

Application No:	19/01512/FUL	Author:	Maxine Ingram
Date valid:	2 December 2019	☎:	0191 643 6322
Target decision date:	27 January 2020	Ward:	Killingworth

Application type: full planning application

Location: Land To The Rear of 7 Cooperative Terrace, Forest Hall, NEWCASTLE UPON TYNE

Proposal: Erection of 2no. dwellings with parking and gardens (supporting information January 2020)

Applicant: Bespoke Building And Roofing, Mr Ian Ferguson 4A Mary's Place Newcastle Upon Tyne NE6 3PZ

Agent: Maria Ferguson Planning Limited, Miss Maria Ferguson 14 Gordon Crescent Richmond DL10 5AQ

RECOMMENDATION:

Members are recommended to

- a) **indicate that they are minded to grant this application subject to an Unilateral Undertaking being agreed under S106 of the Town and Country Planning Act 1990; and**
- b) **grant delegated powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure a Coastal Mitigation contribution.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development, including loss of open space;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on biodiversity;
- Other issues.

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

2.0 Description of the Site

2.1 The application site comprises of a rectangular parcel of land, consisting of a flat and open area, with a mix of temporary dolomite surfacing and scrub. It is located to the rear of Cooperative Terrace, with access via a back lane from Great Lime Road. The site is currently contained by approximately 1.8m high timber fencing on three sides with the northern section being open along its full length.

2.2 The adjacent land uses consist of a large area of open space to the south, residential properties and gardens bordering to the west and a storage area to the east. The large area of open space is accessed from the back lane between the site and the gardens of Percy Street.

2.3 The site is located within walking distance of local services.

2.4 The site is designated as open space and a wildlife corridor in the council's Local Plan (LP) (2017).

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the erection of 2no. dwellings (bungalows) with parking and gardens.

3.2 Each bungalow would accommodate two bedrooms, bathroom and open plan kitchen and living area. Off street parking provision would be provided for each bungalow. A small garden is proposed to the rear of each bungalow.

3.3 The following documents have been submitted to accompany this application:

- Planning Statement
- Coal Mining Desk Based Assessment

4.0 Relevant Planning History

14/00450/OUT - Proposed 2no. two bedroom bungalows with associated parking
– Refused 12.05.2014

Reason for refusal:

The proposed bungalows, on this restricted site would, by reason of their layout, scale and relationship with surrounding properties would result in a cramped form of development detrimental to the character and appearance of the surrounding area contrary to H5 and H11 of the North Tyneside Unitary Development Plan (2002).

05/02955/OUT - Proposed two semi-detached houses with associated car parking, construction of a new access to a highway – Refused 08.12.2005
96/01075/OUT – (Outline) development including 4no. 2 bed flats and 5no. car parking spaces and the construction of a new access to a highway – Refused 16/09/1996

90/01858/FUL – Private lock up garage (10 No.) – Permitted 06/12/1990

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- Principle of the development, including the loss of open space;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on biodiversity; and
- Other issues.

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

8.0 Principle of development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development running through both plan-making and decision taking. For decision taking this means approving development proposals that accord with an up-to-date Plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

8.3 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. In order to achieve this objective Government requires local planning authorities to identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

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

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

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

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

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

8.7 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing. LP Policy S4.3 'Distribution of Housing Development Sites' allocates sites for housing development. Members are

advised that this site is not identified for any housing purpose in the LP. Therefore, Policy DM4.5 is relevant to assess this application.

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

Make a positive contribution to the identified housing needs of the Borough; and,
Create a, or contribute to an existing, sustainable residential community; and,

Be accessible to a range of sustainable transport modes; and,

Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and,

Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and,

Make a positive contribution towards creating healthy, safe and attractive and diverse communities; and,

Demonstrate that they accord with the policies within this LP."

8.9 Paragraph 97 of the NPPF states "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;

The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."

8.10 Policy DM5.2 'Protection of Green Infrastructure' states: "The loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,

If it is not a designated wildlife site or providing important biodiversity value; or,

If it is not required to meet a shortfall in the provision of that green space type or another green space type; or

The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

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

Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity."

8.11 LP DM5.3 'Green Space Provision and Standards' states: "Within North Tyneside, accessible green space will be protected and enhances to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents."

8.12 The objections received regarding none compliance with national and local planning policy, loss of open space, principle of development and the need for more housing are noted. It is noted that objectors have made specific reference to a number of properties for sale within the immediate area. The number of properties for sale in the area is not a material consideration.

8.13 This site forms part of a wider open space designation which comprises of playing fields that are publicly accessible and a children's play park. The applicant has advised within their supporting information that the open space allocation amounts to approximately 7.1 hectares (ha) of land, of which the application site contributes approximately 0.028ha. Members need to consider whether the loss of this amount of designated open space is acceptable.

8.14 Albeit, this site forms part of a wider open space designation, consideration must be given to the sites current form, appearance and function. The applicant has advised that the site is not publicly owned or available. This site is physically separated from the wider open space on three sides by a solid timber fence and it comprises of dolomite and scrub. It is also clear from the objectors' comments that this site is not used for recreational purposes; instead it is currently being used to park cars. The issue regarding land ownership and whether this parking is lawful is not a material planning consideration in the determination of this application; this would need to be dealt with as a civil matter between the relevant parties.

8.15 This site clearly differs from the wider designation in terms of its appearance and function. It is officer opinion that there is no usable open space being lost for recreational purposes because of this development therefore it would be unreasonable to insist that it should be replaced by equivalent or better provision. Furthermore, as this site is physically separated from the wider designation, it is not considered that it would erode the sense of open space described by the objectors. Access to the wider open space is gained from the back lane between the site and gardens serving Percy Street. This access would be retained therefore access to the open space would not be restricted or lost as result of this development. No direct access from the application site to the south is proposed.

8.16 The site lies within an existing built environment with existing residential properties located to the north and west of the site. The site is located within walking distances of existing local services, including access to open space, local amenities and public transport.

8.17 Members need to determine whether the loss of this designated open space and the principle of a residential development on this site are acceptable? It is officer advice that the loss of open space and the principle of this development is acceptable. As such, it is officer advice that this development accords with advice

in the NPPF and Policies DM5.2, DM5.3 and parts of DM4.5 of the North Tyneside Local Plan (2017).

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up-to-date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The proposed development would make a small contribution towards assisting the council's objective of meeting the objectively assessed housing need and ensure a mix of housing for both existing and new residents in the borough.

10.0 Impact on character and appearance of the site and the surrounding area

10.1 Paragraph 124 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 127 of the NPPF sets out further guidance on the design of developments. Amongst other matters this includes adding to the overall quality of the area; creating visually attractive developments; considering the surrounding built environment; and creating a high standard of amenity.

10.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities.

10.4 Paragraph 130 of the NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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

a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;

- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.”

