driving to ASDA and back for 2-3 things late at night. This would not only save us time but mean we're using the car less for things I'd happily just walk to buy.

- I have young children and don't drive. The nearest shop is a 15 minute walk which doesn't sound much but when the weather is bad, shift work and children a shop 5 minutes away would be ideal.

- I believe the addition of retail units would be of great benefit to local residents. There's nowhere easily accessible that'd provide the same level of goods as the proposed Co-op store would. Also providing fresh and healthier options that nearby corner shops offer etc.

- To have a shop on this land on the estate would be so vital. Especially to those like me, who do not drive and do not have the luxury of jumping in a car to the various shops in the wider area. It also would be beneficial due to being able to purchase things like medicine or other baby/child products at late hours, making it a lifeline for a lot of people on the estate. The shop would also bring jobs for a lot of people on the estate including young adults, not to mention the benefit of having a cash point within an appropriate walking distance.

- A shop on the East Benton Rise estate is greatly needed. The nearest supermarket is a drive away Asda. It was one of the main selling points to us when we bought on this estate. As there will be ample parking and not that much disruption I don't see any reason to object.

- I fully support the building of a Co-Op. The building of a full retail unit was made very clear when purchasing the Property in February 2019.

- I fully support the building of a Co-op/retail space on this site. I do however object to the plans to build additional residential houses on the site as well. I cannot see how there is space for a shop and the number of proposed residential houses on the site given the area in question. There will not be enough car parking provision and the houses will be too close together and too close to the shop.

- I do have some initial concerns about adding to the already busy station road traffic but with careful consideration given to the exits and entrances to the store, it could be avoided. Consideration should also be given to the noise of the plant;

it is not quiet on Mackley Court because of Station Road, but the constant rattle of machinery would be unpleasant. Overall, if due care is taken, support the plans as it gives much needed store that sells reliable products. Nothing else exists on this estate. The current green is a flooded eyesore where people just take their dogs to dirty.

4.0 External Consultees

4.1 None

ADDENDUM 2 - 05.05.2023

Application No:	21/01779/REM	Author	Maxine Ingram
Date valid:	2 August 2021	:	
Target decision date:	27 September 2021	☎:	0191 643 6322
		Ward:	Northumberland

Application type: approval of reserved matters

Location: Land West of Mackley Court Wallsend Tyne And Wear

Proposal: Reserved matters for the approval for the access, scale, layout, appearance and landscaping of planning approval 12/02025/FUL - Construction of 1no. retail / commercial unit falling within Use Class E (Amended plans received 17.01.2023)

Applicant: VB Benton Limited, Mr Hogan C/o BH Planning & Design 1 Hood Street Newcastle-upon-Tyne NE1 6JQ

Agent: BH Planning & Design, Fraser Tinsley 1 Hood Street Newcastle-upon-Tyne NE1 6JQ

RECOMMENDATION: Application Permitted

1.0 Representations

1.1 A further objection has been received. This is set out below:

- Inadequate parking provision
- Inappropriate design
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - noise
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion
- Within greenbelt/no special circumstance
- This proposal is completely nonsensical when considering the welfare of those living on the estate. There are already several retail units within close proximity of the estate and proposal for a Lidl which will be closer for almost half of the properties on the estate and for the majority of Fallow Park.
- There are already significant issues with traffic during busy periods on the

roundabout on Station Road and this will be amplified by traffic trying to access the retail unit as well as deliveries. Due to a lack of visitor parking on Moor Drive/Mackley Court there are also many cars parked on the street/pavement meaning all the analysis done regarding turning circles etc should be redone to take this into account otherwise they won't be able to comply.

- When the traffic is busy at the main road/junction it will force cars to use other streets such as Ridge Way and Furrow Drive to try and leave the estate, these roads have no footpaths and so this increases the risk of incidents occurring on the estate.

- The noise of early/late deliveries will be extremely disruptive to residents who live in the immediate proximity of the unit. An example of North Tyneside Council's failure in managing this issue would be Aldi in Forest Hall where deliveries were initially not allowed to take place before 7am but can now be seen as early as 5am. Similarly opening hours were initially agreed to try and minimise disruption at Aldi but were extended at the request of Aldi within months of the site opening, something that is sure to happen in this instance also.

- Another concern is antisocial behaviour from those who are likely to try and hang around the premises.

- Overall it seems like an obvious and sensible decision to reject this application. When looking at the pros and cons of the application it's clear the risks far outweigh the benefits.

1.2 Two further representations supporting the application have been received. These are set out below:

- As a mother with young children whose partner often works away it's often difficult to get to other shops. This would make life so much easier and I'm sure there are multiple others in the same boat. This is part of the reason we even moved to the estate in the first place as it was on the original plans that this area was always going to be a shop. I think it's quite ridiculous there's people objecting it when they bought their houses knowing full well that this was proposed from the beginning. Many estates have little shops and manage just fine. If anything, it helps our economy to grow as well. It will be a great help to those who have mobility issues, the elderly, people like me with young children and busy lives who don't have much time to spare and this who just quickly need to run out for some bread and milk. It will also be handy for older children wanting to help out. When my children are older, I still wouldn't feel comfortable sending them to the other shops across busy roads but a shop on the estate is ideal.

- A shop will greatly benefit east Benton rise / fallow park. It will save people making unnecessary journeys further afield in a car therefore save emissions. People who are saying it will greatly increase traffic are wrong realistically this is only going to be used by people on the estate so would be going past anyway.

- It was also stated on the plans to the estate that there would be a shop so were fully aware when buying a house on the estate.

1.3 A further representation raising concerns and support for the application has been received. This is set out below:

- Inappropriate design

- Nuisance - noise

- Traffic congestion

- In general, I support the building of a retail unit on the estate, we have no amenities of this type. However, I am concerned about traffic on Moor Drive and in Mackley Court. I can't see why the entrance to the car park can't be from the roundabout on Station Road. Especially if any further development of the site is considered - we were initially told there may be a medical centre on site, and there is certainly space for that.

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Application No:	22/02106/FUL	Author:	Rebecca Andison
Date valid:	23 November 2022	☎:	0191 643 6321
Target decision date:	22 February 2023	Ward:	Valley

Application type: full planning application

Location: Land to the East of Backworth Lane, Backworth, NEWCASTLE UPON TYNE

Proposal: Change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works (ADDITIONAL INFORMATION)

Applicant: Northumberland Estates

Agent: Northumberland Estates

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided;
- the impact on biodiversity and trees; and
- the loss of agricultural land.

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 site has an area of approximately 56.2 hectares and comprises seven agricultural fields, separated by hedgerows. It is located between Backworth Lane (B1322) in the west and Fisher Road in the east. The closest residential properties are located at West Lane Farm (approx. 140m to the south), within

Seghill, which lies approximately 1km to the north and Backworth (250m to the southeast).

2.2 The surrounding land is mainly agricultural with the exception of Backworth Pit Plantation, a Site of Local Conservation Importance, which is located to the northeast. A public right of way runs parallel to the site's eastern boundary.

2.3 The site lies within the Greenbelt and a designated Wildlife Corridor.

3.0 Description of the proposed development

3.1 Planning permission is sought for a 28MW solar farm comprising ground mounted solar arrays and associated infrastructure including substations, inverters, CCTV masts, security fencing, a steel lattice tee-off tower and internal access tracks.

3.2 The proposed solar farm would have a lifespan of 40 years and would supply enough electricity to power approximately 9,000 homes annually.

3.3 A new gated access is proposed onto Backworth Lane to provide construction and secondary operational access. The main operational access would be via an upgraded access from Fisher Road where a secondary operational access is also proposed.

3.4 The PV arrays would be arranged in rows on an east to west alignment, facing south. They would be mounted on aluminium frames and have a maximum height of 2.89m. Inverters would be distributed throughout the site. These measure 6.1m by 2.4m, and 3.3m in height. A 32m high lattice tower is proposed to connect to existing overhead electricity lines which cross the southeast corner of the site. The tower and 2no. substations would be located within a compound within the southeast part of the site. It is proposed to enclose the site with 2.15m high mesh fencing and install a CCTV system.

3.5 To allow access for maintenance purposes a network of tracks would be provided throughout the site. Existing tracks and field entrances that are currently used by agricultural vehicles would be used, and where new or upgraded tracks are required, these would take the appearance of farm tracks with a gravel surface.

4.0 Relevant Planning History

None.

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided;
- the impact on biodiversity and trees; and
- the loss of agricultural land.

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

8.0 Principle of the Proposed Development

8.1 Policy Background –

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

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

8.4 Paragraph 47 of NPPF identifies that Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.5 Paragraph 120 of NPPF states:

Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings,

especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

8.6 In respect of Green Belt development NPPF paragraphs 137 and 138 state:

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.

8.7 NPPF paragraph 147 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

8.8 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.9 Paragraph 149 of NPPF sets out that the construction of new buildings within the Green Belt should be regarded as inappropriate, with the exception of:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and

contribute to meeting an identified affordable housing need within the area of the local planning authority.

8.10 Paragraph 151 of NPPF advises that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

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

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

8.13 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.14 Policy S1.5 states: "The Green Belt in North Tyneside as defined on the Policies Map:

a. Checks the unrestricted spread of the built-up area of North Tyneside.

b. Prevents the merging of the following settlements:

- Killingworth with Wideopen Dudley/Annitsford and Seghill;
- Seaton Burn and Dudley with Cramlington;
- Shiremoor/Backworth with Seghill and Seaton Delaval/Holywell;
- Shiremoor with Wellfield/Earsdon; and,
- Whitley Bay with Seaton Delaval/Holywell and Seaton Sluice.

c. Maintains the separate character of:

- Seaton Burn;
- Wideopen/ Brunswick Green;
- Dudley/Annitsford; and,
- Earsdon.

c. Assists in the regeneration of the older parts of the urban area.

d. Safeguards the Borough's countryside from further encroachment and maintains openness."

8.15 Policy DM1.6 states "Proposals that are not inappropriate to the Green Belt, particularly those offering increased or enhanced access to the open countryside and that provide opportunities for beneficial use as a biodiversity resource, will be supported where they preserve the openness of the Green Belt and will not harm

the objectives of the designation. The Council will not permit additional development where it considers that the cumulative impact of these would be detrimental to the objectives of the Green Belt.”

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

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

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.”

8.17 Officer comments –

8.18 Greenbelt considerations

8.19 The site lies within the North Tyneside Green Belt as designated by Local Plan Policy S1.5.

8.20 The NPPF (Para.137) makes clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

8.21 NPPF Para.149 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless the development is one of a number of specified exceptions. None of these exceptions apply in this case.

8.22 Under the terms set out within the NPPF, the proposed solar farm is inappropriate development and therefore, by definition, harmful to the Green Belt. NPPF para.147 states that inappropriate development should not be approved except in ‘very special circumstances’. LP Policy DM1.6 states that the Council will not permit additional development where it considers that the cumulative impact of these would be detrimental to the objectives of the Green Belt.

8.23 The assessment of whether ‘very special circumstances’ exist and whether they clearly outweigh the harm to the Green Belt, and any other harm, caused by the development is therefore key to determining whether planning permission should be granted.

8.24 NPPF par.148 makes clear that substantial weight should be given to any harm to the Green Belt. It follows that substantial weight should therefore be given to the harm to the Green Belt caused by the development by reason of inappropriateness.

8.25 In addition to the harm caused by inappropriateness, it is then necessary to consider the magnitude of the development's impact on the openness and permanence of the Green Belt, the two essential characteristics defined by para.137 of the NPPF, as well as any harm to the purposes of the Green Belt.

8.26 The site is currently undeveloped and comprises agricultural fields intersected by hedgerows.

8.27 National Planning Practice Guidance (Paragraph: 001 Reference ID: 64-001-20190722) sets out that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

8.28 In this case the development is not permanent but with an estimated lifespan on 40 years the duration is significant, albeit the land would be reinstated to its original state of openness following decommission of the site. The traffic movement and general increase in activity associated with the proposed development would not be significant.

8.29 The site is gently sloping with some hedgerows around the boundaries. At 2.9m high the solar array is relatively low in height and the visual impact could be mitigated by additional planting to screen views from outside the site. At 32m high the proposed lattice tower would be clearly visible but would be seen in the context of existing electricity infrastructure of a similar height which crosses the site's southeast corner. Nonetheless, it is officer opinion that the proposed development of existing agricultural fields with a 28MW solar farm, covering an area of approx. 56.2 hectares would result in a reduction in openness by virtue of the scale and the visual impact. However, taking into account that the impact would not be permanent, it is considered that this additional harm should be attributed moderate weight in the overall planning balance.

8.30 In terms of the impact on the five purposes of the Green Belt identified by NPPF:

- a) to check the unrestricted sprawl of large built-up areas and*
- b) to prevent neighbouring towns merging into one another*

Given the nature of the development it is not considered that the proposal would harm these particular purposes of the Green Belt.

c) to assist in safeguarding the countryside from encroachment

The development would encroach into the open countryside and therefore conflicts with this purpose of the Green Belt

d) to preserve the setting and special character of historic towns

There would be no impact on historic towns and therefore no conflict with this Green Belt purpose.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The Green Belt helps to direct new development towards existing urban areas. An Alternative Sites Assessment has been submitted which is discussed in the following section of this report which contains an assessment of whether 'very special circumstances' exist.

8.31 In assessing whether 'very special circumstances' exist regard must also be had to any other harm that may be caused by the development, in addition to Green Belt harm. The later sections of this report discuss the impacts of the development on the site and surroundings.

8.32 Summary of Green Belt harm

8.33 The development is inappropriate development within the Green Belt, and therefore harmful by definition. There would be additional harm caused by a temporary reduction in openness and encroachment into the countryside. In accordance with the NPPF, substantial weight should be attributed to the harm to the Green Belt caused by the proposed development.

8.34 Very Special Circumstances

8.35 Relevant policies –

8.36 Paragraph 152 of NPPF states "The planning system should support the transition to allow 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."

8.37 Paragraph 158 of NPPF states: "When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."

8.38 Local Plan Policy DM7.6 states: "The Council will encourage the local production of energy from renewable and low carbon sources to help to reduce

carbon emissions. The Council will also encourage and support community energy schemes that reduce, manage and generate energy to bring benefits to the local community.

Where planning permission is required, 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.

Commercial scale renewable energy generation projects will be supported in locations where other policies of the Plan can be satisfied. Developments of this type should be supported by a comprehensive assessment of their impact. When considering applications, regard will be given to the wider benefits of providing the energy from renewable sources as well as the potential effects at the local scale.”

8.39 Officer comments -

8.40 Despite the very strong presumption against inappropriate development within the Green Belt, the NPPF does not prevent such development if ‘very special circumstances’ exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm.

8.41 What constitutes a case for ‘very special circumstances’ is not defined within either the NPPF or local policy. There could be a single factor that outweighs the harm, or a number of benefits which, when considered in isolation are not ‘very special’, but collectively amount to ‘very special circumstances’. The weight given to any particular factor is a matter of judgement for the decision maker.

8.42 Case law suggests that the following principles should be followed:

Identify (with evidence) an essential objective that the proposal is intended to meet;

Demonstrate that this objective could not reasonably be met in a less harmful way (i.e. consideration of sites outside the Green Belt, or less harmful sites within the Green Belt); and

Demonstrate that the proposed development would meet the essential objective and that doing so clearly outweighs the degree of harm caused by the proposal.

8.43 The applicant has put forward the following factors which they consider constitute ‘very special circumstances’:

- Renewable energy generation, and CO2 reduction, in the fight against climate change.
- Energy security at a time of high geopolitical tension.
- Lack of more suitable alternative sites.
- Temporary and reversible impacts.
- Significant biodiversity net gains, including hedgerow and tree planting.
- Resting the soil from intensive agricultural farming.

- Positive economic impacts in terms of employment and supporting the entire solar supply chain.

8.44 The applicant has advised that the proposed solar farm would generate 28 Mega Watts peak (MWp) of electricity per year over a period of 40 years. This would be enough to power approximately 9,000 homes annually and is the equivalent of offsetting 7,487tCO₂eq emissions per year.

8.45 The applicant has also highlighted the proposal would help to meet the need for the UK to strengthen its energy security to protect people and businesses from events occurring elsewhere in the world.

4.46 An Alternative Sites Assessment has been submitted with the planning application. It seeks to establish whether there are any alternative sites that could accommodate the proposed development. To accommodate the development the site must be of a sufficient area, in close proximity to a grid connection point and located outside of areas at risk of flooding. The assessment looks at four alternative sites within 3km of the grid connection point, two within the green belt and two outside.

8.47 Site 1 has an area of 66ha and lies to the east of Cramlington outside the Greenbelt, within the county of Northumberland. Whilst the site lies outside of the Green Belt, it is bordered by Greenbelt to the east and south. The scale of the solar farm would be such that almost the entire undeveloped area between East Cramlington and Seghill would be eroded which could result in unacceptable harm to openness of the area.

8.48 Site 2 lies to the northwest of Holystone and measures 78ha. It is located outside the Greenbelt. However, it is allocated for housing under Policy S4.4 of the Local Plan and therefore considered unsuitable for the proposed development.

8.49 Site 3 is located to the east of Holywell and site 4 comprises a former landfill site at Seghill. Both lie with the Greenbelt and are less suitable than the application site, due to the large grid connection distance and topographical constraints.

8.50 The applicant concludes that Site 1 offers the most suitable alternative to the proposed site, although the aforementioned proximity to the existing settlements would be potentially prohibitive due to the erosion of the open space that separates them. The suitability of the site would also be subject to the outcomes of further surveys, agreement for grid connection, and landowner agreement, none of which are guaranteed. They consider that the application site is the most realistic site for a solar farm development within the search area.

8.51 The proposed development has a lifespan of 40 years, after which the land would be reinstated to its original agricultural use. The hedgerows and trees planted as part of the development would remain to provide long term benefits to ecology.

