

Application No: 20/00273/FUL Author: Maxine Ingram
Date valid: 16 June 2020 ☎: 0191 643 6322
Target decision date: 15 September 2020 Ward: Weetslade

Application type: full planning application

Location: Site of Former Drift Inn, Front Street, Seaton Burn, NEWCASTLE UPON TYNE

Proposal: Erection of 5no three bedroom houses and 5no four bedroom houses at the site of the former Drift Inn public house (Additional information solar study and revised site plan 10.07.2020 and noise report 25.09.2020)

Applicant: Northumbria Vehicles, FAO Mr Rod Purvis Northumbria Vehicle Co Oliver House Front Street Seaton Burn NE13 6ES

Agent: Gradon Architecture, Mr Chris Allan NE40 Studios Main Road Ryton NE40 3GA

RECOMMENDATION: Application Refused

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;
- 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 relates to a rectangular parcel of land, approximately 0.66 hectares. The site was formerly occupied by a public house, The Drift Inn. This building has since

been demolished and the site has remained vacant for several years. Immediately to the north east the site is bound by a residential dwelling, Meadow Cottage and to the north west is a commercial property. Access to the Seaton Burn Recreation Ground and Meadow Cottage is located to the south east of the site beyond which lies a commercial property (car sales). Residential properties, The Willows, are located to the south west beyond the adjacent highway.

2.2 The topography of the site is relatively flat.

2.3 The site is designated as a housing site (LP site 133 Drift Inn, Seaton Burn).

2.4 The land designation immediately to the north east of the site is green belt and a wildlife corridor.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 5no three-bedroom houses and 5no four-bedroom houses.

3.2 Two house types are proposed:

- Housetype A Plots 6-10 (2.5 storeys with a ridge height of approximately 8.8m)
- Housetype C Plots 1-5 (2.5 storeys with a ridge height of approximately 9.1m)

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

- Arboricultural Impact Assessment (AIA)
- Exploratory Soils Investigation Report
- Great Crested Newt Risk Assessment
- Invasive Non-Species Survey
- Noise Survey and additional information
- Design and Access Statement
- Surface Water Drainage Strategy
- Solar Study

4.0 Relevant Planning History

4.1 The most recent planning history relating to this site is set out below:

19/01173/PIP - To establish the principle for residential development of between 5 and 8 dwellings – Not progressed to Part 2 06.03.2020

11/02358/FUL - Demolition of existing building and erection of 56-bedroom care home (Re-submission) – Permitted 17.02.2012

11/01797/FUL - Demolition of existing building and erection of three storey 64-bedroom care home – Refused 07.11.2011

The proposed development would be out of keeping with the character and appearance of the immediate surrounding area by virtue of its scale, mass and size. The proposed development is contrary to Policy H11, H16 and DCPS No 13 of the North Tyneside Unitary Development 2002.

The proposed development by virtue of its proximity to the adjacent garage would result in an unacceptable impact on the amenity of future residents in terms of outlook and potential noise disturbance. The proposed development is contrary to national planning guidance PPG24 and local planning policy DCPS No 13 of the North Tyneside Unitary Development Plan 2002.

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;
- 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.

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 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.

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

8.7 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.

8.8 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.”

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

8.10 Members are advised that the site, subject of this application, is identified for housing under Policy S4.3 (Site 133 Drift Inn Seaton Burn). The LP identifies that this site can provide a potential of 8 units. The number given in the LP is only potential and has been derived for the purposes of helping the Council to determine how much housing land it needs to provide to ensure enough housing is built. It has not been derived following any detailed design work. The issue is whether the site can adequately accommodate the amount of housing proposed. This is considered in a latter section of this report.

8.11 The site is designated as a housing site and it will contribute to meeting the housing needs of the borough. Members need to determine whether the principle of residential development on this site is acceptable. It is officer advice that, the principle of some form of residential development on this site may be acceptable, subject to all material considerations set out below being addressed.

9.0 North Tyneside 5-Year 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 potential housing land supply from this proposal is included in the assessment that North Tyneside has a 6.1 year supply of housing land and it is officer opinion that the proposed 10 dwellings will make a small, but valuable contribution towards the five year housing land supply.

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

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

10.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

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 and enhanced, and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

10.7 The objections received regarding the inappropriate design, overdevelopment, insufficient refuse storage and loss of trees are noted. It is noted that an objector has made reference to the previously approved scheme on this site and another site in Seaton Burn. Members are advised that each application must be assessed on its own merits.

10.8 The site is located to the north east of the B1318. It is located in a mixed-use area of Seaton Burn. To the north east the site is bound by a bungalow, Meadow Cottage, beyond which lies the Seaton Burn Recreation Ground. Commercial premises bound the site to the north west and south east. Residential properties, The Willows, are located to the south west of the site.