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

10.7 Local Planning Authorities have the option to set additional technical requirements exceeding the minimum standards set by Building Regulations in respect of access and water efficiency, and a Nationally Described Space Standard (NDSS). In this context, access relates to how people access and use a dwelling and its facilities and for space, this relates to the internal space of a dwelling. During the preparation of the LP work was undertaken to establish whether there was a need to implement these higher standards in North Tyneside. The evidence concluded that there was a need, in terms of the optional standards relating to access and internal space, to introduce these higher standards. These standards are set out in Policy DM4.9 of the LP.

10.8 LP Policy DM7.9 ‘New Development and Waste’ states “All developments are expected to:

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

10.9 The objections received regarding inappropriate design, loss of open space, inappropriate layout and lack of information are noted.

10.10 As previously discussed, whilst forming part of the wider open space designation, this site does not function as open space or green space. This is evident by its current visual appearance, surfacing materials and comments from the objectors. It is officer opinion that this site does not contribute positively to the function of the wider open space. When viewing the open space from the back lane (to the front of the site) the sense of openness and open views straight across are already eroded by the existing solid timber fence.

10.11 Objectors do not consider bungalows to be appropriate in this location. It is noted that the closest residential properties, Cooperative Terrace to the north and Percy Street to the west, are two storey terraces. However, bungalows do exist within the immediate vicinity of the site. On balance, it is considered that introduction of bungalows to this area would not be out of keeping.

10.12 It is clear from the information submitted that the proposed development is to construct two detached bungalows. The submitted plans show the proposed layout of the site, the internal and external layout of each bungalow and the proposed design. The submitted plans show that each bungalow would be set back from all site boundaries. This chosen layout would create an active frontage onto the back lane. Access to the properties is proposed to the side of each bungalow: Plot 1 east side and Plot 2 west side. Each bungalow would accommodate an open plan kitchen/living area, two bedrooms and a bathroom. The lounge would overlook the main garden area which is located to the south of each bungalow. Albeit, the proposed development does not comply with the housing standards, on balance, it is considered that the proposed layout would provide an acceptable standard of amenity for future occupants.

10.13 The submitted plans show the location of the off-street parking provision. The parking has been integrated into the site layout; its position centrally within the site prevents the parking from dominating the site. It is noted that an objector has made references to garages being built; no garages are being proposed as part of this development. Albeit, refuse storage has not been shown it is clear there would be enough space within the site to provide such provision. The plans have been annotated to advise that the proposed boundary treatment would be a brick wall with infill timber panelling. The submitted plans show the location of this proposed boundary treatment. A pedestrian gated access is provided for each plot from the back lane; these accesses are for the site only and not for public use to gain access to the open space to the south of the site. The submitted plans clearly show that the existing access to the open space from the back lane to the west of the site would be retained. The objector's comments that the heights of the proposed boundary treatment have not been provided are noted. However, a condition is recommended to secure the final details (visual appearance and height) of the proposed boundary treatment. This condition would ensure that an appropriate form of boundary treatment is secured.

10.14 The submitted application form provides some information on the proposed materials: brickwork for the walls, tiles for the roof and upvc for the doors and windows. The principle of using these proposed materials is acceptable. However, a condition is recommended to secure the final details of the surfacing materials and external building materials (including doors and windows). This condition would ensure that an appropriate colour of brickwork and roof tile are secured.

10.15 The overall design of the proposed bungalows is simple. The use of a hipped roof assists in reducing the potential impacts of the development on the amenity of the existing dwellings to the north and west of the site.

10.16 Members need to consider whether the proposed layout and its design are appropriate and whether this complies with current policy. Officer advice is that the proposed number of units can be accommodated within the site without a significant adverse impact on the character and appearance of the area. It is officer advice, that the proposed layout and design are acceptable, subject to the imposition of the suggested conditions. As such, the proposed development accords with NPPF and policies DM6.1 and DM7.9 of the LP (2017).

11.0 Impact upon the amenity of existing and future residents

11.1 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse impacts resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

11.3 LP Policy DM5.19 Pollution states:

“Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.”

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

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

11.6 The objections received regarding the Human Rights Act, Article 8, nuisance, disturbance, visual intrusion, impact on residential amenity (loss of light, overshadowing, loss of privacy, loss of outlook) and insufficient amenity for future occupants are noted.

11.7 The Manager for Environmental Health has been consulted. It is noted that they have raised concerns regarding noise and dust from construction activity.

11.8 The NPPF, paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable using conditions or planning obligations.” Paragraph 55 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise

and reasonable in all other respects." The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the Environmental Health comments set out in paragraphs 1.15 -1.16 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise and dust during construction can be secured by conditions.

11.9 The application site is located immediately to the rear of Nos. 1-9 Cooperative Terrace. The proposed parking bays would be located directly to the south of Nos. 5 and 6 Cooperative Terrace. A greater separation distance would exist between the proposed bungalows and the rear elevations of Nos. 7, 8 and 9 Cooperative (approximately 12m to rear elevation) than Nos. 1, 2, 3 and 4 Cooperative Terrace (approximately 6m to rear offshoots). Objectors have made specific reference to a separation distance of 21m. Members are advised that this separation distance related to back to back between two storey properties. It is noted that the rear gardens serving these neighbouring properties are enclosed by high boundary treatments which provide some screening between their ground floor windows and the back lane. The proposed dwellings are single storey, with hipped roofs which assists in reducing their apparent height and scale. Furthermore, the hipped roof would pull away from these existing properties. It is noted that three windows are proposed to the north elevation of each bungalow. These windows would accommodate a kitchen, second bedroom and bathroom. A condition is recommended for the bathroom windows to be obscure glazing. To prevent overlooking between the proposed bungalows and the ground floor windows serving the properties to the north, an appropriate height boundary treatment must be secured along the northern boundary of the site. This would also prevent significant overlooking into the site from general use of the back lane. Subject to the imposition of these suggested conditions, it is considered that the separation distance that would exist between the site and these existing dwellings is considered to be acceptable.

11.10 The application site is located to the east of Percy Street. The garden areas serving these properties are sited closest to the application site; they are enclosed by timber fencing. There are no windows proposed to the west elevation of Plot 1. Views between the application site and the rear gardens of these neighbouring properties would be obscured by the existing and proposed boundary treatments. On balance, it is not considered that the residential amenity of these properties, in terms of overlooking and loss of privacy from this development, would be significantly affected.

11.11 It is acknowledged that views from the first-floor windows serving the existing properties to the north and west of the site over the proposed bungalows would be afforded. Objectors have also expressed concerns that views into the first-floor windows of Cooperative Terrace from the proposed bungalows would be afforded. These objections are noted. Only obscure views between the first-floor windows of Cooperative Terrace and the windows to the north elevations of the bungalows would be afforded. Given the angle of these views it is not considered that this would significantly impact on the privacy of existing or future occupants. The first-floor windows serving Percy Street would afford views of mainly the external areas serving the bungalows. However, given the separation

distance between these existing windows and the site, it is not considered that the privacy of future occupants would be significantly affected.