8.52 The applicant considers that the proposal's temporary nature is a contributing factor to the proposed solar PV panel array's case for 'very special circumstances'.

8.53 The biodiversity benefits include the gapping up of existing hedgerows, the planting of new hedgerows, tree belts and the on and off-site habitat enhancement to deliver a net gain in biodiversity. The development would also allow the land around the solar arrays to be rested from agricultural use by setting to grass and possibly grazing. The applicant states that there is also evidence that soil moisture is better retained on fields with solar panels, and less prone to effects of Climate Change. They consider that the proposed development could result in net benefits for the soil health, benefitting crop productivity post decommissioning of the site.

8.54 In terms of the economic benefits, the applicant states that the development would help sustain and create employment opportunities in engineering, construction and transportation which would support the local and regional economy by bolstering local purchasing power for goods and services. The development would also provide opportunities for those in employment who would like to move into higher skilled positions, as well as providing career opportunities for those currently unemployed, and benefit the PV panel array supply chain.

8.55 As set out above there are three factors to consider in assessing whether 'very special circumstances' exist. Firstly, whether there is an essential objective which the proposal seeks to address, secondly whether that objective could be met in a less harmful way and lastly whether the development would meet the essential objective and that doing so clearly outweighs the degree of harm. The 'very special circumstances' put forward by the applicant are the renewable energy generation, energy security, the lack of alternative sites, the temporary impact, biodiversity gains and employment/economic benefits.

Is the objective of the development essential?

8.56 The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NPPF.

8.57 Both national legislation and international agreements set targets for the reduction of carbon emissions and the increase in renewable energy generation. In 2019 the Government amended the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is known as the commitment to 'net zero'. Paragraph 2 of the NPPF states planning decisions must reflect relevant international obligations, and the UK's legally binding commitments to energy targets is also an important material consideration.

8.58 The Energy White Paper (Energy White Paper: Powering our net zero future, December 2020) was issued by the Department for Business, Energy and Industrial Strategy (BEIS) in December 2020 to address the transformation of the UK's energy system towards the 2050 target for net-zero emissions. The Energy

White Paper sees the expansion of renewable technologies as a key contributor to achieving an affordable clean electricity system by 2050. It sets out that solar is one of the key building blocks of the future energy mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener. Under 'Key Policies' for power it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.

8.59 There is strong national and local policy support for the development of renewable energy sources, including solar power, to ensure the country has a secure energy supply, and to reduce greenhouse gas emissions. The proposed PV array would help North Tyneside and the UK Government achieve their respective net zero targets.

8.60 The policy support for renewable energy given in the Framework is caveated by the need for the impacts to be acceptable, or capable of being made so. Nevertheless, it is officer opinion that the renewable energy benefit of the proposal should be accorded substantial weight when assessing against harm to the Green Belt.

8.61 The development would create clear biodiversity improvements, and these are discussed in greater detail in the later sections of this report. It is officer opinion that these benefits should be afforded moderate to substantial weight.

8.62 The other benefits brought by the scheme are considered to carry some, but limited weight in the overall planning balance.

8.63 It is officer opinion that the first test of establishing whether development is designed to meet an essential objective has been satisfied.

Could the objective reasonably be met in a less harmful way?

8.64 The analysis conducted by the applicant looks at alternative sites, both outside and within the Green Belt, that could accommodate the development. It is considered that alternative sites have been fairly and reasonably discounted and that there are no alternative sites that could accommodate the development in a less harmful way.

8.65 It is also necessary to consider whether the application site could be developed in a way to reduce the impact on the Green Belt. If the quantum of development were reduced this would impact on the number of PV panels that could be accommodated and therefore reduce energy production. Steps have been taken to reduce the impact by providing a 10m width buffer between the site boundary and the security fence along the Fisher Road and B1322 boundaries.

8.66 Taking the above factors into account it is considered that all reasonable steps have been taken to minimise harm to the Green Belt while still allowing the objectives of the development and adequate mitigation to be achieved.

8.67 Summary of very special circumstance issues

8.67 For the reasons set out above it is considered that the provision of a solar PV array, which will deliver clear benefits in terms of renewable energy generation and achieving the national and local net-zero carbon aims, is an essential objective, and that alternative less harmful ways of delivering these benefits have been reasonably discounted. The NPPF is clear that the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure (para.152). It also advises (par.151) that 'very special circumstances' for Greenbelt development may include the wider environmental benefits associated with increased production of energy from renewable sources. It is therefore considered that the first two requirements of a 'very special circumstances' case, as outlined above, are satisfied.

8.68 It is the opinion of officers that the renewable energy benefit of the proposal should be accorded substantial weight when assessing against harm to the Green Belt. Substantial weight should also be given to the lack of alternative sites and moderate to substantial weight should be given to the ecological benefits of the development. The other benefits outlined by the applicant should, in officer opinion, be afforded some but limited weight in the overall planning balance.

9.0 Impact on surrounding occupiers

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

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

9.3 Policy DM6.1 (b and f) states that proposals should demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

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

9.5 The closest residential properties are located at West Lane Farm (approx. 140m to the south), Backworth (250m to the southeast) and within Seghill, which lies approximately 1km to the north.

9.6 There is the potential for residential to be affected by noise during the construction period and once the solar farm is operational. Noise from construction activity would be short term and could be mitigated by the imposition

of conditions to restrict working hours and requiring that a Construction Management Plan is submitted for approval.

9.7 The only requirement for staff to visit the site once the solar farm is operational would be for maintenance purposes. It is not therefore considered that noise from vehicle movements would be detrimental to the amenity of nearby residents. Noise would however be generated by the associated infrastructure such as transformers.

9.8 The Manager of Environmental Health has been consulted and provided comments. She recommends that conditions are attached to ensure that noise from the external plant and equipment is considered, and mitigation measures taken to ensure that noise is adequately mitigated.

9.9 It is officer opinion that the impact of noise on surrounding occupiers is acceptable subject to the imposition of the conditions recommended by the Manager of Environmental Health.

9.10 Excluding the lattice tower, structures within the site are relatively low, with the solar panels measuring 2.89m in height and the transformers measuring up to 6.8m. The separation from residential properties is considered to be sufficient to ensure that occupiers are not adversely affected in terms of light or outlook.

9.11 A Glint Assessment has been submitted. This looks at the effect of reflected sunlight on receptors, including residential properties, within the vicinity of the site. Modelling is used to identify that six points within the vicinity of the site have the potential to receive glint in amounts that could have a material impact. The point with the highest exposure to potential glint effects is located to the south of the site at West Farm. Here glint is modelled to occur for approximately 0.37% of annual daylight hours. The effects would be reduced by a proposed 3m hedgerow in the southern part of the site and all effects would occur before 06:30 when there are likely to be less observers.

9.12 Residential housing to the southeast at the entrance to Backworth Village is predicted to receive 32 minutes of glint annually which would be reduced by the proposed boundary hedging. A row of residential properties to the southeast of the site is predicted to receive 584 mins of glint annually which again would be reduced by the proposed 3m hedgerow. The assessment concludes that glint would not have a material impact on properties surrounding the site and that any glimpses of glint would be no worse than viewing a sunlight reflection from window glass or still water.

9.13 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact would be acceptable and in accordance with Policies DM6.1 (b and f) and DM5.19.

10.0 Landscape and visual impact

10.1 NPPF states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 NPPF (para. 130) states that planning decisions should ensure that developments:

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

10.3 NPPF (para.174) states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

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

10.5 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.6 The development comprises 2.89m high solar panels and associated plant and equipment, including a 32m high lattice tower. 2.15m high security fencing is proposed around the site boundaries. All existing trees and hedgerows to the site boundaries would be retained and hedgerows would be gapped up and managed to grow approximately 3m tall. A 10m wide buffer with additional tree and scrub planting would be provided between the site boundary and the security fencing along the B1322 and Fisher Road boundaries. 10m wide woodland belts would also be planted to the north and south of the development to screen views

from Seghill and Backworth. The proposed planting would be retained following decommission of the solar farm.

10.7 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application to assess the effects on the landscape as a resource in its own right and the visual effects on specific views and the general visual amenity experienced by people.

10.8 A desk based analysis was carried out to determine the visibility of the site from surrounding locations and receptors, and a series of viewpoints were identified to illustrate the potential visual effects; 8 of these are included in the LVIA.

10.9 The LVIA notes that the site lies within the South East Northumberland Coastal Plain National Character Area (NCA 13). The northeast part of the site lies within Backworth 'C' Pit Landscape of Note area of the North Tyneside Landscape and Character Description (2014).

10.10 The site is located on a gentle north facing slope and comprises 7no. agricultural fields, 3no. of which are improved grassland and 4no. are in arable use. There are 'gappy' hedgerows along the field boundaries, some trees along the eastern boundary and an area of woodland adjacent to the northeast corner of the site.

10.11 The Site does not sit within, or adjacent to, any landscape designations such as National Parks, Areas of Outstanding Natural Beauty or Special Landscape Areas.

10.12 The LVIA states that the site and surrounding area of undulating farmland does have some scenic value that is likely to be valued locally. However, given the presence of large settlements in the surrounding area and the lack of rare or important features the landscape value of the site is assessed as medium to low.

10.13 There would be some localised impacts on the landscape during the six month construction period both in terms of the land use of the site and the impact on the tranquillity of the site. The effects are assessed as "slight-moderate adverse" given their localised and short-term impact.

10.14 Once operational the landscape character of the site would be altered by the change to the land use and the introduction of buildings and structures. The surrounding woodland to the east and the landform of the site would mean that the development would be mainly perceptible from a limited area around the site. The new lattice tower, with a height of 32m, would be more visible but due to its location between existing towers of a similar height it would not appear out of character. The LVIA acknowledges that the landscape character of the site would be changed but notes that these changes would only be perceptible at site level and within 1km of the site. The effect on landscape character is assessed as up to "moderate adverse" within and immediately surrounding the site itself and "slight-moderate adverse" for the wider landscape character.

10.15 After decommissioning the site would be restored to agricultural land, leaving no residual adverse effects on the site or its setting.

10.16 The main visual impacts of the development, as described within the LVIA, are listed below:

1) Construction vehicle movements, construction compound and construction activities.

These would be temporary and mitigated by the existing boundary vegetation.

2) The completed solar farm and associated structures.

The development would be most visible from receptors within 1km of the site.

The panels would be 2.9m high and coloured dark blue/grey/black. The associated infrastructure, excluding the 32m high lattice tower, would not be significantly higher. Mitigation would be in the form of retained and additional hedgerow, scrub and tree planting.

3) Site access

The main access would be from Fisher Road and utilises an existing field access. Vegetation removal is not therefore required. New tracks would also be constructed within the site. Boundary vegetation would be retained and enhanced to provide screening.

10.17 Eight viewpoints from where the site was anticipated to be visible are used within the LVIA. The magnitude of the impact, sensitivity of the receptor and the level and nature of the effects are considered. A summary of the viewpoints and the predicted effects is set out below.

1) Northeast along the B1322 near West Farm

The majority of the site is visible adjacent to the road due to the lack of boundary vegetation. The solar panels would be seen against a woodland backdrop to the northeast. The lattice tower would be seen alongside the existing tower. There would be a “moderate to substantial” adverse effect on road users. Once the boundary planting is established the effect is predicted to reduce to “slight adverse”. Effects on West Farm would be “moderate-substantial” adverse initially, reducing to “moderate” over time. Views from the residential properties themselves at West Farm would be limited by the intervening farm buildings and sheds.

2) Southeast along A19 near Seghill

The solar panels and lattice tower would be seen on the gently rising fields towards Backworth. It would contrast with the existing view but would not block views of the wider landscape. There would be an initial “moderate” adverse effect on road users and residential receptors at Seghill, reducing to “slight to moderate” adverse once the boundary planting is established.

3) North/northwest from B1317 (adjacent to A19)

The site is visible in the middle distance broken up by intervening features. A “slight to moderate” adverse effect is predicted for road users with a “moderate” adverse effect for nearby residents. In the medium to long term the proposed

planting would reduce the effect to “slight” adverse and “slight to moderate” adverse respectively.

4) Northwest from Fisher Road on the edge of Backworth

This view looks northwest across agricultural fields. The solar panels within the southern fields would be seen in relatively close proximity. There would also be some views of the substation and the lattice tower. Effects on the visual amenity of recreational users of the public right of way (PROW) would be “moderate – substantial” adverse. Once the hedgerow planting has established this would reduce to “slight – moderate” adverse.

5) West from the spoil heap near Holywell Grange Farm

Views towards the site are screened by landform and vegetation. Only the lattice tower would be visible, alongside the existing tower. There would be a “slight-moderate” adverse effects on the visual amenity of recreational users of the PROW.

6) West from Front Street on the edge of Earsdon

The site is screened by landform and vegetation. Only the lattice tower would be visible, alongside the existing tower. There would a “slight” adverse effect for nearby residents.

7) East/northeast from footpath near Burradon House

This view looks east/northeast across open agricultural fields and the A19. Views of the solar farm would be screened by vegetation and only the additional lattice tower would be visible alongside the existing. There is predicted to be a “slight-moderate” adverse effect on recreational users of the PROW.

8) North from public open space west of Backworth adjacent to B1322

This view looks north from the public open space and the majority of the site is visible in the middle distance. The solar panels would be visible and would contrast with the existing landscape. There would also be views of the substation and other structures within the site compound, along with the proposed lattice tower. A belt of woodland planting is proposed to the north of Backworth to provide screening. It would be managed to maintain some longer distance views towards the distant landscape.

Effects on visual amenity are assessed as “substantial” adverse for residents, reducing to “moderate” adverse in the long term once the proposed planting has established.

10.18 To summarise, the highest levels of effect are predicted for road and footpath users immediately adjacent to the site and for residents on the northern edge of Backworth who would experience “substantial” adverse effects initially due to the close proximity to the development and elevated views over the site. The effects would be reduced as planting along the site boundaries grows and provides screening. The LVIA concludes that the proposal would result in some localised landscape and visual impacts, however these would reduce with distance and over time. In addition, at the end of the development’s design life the site would be restored to its current condition, with no residual adverse landscape or visual effects.

10.19 It is officer opinion that the harmful impacts of the development in landscape and visual impact terms should be given moderate weight in the overall planning balance. This is considered a fair weighting given the need for a proportionate response to harm to reflect the importance of the site relative to the 'great' weight that must be afforded to the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty required by NPPF Paragraph 176.

11.0 Heritage Impact

11.1 NPPF para.194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

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

11.3 Policy S6.5 of the Local Plan states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

11.4 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

11.5 Policy DM6.7 seeks to protect, enhance and promote the Borough's archaeological heritage.

11.6 The application is accompanied by an Archaeological Desk-Based Assessment, Geophysical Survey and Heritage Statement.

11.7 The Archaeological Desk-Based Assessment states that there is no direct evidence of prehistoric or Roman activity within the site, although there may be some, as yet unidentified, remains given the proximity of several enclosed settlements outside the site. It notes that the site has been used for agriculture as well as being encroached by industrial activities and transport, such as brickworks in the 19th and 20th centuries and the Burradon and Holywell Wagonway. While there is some potential for an archaeological resource to be present in parts of the site that have not been subject to opencast mining the report considers that, given the limited groundworks associated with the development, any impact on this would be limited.

11.8 The Tyne and Wear County Archaeologist has been consulted and provided comments. She states that some of the features identified in the geophysical survey merit further investigation and that archaeological trial trenching should be

carried out. She recommends that conditions are imposed in respect of a programme of archaeological fieldwork and the publication of a report detailing the findings.

11.9 The Heritage Statement identifies designated and non-designated heritage assets within the vicinity of the site. These assets comprise the non-designated remains of two waggonways adjacent to the site, the scheduled ancient monuments of West Backworth medieval settlement and Burradon House enclosure and Backworth Village Conservation Area.

11.10 Due to the separation distance of approx. 200m and the difference in elevation it is not considered that the proposed solar farm would result in any harm to views of or from West Backworth medieval settlement. The impact on Burradon House enclosure is also considered to be acceptable given that intervening landscape and wooden embankment of the A19 restrict any views between the site and the SAM.

11.11 The northern edge of Backworth Conservation Area is located adjacent to the southeast edge of the site. This part of the conservation area comprises open space containing ridge and furrow earthworks which provide evidence of the village's original rural context. While there are views between the village and the site it is considered that the difference in land levels prevents the development impacting on the setting of the village and the rural buffer around the village would be maintained.

11.12 In respect of the wagonways, which are non-designated heritage assets, the Heritage Statement advises that their rural setting would be removed by the development. However, given that the setting is not pertinent to the wagonway's significance it concludes that there would be no adverse effect on their significance.

11.13 It is officer opinion that the submitted information adequately assesses the impact on heritage assets there setting and demonstrates that the proposed development would not have an unacceptable impact upon these assets. The proposal is therefore considered to comply with NPPF (para.194 and 189) and LP policies S6.5, DM6.6 and DM6.7.

12.0 Highway impacts

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

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

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

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

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

12.6 A Transport Assessment has been submitted in support of the application and considers the impact of the development during the construction and operational phases.

12.7 Construction and secondary operational access to the proposed development would be via a new gated access onto Backworth Lane on the western site boundary. Primary operational and maintenance access would be via an upgraded gated access from Fisher Road in the east. A secondary upgraded access from Fisher Road would also be used during the operational phase. The applicant has stated that Fisher Road would be reinforced and maintained in good condition on completion of construction.

12.8 The Transport Statement states that all construction traffic would access the site via the A19 and Backworth lane. The maximum number of vehicle movements per day during the construction phase is expected to be approximately 64 two-way movements comprising 54 cars/LGVs and 10 HGVs. The only requirement for staff to visit the site during the operational phase will be for relatively infrequent maintenance purposes (approximately once per week).

12.9 The Highway Network Manager has been consulted and provided comments. He notes that vehicle movements to the site post-construction would be minimal and therefore raises no objections to the proposal.