10.9 Two house types are proposed. House type A would be 2.5 storeys with a ridge height of approximately 8.8m. A flat roof dormer to front and roof lights to rear would accommodate the bedroom to be sited in the roof space. A balcony is proposed to the front of the property. House Type C would be 2.5 storeys with a ridge height of approximately 9.1m. A flat roof dormer feature with balcony to front and roof light to rear would accommodate the bedroom to be sited in the roof space. A balcony is proposed to the front of the property. The properties would be rendered (white) with contrasting timber cladding.

10.10 The contemporary architectural design differs to the architectural style within the immediate area, it is acknowledged that this has the potential to add to the character of the local area. This contemporary design approach is supported by the Design Officer. However, it is clear from his comments that there are concerns regarding the number of units proposed and the layout. The form of development facing Front Street is supported. Plot 5 is located in the middle of the site; the Design Officer considers that the positioning of this plot breaks up an otherwise logical layout. The addition of this unit means that plots 1-4 are pushed further east of the site resulting in these plots having small rear gardens (approximately 4m to 4.8m). The Design Quality SPD specifies that gardens should satisfactorily reflect the size and type of the dwelling.

10.11 Plots 1-4 are also positioned close to the bungalow (Meadow Cottage). The Design Officer expressed concerns that these units may have an overbearing impact on the bungalow. To try and address this concern the applicant has provided a Solar Study. This study identifies that there is some overshadowing particularly in winter but overall, it concludes that this is not substantial. The Design Officer has expressed concerns about the accuracy of the solar images, as the size of the single-storey Meadow Cottage appears very large nor does it appear to confirm the difference in levels between the application site and Meadow Cottage. Officers consider a much-improved layout could be achieved if plot 5 were to be removed. This would enable plots 1-4 to have better amenity space whilst also improving the relationship with Meadow Cottage.

10.12 Northumbrian Police have also provided advice on the proposed layout. Their comments are set out in full in the appendix to this report (paragraphs 3.13-3.34). They also share the same view as officers that an improved layout could be achieved with the removal of plot 5.

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

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

10.14 It is acknowledged that the proposed layout can achieve the council's maximum parking standards and provide areas for refuse storage and cycle storage. The internal privacy distances between the proposed dwellings is acceptable. However, it is the view of officers, that the siting of plots 1-4, the siting of plot 5, the depth of the rear gardens of plots 1-4 and their proximity to Meadow Cottage results in an unacceptable layout.

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

10.16 The Landscape Architect has been consulted. She has considered the submitted Arboricultural Impact Assessment (AIA) which surveyed 10 individual trees. To

accommodate the proposed development, requires the removal of one tree (T3 Ash). The AIA recommends the removal of four trees (category U), regardless of this development, given their condition. The AIA states no new tree planting is proposed, whereas the submitted landscape plan proposes new tree planting within the site and the retention of tree T10. The Landscape Architect advises that the submitted landscape scheme is generally acceptable however, it is recommended that a native hedge is planted along the southern boundary of the site similar to the northern boundary. A revised landscape scheme would need to be conditioned to achieve this however, this may result in a reduction in the level of amenity space provided for plot 5 as the hedgerow would need to be positioned outside of the garden area to ensure that it is retained and protected from removal by future occupants. Officers also have concerns if the proposed hedgerow to the north is to be accommodated within plot 1. Again, if this hedgerow is to be accommodated within plot 1, the council may not be able to seek its retention and protection from removal by future occupants. The removal of plot 5 would enable further consideration to be given to the siting of garden areas without the inclusion of the proposed hedgerows.

10.17 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 layout is not acceptable. As such, the proposed layout is contrary to policy DM6.1 of the LP (2017) and the Design Quality SPD.

11.0 Impact upon the amenity of existing and future residents

11.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

11.2 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.

11.3 Paragraph 182 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. It goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

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

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

11.6 Policy DM5.19 'Pollution' states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

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

11.8 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.

11.9 The objections received regarding nuisance, disturbance, visual intrusion, impact on residential amenity and loss of privacy are noted.

11.10 Plots 6-10 will be located over 30m to the north east of The Willows. This separation distance is considered to be acceptable and maintains an appropriate distance to protect the residential amenity of these neighbouring properties.

11.11 The main impact of the proposed development will be on Meadow Cottage. This property sits at a lower level than the application site. It is acknowledged that the garage serving Meadow Cottage is sited closest to the shared boundary with the application site. There is one window sited in the south west gable (roof space accommodation) and one roof light of Meadow Cottage. The owner of Meadow Cottage has advised that a window is to be installed to the kitchen (south west elevation) however, at the time of writing this report this window was not in situ. Plots 1 – 4, two blocks of semi-detached dwellings, would be sited approximately 4m to 4.8m from this shared boundary. Each semi-detached block would have a width of approximately 16m. The proposed dwellings by virtue of their height (approximately 9.1m to ridge and 5.4m to eaves) and positioning would be highly visible from the garden areas serving the bungalow. It is considered that the positioning and height of these units would appear visually dominant resulting in a significant and overbearing impact when viewed from this neighbouring property. This impact is not considered to be acceptable.

