

Application No: 22/00886/FUL
Date valid: 15 June 2022
Target decision date: 14 September 2022

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Ward: Whitley Bay

Application type: full planning application

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

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

Applicant: Fordinghall Ltd

Agent: Artisan Architecture

RECOMMENDATION:

It is recommended that:

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

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

The main issues in this case are;

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

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

2.0 Description of the Site

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

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

3.0 Description of the Proposed Development

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

4.0 Relevant Planning History

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

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

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

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

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case are;

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

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

8.0 Principle of the Proposed Development

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

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

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case, development plan policies important to the determination of housing applications will be regarded as out of date because the LPA cannot currently demonstrate a five-year supply of deliverable housing sites. What is referred to as the 'tilted balance' principle means there is a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits.

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

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

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

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

8.8 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing.

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

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

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

9.0 North Tyneside 5-Year Housing Land Supply

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

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

9.2 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a three-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The proposed dwellings would make a contribution towards the borough achieving a five-year housing land supply.

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

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

10.0 Impact on Amenity

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

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

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

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

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

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

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

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

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

10.8 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy. Habitable rooms are considered to be living areas, kitchen spaces and bedrooms.

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

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

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

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

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

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

11.0 Character and Appearance

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

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

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

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

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

11.5 The Council's Design Quality SPD states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

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

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

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

12.0 Car Parking and Access

12.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable

impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

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

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

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

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

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

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

13.0 Impact on Biodiversity and Landscaping

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

13.2 Paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing

net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

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

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

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

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

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

13.8 This development will need to comply with the Coastal Mitigation SPD which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

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

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

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

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

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

Other Issues

14.0 Flood Risk

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

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

14.4 Policy DM5.14 ‘Surface Water Run Off’ states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development.

On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

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

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

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

15.1 Land Stability and Contamination

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

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

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

15.5 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

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

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

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

16.0 S106 Contributions

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

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

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

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

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

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

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

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

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

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

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

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

17.0 Local Financial Considerations

17.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

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

18.0 Conclusion

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

It is recommended that:

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

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Application Form
 - Site Location Plan A/3499/00, April 2022
 - Detailed Landscape Proposals, L1001-ONE-ZZ-XX-DR-L-0201, rev,P01, 16.02.23
 - Proposed Site Layout Plan & External Works A/3499/05C, 24.02.23
 - Proposed Ground & First Floor Plans and Roof Plan, A/3499/03B, 24.02.23
 - Proposed Elevations & Boundary Wall Detail, A/3499/04B, 24.02.23
 - Foul & Surface Water Drainage Assessment, Issue no.1, 10.04.22
 - Coal Mining Risk Assessment Report, ref.GEOL21-9186, 31.05.21
 - Ground Investigation Report, ref.GEOL21-9186, 03.03.22
 - Design & Access Statement, rev.V2
 - Biodiversity Net Gain Assessment, 23044 BNG v1 February 2023.Reason: To ensure that the development as carried out does not vary from the approved plans.
2. Standard Time Limit 3 Years FUL MAN02 *
3. Restrict Hours No Construction Sun BH HOU004 *
4. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives

Building Regulations Required (I03)

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

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

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

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

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

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

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

Coal Mining Standing Advice (FUL,OUT) (144)



Application reference: 22/00886/FUL

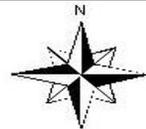
Location: Site Of Former Trinity United Reformed Church, Esplanade Place, Whitley Bay, Tyne And Wear

Proposal: Construction of 12 no Residential two storey terraces dwellings with private parking spaces and associated works

Not to scale

Date: 01.03.2023

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Appendix 1 – 22/00886/FUL Item 2

Consultations/representations

1.0 Representations

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

1.1 Objections

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

1.2 Support

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

1.3 Representation

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

2.0 Internal Consultees

2.1 Highway Network Manager

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

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

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

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

2.5 Recommendation - Conditional Approval

2.6 Conditions:

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

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

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

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

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

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

2.10 Informatives:

2.11 The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

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

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

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

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

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

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

2.18 Local Lead Flood Authority

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

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

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

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

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

2.22 Environmental Health (Pollution)

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

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

2.25 Biodiversity Officer and Landscape Architect

2.26 Existing Site Context:

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

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

2.29 Impacts on Coastal Designated Sites

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

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

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

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

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

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

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

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

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

2.39 Contaminated Land Officer

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

2.41 Con 005; Con 006; Con 007

3.0 External Consultees

3.1 The Coal Authority

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

3.3 Natural England

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

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

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

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

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

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