11.12 Objectors recognise that they do not have a right to a view. However, it is noted that the introduction of two bungalows to this site would alter the outlook from immediate neighbouring properties. Consideration should be given to the fact that views from the back lane across the open space are already obstructed by the existing timber fence that encloses this site to three sides. Views from the ground floor windows serving Cooperative Terrace and Percy Street are already partially obscured by the existing boundary treatments that enclose their garden areas. On balance, it is not considered that the outlook from their ground floor windows and gardens would be significantly affected. As the proposed dwellings are single storey, it is not considered that the outlook from the first-floor windows of Cooperative Terrace and Percy Street would be significantly affected.

11.13 By virtue of the design of the proposed development, including being single storey, it is not considered that it would significantly overshadow immediate neighbouring properties or significantly impact on the amount of light entering them.

11.14 The internal and external layout of the proposed bungalows has been discussed in the previous section of this report. On balance, it is considered that an appropriate level of amenity would be provided for future occupants. A condition is recommended to remove permitted development rights to ensure an appropriate level of outdoor amenity space is retained within the site and to control any future extensions.

11.15 Members are advised that previous applications have been refused on this site (Section 4.0 of this report). However, this application must be assessed on its own merits.

11.16 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity (existing and future occupants), subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

12.0 Highways

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 Paragraph 108 of NPPF states that when assessing sites for specific development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

12.3 Paragraph 109 of NPPF states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.4 Paragraph 110 of NPPF sets out guidance on sustainable transport movements.

12.5 LP Policy DM7.4 New Development and Transport states: "The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:..'. Amongst other matters this includes proximity to existing local services and compliance with the council's maximum parking standards.

12.8 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

12.9 The objections received regarding the impact on the highway network are noted. The objections raised include width of the back lane, poor traffic/pedestrian safety, traffic congestion, unsuitable access, existing parking problems worsened by the removal of this parking and manoeuvrability from existing drives due to the proposed boundary treatment.

12.10 The applicant has advised that the site is currently being used, informally by those living in adjacent areas, for parking. The applicant has advised that this does not have express authority of the landowner, and the site is privately owned. They have also advised that this site could be fenced off at any time thus preventing this land from being used to park vehicles. In their opinion, the loss of the site to another alternative use would not give rise to any measurable traffic implications. The objectors' comments regarding right of access are noted. Landownership and rights of access over the application site for parking are not planning issues and must be resolved using other legislative requirements and/or as a civil matter between the relevant parties.

12.11 It is noted that not all properties within the immediate vicinity benefit from off street parking. There are no parking restrictions to the front or rear of Cooperative Terrace.

12.12 The site would be accessed from Great Lime Road via a back lane. The submitted plans show the location of the proposed parking; it is positioned centrally between each bungalow. The proposed parking would be located to the rear of Nos. 5-6 Cooperative Terrace; these properties do not currently have off street parking. The parking proposed for each dwelling complies with the council's parking standards. Cycle storage and refuse storage can also be accommodated within the site.

12.13 The site is located in an accessible location, with easy access to public transport and local amenities.

12.14 The Highways Network Manager has been consulted. He has raised no objection to the proposed development in terms of existing parking provision within the vicinity of the site, site accessibility or highway safety. He has suggested conditions to secure cycle storage, refuse storage, parking layout and a construction method statement.

12.15 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network, including parking provision. It is officer advice, given the amount of development proposed, that subject to conditions the proposal is acceptable.

13.0 Biodiversity

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

13.2 Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 Paragraph 174 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 175 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

13.4 LP Policies S5.4 'Biodiversity and Geodiversity' and DM5.5 'Managing effects on Biodiversity and Geodiversity' set out guidance on securing appropriate mitigation to mitigate for the impacts of development.

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

13.6 The objection received regarding the impact on the loss of part of a wildlife corridor is noted.

13.7 The site forms part of a wildlife corridor. However, as previously discussed, this site is fenced off on three sides therefore, it is separated from the wider designation by a physical barrier. The site contains no landscape features.

Outside the site to the east are discrete habitat areas which are of minor ecological value.

13.8 The council's Biodiversity Officer and Landscape Architect have been consulted.

13.9 The Landscape Architect has acknowledged that this development amounts to a small loss of open space which is fenced off and comprising mainly off hardstand. She considers the better quality open space is outside of the site which will not be affected by this development. On this basis, she has raised no objections to the proposed development.

13.10 The Biodiversity Officer has raised no objection to this development.

13.11 Natural England has been consulted. They have raised no objection to the proposed development as the applicant has agreed to pay the Coastal Mitigation tariff as per the requirements of the Coastal Mitigation SPD.

13.12 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that subject to securing the financial contribution it is acceptable.

14.0 Other issues

14.1 Flooding

14.2 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

14.3 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.

14.4 The applicant has advised that the proposed development would connect to the main for both foul and surface water.

14.5 The Lead Local Flood Authority (LLFA) has been consulted. He initially raised concerns due to the site's proximity to several properties which have suffered from internal flooding. He also advised that it will be necessary to ensure a 1 in 100 year rainfall event plus 40% climate change would need to be attenuated within the site. In response to this the applicant updated their planning statement to advise that the permeable paving would be used for all areas of hardstand and the rear of the properties would be grassed. The applicant also proposes to utilise water butts and other forms of storm and grey water recycling to reduce surface water run-off from the site. These details can be conditioned. On this basis, the LLFA has confirmed that they have no objection to this development.

14.6 Northumbrian Water has been consulted. They have provided a standard response detailing their preferred hierarchy of surface water management. It is clear from their response that they have not raised any objections.

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

14.8 Ground conditions

14.9 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition, NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

14.10 LP Policy DM5.18 Contaminated and Unstable Land states “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:
 - i. Removing the contamination;
 - ii. Treating the contamination;
 - iii. Protecting and/or separating the development from the effects of the contamination;
 - iv. Validation of mitigation measures; and
 - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.”

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

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

14.13 The Coal Authority has been consulted. They have raised no objection to the proposed development.

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

15.0 Local Financial Considerations

15.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations 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, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

15.2 The proposal involves the creation of two new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

16.0 Conclusions

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

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

16.3 The application site lies within an existing built up area and it is located in close proximity to existing local services. In terms of the impact of the development, officers consider the loss of open space to be acceptable and consultees are satisfied that the development is acceptable in terms of its impact on the highway network, its impact on flood risk, ecology, the impact on the amenity of existing and future occupants and its overall design and appearance.

16.4 Approval is therefore recommended, subject to the unilateral undertaking to secure the coastal mitigation contribution.

RECOMMENDATION:

Members are recommended to

- a) indicate that they are minded to grant this application subject to an Unilateral Undertaking being agreed under S106 of the Town and Country Planning Act 1990; and**
- b) grant delegated powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure a Coastal Mitigation contribution.**

Conditions/Reasons

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

Application form

Site location plan (1:1250)

Block plan (1:250/1:200)

Proposed elevations Dwg No. 03

Proposed ground floor plan Dwg No. 01

Proposed site plan Dwg No. 04

Proposed roof plan Dwg No. 02

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

2. Standard Time Limit 3 Years FUL

MAN02 *

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

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

4. No part of the development shall be commenced until:-

a) A detailed site investigation has been carried out to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

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

5. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6. No part of the development hereby approved shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawing.