11.12 The positioning of plots 1-4 would also impact on this privacy Meadow Cottage. It is noted that views from the ground floor window and doors into this neighbouring property could be mitigated by an appropriate boundary treatment. The proposed first floor rear bathroom window would need to be obscure glazed; this could be achieved by condition. However, the proposed first floor bedroom to rear (with Juliette balcony) at a distance of between 4m to 4.8m from this neighbouring property would affect its privacy. This impact is not considered to be acceptable.

11.13 As already discussed, the proposed layout could be improved to provide future occupants of plots 1-4 with larger areas of outdoor amenity space.

11.14 The proposed dwellings' internal layout would comply with Policy DM4.9 of the Local Plan.

11.15 The site is located in an area subject to a number of different noise sources that include road traffic from the B1318, air traffic noise as the site is located in an area close to the departure and arrival routes and its proximity to commercial uses.

11.16 A Noise Report has been submitted and this has been considered by the Manager for Environmental Health. She has expressed concerns regarding potential noise sources including commercial and industrial noise. It is unclear whether any of the neighbouring commercial units operate on a 24-hour basis or have associated early morning noise. She is also aware of the objector's concerns as they have dog kennels at their property Meadow Cottage. She is therefore concerned about noise arising from dogs barking. The applicant has submitted a further noise report to address the concerns arising from dog barking.

11.17 The Manager for Environmental Health has advised that noise monitoring was carried out during the Covid-19 lockdown. Within the Noise Report it confirms that road traffic noise was assessed based on typical traffic levels for the road which is considered appropriate as traffic volumes during lockdown would have been substantially less. The report also considered typical noise levels from the adjacent garage, but it did not consider aircraft noise. At the time of the noise monitoring there were limited aircraft movements from Newcastle International Airport Limited (NIAL). Review of the 2021 and 2030 night-time noise contours indicates that the site is outside of the 48 LAeq8hr noise contour and therefore noise levels from aircraft are unlikely to give rise to higher noise levels than those already considered within the noise report.

11.18 The submitted information regarding road traffic confirms that external gardens would meet the WHO community noise level for outside spaces, as the main garden areas are located to the rear of the proposed dwellings. The dwellings would therefore screen road traffic noise. It also advises that internal noise levels in accordance with the relevant British Standards and WHO guidance would be achieved.

11.19 The additional noise survey submitted considers noise arising from the dog kennels. This additional information has been considered by the Manager for

Environmental Health. It is clear from her comments that she has concerns regarding the additional information submitted. She is concerned that the noise monitoring is not reflective of the true extent of dog barking and that the first-floor habitable rooms of plots 1-4 will have no screening or limited screening, noise levels during the early monitoring period may result in potential disturbance.

11.20 The Manager for Environmental Health has made reference to paragraph 182 of the NPPF which seeks new development to be integrated effectively with existing uses and that existing uses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Prolonged dog barking will give rise to high maximum noise levels and potentially result in causing a disturbance to the future occupiers of this development. She is concerned that the noise assessment has shown that the maximum levels of noise from the dog barking will be in the region of 55-62dB. The objector has advised that not all the dogs were present at the kennels during the monitoring period. It is clear from the environmental health comments that concerns have been raised regarding dog barking which may result in significant adverse impacts for the proposed occupiers and give rise to statutory nuisance for the owners of the kennels, resulting in restrictions being imposed on them under the Environmental Protection Act 1990. For this reason, she has recommended refusal of this application.

11.21 The NPPF, paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." However, it is clear from the Manager for Environmental Health's comments that refusal is recommended as all potential noise sources have not been considered to enable this application to be properly assessed. Without this information it is not clear whether appropriate mitigation could be secured via condition that would not result in other acceptable impacts i.e. visual impacts of high acoustic fencing in terms of visual amenity and outlook for both existing residents and future occupants.

11.22 Newcastle International Airport Limited (NIAL) has raised no objections to this development relating to aircraft noise.

11.23 Plots 5-10 are sited away from the north west boundary. Therefore, it is not considered that the commercial premises would significantly affect their residential amenity.

11.24 The commercial premises located to the south east of the site is currently operational as car sales. Therefore, it is not considered that this commercial premise would significantly affect the residential amenity of future occupants.

11.25 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice, that the benefits of bringing forward this vacant site, does not outweigh the harm caused to the residential amenity of both existing residents and future occupants of this site or the potential

impacts on the existing dog kennels. As such, it is officer advice, that the proposed development does not accord with the NPPF and LP Policies, DM5.19 and DM6.1.

12.0 Highways

12.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

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

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

12.5 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

12.6 The site would be accessed from the adjacent highway, Front Street (B1318). It is clear from the submitted site plan that no part of the site would be accessed from the south east of the site which currently provides access to the Seaton Burn Recreation Ground and Meadow Cottage.

12.7 Parking would be provided in accordance with the council's current standards. Cycle and refuse storage are proposed in the rear garden for each dwelling. A turning area would be provided to allow a refuse vehicle to turn within the site.

12.8 The Highways Network Manager has been consulted. He has recommended conditional approval.

12.9 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable.