12.10 There are no public rights of way within the site. The nearest public right of way is located along the site's eastern boundary and follows the course of Fisher Road. This PROW would be retained.

12.11 Having regard to the above, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

13.0 Biodiversity and trees

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, built and historic environment by amongst other matters improving biodiversity.

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

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

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

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

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

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

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

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

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

13.6 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate

assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

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

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

13.9 The application site is located within a Wildlife Corridor and Backworth C Pit Site of Local Nature Conservation Interest (SLNCI) is located adjacent to the site's northern boundary.

13.10 An Ecological Impact Assessment, Biodiversity Net Gain (BNG) Assessment, Tree Constraints Assessment and planting plans have been submitted in support of the application.

13.11 The Ecological Assessment states there would be no adverse impact on any national or internationally designated sites due to the separation distance and the type of habitats present within the site that would be affected. It also states that while there would be no direct impact on Backworth C Pit SLNCI the proposed solar array would result in some minimal habitat loss within 100m of the boundary. To mitigate this a 10m – 30m wide habitat buffer is proposed adjacent to the SLNCI where the existing modified grassland would be enhanced to provide improved habitat. There is also the potential for the SLNCI to be affected by dust during the construction phase. A Construction Environmental Management Plan (CEMP) will be required to address this.

13.12 Habitats within the site are dominated by intensively managed arable and modified grassland. Within the site there are boundary hedgerows (including their associated mature trees) which meet the descriptions of Habitats of Principal Importance. The site also includes a pond, dense scrub and tall ruderal vegetation.

13.13 The development would result in the loss of the arable fields and small sections of hedgerow where required for access tracks and cable crossings. The majority of hedgerows and all mature trees would be retained and incorporated into a 5m wide grassland buffer on either side of each hedgerow.

13.14 It is proposed to plant new species rich hedgerows within the site and the adjacent land to the north and to gap up the existing hedgerows along the site boundaries. Grassland under the solar arrays within the four arable fields would

be sown with native wildflower species and the existing modified grassland would be retained and managed through low intensity mowing and/or sheep grazing.

13.15 It is proposed to retain and enhance the existing scrub along the dismantled railway and to plant an area of woodland on the land immediately to the north of the site.

13.16 An existing badger set would be retained and protected during the construction and operational phases.

13.17 The Ecological Assessment advises that the hedgerows and dense scrub on the site offer suitable bat foraging and commuting habitat. Bat surveys have therefore been carried out and found low bat activity levels within the site. Given that the existing trees and hedgerows would be retained no significant adverse impact on bats is expected.

13.18 Breeding bird surveys have been carried out. Of the 10no. species recorded 3no. (skylark, yellowhammer and tree sparrow) are on the red list of Birds of Conservation Concern. 4no. species (reed bunting, skylark, tree sparrow and yellowhammer) are also listed on both the Newcastle and North Tyneside BAP Farmland Birds Species Action Plan and as Species of Principal Importance. The arable fields within the site were found to support three probable skylark breeding pairs.

13.19 The Ecological Impact Assessment states that the key adverse impact on nesting birds would be the loss of arable fields and sections of hedgerows, and disturbance from development activities. It considers that in the absence of mitigation, there is likely to be an adverse effect on the bird assemblage. To mitigate this impact it is proposed to manage the grassland around the solar arrays to make it more suitable for bird species and allow the habitat buffers to develop into taller sward to provide more suitable foraging habitat for bird species such as barn owls. It is also proposed to install 10no. bird boxes on trees within the site. With the mitigation measures set out the Ecological Impact Assessment concludes that breeding birds are unlikely to be significantly affected in the long-term.

13.20 Wintering bird surveys have also been conducted. Of the 26no. species of birds recorded, 6no. species have been identified for conservation action. All of the bird species of conservation concern are common and well-represented wintering species throughout the county, and the retention of the majority of the hedgerows, trees, scrub and pond would maintain overwintering habitat used by these birds. The construction of the solar farm has the potential to displace species that prefer an open landscape, including skylark, golden plover, lapwing and curlew. To mitigate this impact it is proposed to enhance the habitats with two arable fields immediately to the north of the site in order to provide additional features suitable for wintering birds.

13.21 The Ecological Impact Assessment set out that there would be no adverse impact on other protected species, including great crested newt, reptiles, butterfly or hedgehog.

13.22 Through habitat retention, enhancement and additional planting the proposed development result in a BNG in excess of 17% for habitats and 50% for hedgerows.

13.23 The Biodiversity Officer and landscape Architect have provided comments. They note that the majority of boundary habitat features and breeding and wintering bird habitat would be retained, protected and enhanced through on-going conservation management and habitat creation. They also state that any potential risks to protected species would be avoided, or mitigated, and that an overall enhancement for these species is likely through suitable habitat creation. It is noted that areas of hedgerow and trees will need to be removed for site access and it is recommended that a condition is imposed requiring the submission of an arboricultural impact assessment, tree protection plan and arboricultural method statement. It is considered that the proposed mitigation measures will ensure that impacts on protected and priority species are addressed, the wildlife corridor is protected and enhanced and BNG delivered.

13.24 Natural England have also provided comments. They raise no objections in terms of the impact on designated sites.

13.25 Subject to the conditions recommended by the Landscape Architect and Biodiversity officer it is considered that the development would not have an adverse impact on protected species and will provide for enhancements to biodiversity in accordance with the NPPF and Local Plan Policies S5.4, DM5.5, DM5.6, DM5.7 and DM5.9.

14.0 Loss of Agricultural Land

14.1 NPPF para.174 (b) states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

14.2 Footnote 58 of NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

14.3 Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) encourages solar farms to be sited on previously developed non-agricultural land and states that where a solar farm involves greenfield land consideration should be given to whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

14.4 Local Plan Policy DM5.8 states that development of "best and most versatile" agricultural land will normally only be permitted where it can be demonstrated that:

a. The need for the development clearly outweighs the need to protect such land in the long term; or,

- b. In the case of temporary/potentially reversible development (for example, minerals), that the land would be reinstated to its pre-working quality; and,
- c. There are no suitable alternative sites on previously developed or lower quality land.

The Council will require all applications for development to include realistic proposals to demonstrate that soil resources were protected and used sustainably, in line with accepted best practice.

14.5 The NPPF sets out that the “best and most versatile land” (BMV) is classed as grades 1, 2 and 3a in the Agricultural Land Classification (ALC).

14.6 An Agricultural Land Classification Assessment has been submitted in support of the application. The agricultural land within the site comprises 18.27ha of grade3(a) and 36.61ha of grade 3b. 1.29ha is in non-agricultural use.

14.7 The proposal would result in a temporary loss of agricultural land for a period of 40 years. Of the land lost approximately 33% comprises BMV agricultural land.

14.8 While there would be a temporary reduction in agricultural production the development would not result in the permanent loss of BMV agricultural land as a resource for future generations. The solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality provided that appropriate soil management is employed. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

14.9 An Alternative Sites Assessment has been submitted which demonstrates that there are no other sites either within or outside the Greenbelt that would be suitable for the proposed development.

14.10 Natural England raise no objections to the loss of agricultural land subject to the imposition of conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require that the site is restored to its former condition when the development is decommissioned.

14.11 It is officer opinion that the proposal would not conflict with para.174 of NPPF or LP Policy DM5.8 given that the impacts of the development are temporary/reversible and there are no suitable alternative sites on previously developed or lower quality land.

15.0 Other issues

15.1 Contaminated Land

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

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

15.4 The site lies within the Contaminated Land Buffer Zone and the Coal Authority's defined Development High Risk Area. The application is supported by a Coal Mining Risk Assessment and Phase 1 Geoenvironmental Desk Study.

15.5 The Contaminated Land Officer has been consulted and provided comments. She recommends conditions to address contamination and gas risk.

15.6 The Coal Authority have also provided comments. They raise no objections and recommend the imposition of a condition requiring that a signed statement is submitted prior to the development being brought into use to confirm that the site is, or has been made, safe and stable.

15.7 Subject to these conditions, it is officer advice that the proposal complies with NPPF (para.184) and policy DM5.18 of the Local Plan 2017.

15.8 Flooding

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

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

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

15.12 The application site is located within Flood Zone 1 and is at low risk of surface water flooding. A Flood Risk Assessment has been submitted in support of the application.

15.13 There will be a negligible increase in impermeable ground as a result of the proposed development. The Flood Risk Assessment concludes that the management of grass around the solar panels, along with precautionary attenuation provided in the form of linear swales and filter drains will ensure that flood risk from the site is not increased by the proposed development and that there will be negligible impact on surface water quality.

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

15.15 Crime Impact

15.16 Para.'s 92 and 130 of the NPPF seek to ensure that planning decisions create safe places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

15.17 LP Policy DM6.1(c) requires proposals to demonstrate a safe environment that reduces opportunities for crime and antisocial behaviour.

15.18 The Design Quality SPG (4.13) notes that the use of good design is essential to provide well-planned and attractive environments, which indirectly influence levels of anti-social behaviour and crime.

15.19 It is proposed to enclose the site with 2.15m high mesh fencing which includes an electronic intruder detection system and CCTV cameras.

15.20 Northumbria Police have provided comments and state that they have no objections to the development. They note the potential for larger solar arrays to attract criminal interest and advise that consideration is given to a more resilient fencing system.

15.21 It is recommended that a condition is imposed to control all boundary enclosures. This will allow an alternative fencing design to be used if considered necessary by the applicant.

15.22 Given that Northumbria Police has raised no objections and that security measures are proposed, the proposal is considered to accord with LP Policy DM6.1 (c) and NPPF para.'s 92 and 130.

15.23 Aircraft safety

15.24 The submitted Glint and Glare Assessment has been reviewed by Newcastle Airport. They note that the development has the potential to create glint towards aircraft between 05:41 and 06:15 but agree with the conclusion of the Assessment, which states that while glint will be visible to aircraft any visible effect would not be sustained for extended durations. Newcastle Airport do not object to the application.

15.25 S106 Contributions

15.26 Paragraph 54 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.

15.27 Paragraph 56 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.

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

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

15.30 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
 - i. Are related to the proposed development; or,
 - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

15.31 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.

15.32 Following consultation with service providers a contribution towards employment and training initiatives within the borough has been requested. The applicant has agreed to a condition requiring that apprenticeship opportunities are provided during the construction phase.

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

15.34 Local Financial Considerations

15.35 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.

15.36 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.

15.37 The proposal would result in the creation of jobs during the construction phase and would benefit the solar farm construction supply chain. It is considered these factors are material in terms of making this development acceptable in planning terms.

16.0 Conclusions

16.1 The proposed development is located within the North Tyneside Greenbelt. NPPF makes clear that exceptions can be made to the strong presumption against inappropriate development in the Green Belt in 'very special circumstances'. The determination of this application is therefore based on an assessment of whether 'very special circumstances' exist as explained and defined in the NPPF.

16.2 Earlier sections of the report identify that in officer opinion the first two 'very special circumstances' tests are satisfied – that the generation of renewable energy is an essential objective with clear public benefits; and that alternative, less harmful ways of meeting that objective have been fairly and reasonably discounted.

16.3 The third test is set out in NPPF as follows: "‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations." This part of the assessment requires decision makers to weigh cumulative harm against the cumulative benefits of the proposals. If the benefits clearly outweigh the harm caused, then planning permission should be granted.

16.4 The development is inappropriate development in the Green Belt and is therefore harmful by definition. It will also result in a reduction in openness by virtue of the scale and the visual impact. Finally, the proposed development will result in encroachment into the countryside, the protection of which is one of five purposes of Green Belt designation. In accordance with the NPPF, substantial weight should be attributed to the harm to the Green Belt caused by the proposed development.

16.5 The loss of openness described above would also have a detrimental landscape and visual impact on the character of the area. Given that the adverse impact would be temporary and reduced by the proposed landscape mitigation scheme it is considered that the landscape and visual harm should be afforded moderate weight in the overall planning balance.

16.6 In contrasts the benefits of the development are the provision of renewable and low carbon energy which would help North Tyneside and the UK Government achieve their respective net zero targets. It has been demonstrated through the application that there are no alternative more suitable sites capable of accommodating the proposed development. The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NPPF. It is therefore considered that this benefit should be afforded substantial weight in the overall planning balance.

16.7 The development would create clear biodiversity improvements and achieve a significant biodiversity net gain. It is officer opinion that these benefits should be afforded moderate to substantial weight.

16.8 The other benefits brought by the scheme are considered to carry some, but limited weight in the overall planning balance.

16.9 It is officer opinion that the impacts on residential amenity, the highway network, historic environment, agricultural land and flood risk are acceptable. These factors are therefore considered to be neutral in the overall planning balance.

16.10 Having assessed and balanced the cumulative harm against the cumulative benefits of the proposed development above, it is officer opinion that the benefits of the proposed development outweigh the harm to the Green Belt, justifying the proposal on the basis of 'very special circumstances'. It follows that the benefits of the proposed development would significantly and demonstrably outweigh adverse impacts in accordance with NPPF Paragraph 148.

16.11 The application is therefore recommended for conditional approval.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.
 - Application form
 - Application boundary NT15582/015
 - Site plan general arrangement PV array 1392-111 Issue H
 - Site plan general arrangement site security 1392-112 Issue B
 - Sections array field sections 1392-131 Issue D
 - Elevations PV array typical section and key dimensions 1392-121 Issue C (Sheets 1 and 2)
 - Elevations central inverter 1392-122 Issue B (sheets 1 and 2)
 - Elevations substation 1392-124 Issue A
 - Elevations aux service building 1392-125 Issue B (sheets 1 and 2)
 - Elevations DNO substation 1392-126 Issue A (sheets 1 to 3)

- Elevations spares store 1392-127 Issue A
- Elevations security fencing 1392-128 Issue A
- Elevations CCTV 1392-129 Issue A
- Sections typical access track 1392-312 Issue A
- Sections typical transformer access track 1392-313 Issue A
- Proposed planting plan NT15582-019 Rev.A
- Proposed planting plan wider area NT15582-020 Rev.A
- Transport Statement October 2022
- Glint Assessment October 2022
- Flood Risk Assessment October 2022

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. The development hereby permitted shall be for a temporary period only to expire 40 years after the first export date of the development. Written confirmation of the first export date shall be provided to the local planning authority within one month after the event.

Reason: The development is not considered suitable for permanent retention due to the location within the Greenbelt and the landscape and visual impacts; having regard to the NPPF and Policies S1.5 and DM1.6 of the North Tyneside Local Plan.

4. The scheme for parking and turning of associated service vehicles shall be laid out in accordance with the approved plans prior to the development being brought into use. This scheme shall be retained thereafter and not used for any other purpose.

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

5. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; fuels and waste as well concrete mixing and use of fires; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. It must also include tree protection measures for the trees to be retained. Cabins, storage of plant and materials and parking must not be located within the RPA of the retained trees as defined by the Tree Protection Plan. 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, DM5.9 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

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

7. Prior to the development being brought into use a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the rating level from plant and equipment, as measured one metre from façade for the closest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142. If any mitigation is required as part of the approved scheme, this shall be carried out in full prior to the development being brought into use.

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

8. Within one month of the plant and equipment being installed acoustic testing must be undertaken to verify compliance with condition 7 and a report of the findings submitted to and approved in writing by the Local Planning Authority.

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

9. Restrict Hours No Construction Sun BH HOU004 *

10. 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 the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of any targeted intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. The intrusive site investigations and remedial works should have been carried out in accordance with authoritative UK guidance.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and Policy DM5.18 of the North Tyneside Local Plan.

11. Site Investigation

CON004

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12. Should the Phase 2 Site Investigation works required under Condition 11 conclude that remediation works are required, then 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: 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. Should a Remediation Method Statement be required under Condition 12 above, then 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.

14. Unexpected Hotspots	CON007	*
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15. Gas Investigate no Development	GAS006	*
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16. Prior to development commencing an employment and training plan, which includes a scheme for the provision of 3no. apprenticeships for North Tyneside residents and a programme for monitoring and demonstrating compliance of appointing apprentices, shall be submitted to and approved in writing by the Local Planning Authority. The apprenticeship schemes shall be run in full accordance with the agreed details.

Reasons: To contribute towards the creation of local employment opportunities and support growth in skills inline with policy DM7.5 of the North Tyneside Local Plan 2017.

17. Details of all boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Badger access points (badger gates) and small mammal access points must be provided within any new or permanent fencing to allow the passage of wildlife throughout the site. The locations and specifications of the badger and small mammal access points shall be detailed on the fencing plans. The fencing shall be installed in accordance with the agreed details prior to the development being brought into use.

Reason: In the interests of visual amenity and crime prevention; having regard to policies DM6.1 of the North Tyneside Local Plan.

18. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment together with the restoration of the site shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for written approval. The scheme shall make provision for:

- a. the removal of the solar panels and associated above ground works approved under this permission;
- b. the management and timing of any works;
- c. a traffic management plan to address likely traffic impact issues during the decommissioning period;
- d. an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats;
- e. details of site restoration; and
- f. an implementation timetable.

The decommissioning of the site shall be carried out in accordance with the approved scheme.

Reason: To ensure that the decommissioning and restoration of the site is carried out in a managed approach that minimises the impacts on the natural environment and highway safety in accordance with Policies DM5.5, DM5.7, DM5.9, DM5.19 and DM7.4 of the North Tyneside Local Plan.

19. Within a period of 39 years and 6 months following the first export date, a scheme for the decommissioning of the solar farm and its ancillary equipment and restoration of the site, shall be submitted to written approval by the local Planning Authority (except in the event that Condition 18 has been triggered and decommissioning has been completed). The scheme shall incorporate the criteria set out within Condition 18 as a minimum. The decommissioning of the site shall be carried out in accordance with the approved scheme.

Reason: To ensure that the decommissioning and restoration of the site is carried out in a managed approach that minimises the impacts on the natural environment and highway safety in accordance with Policies DM5.5, DM5.7, DM5.9, DM5.19 and DM7.4 of the North Tyneside Local Plan

20. The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved decommissioning and restoration scheme within a period of 40 years and 6 months following the first export date.