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).

7. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

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

9. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the provision of wheeled refuse facilities for all waste types and refuse collection management strategy, including identifying a suitable storage area for collection day only, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include areas of storage of refuse, recycling and garden waste at each dwelling. Thereafter, these agreed details shall be provided prior to the occupation of each dwelling and permanently retained.

Reason: In order to safeguard the amenities of the area and highway safety having regard to policies DM6.1 of North Tyneside Local Plan (2017).

10. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a scheme for secure under cover cycle storage shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling and retained thereafter.

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

11. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level details of all screen and boundary walls, fences and any other means of enclosure, including heights, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the dwellings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

12. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp-proof course level a schedule and/or samples of all surfacing materials and external building materials, including doors and windows) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

13. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved, a detailed scheme for the disposal of foul and surface water, including details of permeable paving, water butts etc., 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.

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

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

15. Notwithstanding Condition 1, prior to the commencement of any construction works on the site details showing the existing and proposed ground levels and levels of thresholds and floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements and protecting existing landscape features having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

16. 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).

17. Notwithstanding any other details shown on the plans hereby approved, the bathroom window to the north elevation of each dwelling shall be up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass to a Level 3 or above. The windows(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

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

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

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

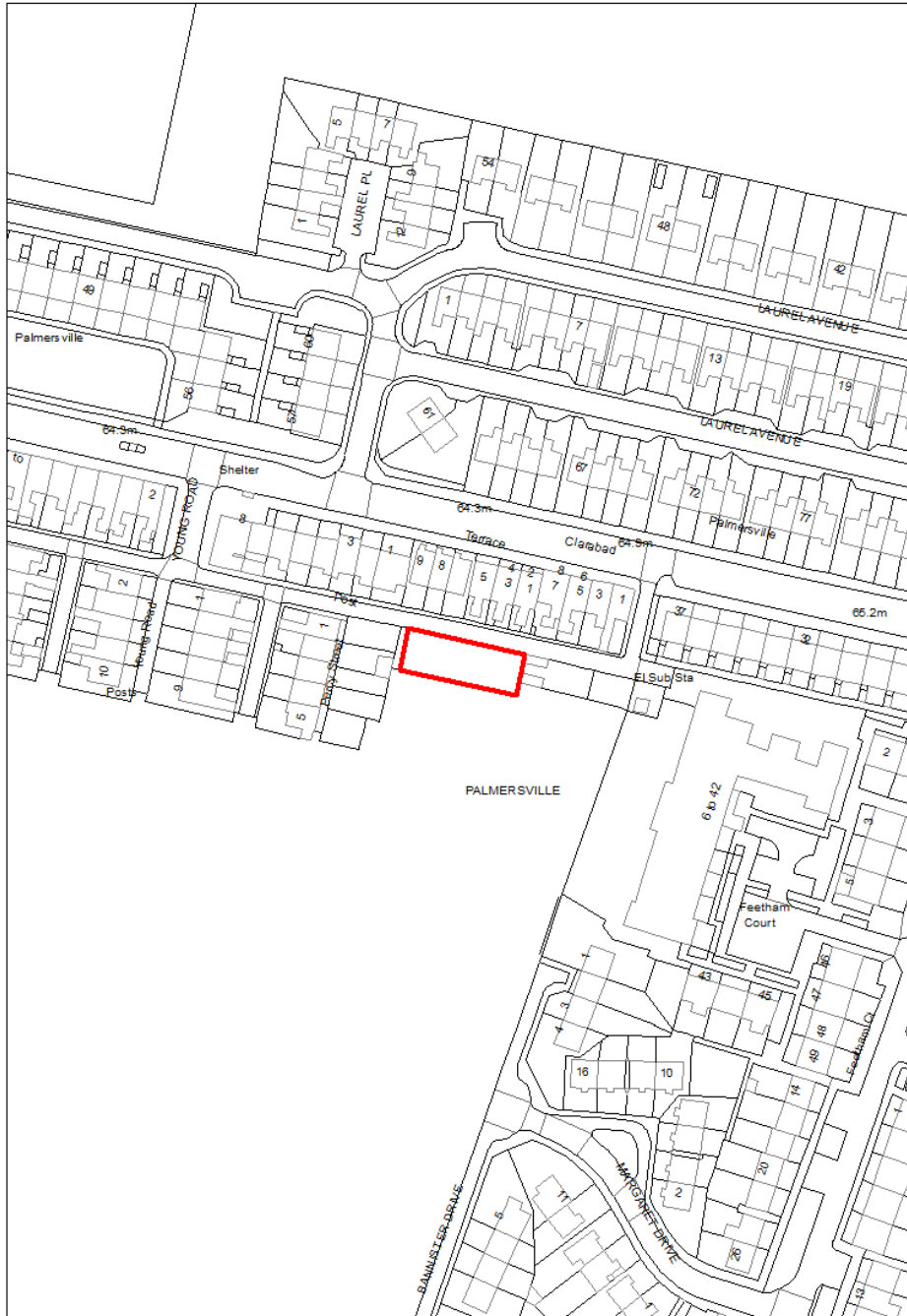
Advice All Works Within Applicants Land (I29)

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

Highway Inspection before dvlpt (I46)

Northumbrian Water advice: It should be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should

therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>. Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority: -Discharge into ground (infiltration) -Discharge to a surface water body -Discharge to a surface water sewer, highway drain, or another drainage system -As a last resort, discharge to a combined sewer



Application reference: 19/01512/FUL

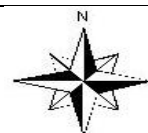
Location: Land To The Rear of 7 Cooperative Terrace, Forest Hall

Proposal: Erection of 2no. dwellings with parking and gardens (supporting information January 2020)

Not to scale

Date: 06.02.2020

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Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 The site is accessed from the existing rear lane of Co-operative Terrace and parking has been provided in accordance with current standards. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

ACC10 - New Access: Access before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement - Minor

No part of the development shall be occupied until a scheme for secure undercover cycle parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

1.5 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.6 Lead Local Flood Authority (LLFA)

1.7 I can confirm that the information supplied is sufficient to recommend conditional approval.

1.8 Landscape Architect

1.9 Additional information has been submitted to support the application by way of a planning statement that includes an open space assessment, coal mining assessment and drainage plan.

1.10 Within the Planning Statement, it is noted that the land is open space and located within a wildlife corridor as defined by the Local Plan. Whilst there is a loss of open space, this amounts to a small amount of land which is fenced off and comprising mainly of hardstanding. The better quality open space is outside the application site which will not be affected by the proposal. On balance, and with the land not being publicly owned, the impacts associated with the loss of open space are minimal and the application, as presented, is acceptable.