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

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

13.6 The objection received regarding the impact on wildlife is noted.

13.7 The Biodiversity Officer has reviewed the ecology information submitted. She has acknowledged that the proposed development would result in a small number of trees being removed. However, the submitted landscape scheme suggests that this would be mitigated by the planting of 10 standard trees within the site. She has requested some amendments to the landscape scheme to include a native hedge along the southern boundary of the site similar to the northern boundary. This would provide greater biodiversity benefit and it can be addressed via a condition.

13.8 She has also advised that there is a residual risk of great crested newt being impacted by the scheme. Again, this can be addressed via condition.

13.9 The application site is located beyond the 6km buffer of the Northumbria Coast Special Protection Area (SPA). However, it will still have an impact on the coast as result of an increase in recreational disturbance. This development will need to comply with the Coastal Mitigation SPD which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. This development is required to pay the lower tariff (£151.00 per dwelling). The applicant has agreed to pay this financial contribution however, the legal agreement has not been signed.

13.10 Natural England has been consulted. They have raised no objection to the proposed development subject to the applicant paying the Coastal Mitigation tariff.

13.11 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 the imposition of the suggested conditions and securing the coastal mitigation contribution, the

proposed development would accord with the NPPF and policy DM5.7 of the Local Plan.

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

14.5 The Lead Local Flood Authority (LLFA) has been consulted. He has advised surface water would be attenuated within the site via a series of features including permeable paving, underground storage tank and upsized sewer. This will provide surface water storage within the site for a 1in100year+40% rainfall event. The surface water exiting the site will be restricted to a discharge rate of 3l/s and will connect into the adjacent Northumbrian Water sewer. He has recommended conditional approval.

14.6 Northumbrian Water has been consulted. They have recommended conditional approval.

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 effect, 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 effect, 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 objections 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.

14.15 Aviation Safety

14.16 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objections to this development in terms of aviation safety.

14.17 Archaeology

14.18 Paragraph 199 of the NPPF states “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted”.

14.19 LP Policy DM6.7 ‘Archaeological Heritage’ seeks to protect, enhance and promote the borough’s archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

14.20 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objection.

14.21 North West Villages Sub Area

14.22 The application site is located in an area identified as being within the North West Sub Area. The proposed development would not prevent the aims of Policy AS8.24 being met.

15.0 S106 Contributions

15.1 The NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

15.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting permission for the development if the obligation is:

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

15.3 The Council's adopted SPD on Planning Obligations LDD8 (2018) states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure facilities are provided to mitigate impacts, ensure enhancements and achieve a high-quality environment where people choose to live, work, learn and play.

15.4 The SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

15.5 LP S7.1 General Infrastructure and Funding states "The Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision. The Council will also work together with other public-sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding. New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and
- b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable. In determining the level of contributions

required from a development, regard will be given to the impact on the economic viability of the scheme.”

15.6 LP DM7.2 Development Viability states “The Council is committed to enabling viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. In these circumstances the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;
- b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

When determining the contributions required, consideration will be given to the application’s overall conformity with the presumption in favour of sustainable development.”

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

15.8 The S106 subgroup of the Investment Programme Board (IPB) has considered the S106 contributions being sought, including viability. The following contributions have been requested:

£1,000.00 towards ecology.

£7,000.00 towards equipped play.

£25,000.00 towards primary education.

£2,500.00 or one apprentice for employment and training.

15.9 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

15.10 This development would be CIL liable.

15.11 Members are advised that the applicant has agreed to pay the requested S106 contributions and the coastal mitigation tariff. However, the legal agreement has not been progressed therefore this is included as a reason for refusal in order to ensure this matter can be addressed were an appeal to be lodged.

16.0 Local Financial Considerations

16.1 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).

16.2 The proposal involves the creation of 10no. new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

16.3 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

16.4 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

16.5 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

17.0 Conclusions

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

17.2 Specifically NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However, the NPPF also recognises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

17.3 The application site is a designated housing site within the Local Plan.

17.4 In terms of the impact of the development, it is considered that the development is acceptable in terms of its impact on the highway network, biodiversity, flood risk, land stability and contaminated land issues.

17.5 However, the proposed development is not considered to be acceptable in terms of its layout or its impact on the residential amenity of Meadow Cottage. It is not

considered that the benefits of bringing forward a vacant site that would contribute towards the council's five-year housing land supply outweighs the identified harm.

17.6 Members are advised that the applicant is prepared to pay the requested S106 contributions and the coastal mitigation tariff. However, the legal agreement has not been signed therefore this is included as a reason for refusal in order to ensure this matter can be addressed were an appeal to be lodged.