Reason: The development is not considered suitable for permanent retention due to the location within the Greenbelt and the landscape and visual impacts; having regard to the NPPF and Policies S1.5 and DM1.6 of the North Tyneside Local Plan.

21. Notwithstanding condition 1, details of the proposed materials, colours and finishes of all solar panels, frames, buildings and equipment shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall thereafter be carried out in accordance with the approved details and be maintained as such for the lifetime of the development.

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

22. Prior to installation of any floodlighting or other form of external lighting , a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;

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

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

Reason: In the interest of visual amenity and wildlife protection having regard to policies DM5.5 and DM5.19 of the North Tyneside Local Plan (2017).

23. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The CEMP shall include details of pollution control measures, habitat and species protection measures, measure to protect the Backworth C-Pit SLCI and pre-commencement checking surveys for those protected species identified within the EclA (BSG Nov 2022) during construction works. Thereafter the development must be implemented in accordance with the approved details.

Reason: This information is required prior to commencement to ensure that local wildlife populations are protected from the outset in the interests of ecology, having regard to the NPPF and Policy DM5.5 and DM5.7 of the North Tyneside Local Plan.

24. No development shall commence until a fully detailed on-site and off-site landscape plan has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed specification, ground preparation details and full details of the species and sizes for all new plant species and shall be in accordance with the habitat creation and enhancement details set out within an updated Biodiversity Metric and BNG Report (as required by condition 25).

The landscape scheme shall include details of the following:

- Details and extent of new native scrub, woodland and hedgerow planting
- Details of planting to enhance existing woodland, scrub and hedgerows
- Details of species rich grassland creation within the development site including the enhancement of existing modified grassland to species rich grassland in areas outside of the solar arrays
- Details of wetland scrapes to be provided off-site for farmland birds
- Details of 5m wide species rich field margins to be created off-site around all field boundaries to the north of the development site for farmland birds.
- Standard trees are to be included to the existing and new planting areas to the boundaries of the site and along Fisher Lane and shall be a minimum 12-

14cm girth and planted at regular intervals (no greater than 50m from each other) and include a variety of native species including trees of a larger growing scale.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: This information is required prior to commencement to ensure that adequate mitigation is proved; in the interests of ecology and to ensure a satisfactory standard of landscaping having regard to policies DM6.1, DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

25. Prior to development commencing, an updated Biodiversity Metric and Biodiversity Net Gain (BNG) Assessment, to accord with the updated and approved on-site and off-site landscape plans shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be implemented in accordance with the approved details.

Reason: This information is required prior to commencement to ensure that adequate mitigation is proved in the interests of biodiversity; having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

26. Within 4 weeks of development commencing a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on-site and off-site habitat mitigation and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The LEMMP shall be in accordance with the details set out within the updated and approved Biodiversity Metric, BNG Report and detailed Landscape Plan and shall be implemented on completion of works for a minimum period of 40 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 40 years. The Plan will also include details of regular Net Gain Assessment updates at agreed timescales that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

The Plan shall also include the following:

- Soil analysis/testing of the land proposed for conversion/enhancement to species rich grassland (including 5m wide field margins off-site) in accordance with appropriate Natural England Technical Information Notes (TINs), to ensure appropriate techniques and seed mixes are used to successfully establish species rich grassland and to enable future monitoring to be undertaken
- Details of ground preparation for the creation of species rich grassland, wildflower seed specifications and methods of establishment
- Management of species rich and modified grasslands using a combination of sheep grazing and mowing

- Details of an Ecological Clerk of Works (ECoW) to undertake pre-development checks for protected species and to oversee the habitat creation works and monitor the site
- Details of the type and quality (condition) of species rich grassland that will be targeted within the site which will include species rich grassland outside of the solar arrays being managed to achieve a target 'moderate' condition
- Details of the management company responsible for undertaking the habitat creation and management of the site;
- Details of a regular soil analysis programme (including methodology) to monitor nutrient levels within the grassland and the success of the arable conversion to species rich grassland. Soil data will be submitted, when required, as part of the regular Monitoring Reports
- Details of the regular monitoring of habitats and species within the development site and the off-site compensation land, at agreed timescales, to ensure the delivery of species rich grassland and other habitats are successful. Monitoring will include regular botanical surveys, breeding and wintering bird surveys, invertebrate surveys and monitoring of the site for bats, with details of survey methodologies and timings to be included. Monitoring Reports will be submitted to the LPA for approval and will include Net Gain Assessment updates to evidence the success of the scheme and to ensure habitats are meeting target condition;
- Details of corrective actions that will be undertaken if arable conversion is unsuccessful or if monitoring demonstrates that the condition of the species rich grassland does not meet the objectives of the Plan and fails to support target bird species.

The development shall be carried out in accordance with the approved details and the habitat creation within the off-site compensation site shall be completed in accordance with the approved details prior to the commencement of construction works on the development site.

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

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

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

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

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

29. 20no. bird boxes (various designs including tree sparrow, hole and open fronted) shall be provided in suitable locations within and adjacent to the

development site. Details of bird box specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing. The boxes shall be installed in accordance with the approved plans prior to the solar farm being brought into use and thereafter retained.

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

30. 15no. bat boxes (various designs) shall be provided in suitable locations within and adjacent to the development site. Details of bat box specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing. The boxes shall be installed in accordance with the approved plans prior to the solar farm being brought into use and thereafter retained.

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

31. No trees, shrubs or hedges within the site 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 AIA or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

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

32. Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), a fully detailed Arboricultural Impact Assessment (AIA) and Site Specific Arboricultural Method Statement (SSAMS) incorporating a Tree Protection Plan (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved AIA, SSAMS and TPP.

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

33. Prior to commencement of development, the trees and hedgerows within the site and those adjacent to and overhanging the site that are to be retained shall be protected by fencing in the locations shown and detailed in a Tree Protection Plan (as required by condition 32). Due to the size of the site, a

phased programme of installation can be considered with the installation of permanent fencing to the boundaries of the site being acceptable as tree protective fencing as long as it is installed as a first operation. 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. 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.

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

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

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

35. A landscape plan for the restoration of the site, shall be submitted to and approved by the Local Planning Authority within 6 months after the first export date of the development. The plan shall include: long term design objectives, details for the removal of all machinery, plant, buildings, structures and associated foundations, hardstanding's, concrete structures, crushed rock, liners and haul road and car parking; details for the regrading and replacement of soils to the approved levels and contours and its restoration to appropriate quality agricultural land. The Plan shall specify that any land within the site that becomes available prior to the 40 year duration shall be developed as species rich grassland habitat. The landscape restoration plan shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and to ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.7 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.

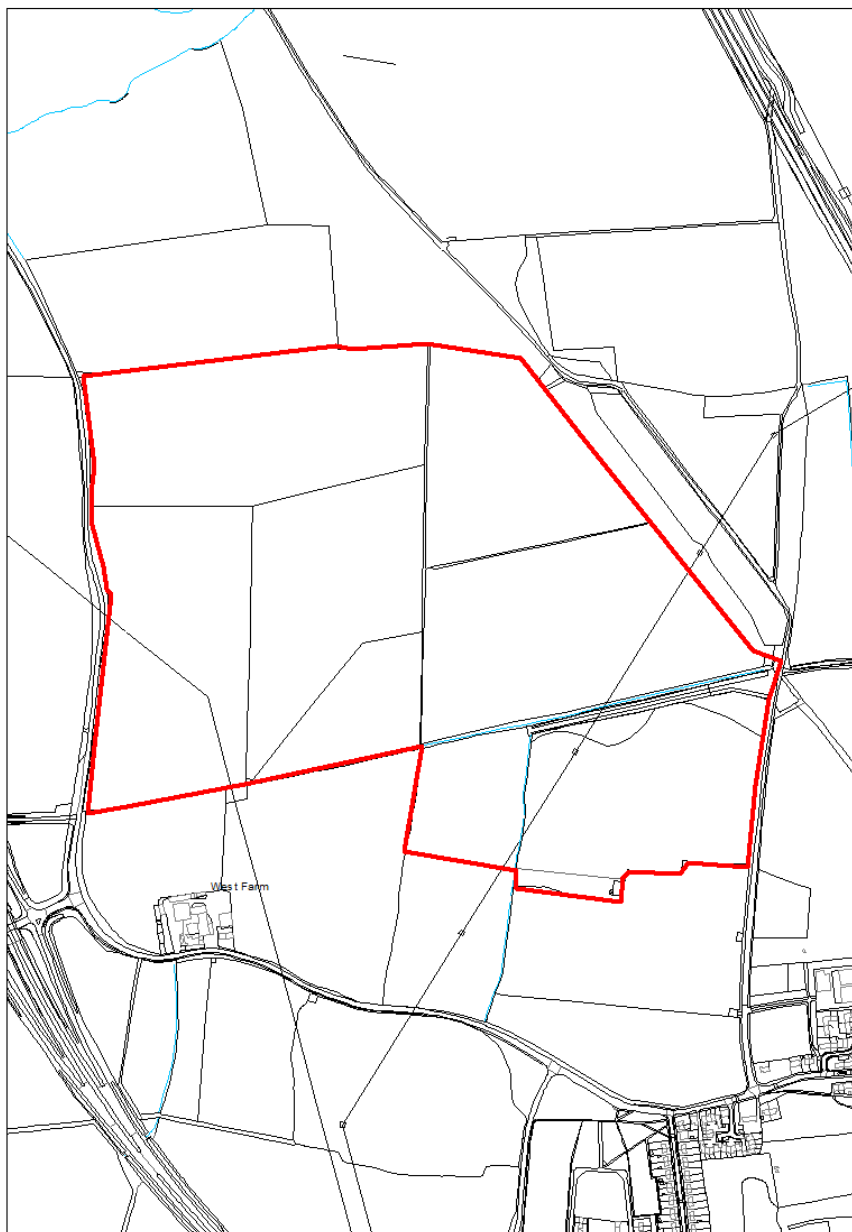
Informatives

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

Highway Inspection before dvlpt (I46)

No Doors Gates to Project Over Highways (I10)



Application reference: 22/02106/FUL

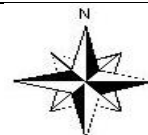
Location: Land To The East Of, Backworth Lane, Backworth

Proposal: Change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works

Not to scale

Date: 27.04.2023

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works.

1.3 The site is accessed via Fisher Road and vehicle trips associated with the site post-construction will be minimal and limited to routine maintenance and parking and turning areas have been provided to accommodate associated service vehicles. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

Notwithstanding the details submitted, the scheme for parking and turning of associated service vehicles shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

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

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

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

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

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

1.6 Manager of Environmental Health (Pollution)

1.7 I have concerns over potential noise arising from the plant and equipment installed as part of this development.

1.8 I would recommend conditions are attached to ensure noise from the external plant and equipment is considered and mitigation measures taken such as acoustic screening and enclosures, etc to reduce noise levels from the site if noise levels from the external plant and equipment are considered to give rise to significant adverse impacts. I note that the applicant has advised that low level lighting will be provided for site cabins and given the distance the site is located from residential properties it is unlikely to give rise to nuisance.

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

External plant and equipment:

A noise scheme must be submitted to the planning authority for written approval and implemented prior to development to ensure the rating level from plant and equipment, as measured one metre from facade of the closest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant.

NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

NOI02
HOU04
SIT03

1.10 Manager of Environmental Health (Contaminated Land)

1.11 This application is for Change of use of land and construction of solar PV panels (up to 28 MW), associated electrical infrastructure, operational buildings, substations, lattice tower, security fencing, CCTV, access tracks, landscaping and other ancillary works.

1.12 The Phase 1 desk study report states:

A ground investigation is required on site to support foundation design for any future buildings with in ground foundations. It would be considered prudent to take some limited soil samples for general contamination testing within these areas during the investigation to confirm that the assumptions in the initial CM are accurate and robust (see Table 6 for potential contaminants).

The testing suite should be widened accordingly in the highly unlikely event that suspected contamination is identified during the work, such as ash, free phase oils, fibrous materials or unusually coloured ground.

The potential for ground gas risks should be considered further once layouts are confirmed.

Combined gas and groundwater monitoring wells should be installed during the investigation if gas risks to buildings are considered to be present, with a programme of post works ground gas monitoring undertaken in accordance with the requirements of guidance such as CIRIA C665, BS8485:2015+A1 2019 and CL:AIRE Good Practice for Risk Assessment for Coal Mine Gas Emissions.

Alternatively, it may be possible to seek regulatory approval for fitting basic gas protection within any uninhabitable buildings, in lieu of a monitoring programme.

1.13 Based on the above comments the following should be attached:

Con 004

Con 005

Con 006

Con 007

Gas 006

1.14 Biodiversity Officer and Landscape Architect

1.15 The site is located to the east and north of the B1322 (Backworth Lane).

There is a PROW, wildlife site (Backworth Colliery pit plantation SLCI) and plantation woodland planting along the eastern boundary. The SLCI consists of a mixed plantation woodland. Beyond the site there are a number of arable farmland fields to the northern, eastern, southern and western boundaries and the Seaton Burn Watercourse is approximately 500m to the north adjacent to arable fields which are not part of the development site but will provide some additional enhancement areas for wildlife as part of the scheme. The development site consists of a network of agricultural fields bounded by hedgerows. Habitats consist of modified grassland fields, cereal crops and non-cereal crops, temporary grass and clover leys, mixed native scrub, a pond and native hedgerows.

1.16 The land is located within the greenbelt and within a designated wildlife corridor, therefore, the following Local Plan Policies apply to the scheme:

1.17 Local Plan:

DM1.6 Positive uses within the Green Belt
S5.4 Biodiversity and Geodiversity
DM5.5 Managing effects on Biodiversity and Geodiversity
DM5.7 Wildlife Corridors
DM5.9 Trees, Woodland and Hedgerows

1.18 A number of ecology and landscape documents have been submitted to support the application:

1.19 Ecological Impact Assessment:

1.20 An Ecological Impact Assessment (EclA) of the site was undertaken in 2022 by BSG Ecology. The majority of the site was noted as being located in a rural setting supporting modified grassland under grazing management and arable fields with boundary hedgerows. A pond, areas of scrub and areas of bare ground were also noted within the site. Further arable and grassland fields are adjacent to the site's southern boundary and sections of the north and east boundaries and an area of plantation woodland is adjacent to sections of the east and north boundary. Pasture and arable fields with boundary hedgerows, and occasional woodland blocks, are present in the wider landscape in all directions.

1.21 The solar panel arrays will be located entirely within arable and modified grassland fields. The arable fields will be converted to flower-rich grassland. The modified grassland beneath the arrays will be retained as improved grassland. Habitats of higher ecological value (i.e., the pond, hedgerows and scrub) will be retained and protected / enhanced by a semi-natural habitat buffer of between 5 m and 30 m in width. Site access will be via existing farm tracks where possible; however, minor hedgerow loss will occur to facilitate access and cable routing.

1.22 An 'Extended Phase 1 Habitat Survey' of the site was undertaken in August 2022 and included an assessment of the potential of the site to support protected or notable species of nature conservation interest, including Section 41 'Species of Principal Importance' (SPI) as listed in the NERC Act (2006). Survey included bat activity survey (remote monitoring), breeding and wintering bird surveys and an assessment of two ponds within and adjacent to the site for great crested newt, including environmental DNA (eDNA) sampling and analysis in May 2022. Impacts on statutory and non-statutory sites have been assessed as part of the application and the EclA concludes that the scheme will not give rise to direct impacts upon the Northumbria Coast SPA and Ramsar or Holywell Pond SSSI. The site is also not considered likely to be functionally linked to the SPA / Ramsar given the habitats present and that none of the qualifying bird species have been recorded during the breeding and wintering bird surveys. With regard to non-statutory designated sites, Backworth C-Pit SLCI is located adjacent to the boundary and has the potential to be impacted by the scheme design and through construction impacts. As a result, an ecological habitat buffer of between 10 m and 30 m adjacent to the SLCI to protect and enhance the site is proposed, in addition to a Construction Environmental Management Plan (CEMP) with measures to ensure construction works do not impact the site.

1.23 In terms of habitat within the site, the scrub and pond habitat will be retained and the majority of trees and hedgerows, with the exception of small sections to accommodate access tracks and cable routes, will be retained. Development is proposed on the arable fields, which will all be lost and modified grassland which will be largely retained under the arrays. Proposed habitat mitigation and enhancement includes:

Grassland buffer of at least 5 m in width on each side of each hedgerow to protect the hedgerow.

Tree and hedgerow protection measures

New species rich native hedgerows on and off-site and gapping up of existing hedgerows

Creation of species rich grassland under the solar arrays within the arable crop fields

Existing modified grassland under solar arrays to the east of the site managed through a low intensity mowing regime to create a more structured sward

Native scrub planting in the buffer to Backworth C-Pit Plantation SLCI

1.24 The EclA also states that where conversion of arable and improved grassland to wildflower grassland is proposed, appropriate ground / soil preparation will be undertaken. It is likely that the soil nutrient levels within the arable and modified grasslands are unsuitable for the immediate establishment of wildflower meadow species. A two-stage process is therefore proposed to establish the meadow grassland in these areas. The first stage (which may last for 2 to 3 years) involves seeding a grassland mix (within the arable fields) which is maintained with regular cutting (which are removed from site) to reduce the level of nutrients from the soil. Once nutrient levels have been reduced, the second stage involves rotovating and overseeding the newly established grassland with a wildflower rich meadow mix.