1.11 Biodiversity Officer

1.12 No objections.

1.13 Contaminated Land Officer

1.14 The site lies c. 180m west of a former coal mine. The area is known to have mine gas issues. Due to the proposed sensitive end use and the potential for mine gas the following must be attached:

Con 001

Gas 006

1.15 Manager for Environmental Health (Pollution)

1.16 I have concerns regarding noise and dust from construction activity. I would therefore recommend the following conditions:

HOU04

SIT03

2.0 Representations

2.1 Five objections have been received.

- Inadequate parking provision.
- Nuisance: disturbance, dust, dirt, fumes, noise.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Precedent will be set.
- Access to the proposed site is via a back lane where residents park their cars, any attempt to bring construction equipment to the site would cause unimaginable disruption/congestion for residents. It is also doubtful if equipment would be able to fit down such a small access road.
- The dwellings would also limit the view/light to residents of Co-operative Terrace.
- I hope this planning application will be rejected as have previous applications.
- This street is already, narrow and finding a parking spot is particularly difficult.
- I can park in my yard, but other residents don't have this luxury.
- If this building were to go ahead, it would complicate parking on the street further, making it much harder to navigate as you would be removing space for 10+ cars and vans to park.
- It would also make it much harder for anyone visiting to park nearby.
- If this building were to go ahead, it would complicate parking on the street further, what would you do to rectify the parking situation for residents?
- In my opinion, these two buildings would do nothing but bring issues for the residents that are already living there.
- I have strong reservations about residential properties being built on this particular land. The road is narrow and there are already several residents that park their vehicles in that vicinity. Finding a safe place to park is already a difficult task; however, building properties on that land will almost certainly exacerbate matters. Not many of the residents who live on the street have the option to park on a driveway and therefore rely on this land to safely park their vehicles.
- The bin lorry already struggles to safely navigate down this narrow road and this will almost certainly become impossible if permission is granted to build on this land as the residents who currently park their vehicles will have to (precariously)

park along the road which will make the road even narrower and almost certainly raise the risk of their vehicles being damaged by other passing vehicles, as well as the bin lorry, and not to mention the diggers and other plant machinery that would have to use this narrow road, if the application is granted.

-Building on this land would bring nothing but misery to the residents currently residing here; both while the building works were being carried out and after the works are completed.

-This back lane is very narrow and finding a parking spot is particularly difficult. I am fortunate as I can park my vehicle in my back yard, but other residents and visitors do not have this necessity.

-If planning permission was granted for these dwellings, up to 10 spaces would be lost. Whilst I appreciate this is on private land, no action has been taken to prevent parking. On street parking is maximised already.

-There are two junctions either side of my block which have poor sight lines due to on street parking and bad geometry, on to the heavily trafficked Great Lime Road. Cars travel at high speed on this road making the existing junctions dangerous. Two more dwellings and losing parking spaces will exacerbate this.

-Furthermore, I appreciate I do not have a right to a view, but I believe overshadowing would greatly impede on the light into my kitchen window.

-In addition, only recently has the time of the refuse collection been changed in the street. I spoke to one of the refuse collectors and he confirmed this was because they were having problems with access in the afternoon and found access early in the morning much easier. This can obviously be confirmed with that department at North Tyneside Council.

-I have read the National Planning Policy Framework. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Bungalows are not the overall form of development in this area. The proposal is unsustainable since it uses up valuable parking and adds at least two more cars onto an already narrow lane and dangerous junctions at either end. The proposal is an over development, cramming in two dwellings.

-Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

-The North Tyneside Local Plan adopted in July 2017 allocates the playing fields additionally to their recreation and open space qualities as a wildlife corridor. The proposed development would adversely affect this public asset to the detriment of me and my neighbours.

-The privacy distance is 21m not 13m as my bedroom overlooks the proposed dwellings i.e. someone in their kitchen could see in my bedroom. I am a single female and have had a recent burglary.

-The use of the term 'adequate' does not perform to NPPF.

-Paragraph 5.2.2 of the Planning Statement downplays the impact of my property on the bungalow by stating the bungalow doesn't impact me. The point is the resulting bungalows lack residential amenity.

-The statement my privacy is already compromised by the back lane is clearly false.

-Paragraph 7.4 of the Planning Statement recognises the application site is allocated as public open space.

- The application site is not previously development land it is just dolomite. The previous use was not development under the Town and Country Planning Act definition.
- There have been two previous refusals. The fact these were outline shows that the principle of development was objectionable. A full application merely emphasises why.
- Only two bungalows do not significantly add to the housing supply and the Council can demonstrate a 5 year housing supply anyway.
- There is insufficient turning circle for cars to access and egress their proposed garages without blocking the lane or hitting my rear fence.
- The internal floor area at 54sqm is too small for an adequate dwelling.
- The rear elevation of each plot has three windows, two of which are plain glass and therefore they enjoy no privacy from my first floor as the boundary treatment proposed is inadequate.
- Each plot has a gate opening onto a busy lane made worse by taking away parking which is unsafe for pedestrians emerging and motorists using the lane.
- I would formally request you consult Sport England and have the applicant submit a Boundary Ball Assessment. The site immediately abuts active playing fields. Balls are likely to be a nuisance or even a danger to householders in the proposed bungalows. The playing of informal golf on this field is also undertaken by local residents. The presence of the bungalows would curtail activities on the playing fields which provides a valuable resource for local residents and sports clubs.

2.2 Combined representation from local residents (14 signed)

We, local residents of the area immediately surrounding Cooperative Terrace wish to make you aware the strong objections that we have with regards to the proposed development of additional properties on the open space to the rear of Cooperative Terrace. As immediate neighbours to the site of the proposed development, we are of the view that such a development will have a serious impact on the standard of living of the immediate community and compromise our residential amenity therefore we believe that the cumulative objections discussed below are grounds for refusing the application.

The main grounds on which we believe this proposal should be rejected are the loss of green, open space in that the proposed site and the problems this development would cause existing residents relating to parking and vehicular access. Most telling is the fact that there have been 3 previous applications for domestic dwellings to be built on this site which have all been rejected (Ref No: 96/01075/OUT, 05/02955/OUT and 14/00450/OUT). These together show that this is a frivolous application which ought to be rejected outright.

Issues with the Planning Proposal:

The planning proposal as submitted to the council is scarce on detail and our issues with this planning proposal fall into 2 categories; firstly, the lack of detail and inaccuracies relating to the proposal and secondly, there is the separate issue of whether there is further need in this area for more properties for market.

Firstly, there is a worrying lack of detail with the proposal which is evident within the application. In the part of the application form which requires description of the proposal, not a single detail is given. This means that it will be difficult to know the exact nature of what it is being applied for and if permission were to be

granted, it would be negligent of the council as it wouldn't be clear to what exactly permission has been granted. The proposal includes a lack of detail that is important in relation to the neighbours' right to privacy (as mandated by the Human Rights Act; Article 8), the need for new developments to be in keeping with the surroundings and the stress that such residence would put on the existing infrastructure.