17.7 Refusal is recommended.

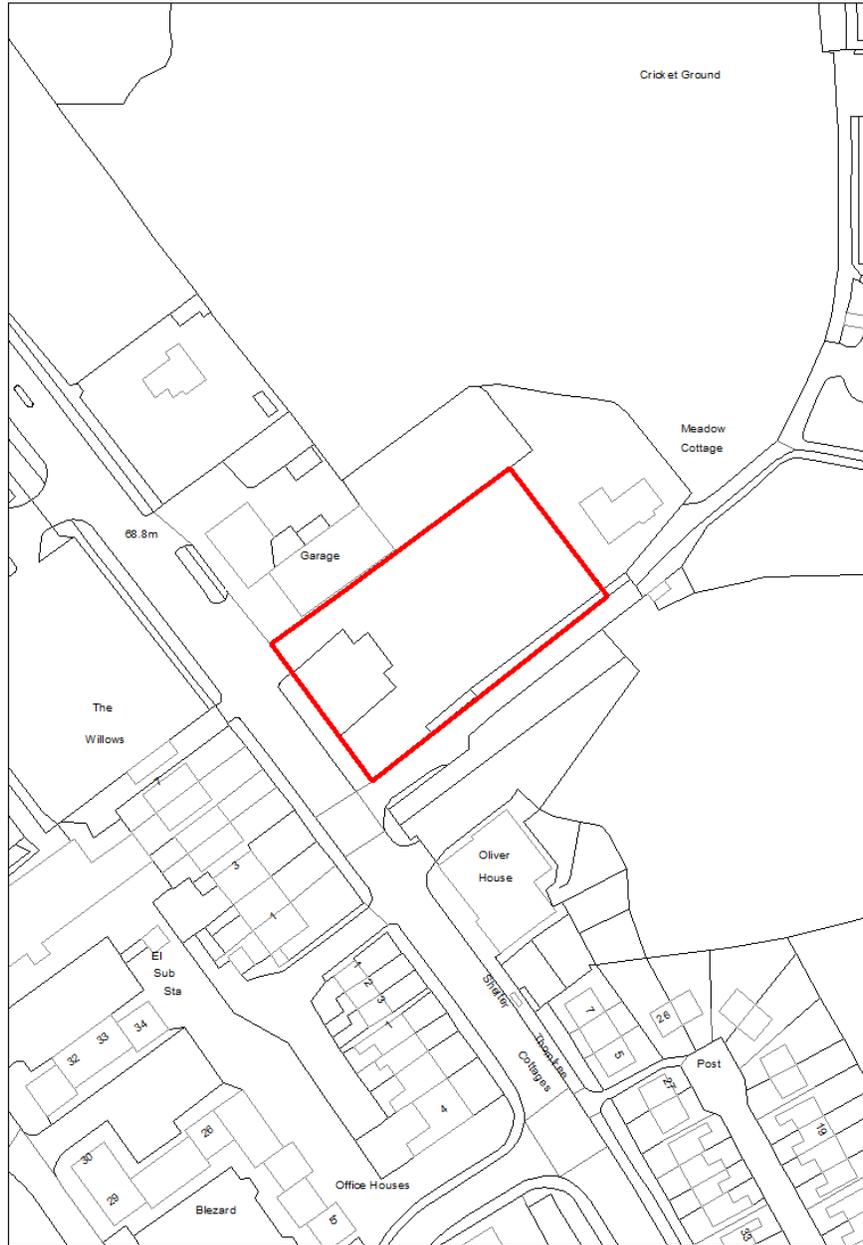
RECOMMENDATION: Application Refused

Conditions/Reasons

1. The proposed layout results in an unacceptable form of development. Units 1-4 would be provided with limited outdoor amenity space and would be sited in close proximity to Meadow Cottage. The siting of these units results in an unacceptable impact on the residential amenity of this neighbouring property by virtue of their height and proximity to this shared boundary. The units would appear visually dominant when viewed from this neighbouring property. As such, the proposed development is contrary to the NPPF, policy DM6.1 of the North Tyneside Local Plan (2017) and the Design Quality SPD.
2. Insufficient information has been submitted to demonstrate that appropriate mitigation could be secured to protect the amenity of future occupants of this development in terms of noise, prevent unreasonable restrictions being placed on Meadow Cottage and whether any such mitigation would be acceptable in terms of its impact on Meadow Cottage and visual amenity of the area and future occupants. As such, the proposed development is contrary to the NPPF and policy DM5.19 of the North Tyneside Local Plan (2017).
3. The legal agreement has not been signed. Without a signed agreement the council cannot secure the contributions that it is seeking to mitigate against the impacts of this development contrary to Planning Obligations Supplementary Planning Document LDD8 (2018), the Coastal Mitigation SPD (July 2019) and Policies S5.4, DM5.5, DM5.6, S7.1, DM7.2 and DM7.5 of the North Tyneside Local Plan 2017.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



Application reference: 20/00273/FUL

Location: Site Of Former Drift Inn, Front Street, Seaton Burn

Proposal: Erection of 5no three bedroom houses and 5no four bedroom houses at the site of the former Drift Inn public house

Not to scale

Date: 15.10.2020

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Appendix 1 – 20/00273/FUL
Item 3

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Anthony McMullen

1.2 As a local councillor I am approaching this application with a clear and impartial view.

1.3 I believe that myself and the residents of Seaton Burn would welcome a development on this site, in line and keeping with permission in principle of the re-development of brownfield sites 19/01173/PIP where it was suggested a development of 5 to 8 dwellings be suitable.