1.25 Given the type of land that is being converted (arable to species rich grassland), soil testing to determine soil type, nutrient levels (fertility) and pH should first be undertaken to determine what methods are required to successfully establish a species rich grassland and the appropriate seed mix to use for that soil type. It is recommended that the creation of the species rich grasslands within the site should follow Natural England's Technical Information Notes (TIN) in relation to soil testing and arable conversion to species rich grassland such as TIN035; TIN036; TIN066 and TIN067. Details of soil testing, ground preparation and species rich grassland establishment details, should be provided within a detailed 'Landscape Ecology Management & Monitoring Plan' (LEMMP) which will be conditioned as part of the application.

1.26 With regard to protected species, bat activity levels within the site were low. Six species of bats were recorded during the remote detector surveys with common pipistrelle (90%) accounting for the majority of passes recorded. The hedgerows and dense scrub on the site offer suitable bat foraging and commuting habitat for bats with the arable and grassland fields providing more limited value. The site also has habitat connectivity to wider areas of suitable habitat within the surrounding landscape to the north, east and west where further areas of woodland and farmland are present. Habitat for bats is largely being retained and the wider site will be enhanced with species rich grassland that will benefit bats. In addition, the development will not involve any working

after dark during the construction phase and no lighting other than PIR security lighting is proposed during the operational phase. Therefore, impacts on bats are considered to be negligible.

1.27 The eDNA survey for ponds within and adjacent to the site were negative for great crested newt and this species is scoped out of the assessment as their presence is unlikely. Habitats within the site are considered unlikely to be of high importance for notable invertebrate species. The grassland has a short sward height and limited floristic diversity, and pesticides are likely to be regularly applied to the arable fields. The Site is, therefore, likely to be of site value for invertebrates. Suitable habitat exists for reptiles, such as grass snake *Natrix Helvetica* but is considered unlikely to support more than very low numbers of common reptile species such as grass snake. As a result, a precautionary method of working will be adopted in the limited areas of suitable habitat to avoid any risk to reptiles, if present, and habitat to accommodate any displaced animals provided in advance of site clearance. The details will be provided within a CEMP. Other notable species such as hedgehog, brown hare, red squirrel and common toad, were considered not likely to be significantly adversely affected and were, therefore, scoped out and not considered further in the assessment.

1.28 Breeding and wintering bird surveys undertaken at the site identified increased numbers of bird species of conservation concern including breeding lapwing and skylark and overwintering golden plover, skylark and lapwing utilising the two off-site arable fields. These bird species typically prefer large open agricultural fields, and the installation of the solar arrays may result in the avoidance of these fields by these species. The bird surveys recorded much lower levels of golden plover, skylark and lapwing activity within the fields associated with the development site. The Report concludes that whilst the proposed development may result in some impacts on these species, the retention of the two arable fields to the north has avoided more significant impacts and has retained a habitat resource for golden plover, skylark and lapwing.

1.29 In terms of the impacts of the scheme on birds of conservation concern such as skylark, lapwing and overwintering golden plover, discussions with the applicant have taken place to ensure off-site compensation is provided for overwintering birds such as golden plover and on-site habitats are enhanced further to provide good quality breeding and foraging habitat for farmland birds including skylark and lapwing as well as pollinators and other wildlife. This will secure positive ecological outcomes and help protect and enhance the wildlife corridor in accordance with Planning Policy.

1.30 The applicant has confirmed they undertake the following as additional measures:-

Manage and maintain the newly created species rich grassland areas that are not located under the arrays (as shown on Figure 1 below outlined yellow) in 'moderate' condition.

Enhance the modified grassland areas not located under the arrays to species rich grassland (other neutral grassland) as indicated on Figure 1 below.

development habitat creation includes species rich grassland, native scrub, woodland and hedgerow creation on-site and enhancement of existing modified grassland, scrub, pond and hedgerows. Off-site habitat creation and enhancement includes new woodland screening planting and hedgerows and the enhancement of existing hedgerows. Habitat creation and enhancement is shown on the 'Proposed Planting Plan' (DWG No: NT15582-019 Rev A) and provides a combined on-site and off-site net gain of 17.45% for area habitats and 50.30% net gain for hedgerows.

1.35 The Landscape Plans for on-site and off-site habitat mitigation will change in accordance with the details set out above to provide additional enhancements on and off-site for farmland birds and to enhance the wildlife corridor. As a result, an updated Metric, BNG Assessment and Landscape Plan will need to be provided for approval by way of condition. This is considered acceptable as net gain is likely to increase as a result of this.

1.36 Landscape Strategy

1.37 Along the B1322, the majority of the site will be visible from the road as the existing hedgerow is not continuous and lacks any significant screening of the site. Following earlier comments, revised drawings NT15582/019 Rev A and 020 Rev A (included in the Landscape And Visual Appraisal (LVA) Part 2, show all existing hedgerows and vegetation to be retained, with the exception of pinch point locations as shown on the Pre-Development tree constraints Assessment v03 March 2023.

1.38 The existing hedgerows would be gapped up and managed to grow to approximately 3m tall which will provide a level of screening and additional hedgerow planting, with standard trees, would be carried out on the eastern, western and southern boundaries with additional hedgerow and scrub planting within the site as shown on Drawing NT15582/019. Woodland belts are proposed to the north and south to provide screening of the development in the views from Backworth and Seghill, and hedgerows in the wider area would be gapped up and managed to provide additional screening, as illustrated on Drawing NT15582/020.

1.39 Drawings NT15582/020 Rev A NT15582/019 Rev A and 020 Rev A contained within the Landscape And Visual Appraisal (LVA) Part 2, show a total of 13no. native standard trees (cherry, apple and birch) incorporated into the existing and new hedgerow mixes to the boundaries of the site. The drawings submitted individually with the planning application don't show these additional trees. Nevertheless, a site of this size could incorporate greater numbers of standard trees to the hedgerows particularly to the western boundary of the site and along Fisher Road with possibly the introduction of more larger scale trees such as oak, beech or lime. The applicant has also agreed to further amendments outlined above in relation to enhancement of off-site field margins with species rich grassland and enhancement of some modified grassland areas within the development site to species rich grassland. A suitably worded condition will ensure that an appropriate landscape plan is developed.

1.40 Arboricultural impact Assessment

1.41 The site is a series of arable fields and pasture intersected by hawthorn dominated flail managed hedgerows. There is plantation woodland on the north-eastern boundary which extends to the south, a belt of scrub, natural regeneration and planted trees growing alongside a Burn on the northern boundary and fragmented groups of trees within the site which may be relics from a former land use or planting schemes. None of the trees within the property are protected by Tree Preservation Orders and the site is not within a Conservation Area. None of the hedgerows within the site are of a size, quality or composition to be classified as Nationally important under the 1997 Hedgerow Regulations. However these hedgerow and tree groups are visible from many viewpoints around the immediate and wider vicinity and make a significant contribution to the character and quality of our landscape. The combined structural tree cover is an important existing landscape feature and supports the biodiversity of the immediate and wider area. Therefore, the development is required to meet Local Plan Policy DM5.9 Trees, Woodland and Hedgerows.

1.42 A revised Pre-Development tree constraints Assessment v03 (March 2023) has been submitted which provides arboricultural information and advice regarding the constraints presented by the presence of individual trees, groups of trees, woodlands and hedgerows within and directly adjacent to the site, and have been categorised with regard to their quality and retention value using criteria outlined in BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

1.43 The site comprises of a mix of deciduous and conifer trees including, sycamore, ash, hawthorn, elder, alder, scots pine, birch, willow, whitebeam and rowan. Five separate tree groups were surveyed, 3no groups have been categorised as 'C' and 2no as category 'B'. Eleven separate hedgerows have been identified and surveyed as a mix of category B and C, and 2no area of woodland have also been surveyed, one as category C and one as category B.

1.44 Eight locations through the site have been identified where sections of hedgerow /trees may need to be removed for site access. No detailed quantities or measurements (m² or linear m) has been provided so it is difficult at this stage to fully assess the impacts. It is noted, however, in section 4.4 that '*A detailed Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and site specific arboricultural method statement (SSAMS) will be produced on completion of the final development layout*'. Whilst this is information that should be provided to support the application submission, a condition will be applied to ensure this information is provided.

1.45 Landscape/Visual

1.46 Following comments resulting from the consultation process in November 2022, the following additional information was requested:
The removal of some solar panels along the eastern and western site boundaries to provide wider buffers for habitat creation and screening,
the provision of field margins and scrapes in the north and;
a photomontage for Viewpoint 1.

1.47 An updated Landscape And Visual Appraisal (LVA) has been submitted which provides this additional information and the revised planting plans illustrate the additional planting proposed (Revised planting plans NT15582-019 Rev A and 020 Rev A).

1.48 The principal access to the site would be from Fisher Road on the eastern side of the site. All existing trees and hedgerows to the field boundaries would be retained with adequate Root Protection Areas (RPAs) allowed for, the existing hedgerows would be gapped up and managed to grow to approximately 3m tall. There would be additional hedgerow and scrub planting along key areas, notably on the eastern, western and southern site boundaries and 10m wide woodland belts would be planted to the north and south of the development to screen views from the settlements of Backworth and Seghill. The landscape proposals are illustrated on the revised drawings NT15582/019 Rev A and 020 Rev A (included in the Landscape And Visual Appraisal (LVA) Part 2

1.49 To secure the proposed development, perimeter security fencing at a height of 2.15m would be installed around the parcels of arrays proposed within the separate field enclosures. The typical minimum distance between edge of the arrays to the fence would be 3m with a further (minimum) distance of around 5m between the fencing and existing field boundaries. In addition to fencing, discreet pole-mounted CCTV security cameras (approximately 4m in height) would be positioned at intervals along the inside edge of the fencing. Badger friendly and small mammal access points will be provided at various locations to allow the passage of wildlife across the site.

1.50 The operational lifespan for the development is up to 40 years, at the end of which it would be dismantled, and the site restored to agricultural use. The proposed planting would be retained as permanent landscape features.

1.51 The 'Landscape and Visual Appraisal' looks at the landscape value of the site and surrounding area which is considered to be medium to low. The site itself and the wider area undulating farmland does have some scenic value that is likely to be valued locally. However, given that there is the presence of large areas of settlement and development in the surrounding area and no presence of rare or important elements and features, and the site itself is not recognised by any landscape designation, it is considered that the area of the site and its immediate surroundings does not constitute a "valued landscape".

1.52 The site is currently managed predominantly as agricultural grassland and arable land. The solar panels and associated buildings and structures, including the inverters and substation, would introduce features and structures, resulting in a noticeable alteration to the land use and a change to the character of the site. However plantation woodland along field boundaries and the majority of hedgerows within the site and to the boundaries of the site would all be retained. Additional hedgerow, woodland and scrub planting is proposed which would become positive landscape features in the future.

1.53 The Landscape and Visual Appraisal concludes that the proposed solar farm development would result in localised adverse landscape effects and visual

effects, with higher levels of effect in and immediately around the site itself and towards the northern edge of Backworth. Beyond the site boundaries, effects would reduce with distance and the screening impact of vegetation and topography. The effects of the solar farm would reduce with time and management of the existing vegetation and new woodland belts, boundary hedgerows and hedgerow and scrub planting that will provide greater screening. At the end of the development's design life, it would be dismantled and restored to its current condition, with the exception of the proposed planting which would be retained as permanent landscape features, so the adverse effects of the scheme are reversible and there would be no residual adverse landscape or visual effects.

1.54 Conclusions

1.55 The development site supports valuable boundary habitat features (hedgerows, trees and scrub) and provides breeding and wintering habitat for farmland birds such as skylark, lapwing and golden plover. With the exception of the removal of some small areas of these boundary features for access and cable works, the majority of these habitats will be retained and protected and will be enhanced through on-going conservation management and through the creation of semi-natural buffer habitat including the enhancement / creation of wildflower grassland. The arable fields under and around the solar arrays will be converted to wildflower grassland and managed through a combination of mowing and grazing and the existing modified grassland beneath the arrays to the east will be retained in its current form and areas outside of the arrays will be converted to species rich grassland. These areas will also be managed through mowing and grazing. There will also be additional areas of habitat creation including scrub and hedgerow planting.

1.56 Any potential risks to individuals or populations of protected species (e.g. bats, breeding birds and badgers) will be avoided, or mitigated, and an overall enhancement for these species groups is likely, through suitable habitat creation and the provision of bat and bird boxes. The habitat creation will also be of benefit to invertebrates, amphibians, small mammals and reptiles. Mitigation measures will be implemented via a detailed CEMP and LEMMP (Landscape, Ecology Management and Monitoring Plan) and a landscape condition will ensure that additional enhancements agreed with the applicant will be incorporated into the scheme to provide habitat for farmland birds and other wildlife, enhancement of the wildlife corridor and net gains for biodiversity.

1.57 If the application is recommended for approval, the following conditions should be attached to the planning application:

1.58 Conditions:

1) A Construction Environmental Management Plan (CEMP) shall be submitted to the LPA for approval prior to development commencing on site and shall include details of pollution control measures, habitat and species protection measures, protection of the Backworth C-Pit SLCI and pre-commencement checking surveys for those protected species identified within the EcIA (BSG Nov 2022) during construction works.

2) Prior to development commencing on site, a fully detailed on-site and off-site landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed specification, ground preparation details and full details of the species and sizes for all new plant species and shall be in accordance with the habitat creation and enhancement details set out within an updated Biodiversity Metric and BNG Report. The landscape scheme shall include details of the following:

- Details and extent of new native scrub, woodland and hedgerow planting
- Details of planting to enhance existing woodland, scrub and hedgerows
- Details of species rich grassland creation within the development site including the enhancement of existing modified grassland to species rich grassland in areas outside of the solar arrays
- Details of wetland scrapes to be provided off-site for farmland birds
- Details of 5m wide species rich field margins to be created off-site around all field boundaries to the north of the development site for farmland birds.

Standard trees are to be included to the existing and new planting areas to the boundaries of the site and along Fisher Lane and shall be a minimum 12-14cm girth and planted at regular intervals (no greater than 50m from each other) and include a variety of native species including trees of a larger growing scale.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

3) Prior to development commencing on site, an updated Biodiversity Metric and Biodiversity Net Gain (BNG) Assessment shall be submitted to the LPA for approval in writing and shall be in accordance with the updated and approved on-site and off-site landscape plans

4) Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on-site and off-site habitat mitigation and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the details set out within the updated and approved Biodiversity Metric, BNG Report and detailed Landscape Plan and shall be implemented on site on completion of works for a minimum period of 40 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 40 years. The Plan will also include details of regular Net Gain Assessment updates at agreed timescales that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

The Plan will also include the following:

Soil analysis/testing of the land proposed for conversion/enhancement to species rich grassland (including 5m wide field margins off-site) in accordance with appropriate Natural England Technical Information Notes (TINs), to ensure appropriate techniques and seed mixes are used to successfully establish species rich grassland and to enable future monitoring to be undertaken

Details of ground preparation for the creation of species rich grassland, wildflower seed specifications and methods of establishment

Management of species rich and modified grasslands using a combination of sheep grazing and mowing

Details of an Ecological Clerk of Works (ECoW) to undertake pre-development checks for protected species and to oversee the habitat creation works and monitor the site

Details of the type and quality (condition) of species rich grassland that will be targeted within the site which will include species rich grassland outside of the solar arrays being managed to achieve a target 'moderate' condition

Details of the management company responsible for undertaking the habitat creation and management of the site;

Details of a regular soil analysis programme (including methodology) to monitor nutrient levels within the grassland and the success of the arable conversion to species rich grassland. Soil data will be submitted, when required, as part of the regular Monitoring Reports

Details of the regular monitoring of habitats and species within the development site and the off-site compensation land, at agreed timescales, to ensure the delivery of species rich grassland and other habitats are successful. Monitoring will include regular botanical surveys, breeding and wintering bird surveys, invertebrate surveys and monitoring of the site for bats, with details of survey methodologies and timings to be included. Monitoring Reports will be submitted to the LPA for approval and will include Net Gain Assessment updates to evidence the success of the scheme and to ensure habitats are meeting target condition;

Details of corrective actions that will be undertaken if arable conversion is unsuccessful or if monitoring demonstrates that the condition of the species rich grassland does not meet the objectives of the Plan and fails to support target bird species.

All works shall be completed in accordance with the approved details and habitat creation within the off-site compensation site shall be completed in accordance with the approved details prior to the commencement of construction works on the development site.

5) Badger access points (badger gates) and small mammal access points will be provided within any new or permanent fencing at various locations within the development site, to allow the passage of wildlife throughout the site. The locations and specifications of the badger and small mammal access points shall be detailed on fencing plans and submitted to the LPA for approval prior to the installation of fencing.

- 6) Any excavations left open overnight shall have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- 7) No vegetation removal or works to features (buildings) that could support nesting birds will take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.
- 8) 20no. bird boxes (various designs including tree sparrow, hole and open fronted) will be provided in suitable locations within and adjacent to the development site. Details of bird box specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans prior to the completion of works and permanently retained.
- 9) 15no. bat boxes (various designs) will be provided in suitable locations within and adjacent to the development site. Details of bat box specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans prior to the completion of works and permanently retained.
- 10) No trees, shrubs or hedges within the site 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 AIA 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.
- 11) Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), a fully detailed Arboricultural Impact Assessment (AIA) and Site Specific Arboricultural Method Statement (SSAMS) incorporating a Tree Protection Plan (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is to be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved AIA, SSAMS and TPP
- 12) Prior to commencement of any works starting on site, the trees and hedgerows within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in a Tree Protection Plan (to be submitted) unless otherwise agreed in writing by the Local

Planning Authority. Due to the size of the site, a phased programme of installation can be considered with the installation of permanent fencing to the boundaries of the site being acceptable as tree protective fencing as long as it is installed as a first operation. 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. 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.

13) 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 or hedgerows as defined by the Tree Protection Plan and maintained for the duration of the works.

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

15) A landscape plan for the restoration of the site, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use and include: long term design objectives, details for the removal of all machinery, plant, buildings, structures and associated foundations, hardstanding's, concrete structures, crushed rock, liners and haul road and car parking; details for the regrading and replacement of soils to the approved levels and contours and its restoration to appropriate quality agricultural land. The Plan shall incorporate details of any land within the site that becomes available prior to the 40 year duration (as a result of changes in technology/reduction in number of solar arrays etc) to be developed as species rich grassland habitat.