For example, the plans for the proposed bungalows don't make clear any glazing beyond "White UPVC". The privacy of existing residents cannot be ascertained from the plans alone and if permission were to be granted, there would be no legal provision for the glazing to be respectful of this privacy as they are not articulated in the current proposal. Therefore, such a development could compromise the privacy of those living on Cooperative Terrace to the rear of the properties and those living on Percy Road, especially with the angle of the bungalows in relation to their gardens as seen in the plans (Screenshot below) as all of these properties were built without this proposed development in mind.

There are inaccuracies with the application too. There is the lack of evidence to support claims that the proposer makes; the proposer believes that the land on which they plan to build is "vacant." Whilst the land here is vacant in terms of there is no development on it as identified in the application for 20 years, it is not empty; local residents have relied upon this land to park and there is a strong case that an easement has been prescribed as it has always been used as parking space by residents without any development upon this land for over 20 years since 5th November 1999. Often up to 8 cars park on this land with informal permission granted for this purpose (there is nothing to suggest that the land owners have been unhappy with this use of the land); there are multiple cases of law which show that even a couple of cars regularly parking on private property with informal permission creates a prescribed easement, for example, the case of *Hair V Gillman* ([2000] 3 EGLR 74, 75g CA). The separate issue regarding the impact of such a development on local parking problems has been detailed below in full.

Secondly, the proposer identifies the two bungalows for the market without considering whether there is such a need for such housing in this area. With the recent developments of the Killingworth ward housing such as the Lime Gardens and Killingworth Lake developments as well as the current proposed Killingworth Moor development and looking at the North Tyneside Local Plan for the Killingworth Ward, there is no real need for more properties for private ownership. As can be seen in the screenshot taken from the Zoopla website on 19/12/19, there are properties up for sale with 1/4 mile of NE12 9HH, suggesting that there is no real need for further properties in this area. Similarly, looking at rental properties in the area, a quick web search shows that such properties are numerous and affordable, showing that there is no real need for the development of this site. The scale of the development (2 small bungalows) would hardly ease the need, if there were a deficiency of properties which there clearly isn't.

Inappropriate Design/ Out Keeping with Surroundings:

As mentioned above, there are issues with the lack of detail regarding the design of the bungalows. This is worrying because if this application was passed as such, there is nothing concrete about what is to be expected. The designs

themselves seem flawed. For example the bathroom being to the rear of the property would be less than a metre away the public walkway and there is no specific details about air vents, windows and the like; this raises issues with how private this would be and what it would be like for the local residents walking along the road.

In addition to this, there is the significant fact that bungalows would not be in-keeping with the immediate environment. Whilst there are bungalows in the local area, there are none immediately next to the proposed bungalows, as shown in the properties to the north, east, west and south of the land rear to Cooperative Terrace. The housing immediately surrounding the site of proposed development is made up of terraced housing, some of which are flats, meeting the needs of those who require single floor living. Looking at the previous rejected applications for this site, 2 storey houses have been rejected and it appears that the proposer is clutching at straws, submitting a request for single storey dwellings, despite the fact that there has been a previous rejection of a proposal for two bungalows on this site.

Inadequate parking:

The application suggests that it would not contribute to local parking congestion, suggesting that it is creating two brand new parking spaces. However, this development would cause significant problems for its immediate residents. As highlighted in the North Tyneside Council Parking Strategy, one of the main areas for complaint with regards to local parking is the “insufficient kerbside parking.” This is an issue here along Great Lime Road, Cooperative Terrace, Clarabad Terrace and Percy Street. Due to number of houses which do not have front or rear drives and the flats along part of Cooperative Terrace, parking is difficult, and people have no choice but use the land to the rear of Cooperative Terrace to park on so that they are not blocking Great Lime Road or Young Road. This is not just residents but customers of the Palmersville General Store and visitors using the field.

7- 9 Cooperative Terrace do have private driveways which are used and help alleviate the demand for kerbside parking however, there are serious and justifiable concerns that should the proposed build go ahead, access to these private drives would be impossible due to the narrowness of the road as detailed in the section below. The proposed site does contain 2 car parking spaces, one for each bungalow. However, the building of the bungalows will add to the already difficult parking situation which exists plus, as shown in the photograph below, even with the 2 off road parking spaces planned, it could be that it would be impossible for these spaces to be used owing to the narrowness of the road, especially if cars were having to park close to these driveways. In addition to this, there would be no guarantee that if the planning proposal were successful and the bungalows built, that the residents would have one car per property and the situation would be intensified further due to visitors to the properties. This will intensify the problem for existing residents and the further difficulties with parking this will raise will inevitably put more burden on highway safety, a chief concern of the local council.

Poor/ Unsuitable Vehicular Access:

The road behind Cooperative Terrace is narrow; it is 440 cm wide behind 7 Cooperative Terrace and gets narrower at other points. This raises issues about the suitability of the land behind Cooperative Terrace being developed. This road is used by North Tyneside's Waste Collection Services and at times, collection for them is problematic already due to cars being parked along the road, bins taking up some of the road's width. The proposed properties are planned with the wall right up to the edge of the road would make it nigh-on impossible for a Waste Collection van to circumnavigate the cars and bins along the road. In fact, the problem would be exasperated as there would now need to be bin collection from both sides of the road instead of bins just being collected from one side. This would be a long-term problem, affecting the local infrastructure for the existing residents of this area. It may also cause short term problems for the duration of the proposed build, should permission be granted as there would be construction vehicles using this access pathway as well as council vehicles involved in Waste Collection and the caretaking of the playing field. Whilst the proposer could claim that there would be little inconvenience to the local residents for the duration of the build, there is no evidence to support such as claim and with the lack of research into how the property would be attached to the mains sewerage system (aside from the identifying that the houses would be connected to the existing system), it could be the case that part of the roadway would need to be dug up, causing disruption for many local residents with regards to their waste collection.

Impact on Landscape/ Loss of Visual and Residential Amenity:

The proposed bungalows would impact upon the landscape. The building would be adjacent to green, open space and therefore would have a noticeable impact on the local area. The playing field in its entirety, as an open space which offers opportunities for sport and recreation acts as a visual and residential amenity and the chipping away of this for the development of 2 small and unneeded properties is not worthwhile and not in keeping with the aims of North Tyneside Council in their Local Plan policies. The proposer obviously acknowledges the benefits of living in a pleasant, open environment as the majority of glazing will be installed to the South allowing for views over the playing fields, yet these proposed buildings would remove the visual and residential amenity of living in such a pleasant environment from those residents along Cooperative Terrace and Percy Street. The right to the peaceful enjoyment of a person's possessions including their land is the responsibility of the council under the Human Rights Act, in particular Protocol 1, Article 1. Additionally, Article 8 states that a person has the substantive right to privacy which after the case of *Britton vs SOS* means that private and family life encompasses not only the home but also the surroundings. Therefore, to allow building to the rear of Cooperative Terrace would mean the loss of living in a pleasant environment for the existing residents with the extent of the loss of privacy not being fully understood at this point due to the lack of detail in the planning application.