1.4 I do think the cumulative impact of the placement of these houses in respect to the boundary line has not fully been taken into account.

1.5 With respect a licensed operator 19/1409/ANIMAL Brenklydrift Gun Kennels neighbours this site and the impact and distress of the animals during construction as well as the noise generated by the kennels on the new inhabitants within the proposed development has not been considered (or at least not fully considered).

1.6 I also believe due to the site design there could be a loss of privacy to the premises as described above. As the row of properties to the east site border will overlook the site.

1.7 Again, I would welcome a development upon this site, but with due considerations be made to the neighbour boundary to the east of the site. In order to prevent distress to the animals boarding there or to the new residents from the noise generated from that site.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 The site is accessed from Front Street; parking will be provided in accordance with current standards and cycle storage will be provided for all dwellings. Refuse will be stored on each plot and a turning area will be provided to allow a refuse vehicle to turn within the site. Conditional approval is recommended.

2.3 Recommendation - Conditional Approval

2.4 The applicant will be required to enter into an appropriate Legal Agreement for the following works:

New access

Upgrade of footpaths abutting the site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

2.5 Conditions:

ACC11 - New Access: Access prior to Occ
ACC25 - Turning Areas: Before Occ
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 the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

New access

Upgrade of footpaths abutting the site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

2.6 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
I45 - Street Naming & Numbering
I46 - Highway Inspection before dvlpt

Free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

2.7 Sustainable Transport

2.8 No comment.

2.9 Local Lead Flood Authority (LLFA)

2.10 I have carried out a review of planning application 20/00273/FUL, I can confirm I have no objections to the proposals. The development will be providing surface water

attenuation within the site via a series of features including permeable paving, underground storage tank and upsized sewer. This will provide surface water storage within the site for a 1in100year+40% rainfall event. The surface water exiting the site will be restricted to a discharge rate of 3l/s and will connect into the adjacent Northumbrian Water sewer.

2.11 I would recommend the following conditions are placed on the application;

- The development's Surface Water Drainage system to be constructed as per submitted Drainage plan any alterations to this design will need to be approved by LLFA prior to construction.
- Details of the appointed Suds management company to be provided to LLFA upon completion of development.

2.12 Biodiversity Officer

2.13 I have reviewed the ecology information submitted for the above application. The scheme will result in a small number of trees being removed but this will be mitigated by the planting of 10 standard trees within the site. There is a residual risk of great crested newt being impacted by the scheme and this will be addressed through a working method statement that is implemented prior to and during construction. The Landscape Scheme is generally acceptable, however, it is recommended that a native hedge is planted along the southern boundary of the site similar to the northern boundary, as this will provide greater biodiversity benefit. This change can be addressed through a landscape condition.

2.14 As the development is a residential scheme, it will also impact coastal designated sites as a result of recreational disturbance, as outlined in the Councils Coastal Mitigation SPD. It is recommended that a financial contribution is agreed with the Local Planning Authority in accordance with the Coastal Mitigation SPD to address any impacts.

2.15 I have no objection to the application subject to the following conditions being attached to the application:

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No

development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule

All works to be carried out in accordance with the submitted Arboricultural Impact Assessment by Dendra Consulting Ltd and within the guidelines contained within BS5837:2012.

All works will be undertaken in accordance with the Precautionary Working Method Statement set out in Paragraph 5.1 of the Great Crested Newt Risk Assessment (31/1/20).

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

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

Provision of hedgehog gaps (13cmx13cm) will be provided within any new or existing fencing within the scheme.

2no. swift nest boxes will be incorporated into the new build in suitable locations. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD.

2.16 Landscape Architect

2.17 Existing Site Context

2.18 The application is for the erection of 5no three bedroom houses and 5no four bedroom houses. The application site refers to land that was formerly occupied by the Drift Inn (PH), which is accessed from directly from Front Street, with associated access to Seaton Burn recreational ground. The site is currently cleared of all previous buildings and supports a number of trees, hedgerows and shrubs, which border the perimeter areas of the site.

2.19 There is ongoing commercial development to the north and south and a detached residential property immediately located to the northeast. The original layout contained two access points to the site, with most of the external areas currently still hard landscaped, consisting principally of tarmac surfacing, with the topography of the site

generally flat. The site is not an area of designated open space nor located within a wildlife corridor, as defined by the Local Plan Policies map. However, any development should look to provide net gains in biodiversity in accordance with NPPF policies 170 and 174.