2.0 External Consultees

2.1 Newcastle Airport

2.2 The application has been supported by a Glint and Glare Assessment undertaken by Wardell Armstrong. Within the Glint and Glare Assessment, the report makes reference to potential impacts to neighbouring aviation receptors. Newcastle Airport welcomes the fact that ForgeSolar, a reputable glint and glare assessor has undertaken the assessment which has provided the data for this

report. The report measured glint effects on critical flight times against the runway.

2.3 The report highlighted that the solar array has the potential to create glint towards aircraft between 05:41 and 06:15AM. This would equate to 301 minutes of glare per year. While undesirable, this is a reasonable level that would not warrant a formal objection to the proposal.

2.4 Newcastle Airport agrees with the conclusion that while glint will be visible to Aircraft, any effect visible would not be sustained for extended durations. As a result of this, the Airport raises no objection to the proposals.

2.5 Coal Authority

2.6 The Coal Authority Response: Material Consideration

2.7 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

2.8 The Coal Authority records indicate that the site lies within an area of probable unrecorded shallow coal mining. In addition, the site is within the boundary of a site from which coal has been removed by surface mining (opencast) methods. This could affect the safety and stability for any 'sensitive' structures (structures that require foundation works) required to facilitate this proposal.

2.9 The planning application is accompanied by a Coal Mining Risk Assessment (1462R001i1 Final, 14 October 2022) prepared for the proposed development by DBS Environmental Limited. The Assessment has been informed by an appropriate range of sources of historical, geological and coal mining information (Section 2). We note that the report author identifies that solar panels are exempt from needing a Coal Mining Risk Assessment to support a planning application, however as ancillary buildings within in-ground foundations are required as part of the proposal, the Assessment will assist with the design and layout of the site and assess the coal mining legacy risks to the overall development.

2.10 Having carried out a review of the available information, including opencast abandonment plans the report author informs that whilst probable shallow coal seams are recorded within the site, the majority of the coal seams within the opencast area will have been removed by the opencast workings. However, shallow coal seams and / or workings are likely to still be present within the southern part of the site. Therefore, recommendations have been made that a borehole investigation is required prior to commencement of development if any ancillary buildings with in-ground foundations are proposed within the southern area. Depending on the findings will determine whether any ground stabilisation works will be required to mitigate the risk of ground instability to the 'sensitive' structures.

2.11 Section 6.1 informs that the risk to the site from opencast workings is low however, no 'sensitive' structures should straddle the opencast highwall(s) due to differential settlement. Recommendations have been made that an inspection of the high wall position should be carried out as part of the site appraisal to confirm if this is visible and its position can be confirmed.

2.12 We are pleased to note that the layout (Drawing No. 1392-111 Revision G – Site Plan General Arrangements PV Array) has afforded due consideration to the opencast workings and the ancillary buildings are proposed outside this area.

2.13 Any targeted intrusive site investigations within the southern part of the site should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

2.14 The applicant is aware 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.

2.15 Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & 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 not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

2.16 Sustainable Drainage

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.

2.17 The Coal Authority Recommendation to the LPA

In light of the above, the Coal Authority recommends the imposition of the following condition:

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 the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of any targeted intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. The intrusive site investigations and remedial works should have been carried out in accordance with authoritative UK guidance.

2.18 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.

2.19 The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure the above.

2.20 Northumbria Police

2.21 Northumbria Police have no objection to the proposed development, however we would ask that the following recommendation is passed on to the Agent/Applicant.

2.22 Nationally larger solar arrays have attracted criminal interest and subsequent attacks have been organised and their impact extensive. It is notable therefore that such organised attacks frequently involve the use of powered cutting gear and therefore one has to consider whether a basic 2.15m mesh fence provides significant delay or deterrence.

2.23 The purpose of any boundary treatment is simply to Deter or Delay and for that reason we recommend that large scale solar arrays are protected by a fencing system tested to an appropriate standard. Given the scale of investment, the location and likely response we would recommend that the appropriate standard would be LPS 1175 – Issue 8.1 D15. The rationale for that recommendation is based upon the likelihood that potential offenders would likely come equipped with category D tools (i.e. Disc grinder, Fire axe, Jigsaw, Sledgehammer plus Cat. A, B, C tools) and to enable a realistic response we would seek to delay any attack by at least 15 minutes.

2.24 Natural England

2.25 SUMMARY OF NATURAL ENGLAND'S ADVICE

2.26 DESIGNATED SITES – NO OBJECTION

2.27 SOILS AND BEST & MOST VERSATILE LAND - NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

2.28 We consider that without appropriate mitigation the application may result in losses or sub-optimal management of the site's soil resources.

2.29 In order to mitigate these potential adverse effects and make the development acceptable, a suitable condition should be attached to any planning approval in order to safeguard soil resources.

2.30 Natural England's advice on other natural environment issues is also set out below.

2.31 Designated Sites – No objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

2.32 Soils and Agricultural Land Quality – No objection subject to mitigation being secured.

2.33 Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

2.34 We note from the submitted soils report¹ that 28Ha out of the site's 50.6 Ha total extent have been surveyed. This application may therefore affect an unknown extent of BMV agricultural land (up to 22.6Ha). Reference to the archaeological geophysical survey report² showing the extent of the site subject to open cast coal mining suggests much of the site's soils result from restoration measures.

2.35 Notwithstanding the in principle need for further information we consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

2.36 However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land. We acknowledge the application site's previous use for coal mining accordingly. Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic

and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

2.37 We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

2.38 Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

2.39 Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

2.40 Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

2.41 Next steps

2.42 In the absence of complete soil survey information, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance Code of Practice for the Sustainable Use of Soils on Construction Sites.

2.43 Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

2.44 General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

2.45 The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

2.46 We would also advise your authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

2.47 Other advice

2.48 Priority Habitats - Hedgerows

We note the scheme's proposals to convert arable farmland to wildflower grassland, retain and manage modified grasslands, and gap up (and buffer) the retained hedgerows. We agree with the proposed use of a Construction and Environmental Management Plan (CEMP) and Landscape and ecology Management Plan (LEMP) in order to ensure suitable measures are funded, implemented, managed and monitored during the development's lifetime. The CEMP and LEMP should be secured as part of planning approval e.g. by means of a suitable planning condition.

2.49 Northumberland Council

I would confirm that Development Management have No Objection to the above consultation.

2.50 Tyne and Wear County Archaeologist

2.51 The applicant has submitted an archaeological desk based assessment (HER event 5384 report 2022/72) and a heritage statement (HER event 5385 report 2022/73) carried out by Archaeological Services Durham University. The reports reviewed the Tyne and Wear Historic Environment Record, and other relevant cartographic and other historical sources. They conclude that as the majority of the site (Fields 1-5, northern part) had been subject to opencast coal mining, these areas have no archaeological potential.

2.52 In the southern part of the site (Fields 6 and 7), the reports identified some potential for prehistoric or Roman activity, and for below ground remains of medieval ridge and furrow ploughing and post medieval field boundaries. Remains of the 19th century Hotspur Brickworks may also survive on the site, and 19th and early century waggonways survive as embankments in places.

2.53 The desk based assessment recommends that a geophysical survey is conducted across the areas of the site that have not been opencast, in order to determine the nature and extent of the archaeological resource. This has been carried out and the report submitted by the applicant (HER event 5386 report

2022/74). The survey identified possible soil-filled ditches in Areas 4 and 6, features related to the former Burradon and Holywell Waggonway in the north of Area 6, and post-medieval former field boundaries and a former structure.

2.54 These reports have demonstrated that the site has some potential for archaeological remains. Some of the features identified in the geophysical survey merit further investigation. Archaeological trial trenching should be carried out in order to establish the presence or otherwise of archaeological remains (NPPF para 194). If archaeological remains are present then further work may be required to determine their significance and to record and advance understanding of the significance of any heritage assets to be lost (NPPF para 205).

2.55 The archaeological work can be secured by the following conditions:

Archaeological Excavation and Recording Condition

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

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

Archaeological Post Excavation Report Condition

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

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

Archaeological Publication Report Condition

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

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

3.0 Representations

3.1 4no. objections have been received. These are summarised below.

- Adverse effect on wildlife.
- Affect character of conservation area.

- Affect setting of listed building.
- Affect Site of Spec. Scientific Interest.
- Impact on landscape.
- Inadequate drainage.
- Inadequate parking provision.
- Inappropriate in special landscape area.
- Inappropriate materials.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Loss of/damage to trees.
- None compliance with approved policy.
- 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.
- Impact on the countryside surrounding nearby housing.
- Loss of property value.
- Loss of Greenbelt.
- Breach of National Planning Framework.
- Adjacent to a conservation area.
- There are tight restrictions on the development of residential properties.
- Located on a very narrow strip of Greenbelt.
- There must be a special circumstance to utilise a green belt for solar farms.
- The benefits of the green energy produced will not outweigh the damaging costs to the local environment.
- Harm to wildlife and habitats.
- Visual harm.
- Risk of solar farm fire.
- Contamination by toxic substances.
- Loss of agricultural land – impact on food supply.
- Highway disruption.
- Detrimental change to the character of open fields and farmland.
- Impact on views of the countryside.
- Not included within the Masterplan for the development of North Tyneside.
- Damage to paths and thoroughfares.
- Additional traffic and construction vehicles – harm to highway safety.
- Risk of farmland not being re-instated.
- Insufficient public benefit to overcome the harm.
- Solar farms are not efficient in UK weather.
- Boundary fencing would hinder wildlife and be unsightly.
- The planting will take several years to provide screening.
- Lack of consultation.
- Adjacent to a conservation area, listed buildings and sites of special architectural and historic interest. Harm to the character of these places.
- Will make the local area highly industrialised.
- The panels will be the highest point in the local area.

- Permanent material effect on the countryside.
- Loss of openness.
- There are insufficient 'very special circumstances'.
- Has not been demonstrated that a solar farm of this capacity is required.
- Why are solar panels not allowed on homes in Backworth?
- Same benefit can be achieved by relocating to brownfield land in a more remote location or investing in rooftop solar panels.
- No evidence of a search of alternative sites outside green belt.
- The land fulfils an important Green Belt purpose.
- Important interface with the Northumberland Green Belt.
- Conflicts with North Tyneside Council's overall recreational strategy for the local area and cycling strategy.
- Local equestrian businesses rely on the attractiveness of and access to the green belt land.
- Solar farms are known to attract opportunist thieves and organised crime.
- The farmland is highly fertile.
- Potential land damage by flood, fire or contamination.
- Inadequate ecology surveys.
- Health and safety concerns for local residents.
- Health risk of electromagnetic hypersensitivity.
- Noise and light pollution.
- Assessment of the impact on the conservation area and historic buildings in not accurate.
- The panels would be clearly visible from residential properties.
- Impact on views from Fisher Lane.

3.2 2no. comments of support have been received. These are summarised below.

- Poor traffic/pedestrian safety.
- A footpath could be created to the south of the site joining 2 existing Waggonway routes and removing traffic from a busy road.
- Supporting cleaner sources of energy is a must.
- Wildflower planting should be compulsory on the land below the solar panels.

3.3 1no. neutral comment has been received.

A vital planning gain requirement for this application should be to link up the bridleway from Camperdown where it stops at Backworth Lane, with the waggon way at Fisher Road.

Application No: 21/02496/FUL Author: Rebecca Andison
Date valid: 16 December 2021 ☎: 0191 643 6321
Target decision date: 10 February 2022 Ward: Riverside

Application type: full planning application

Location: Land Adjacent to Hatfield House, Borough Road, North Shields, Tyne and Wear

Proposal: Erection of 5no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space (REVISED PLANS AND ADDITIONAL INFORMATION)

Applicant: Low Town Developments

Agent: Building Design (Northern) Ltd

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application; and
- b) authorise the Director of Regeneration and Economic Development to issue a notice of grant of planning permission subject to:
 - i) the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the following financial contributions:
 - Coastal mitigation: £1,685
 - Habitat creation: £2,566
 - ii) the conditions set out in the planning officer's report;
 - iii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

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

- Design and impact on the character of the conservation area;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

2.0 Description of the Site

2.1 The application site is located on the south side of Borough Road, which lies to the south of North Shields Town Centre. It comprises a steep, vegetated embankment and is bisected by a column which supports Borough Road Bridge. The northern part of the site contains an advertising hoarding.

2.2 The site is located between Borough Road and Tennyson Terrace, a residential street at the top of the embankment. To the northwest is Hatfield House, a 4-storey apartment building, and to the southeast is Old Customs House, a grade II listed building also containing apartments.

2.3 The application site falls within the New Quay Conservation Area.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for a development of 5no. three-storey town houses in a stepped terrace with amenity space and a communal car-parking area.

3.2 The dwellings would be located to the west of the bridge column while the car park would be located to the east. Each property contains 4no. bedrooms and would be provided with amenity space at the rear. It is proposed to retain a landscaped area between the easternmost dwelling and the bridge.

4.0 Relevant Planning History

19/01216/FUL - Erection of 6no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space – Refused 02.09.2020 for the following reasons:

- 1) The proposal would result in the loss of habitat and trees that would have an adverse impact upon biodiversity contrary to the advice in National Planning Policy Framework (2019) and policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan 2017.
- 2) Insufficient information on land stability has been submitted to demonstrate that the site could be developed safely and not affect adjacent land such as Tennyson Terrace. The proposal is therefore contrary to the advice in National Planning Policy Framework (2019) and policy DM5.18 of the North Tyneside Local Plan 2017.
- 3) The proposed design would have an adverse impact upon the character and appearance of the New Quay Conservation Area contrary to the advice in National Planning Policy Framework (2019) and policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017, and The Design Quality Supplementary Planning Document (2018).

An appeal in respect of the above decision (20/00015/S78TPA) was dismissed on 09.04.2021. The Inspector upheld refusal reasons 1 and 3 but dismissed reason 2.

18/01497/FUL - Demolition of Borough Road Footbridge including works to the abutments and masonry walls at both bridge approaches, and stopping-up the existing public right of way including closing the footway off Tennyson Terrace. Permitted 04.02.2020

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider are:

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

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

8.0 Principle

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

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

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

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

8.5 Paragraph 86 of NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

8.6 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area.

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

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

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

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

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

8.10 The development would provide 5no. new homes, which would contribute to meeting the housing needs of the borough in accordance with the NPPF and part (a) of Policy DM4.5. It is located in a sustainable location close to shops and

services within North Shields town centre and bus stops on Saville Street West/Prudhoe Street.

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

8.12 North Tyneside Council Housing Land Supply

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

8.14 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). The potential housing land supply from this proposal is not included in this assessment. The proposed 5no. dwellings will make a small, but valuable contribution towards the borough achieving a five year housing land supply.

9.0 Impact on the amenity of existing and future occupiers

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

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

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

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

9.5 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and

hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

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

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

Accessibility of homes:

Market Housing

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

Affordable Housing

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

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

Internal Space in a Home:

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

9.8 The Design Quality Supplementary Planning Document (SPD) states: “The quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.”

9.9 The proposed development is located to the northeast of residential dwellings on Tennyson Terrace. The difference in land levels means that the apex of the roof would project approximately 4m (max) above the ground level of Tennyson Terrace with the eaves projecting approximately 2m above ground level. There would be a separation distance of approximately 15.6m between the rear elevations of Tennyson Terrace and the roof apex of the development. A

distance of 12.6m would exist between the eaves of the development and the rear of Tennyson Terrace.

9.10 When taking into account the location of the development to the northeast of Tennyson Terrace, the difference in land levels and the fact that the pitched roof slopes away from the shared boundary it is officer opinion that the impact on light and outlook is acceptable.

9.11 It is noted that the rear elevations of Tennyson Terrace overlook the rear of the proposed dwellings. However, each of the dwellings on Tennyson Terrace and the proposed dwellings would have a rear fence of at least 1.8m in height. These fences combined with the steep angle of the embankment would limit the overlooking between the properties. In addition, the main windows are located within the front elevation of the development with only office, bathroom windows and glazed doors facing Tennyson Terrace. It is therefore officer opinion that the impact on privacy is acceptable.

9.12 There are no windows in the flank elevation of Hatfield House overlooking the proposed dwellings and the bridge piers of the Borough Road bridge would screen the proposed dwellings from Old Customs House to the southeast.

9.13 The proposed 4-bedroom dwellings have a floor area of approximately 120 sqm which complies with the Government's Nationally Described Space Standard (NDSS).

9.14 The main living accommodation is towards the front of the dwellings and all the living area and bedrooms are provided with windows facing Borough Road which would give acceptable levels of light and outlook. Each property would be provided with a steeply sloping rear garden and an external courtyard. A small planted area would also be created at the front of the development to provide separation from the highway. The level of outdoor space is considered to be acceptable when taking into account the urban character of the area and the constraints of the site.

9.15 To protect residents from traffic noise a condition in respect of a glazing and ventilation scheme is recommended.

9.16 Members need to determine whether the proposed development is acceptable in terms of its impact on existing residents and whether acceptable living conditions would be provided for future occupiers. It is officer advice that the impact on existing and future residents, in terms of noise, light, outlook and privacy is acceptable, and that the proposed development accords with the NPPF and LP Policies DM5.19, DM4.9 and DM6.1.

10.0 Impact on Character and Appearance

10.1 The Local Planning Authority must have regard to its statutory duty to ensure the preservation and enhancement of the character and appearance of conservation areas, as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It must also have special regard to the desirability of preserving the listed building or its setting or any features of special

architectural or historic interest which it possesses under section 66 of the same Act.

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

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

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

10.5 Para.200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.6 NPPF para.201 states that where a proposed development will lead to substantial harm to (or total loss of significance) of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

10.7 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para.202).