Looking at the plan submitted as part of the proposal, there would be 2 paths either side of the fences for the 2 bungalows, allowing access to the field. According to the scale of the map, these pathways would be less than a metre-wide which raises questions about public access for example, wheelchair users, people on bicycles and parents pushing prams. The standard wheelchair width is

76cm wide and one must allow space on either side for the wheelchair user to push themselves. These pathways would be obstacles rather than user friendly access ways. This does not seem to be enhancing the visual or residential amenity at all and reduces public access to this brilliant, well used local amenity.

Also, we understand that our loss of view is not grounds for rejecting this spurious application, yet the worrying lack of detail makes us concerned about what other things have been overlooked. Also, the houses along Cooperative Terrace and Percy Road would become very enclosed and it would feel like the area is overcrowded.

Not in Accordance with the Development Plan/ Precedence will be set:

There are 2 grounds on which the proposed building doesn't fall in line with the North Tyneside Council Local Plan. Firstly, within the North Tyneside Local Plan, there is mention throughout the plan that residents will be listened to; we are those who will be most affected by this proposed development as well as being this council's residents who have joined together and want to be heard- we are unhappy with the proposed development on this site and would like our local council to reject it. It is clear that North Tyneside is committed to ensuring the protection of open space for all residents as part of its aim to ensure that where we live is an "attractive" place; the proposed development would make our immediate area seem cramped and would not be in keeping with the aims of the Local Plan. Granting permission for building to occur to the rear of Cooperative Terrace would contravene the Local Plan and set a dangerous precedence by the local council.

Within the North Tyneside's Killingworth Moor Development Plan, there is a map showing proposed sites for development in the Killingworth ward; it is clear from this document that the land to the rear of Cooperative Terrace is not designated for development. Rather it is highlighted as being a designated an "Indicative Green Amenity Space and Buffer" and as well as being part of the "Indicative Wildlife Corridor". The arrow on screenshot below from the Killingworth Moor Development Plan highlights how the council view the land which the applicant proposes to build upon.

The proposer, in their application hasn't acknowledged that this land is not designated for housing either due to a worrying lack of research or is aware of this but has disregarded it. They have bought this land from the previous owner knowing that there have been previous planning applications for domestic dwellings here before that have been rejected but hasn't proposed anything different from previous rejected proposals. This surely means that a clear precedence for the rejection of this proposal has been set with the view to sending the message that this land is not for development as it has been designated in North Tyneside's Killingworth Moor Plan as green space and an important part of protecting our local wildlife.

In conclusion, we formally request that the council takes our collective objections into consideration when deciding this application and bear in mind the volume of local residents who object strongly to this proposal. We welcome the opportunity to meet with a representative of the planning department to illustrate our objections first hand.

Section 2.0 Site Description and Proposal

In this section, the statement asserts that the land “is presently used for parking, this use is not expressly authorised.” (2.1) In our letter, we pointed out that the argument could be given that an easement has been created with the land having been used for parking for over 20 years. Whilst it says that the use for parking has not been expressly authorised, it must also be taken into consideration that it hasn’t been unauthorised expressly either. In fact, some residents have commented that they have spoken to the developers when they first purchased the land, and nothing was said to them about them using the land for parking. This could constitute informal permission which means an easement has been continued from the previous owners to the new owners.

Another point made within the planning statement is that the land “forms part of the wider open space allocation in the Development Plan located to the south.”

(2.1) This has been the case for a number of years; in fact, this was a point which we highlighted in our objections to the previous development. This would have been known when the developers bought this plot of land and therefore, they knew that this land has not been identified in the local plan for building upon. It is also worth nothing, that this land is not just designated wide, open space but part of a wildlife corridor.

Section 3.0 Relevant Planning History

The application draws attention to the reasons given for the rejection of previous and similar planning applications. It quotes as the reasons for the rejection of 2014/00450/OUT:

“The proposed bungalows, on this restricted site would, by reason of their layout, scale and relationship with surrounding properties would result in a cramped form of development detrimental to the character and appearance of the surrounding area.”

We believe that the plans submitted as part of this application are in no real way different to the designs of the bungalows rejected in 2014 and therefore, the same reasons for rejecting this application still stand. If the proposed development were to be granted permission, the land to the rear of Cooperative Terrace would feel overcrowded and cramped, especially with the issues raised by the issues with parking that this would create.

4.0 Planning Policy

We appreciate that since the previous rejected application, the National Planning Policy Framework has been introduced which presumes approval of development provided it plays an economic role, a social role and an environmental role unless it is detrimental to the lives of people and the communities. However, we would contest that the claim that the proposed development could play a beneficial economic role, social role and environmental role and we would argue that the negative impacts of this development would not improve our lives but impact adversely upon it. Three of the main grounds on which we believe this to be true is in regard to access, parking and residential amenity.

The definition of the economic role in the NPPF is “contributing to building a strong responsive, and competitive economy, by ensuring that sufficient land of the right type is available in the right place, and at the right time to support

growth, and innovation; and by identifying, and coordinating development requirements, including the provision of infrastructure.” We would argue that the proposed development doesn’t fulfil the economic role as there is not a need for more housing of this type in this area. As we highlighted in our original letter, a quick internet search of properties for both sale and rental shown a wide number of properties available. This would suggest that adding more properties into the area could be harmful for those already with properties as there is already competition; too much competition could drive down prices achieved for rent and sale. This would therefore be detrimental to the local economy.

The definition of the social role in the NPPF is “supporting strong, vibrant, and healthy communities; by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.” We would argue that there is no need in this area to meet the needs of the present generation (due to the high volume of properties currently on the market for sale and rental) and the needs of future generations will be met by the proposed developments in Killingworth Moor. There is no need. Also, the proposed development would not improve our immediate environment as it would make the area feel more enclosed and overcrowded. It is hard to envision how these two properties could “support [the community’s] health, social and cultural well-being and therefore, we believe the proposed development doesn’t fulfil this aspect needed for permission to be granted. Also, in the NPPF, it says that developments must be in line with the aspirations of the area (NPPF 125); these bungalows are in keeping with the immediate area and are not in- keeping with the design aspirations and aesthetic as laid out in the Killingworth ward local plan.

Finally, the definition of the environmental role in the NPPF is “contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently minimise waste and pollution, and mitigate and adapt to climate change including moving to low carbon economy.” There is nothing within the plans submitted which makes clear how this would be attained. The proposed plans have very little details regarding material used for the build aside from saying that they would be sympathetic to the local houses (this raises questions as to what exactly would be used as there are different styles of housing immediately surrounding the site) and how these houses would be a movement towards a “low carbon economy.”

The purpose of the three dimensions of the sustainable development is to “improve the lives of the peoples and communities” (4.3); we believe that we have shown here that the proposed development doesn’t improve the lives of peoples and communities. The only person who stands to benefit from this is the developer whilst the current residents stand to lose an awful lot.

5.0 Key Issues and Considerations.

5.1 Principle of Development.

In section 5.1.1 of the planning statement, the developer comments on the fact that the land is privately owned yet has been designated open space and part of the wildlife corridor by the council. The land has been designated as such since at least 2014 when the last planning application was put in, so they would have

known this when the land was purchased. Whilst they mention this, at no point in this section do they address what they would do to ensure that the environmental impact of their development is minimised.