2.20 An arboricultural impact assessment has been undertaken. 10 individual trees were surveyed in accordance with BS 5837. 6 trees were categorised as low value (category C) and 4 trees were recommended for removal (category U), regardless of development, given their condition. The proposals require the removal of one tree T3 Ash to facilitate the development. This tree is of low overall value, providing little amenity benefit and its loss is acceptable. A further 4 trees are identified for removal due to poor condition (T6, T7, T8 and T9, all Ash). The AIA states that no new tree planting is proposed within the scheme and the scheme will remain unmitigated. The landscape scheme, however, proposes new tree planting within the site. Tree protection will be required for T10, but the protective fence should be extended to include the area of shrub planting shown for retention of the landscape plan. The Landscape scheme is generally acceptable; however, it is recommended that a native hedge is planted along the southern boundary of the site similar to the northern boundary as highlighted by the Biodiversity Officer.

2.21 Additional information has been submitted that (Rev 5) that includes boundary treatment. Previous comments and suggested conditions remain the same.

2.22 The application is acceptable subject to the following conditions being applied:

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously

damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority.

A revised AIA and tree protection plan are to be submitted for approval that looks to include the area of existing shrub planting to the north of the site and include reference to new tree planting as mitigation. Thereafter all works are to be carried out in accordance with the approved/revised AIA, the guidelines contained within BS5837:2012 and NJUG Volume 4

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

2.23 Design

2.24 A Solar Study has been submitted in response to concerns about the impact of the proposal on Meadow Cottage. The Study shows there is some overshadowing, particularly in winter but overall, the impact is not considered to be substantial. It should be noted that in some of the solar images, the size of the single-storey Meadow Cottage appears very large, raising some concerns about their accuracy.

2.25 No other changes have been made to the design and layout and concerns remain about plot 5 which is located in the middle of the site and breaks up an otherwise logical layout. The layout would be much improved if unit 5 was removed. This would allow units 1 – 4 to have better amenity space and improve the relationship to Meadow Cottage.

2.26 I refer these concerns to the Case Officer to look at the wider benefits of the scheme and make an on-balance recommendation. If the application is recommended for approval then please ensure there are conditions for materials, boundary treatments, surface materials and landscaping.

2.27 Initial Design Comments

2.28 The contemporary architectural design approach is supported. Although the proposed architectural style is different from the surroundings, it has the potential to add to the character of the local area. The form of development facing Front Street is supported. There are concerns about plot 5 which is located in the middle of the site and breaks up an otherwise logical layout. The addition of this unit means that units 1 – 4 are pushed further to the east of the site resulting in the units having small rear

gardens. The Design Quality SPD specifies that gardens should satisfactorily reflect the size and type of the dwelling proposed. Another impact of pushing units 1 – 4 further east means that they are closer to the bungalow (Meadow Cottage) just outside of the site boundary. The 2.5 storey units may have an overbearing impact on the bungalow. A shadowing assessment should be submitted to show the impact of the new units on Meadow Cottage. On balance it would be a much-improved layout if unit 5 was removed. This would allow units 1 – 4 to have better amenity space and improve the relationship to Meadow Cottage.

2.29 No boundary treatments have been identified. Although these could be conditioned it would be better to agree these as part of the application, particularly as the design of boundary treatments are very important facing onto Front Street.

2.30 No surface materials have been identified. Again, these could be conditioned, although it should be noted that surface materials should be designed to enhance the street scene.

2.31 Contaminated Land Officer

2.32 The site lies within c.70m of a known former colliery, namely Seatonburn Colliery and is within c. 15m of a Coal Referral Area. Due to the potential for mine gas and the proposed sensitive end use the following must be attached:

Con 001

Gas 006

2.33 Environmental Health

2.34 The site is located adjacent to a busy main road the B1318 and is located in an area close to the departure and arrival routes for Newcastle Airport. The site is also located next to a garage and adjacent to a small industrial area, I would have concerns about potential commercial and industrial noise such as delivery noise and external plant noise affecting the site. It is unclear whether any of the units operate on a 24-hour basis or have associated early morning noise. I also note that an objector has raised concerns as they have dog kennels at their property Meadow Cottage which is located adjacent to the site. I would therefore be concerned about noise arising from dogs barking; evidence from an animal boarding inspection of the kennels suggests up to 12 dogs are present at the property.

2.35 I have viewed the noise assessment that indicates noise monitoring was carried out during the Covid-19 lockdown. The report advises that the road traffic noise has been assessed based on typical traffic levels for the road and this is considered appropriate given that the typical volume of traffic operating during the lockdown would have been substantially less. The report also considers typical noise levels from the adjacent garage but does not consider any noise arising from aircraft noise. At the time of the noise monitoring there were limited aircraft movements from Newcastle Airport. Review of the 2021 and 2030 night-time noise contours indicates that the site is outside

of the 48 LAeq8hr noise contour and therefore noise levels from aircraft are unlikely to give rise to higher noise levels than those already considered within the noise report.

2.36 The traffic noise assessment has been based on the memorandum of road traffic noise and consideration given to ensure that gardens and internal rooms are provided with appropriate noise mitigation to ensure good standards of internal noise levels in accordance with BS8233 and World Health Organisation community noise levels to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 decibels for living rooms is achieved. The report confirms that external gardens will meet the world health organisation community noise level for outside spaces to achieve a level less than 55 dB as the main gardens are located to the rear of the houses which will screen road traffic noise.