10.8 NPPF para.206 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

10.9 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.10 Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

10.11 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

10.12 Relevant sections of the Design Quality SPD include:

4.2 "The appearance and materials chosen for a scheme should create a place with a locally inspired or otherwise distinctive character. Identifying whether there are any architectural features or specific materials that give a place a distinctive sense of character should be a starting point for design."

4.3 "The scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting."

5.3 "North Tyneside's historic environment creates a sense of place, well-being and cultural identity for the borough.....New buildings clearly need to meet current needs and reflect the availability of modern materials and techniques while also respecting established forms and materials that contribute towards the character

of an area. As with all development, understanding significance of the place is crucial.”

5.3 “Development within the curtilage of heritage assets must have full regard to the following:

- a) The heritage asset should be retained as the visually prominent building.*
- b) The special architectural and visual qualities of the area or asset and their setting.*
- c) The pattern of existing development and routes through and around it.*
- d) Important views.*
- e) The scale, design, detail and character of neighbouring buildings.*
- f) Any potential impacts of the proposed development on heritage assets and their setting.”*

10.13 The Fish Quay Neighbourhood Plan SPD was adopted in 2013. Relevant points from Section 4 Design Principles include:

- 4.2.1 Respect what has gone before, ensuring new design makes a positive contribution to the neighbourhood, and is created within the context.*
- 4.2.2 Pastiche old design, that is, design that imitates being old, will generally not be supported. Good quality modern design is more appropriate.*
- 4.2.3 New development should make a positive contribution through sensitive design that is developed specifically in relation to the site in question.*
- 4.3.2 New development should preserve or enhance the wildlife corridor.*
- 4.5.2 Should be generally between three and five storeys, and could be as low as one or two storeys nearer the water’s edge.*
- 4.9.1 Should use materials that are sympathetic to the surroundings but which also add to the diversity of the area.*
- 4.9.2 Should generally be traditional and natural (particularly in development which is designed in traditional styles), but also with minimal sensitive use of modern man-made materials.*

10.14 The application site is located within the New Quay Conservation Area adjacent to a grade II listed building. It occupies a prominent embankment position, overlooking the adjacent Borough Road and is clearly visible on the approach to the town centre from the riverside. The site sits between the grade II listed Old Custom House and a more modern building at Hatfield House. The predominant roof form of both these buildings and the surrounding residential properties is pitched. Hatfield House is constructed mainly from red brick with cream bricks around the base of the building, while Old Customs House is a stone building. On the opposite side of Borough Road is a vegetated embankment.

10.15 5no. 3-storey town houses are proposed in a staggered terrace which would be set back slightly from the edge of Borough Road. The height of the proposed development is significantly lower than Hatfield House and steps down to reflect the slope in ground level from north to south along Borough Road. As such it is officer opinion that the height and scale of the development are appropriate for the site.

10.16 The proposed dwellings have pitched roofs and would be constructed from dark grey/brown brickwork with brick detailing and white mortar at ground floor level and light grey brick with white mortar at first and second floor levels with small sections of timber cladding and aluminium framed windows. The rear amenity spaces would be enclosed by a 1.8m timber fence and the front amenity space would be enclosed by a low brick wall and railings.

10.17 A Design and Access Statement has been submitted. This explains that the ground floor has been designed to be taller and visually stronger, and the first and second floors shorter and simpler in detail. This design is also reflected in the size of the windows on the front elevation - taller windows on the ground floor, followed by shorter windows on the first and second floors.

10.18 A previous application for a development of 6no. flat roofed dwellings has been refused planning permission and one of the refusal reasons refers to the adverse impact of the design on the character and appearance of the New Quay Conservation Area. The decision was upheld by the Planning Inspector when he determined the subsequent appeal. The appeal decision states:

“the contemporary flat roofed form of the appeal scheme would not sufficiently reflect the historic roof forms that characterise this particular Conservation Area. Given the positioning of the appeal site, this would be evident from street level, particularly on approach to the quayside and more so from elevated points along the neighbouring bridge and surrounding higher ground.”

10.19 The Inspector notes the flat roofed component of the neighbouring building and the more recent contemporary designed developments in the area. However, they did not consider that the proposal sufficiently referenced the prevailing important architectural roof form of the existing townscape to assimilate successfully with this important historic context and adequately articulate its significance. The decision goes on to states that *“Consequently, by virtue of its roof design, the appeal proposal would not adequately reflect the existing local distinctiveness of this particular Conservation Area.”*

10.20 The design of the development has been amended to address the Inspector’s comments regarding the roof design. The proposed dwellings now have pitched roofs which is in keeping with the predominant roof form in the area. The Inspector did not raise any other concerns regarding the design of the development and stated that the construction materials could be agreed via a planning condition. It is therefore officer opinion that the design of the proposal is acceptable.

10.21 The appeal decision refers to the undeveloped nature of the site and states that this makes a positive contribution to the character and appearance of the conservation area. The Inspector has regard to the cumulative visual impact of the proposed roof form and the loss of the important green space.

10.22 The proposal would still result in the loss of greenspace and the relief that this currently provides within what is a predominantly built-up area. However, the number of units has been reduced from six to five to allow a landscaped area to be retained within the site. It is officer opinion that when taking into account the

revisions that have been made to the design of the development the loss of greenspace would not represent sufficient grounds on which to refuse the application. In the terms of the NPPF it is considered that the harm to the conservation area is at a level which can be described as being at the lower end of 'less than substantial'.

10.23 NPPF states that where a development results in less than substantial harm this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. LP Policy DM6.6 states that any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

10.24 When the previous appeal was determined the Local Authority had a five year supply of housing land and therefore the Inspector attached only moderate weight to the delivery of additional homes. This is no longer the case and there is now a shortfall against the requirement to maintain a 5-year supply. The proposal would make a small but valuable contribution towards achieving a 5-year housing land supply. It is officer opinion that this is a benefit which should be afforded substantial weight.

10.25 It would not be possible to deliver this benefit without losing the existing greenspace and the public benefits could not therefore be achieved in a less harmful way.

10.26 The previous appeal decision states that the harm to the conservation area was derived from a combination of the loss of greenspace and the roof design. The roof design has been amended and it is officer opinion that the design and scale of the development is acceptable. The loss of green space would result in less than substantial harm to the conservation area, and it is officer opinion that the benefits of providing additional homes in a sustainable location outweigh this harm.

10.27 It is not considered that the development would harm the setting of the adjacent listed building. This is view was also reached by the Planning Inspector.

10.28 It is officer opinion that the development complies with the NPPF, Policies DM6.1 and DM6.6 of the North Tyneside Local Plan, the Fish Quay Neighbourhood Plan SPD and the Design Quality SPD.

11.0 Landscaping and ecology

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

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

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

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

11.4 Policy DM5.2 sets out 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;
- b. If it is not a designated wildlife Site or providing important biodiversity value;
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type;
- 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.

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

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

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

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

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

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

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

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

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

11.11 The site is located within a designated Wildlife Corridor as shown on the Local Plan Policies Map (2017) and contains existing scrub and grassland habitat and semi-mature trees. The application is supported by a Biodiversity Metric and a landscape scheme. A Bat Survey, Arboricultural Impact Assessment (AIA) and tree condition report have also been submitted.

11.12 The appeal decision made in respect of application 19/01216/FUL states that the submitted evidence did not provide sufficient certainty that the proposed development would not reduce habitat to an unacceptable level and disturb and fragment the wildlife corridor. The Inspector also stated that the proposal did not demonstrate that mitigation would be inappropriate. The Inspector states "Moreover, given the constrained nature of the site, the absence of detailed mitigation proposals does not provide sufficient certainty that these impacts could be satisfactorily addressed on-site or compensated for elsewhere or that appropriate biodiversity net-gains would be attained."

11.13 There are 9no. existing trees within the site and 8no. of these would be removed to facilitate the development. Other habitats that would be lost to facilitate the scheme include bramble scrub and modified grassland. It is proposed to provide a small area of modified grassland, ground level planters, a

green wall and vegetated gardens within the site along with the enhancement of small areas of bramble scrub to mixed native scrub and modified grassland to other neutral grassland. 5no. replacement trees are also proposed. Overall, the scheme results in a biodiversity net loss of - 16.22%.

11.14 In order to address the biodiversity loss the applicant has agreed to pay a financial contribution of J2,566 towards the delivery of additional planting on Council owned land to deliver an overall biodiversity net gain of 5%. The Biodiversity Officer and Landscape Architect have provided comments and state that this acceptable.

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

11.26 Members need to consider whether the impact on trees and ecology would be acceptable and weight this in their decision. It is officer advice that the impact is acceptable subject to the conditions recommended by the Landscape Architect and Biodiversity Officer and contributions towards the Coastal Mitigation Service and habitat creation. It is considered that the proposal accords with the NPPF and LP policies S5.4, DM5.5, DM5.6, DM5.7 and DM5.9 and the Coastal Mitigation SPD.

12.0 Whether there is sufficient car parking and access provided

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

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

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

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

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

12.6 The site would be accessed via Borough Road and the development includes a car park containing 6no. parking bays.

12.7 Whilst only 1no. parking space has been provided for each dwelling with 1no. visitor bay, the site is located close to North Shields town centre with reasonable links to public transport and local services. On this basis, the Highways Network Manager has no objection.

12.8 NPPF is clear that 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.

12.9 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, it is officer advice that the proposal would not have an unacceptable impact on highway safety and complies with the advice in NPPF and policy DM7.4.

13.0 Other issues

13.1 Contaminated Land and Ground Stability

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

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

13.4 Refusal reason 2 of application 19/01216/ FUL refers to the failure to submit sufficient information on land stability to demonstrate that the site could be developed safely and not affect adjacent land such as Tennyson Terrace.

13.5 In their assessment of the impact on land stability the Inspector noted that the site is on an embankment and that the proposal would require excavation and the removal of some substantial retaining walls. They had regard to the fact that the applicant provided confirmation from a suitably qualified person that an effective scheme could be devised and implemented. The Inspector considered that the proposal could mitigate against adversely impacting on land stability and this could be dealt with via a suitably worded planning condition.

13.6 The Contaminated Land Officer has provided comments. She states that the site is located within 100m of known landfill and recommends conditions to address potential contamination and in respect of gas protection measures.

13.7 Taking into account the previous appeal decision it is officer advice that the impact on land stability and contamination can be adequately addressed via planning conditions.

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

13.9 Flooding

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

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

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

13.13 The site is located within Flood Zone 1 and is not within a Critical Drainage Area. Hard surfacing is proposed within the car park, but the majority of the site taken up by the proposed dwellings.

13.14 Subject to a condition to control the surface water drainage, it is officer advice that the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14.

13.15 Local Financial Considerations

13.16 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

13.17 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.

14.0 Conclusion

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

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

14.3 The Council does not have a 5-year housing land supply. The proposed development of 5no. homes would make a small but valuable contribution to the current shortfall. This is a significant benefit that weighs in favour of the proposal.

14.4 It is officer advice that the proposal would ensure sufficient separation distances to neighbouring properties and would not have an adverse impact on the amenity of existing residents. The standard of accommodation provided for future occupiers is also considered to be acceptable.

14.5 It is officer opinion that the proposal would result in less than substantial harm to the character of the conservation area due to the loss of greenspace. When taking into account the revisions that have been made to the roof design and the inclusion of landscaping within the development, it is officer opinion that the public benefits of the development outweigh this less than substantial harm. The design and layout of the development are considered to be acceptable.

14.6 It is considered that the level of parking proposed is acceptable when taking into account the sustainable location of the site. The development would not have an unacceptable impact on highway safety, or result in a residual cumulative impact that would be severe.

14.7 The development would subject to a S106 legal agreement achieve a net gain in biodiversity and would not impact on any protected habitats or species.

14.8 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officer's, the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to conditions and a S106 legal agreement securing contributions towards habitat creation and the Coastal Mitigation Service.

RECOMMENDATION:

The Committee is recommended to :

- c) indicate that it is minded to grant this application; and**
- d) authorise the Director of Regeneration and Economic Development to issue a notice of grant of planning permission subject to:**
 - iv) the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the following financial contributions:**
 - Coastal mitigation: £1,685**
 - Habitat creation: £2,566**
 - v) the conditions set out in the planning officer's report;**
 - vi) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development.**

Conditions/Reasons

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

- Application form
- Site location plan S1524-BDN-XX-XX-DR-A-0001 Rev.P1
- Proposed block plan S1524-BDN-XX-XX-DR-A-0004 Rev.P4
- Proposed elevation and section S1524-BDN-XX-XX-DR-A-0008 Rev.P3
- Proposed ground floor plan S1524-BDN-XX-GF-DR-A-0005
- Proposed first floor plan S1524-BDN-XX-01-DR-A-0006 Rev.P1
- Proposed second floor plan S1524-BDN-XX-02-DR-A-0007 Rev.P1
- Landscape plan S1524-BDN-XX-XX-DR-A-0009 Rev.P1

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

- New access
- Upgrade of footpath abutting the site
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders

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

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

4. No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawings.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

5. Vehicular visibility splays of 2.4m by 43m by 0.6m shall be provided in accordance with the approved details prior to occupation of the development and retained thereafter.

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

6. The scheme for parking shall be laid out in accordance with the approved details prior to occupation of the development and retained thereafter.

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

7. The scheme for the provision of and storage of refuse shall be laid out in accordance with the approved details prior to occupation of the development and retained thereafter.

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

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

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

9. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall

not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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

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

16. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan and specification for on-site landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the approved Biodiversity Net Gain Assessment Report and Biodiversity Metric V15 (All About Trees March 2023). The landscape scheme shall include the planting of 5no trees on the site. Any trees, shrubs, grasslands or other habitats that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

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

17. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the 1no. retained oak tree, in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a Tree Protection Plan showing the location and type of protective fencing. The fencing shall be erected in accordance with the approved details 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 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.

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

18. Within 4 weeks of development commencing a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Biodiversity Net Gain Report/Biodiversity Metric V15 (E3 Ecology All About Trees February/March 2023) and approved Landscape Plan.

- Survey and monitoring details for all target habitats identified within the approved Net Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

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

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

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

engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and

- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

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

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

20. Prior to development commencing a 'Precautionary Mammal/Hedgehog Working Method Statement' shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall thereafter be implemented in accordance with the approved details.

Reason: This information is required prior to development commencing in order to ensure that local wildlife populations are protected; in the interests of biodiversity; having regard to the NPPF and Local Plan Policy DM5.5.

21. 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 biodiversity; having regard to the NPPF and Local Plan Policy DM5.5.

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

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

23. 3no. integrated bird boxes and 2no. integrated bat boxes shall be provided on buildings within the development site. 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. The approved boxes shall be installed in accordance with the approved plans and permanently retained

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

24. Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

25. Notwithstanding the submitted details, no development shall commence until full details of the engineering and ground stability works have been

submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate how the proposed engineering works will ensure that stability of the hereby approved dwellings, the Borough Road Bridge and the dwellings at the top of the embankment along Tennyson Terrace.

Reason: This condition is required prior to development to ensure that the proposal would not result in unstable land or damage to the hereby approved dwellings, Borough Road Bridge piers or the dwellings of Tennyson Terrace having regard to policy DM5.18 of the North Tyneside Local Plan 2017.

26. Notwithstanding any indication of materials which may have been given in the application, no development shall take place above damp proof course level until a schedule and/or samples of the building and surfacing materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in

accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policies DM6.1 and DM6.6 of the North Tyneside Unitary Development Plan 2002.

27. Within 4 weeks of development commencing details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. All new fencing must include hedgehog gaps (13cmx13cm) and details of the number, location and specification of gaps shall be provided on a plan. The fencing shall be installed in accordance with the approved plans prior to occupation of the development and thereafter retained.

Reason: To ensure a satisfactory environment within the development and to ensure that local wildlife populations are protected having regard to policies DM6.1, DM6.6 and DM5.5 of the North Tyneside Unitary Development Plan 2002.

28. Notwithstanding any indication of materials which may have been given in the application, no development shall take place above damp proof course level until details of the materials for the hard surface areas have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the conservation area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

29. Prior to construction above damp proof course level the detailed design, colour and material specification for the windows and doors must be submitted to and agreed in writing by the Local Planning Authority. Windows should be set back within the window reveal unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the conservation area is conserved and enhanced;

having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

30. No construction above ground level shall commence until details of ventilation extraction, flues, meter boxes, alarm boxes, satellite dishes and any other external features including location and type, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the external features shall be implemented in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the conservation area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

31. 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).