5.2 Residential Amenity.

The developer claims that the proposed bungalows would not impact negatively upon the residential amenity of those living in the immediate vicinity of land. We would dispute this. Whilst they point out that there are no windows immediately facing Percy Street, from the windows on the south of the proposed bungalows, they would be able to see into the gardens of the residents of Percy Street. Also, whilst the residents of the bungalow might only be able to see into the kitchens of Cooperative Terrace, the quality of their residential amenity would be poor as from the upstairs windows of Cooperative Terrace, residents would be able to look into the north facing rooms, which the planning statement identifies as the “kitchens, secondary bedrooms and the bathrooms.” (5.2.2) In discussion with the residents of Cooperative Terrace, concerns have been raised regarding this as the back bedrooms of Cooperative Terrace are often used as children’s bedrooms and parents do not want their child to be looking at these rooms. Also, for those walking along the lane which would be to the rear of Cooperative Terrace, they would be on the same level of the bathroom in particular and potentially could be feet away from someone using the bathroom which we would argue, would compromise the residential amenity.

Furthermore, the developer claims that they would have a high boundary wall/fence. They do not specify the height of the wall but if it were to be a similar height to the fence currently sectioning off part of the plot, our fear is that this would make the back lane feel very enclosed and cramped. Also, a high fence along the boundary to the rear of Cooperative Terrace could interfere with 7-9 Cooperative Terrace being able to park upon their drives. This would further exacerbate an already difficult parking situation.

Another issue we have and which we highlighted in our original letter is that vagueness of the description of the proposed bungalows. In 5.2.3 the developer says “The outlook and amenity of the new dwellings would be of a high quality... adequate garden areas are proposed...” All of this is very vague, and the lack of specific detail concerns us as residents as if permission were to be granted, there is no clear expectations of what exactly is meant by “high quality” or “adequate gardens”.

Also, in 5.2.3, the developer notes that the previous planning applications were not rejected for reasons relating to residential amenity yet, in section 3.2, they quote the council’s reasons for rejection the previous and remarkably similar plans which was “The proposed bungalows, on this restricted site would, by reason of their layout, scale and relationship with surrounding properties would result in a cramped form of development detrimental to the character and appearance of the surrounding area.” (3.2) This seems to relate quite closely to residential amenity and seems to be a deliberate attempt on the part of the developer to mislead the council, so permission is granted in their favour.

5.3 Visual and landscape impact.

In 5.3.1, the developer notes that the land in its current use “does not contribute positively to the visual amenity of the street scene.” We would contest this; if the

land were to be developed, the street scene would feel very overcrowded and the visual amenity of the street would decrease, especially with the potential fencing/wall of an unspecified height running along the boundary. Also, there is nothing to guarantee that the proposed development would improve the street scene as implied, due to the lack of specifics regarding the building materials to be used.

Also, in 5.3.3, the developer states that the proposed housing are designed in terms of scale with the sites surrounding, yet none of the housing in the immediate vicinity of the site are bungalows. There is no real need for bungalows here due to the flats that form part of Cooperative Terrace and Clarabad Terrace.

5.4 Access, highway safety and parking.

One of our main objections to the development of this land is with regards to the issues of access, safety and parking. The developer maintains that the “the loss of the site to another alternative use would not give rise to any measurable traffic implications.” This is simply not true. The land is used informally for parking and without this land, there would be up to an extra 10 cars needing to park along the back lane. In addition to this, the cars of those living at 7-9 Cooperative Terrace would need to park along here to as they would not be able to use their drives as they wouldn’t be able to swing round onto them should a high boundary wall/fence be erected. This is shown clearly from the pictures submitted as evidence in our previous letter. Already parking in this area is very difficult; it seems foolhardy to give permission to this development which would not alleviate the problem in any way but in fact, make a difficult situation more difficult.

With the extra cars parked along the back lane, we would argue that public safety would be at risk. Already, parents with prams, for example, often have no choice but to walk in the middle of the land with their prams due to the cars parked along there. If there were more cars parked along here, this would become more of an issue. Also, it would be exceptionally difficult for the bin lorry to access the lane with the extra cars parked along there. This is a massive concern for local residents and a point that we feel has not been addressed by the developers.

Similarly, we would disagree with the assertion on the part of the developer that due to the small scale of the development, it would not contribute to traffic generation. There is no guarantee that the two properties would be single car households as well as their visitors. Yes, we agree that the area has excellent public transport links but again, that doesn’t mean that the inhabitants of the proposed bungalows and their guests would use them.

The NPPF does allow for decision makers to reject proposed developments on the grounds of issues relating to parking and we believe due to the local levels of car ownership in our immediate area, that rejecting the application is the only course of action that will enable the local residents to be able to park near their homes.

5.6 Flood Risk and Drainage.

Whilst the developer has been advised that there are no concerns regarding the capacity of the current drainage system in dealing with the two extra properties, they are right to note that “Northumbria Water do not provide written confirmation of capacity for small development sites.” We are concerned that if permission

were to be granted that there could be massive upheaval due to the capacity being assumed.

In conclusion, the developer's planning statement states "planning permission should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits". (4.2) We understand this but believe that our objections as identified in our original letter and as further developed here show that there are adverse impacts which outweigh the possible benefits afforded by the proposed development.

3.0 External Consultees

3.1 The Coal Authority

3.2 The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

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

3.4 Northumbrian Water

3.5 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

3.6 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>.

3.7 Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

3.8 Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

3.9 Natural England

3.10 This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest (SSSI) and Special Protection Areas/Special Areas of Conservation/Ramsar Sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

3.11 North Tyneside Council operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

3.12 Subject to appropriate mitigation being secured in line with the details of this service, Natural England is satisfied that there will be no damage or disturbance to the interest features of these sites.

3.13 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

3.14 This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

3.15 Natural England's advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

3.16 Sites of Special Scientific Interest Impact Risk Zones

3.17 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a SSSI" (Schedule 4, w). Our SSSI Impact Risk Zones area GIS dataset designed to be used during the planning application validation process to help local planning authorities to decide when to

consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

3.18 Sites of Special Scientific Interest (SSSIs)

3.19 Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The NPPF (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

3.20 Biodiversity Duty

3.21 Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.

3.22 Protected Species

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

3.24 Local sites and priority habitats and species

3.25 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity, Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

3.26 Priority habitats and species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as SSSI, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Links to the open mosaic habitats inventory can be provided.

3.27 Protected Landscapes

3.28 For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The NPPF (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

3.29 Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11A (2)) of the National Parks and Access to the Countryside Act 1949 (As amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

3.30 Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

3.31 Landscape

3.32 Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry-stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

3.33 Access and Recreation

3.34 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas, should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

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

3.36 Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access

land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on nearby National Trails, including the England Coast Path. The National Trails website provides further information.

3.37 Environmental Enhancement

3.38 Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

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

You could also consider how the proposed development can contribute to the wider environment and help elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wildflower strips).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links. Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).