

**Application No:** 21/02496/FUL

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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)

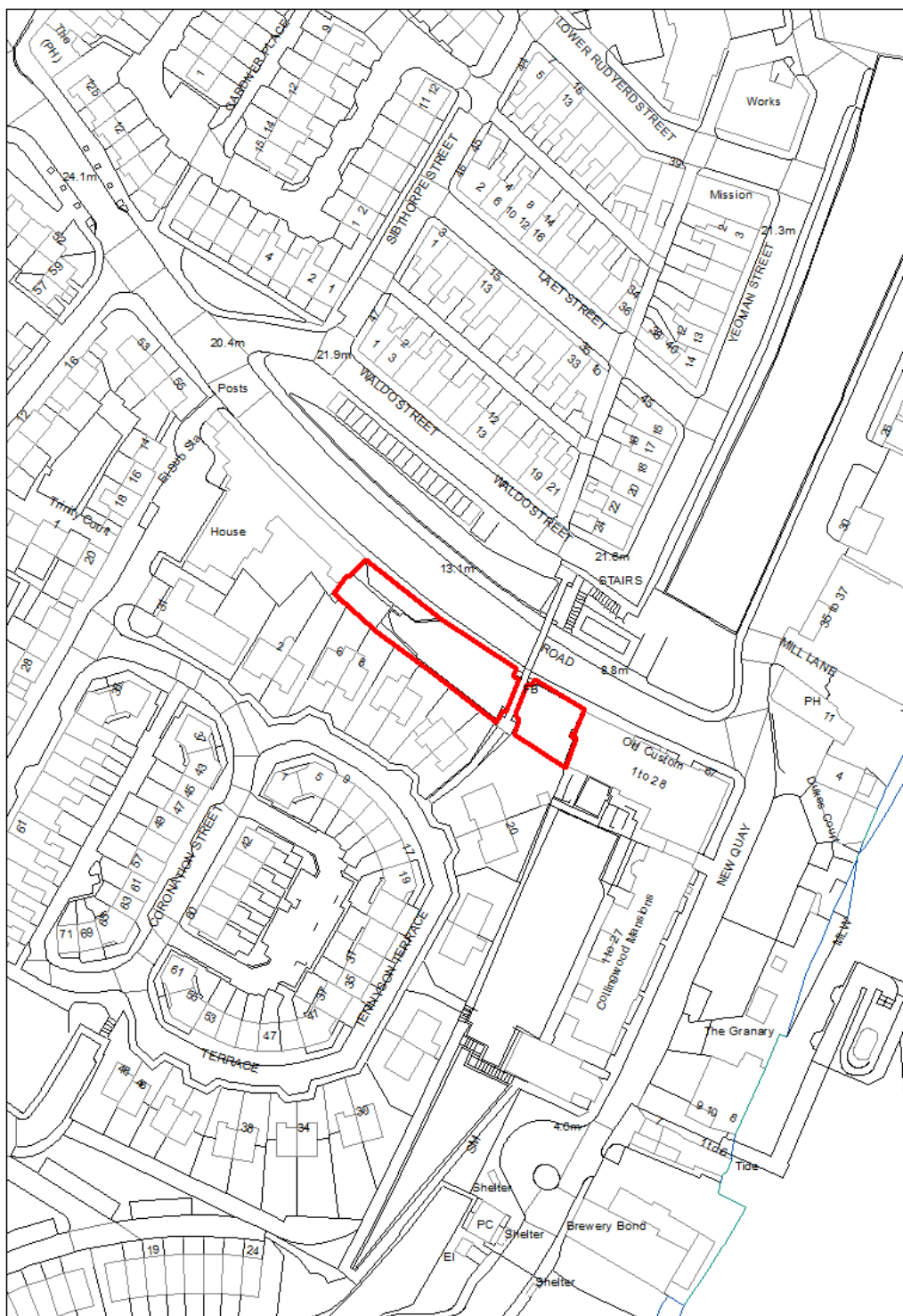
The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

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](mailto: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**

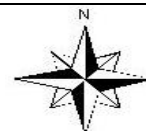
Not to scale

Date: 27.04.2023

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**Appendix 1 – 21/02496/FUL**  
**Item 3**

**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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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.