32. Restrict Hours No Construction Sun BH HOU004 *

33. Prior to occupation of the development, a noise scheme to address road traffic noise and noise arising from neighbouring commercial buildings must be submitted to and approved in writing by the Local Planning Authority. The sound attenuation scheme must be in accordance with BS8233 and the World Health Organisation community noise guidelines and must ensure that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

34. Prior to occupation of the development, a ventilation scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure an appropriate standard of comfort is achieved to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night, namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours) and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with windows open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system, that addresses thermal comfort to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the

facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

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)

Contact ERH Erect Scaffolding on Rd (I12)

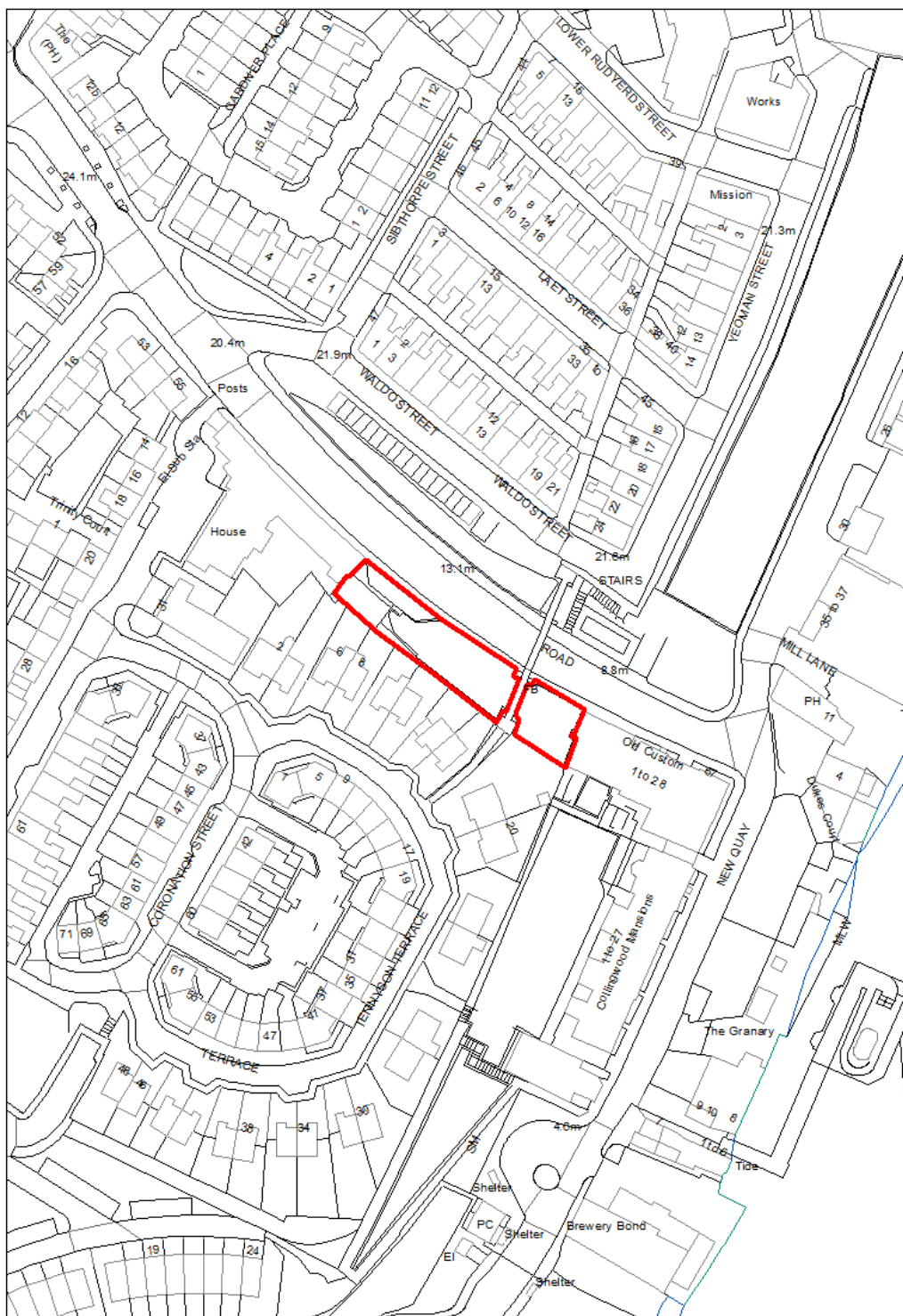
The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

Highway Inspection before dvlpt (I46)

Street Naming and numbering (I45)

No Doors Gates to Project Over Highways (I10)

The applicant is advised that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.



Application reference: 21/02496/FUL

Location: Land Adjacent To Hatfield House, Borough Road, North Shields

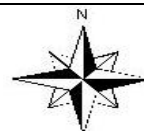
Proposal: Erection of 5no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space

Not to scale

Date: 27.04.2023

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2011. Ordnance Survey Licence Number
0100016801



Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the erection of 5 three-storey townhouse style terraced dwellings, with communal parking and rear amenity space.

1.3 The site will be accessed via Borough Road and whilst only one parking space has been provided for each dwelling, the site is located near to North Shields town centre with reasonable links to public transport and local services. Nonetheless, the developer should be aware that end users will not be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. For these reasons and on balance conditional approval is recommended.

1.4 Recommendation - Conditional Approval

The applicant will be required to enter into an appropriate legal agreement with the Local Authority for the following works:

New access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

1.5 Conditions:

Notwithstanding the details submitted, no part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for vehicular visibility splays of 2.4m by 43m by 0.6m has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for parking has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for the provision of and storage of refuse has been laid out in accordance with the approved plans and retained thereafter.

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

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

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

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

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

1.6 Informatives:

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

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

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

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

The applicant is advised that 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.

The applicant is advised that end users are unlikely to be eligible for any existing parking permits in this area nor for any permits on potential parking schemes on Borough Bank and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.

1.7 Manager of Environmental Health (Contaminated Land)

1.8 The lies within 100m of an area of unknown filled ground. due to this and the proposed sensitive end use the following must be attached:

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

1.9 Biodiversity Officer and Landscape Architect

1.10 Following extensive discussions and assessment of the many variations of information submitted, a landscape scheme and an updated Biodiversity Metric (Small Sites Metric V15 March 2023) has been prepared for the above site. The updated BNG now includes all 9no. trees identified within the site as medium trees with 8no. being lost to facilitate the scheme and 1no. tree being retained (Oak tree). Other habitats shown to be lost to facilitate the scheme within the Metric include bramble scrub and modified grassland.

1.11 The Landscape Plan (DWG: S1524-BDN-XX-XX-DR-A-0009 Rev P1) and Metric show a small area of modified grassland, ground level planters, a green wall and vegetated gardens to be created within the site along with the enhancement of small areas of bramble scrub to mixed native scrub and modified grassland to other neutral grassland. Overall, the scheme results in a biodiversity net loss of -16.22%. In order to address this, the applicant has agreed to pay a financial contribution to the Council to deliver additional planting on Council land to deliver an overall biodiversity net gain of 5%. This is considered acceptable.

1.12 Impacts on Coastal Designated Sites

1.13 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.

1.14 If the application is recommended for approval, the following conditions should be attached to the application:

- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan and specification for on-site landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the approved Biodiversity Net Gain Assessment Report and Biodiversity Metric V15 (All About Trees March 2023). The landscape scheme shall include the planting of 5no trees on the site. Any trees, shrubs, grasslands or other habitats that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

- Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the 1no. Oak tree, in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. Details to include a Tree Protection Plan showing the location and type of protective fencing. The fencing shall be erected in accordance with the approved details 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 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.

- Within 4 weeks of development commencing on site, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Biodiversity Net Gain Report/Biodiversity Metric V15 (E3 Ecology All About Trees

February/March 2023) and approved Landscape Plan.

- Survey and monitoring details for all target habitats identified within the approved Net

Gain Assessment Report/Biodiversity Metric. Monitoring Reports will be submitted to

the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net

Gain Assessment update as part of the report to ensure the habitats are reaching the

specified target condition. Any changes to habitat management as part of this review

will require approval in writing from the LPA. The Plan will be reviewed every 5 years

in partnership with the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

- Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be

designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. The Scheme shall include the following information:

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

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

- A 'Precautionary Mammal/Hedgehog Working Method Statement' shall be submitted to the LPA for approval in writing prior to works commencing on site.
- No vegetation removal or building works shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details of the number, location and specification of gaps shall be provided on a Plan and submitted to the LPA for approval within 4 weeks of development commencing on site and will be installed in accordance with the approved plans and permanently retained.
- 3no. integrated bird boxes and 2no. integrated bat boxes will be provided on buildings within the development site. 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 will be installed in accordance with the approved plans on completion of works and permanently retained.

1.15 External Consultees

1.16 Coal Authority

1.17 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.

1.18 Representations

1.19 8no. objections have been received. These are summarised below.

- Adverse effect on wildlife.
- Inadequate parking provision.
- Loss of/damage to trees.
- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.
- Inadequate drainage.
- Loss of privacy.
- Loss of visual amenity.
- Pollution of watercourse.
- Affect character of conservation area.
- Impact on landscape.
- Inappropriate design.
- Inappropriate in special landscape area.
- Loss of residential amenity.
- Not in accordance with development plan.
- Precedent will be set.
- Hatfield House already suffers overcrowding in the car park meaning residents have to park on Borough Road.
- Inadequate parking provision.
- Residents will park on the bank as they will not want to walk up the hill.
- Animals will not be able to cross the road if houses are built on the land they use to cross currently and the bridge is demolished.
- The road will be littered with bins and cause obstruction for disabled/pushchair users.
- Borough Road has a speeding problem.
- Drainage has always been a problem and new dwellings will block the pipes.
- Noise and vibration from construction work.
- Noise created within the dwellings.
- Loss of sunlight and river views.
- The plot is too small for the development.
- Other more suitable plots nearby.
- The application refers to the demolition of Borough Road Bridge but fails to mention that there is an appeal awaiting decision by the Secretary of State.
- Impact on the wildlife corridor.
- Overspill parking in the surrounding area.
- The area is becoming saturated with new dwellings.

- Lack of information regarding the ecological impacts.
- Loss of habitat and trees.
- Structural damage to the bank and retaining wall.
- No evidence of demand for new housing.
- Taller buildings will block views.
- The grey roofs will look awful.
- Impact of the excavation on ground stability.
- No provision for future bus stop.
- Loss of river views.
- Inadequate refuse bin storage.

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North Tyneside Council Report to Planning Committee Date: 9 May 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 Council's 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

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Ordnance Survey Licence Number 0100016801

NORTH

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 :

[Signature]
(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

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NORTH TYNESIDE COUNCIL TREE PRESERVATION ORDER 2022

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

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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 THAMESIDE COUNCIL
BIO DIVERSITY AREA TO THE
REAR OF 16 STONEYCROFT EAST







NORTH TYNESIDE COUNCIL
BIO DIVERSITY AREA TO THE
LEADER OF 12 & 14 STONEHURST
EAST.

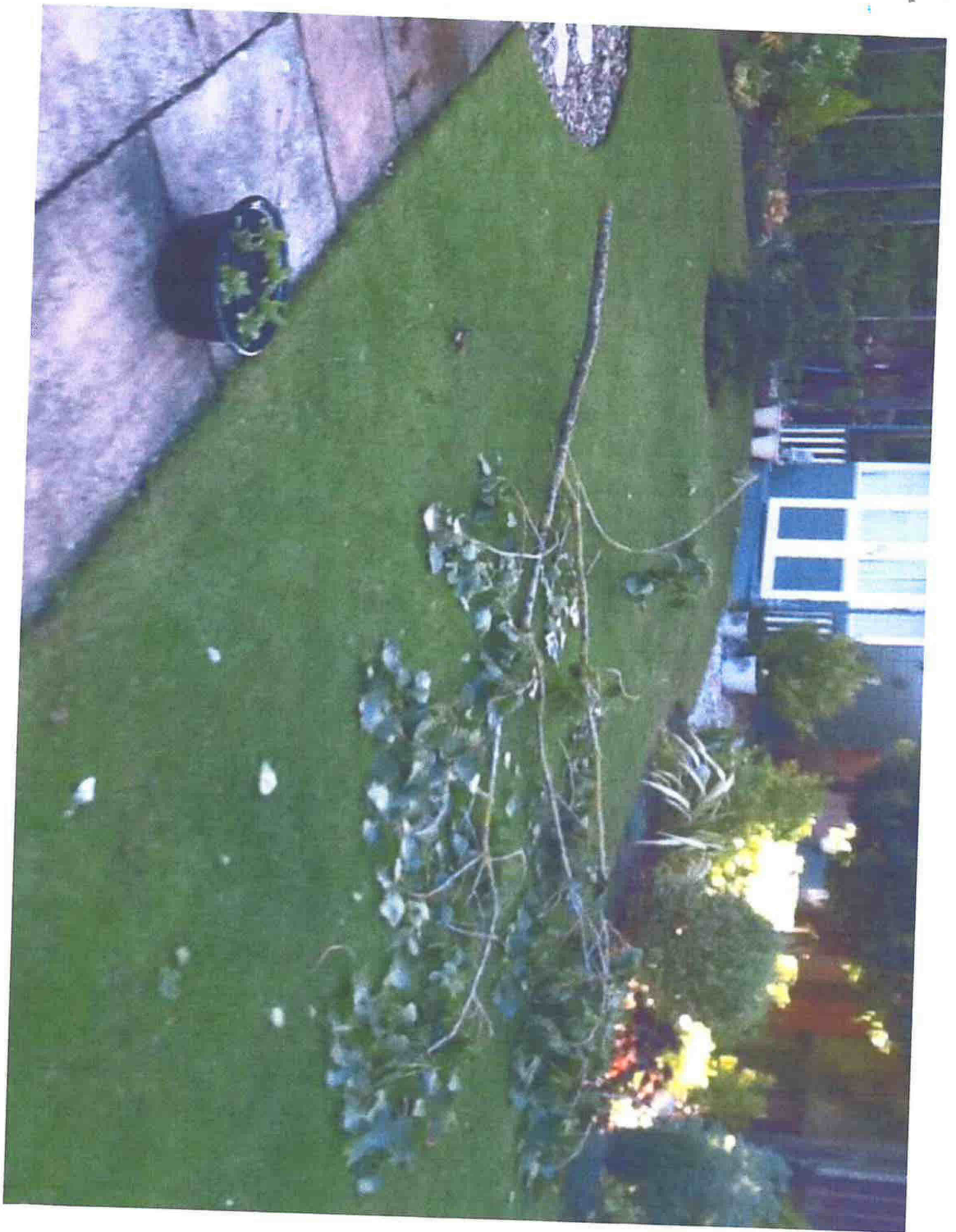




INTERIOR VIEW OF THE
OVERHANGING BRANCHES
FROM THE ROAD OF
THE SOUTHERN CROSS EAST.



TYPICAL DEBRIS OF LARGE
BRANCHES FALLING FROM
THE TREES TO THE RUIN OF
IS STONE-CROFT EAST, LANDING.
APPROX 1 METER FROM
OUR HOME.

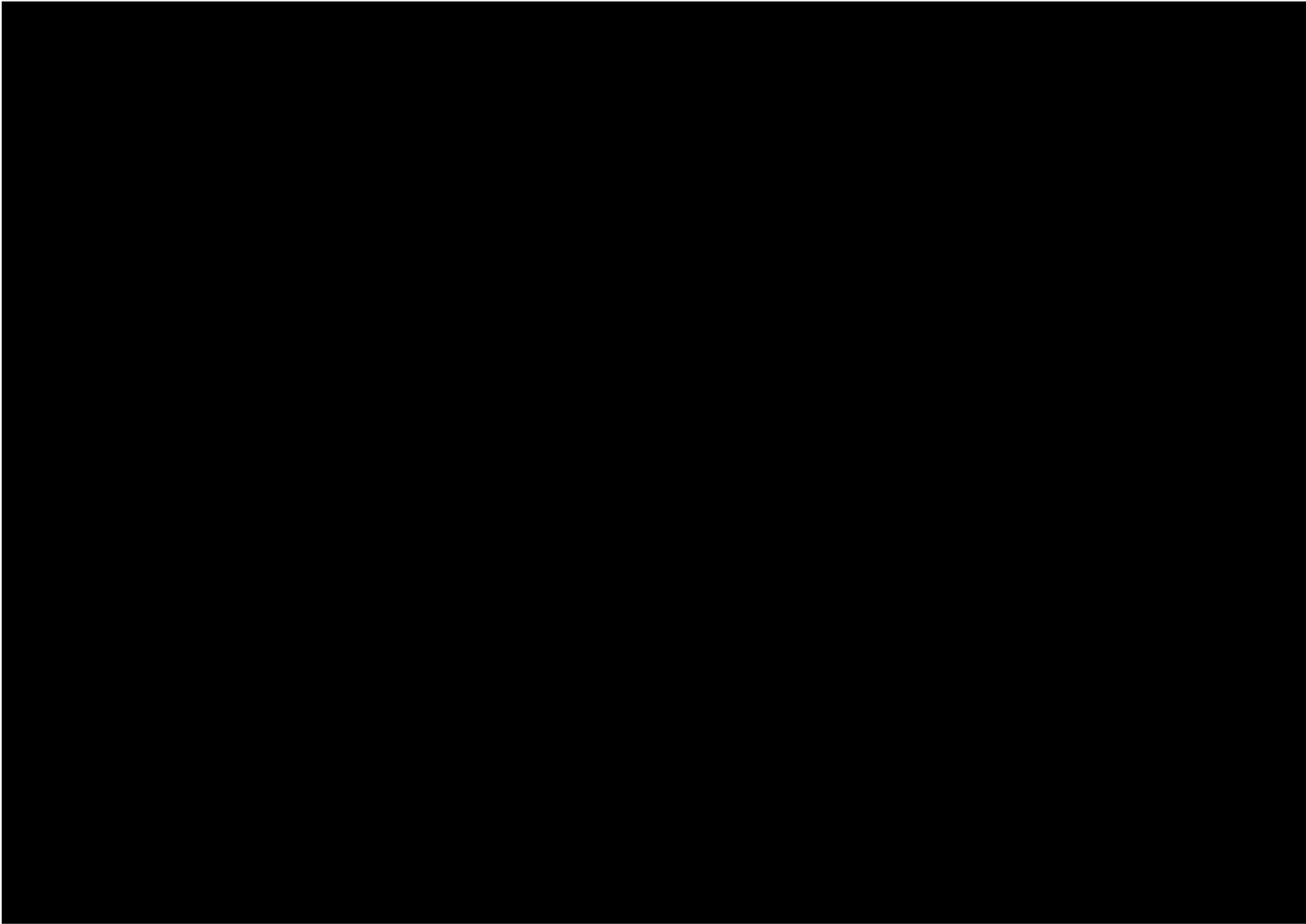




- TREES TO THE REAR OF
16 STONEYCROFT EAST INDICATING
WHERE BRANCHES HAVE BEEN
LOPPED IN PREVIOUS YEARS BY
NORTH TYNESIDE COUNCIL,

- TREES TO THE REAR OF 12 BAY
STONEYCROFT EAST ALSO HAD
SIMILAR SCARS, EVIDENCE OF
PREVIOUS LOPPING BY
NORTH TYNESIDE COUNCIL.

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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

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