2.37 I have viewed the additional noise report that has considered dog barking from the dog kennels at Meadow Cottage. The noise report has assessed noise from dog barking during the early morning and afternoon feeding times. I have concerns as the noise consultant indicates dog barking was evident during both periods of monitoring but that the early morning period appeared to be quieter and subjectively indicated this was perhaps during the elevated ambient noise due to road traffic noise. The monitoring location chosen was representative of the rear facade of the proposed residential properties that would be closest to the dog kennels, which I note are located as indicated in Figure 4.1 of the noise report.

2.38 Details relating to the weather conditions prevailing at the time have not been provided in the report.

2.39 I have concerns that if the development is approved the rear facades of the development will be screened from road traffic noise and therefore the ambient noise levels to the rear of the properties will be lower. The prolonged dog barking will be more evident to the residents. Maximum noise levels from the dog barking were in the region of up to around 55-62 dB LAmax during the 5-minute period that the noise consultant has extracted from the noise graphs and has calculated the noise from the dog barking for a 30-minute period as 49.5 dB LAeq, just below the no observed adverse effect level. The objector has raised concerns that on the dates during the monitoring a number of their dogs were not present in the kennels. They also outline that during times when the dogs are in season then the dog barking is more pronounced. I therefore have concerns that the noise monitoring is not reflective of the true extent of the dog barking and that for habitable rooms at first floor level that will have no screening or limited screening, noise levels during the early monitoring period may result in potential disturbance, where the dog barking will be in the region of 40-47 dB. Where this occurs during the early morning period and residents may still be sleeping and they have their windows open this will result in them being disturbed and the noise may amount to a statutory nuisance under section 79 of the Environmental Protection Act. Although garden areas and ground floor habitable rooms will be afforded some screening by a 2m acoustic fence dog barking in the gardens will still be evident as levels will be in the region of 40-45 LAmax.

2.40 Prolonged dog barking will give rise to high maximum noise levels and potentially result in causing a disturbance to the future occupiers of this development. Paragraph 182 of the National Planning Policy Framework states that new development needs to be integrated effectively with existing businesses and community facilities and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The noise assessment has shown that the maximum levels of noise from the dog barking will be in the region of 55-62 dB. The objector advises that not all the dogs were present at the kennels during the monitoring period and I have concerns that the dog barking may result in significant adverse impacts for the proposed occupiers and give rise to statutory nuisance for the owners of the kennels, resulting in restrictions being imposed on them under the Environmental Protection Act 1990 and for this reason would recommend refusal of this application.

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

Prior to development submit and implement on approval of the local Planning Authority a noise scheme providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) and garden areas achieve a level of below 55 dBLAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

HOU04
SIT03

2.0 Representations

2.1 Four objections have been received from three addresses. These objections are set out below.

- Adverse effect on wildlife.
- Affect character of conservation area.
- Inadequate drainage.
- Inadequate parking provision.
- Inappropriate design.

- Loss of privacy.
- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – fumes.
- Nuisance – noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Will result in visual intrusion.

-We have checked our notes dating back to the planning application for an 80 plus bedroom care home on the site of the Drift Inn. The initial plans were rejected because the developer had no consultation with residents of the village and the scale of the proposed development overwhelmed Meadow Cottage. After a full public consultation period and meetings at Meadow Cottage with the owner of the Drift Inn site, his architect, and Ward Councillor a compromise was reached. The owner reduced the number of bedrooms to 56 and tiered the development starting at the roadside at 3 or 2.5 storeys high down to 2 storeys and then eventually ground level behind Meadow Cottage. Planning was granted on this proposal. We believe a precedent was set then and should still apply in relation to this current 10 house proposal, and specifically with regard to the 4 houses directly behind Meadow Cottage.

-We live at Meadow Cottage and as such would be the sole property affected by this development. With reference to the Council's planning application for planning in principle we agreed with this on the basis of 5 to 8 houses with conditions attached as outlined in our response to Claire Dobinson Booth on the 14 September to protect us regarding our dog kennels and small holding. We were assured by the officer these conditions would be attached to any developer seeking to develop the Drift Inn site.

-Regardless of the conditions we have had no consultation with the developer or owner of the site. It would appear they have given more consideration to newts as opposed to ourselves being potential neighbours. For a planning application of this magnitude we would have expected any reasonable developer to exercise due care in the proposed design and layout of the site with some form of consultation process. The fact that this did not happen only leads us to believe they have absolutely no due consideration of the residents in this small village community.

-The proposed type C four bedroomed houses form a barrier of 9.1m high x 40m long across the full rear elevation of Meadow Cottage, these two and a half storey houses significantly dwarf Meadow Cottage plus our property is 600mm lower than the proposed development site. The proposed position of these houses at approximately 12m from our building stands 5.2m higher than the cottage. From the rear windows on the first floor of these houses the line of sight will be directly into our loft bedroom window and our velux kitchen window.

-With regard to our privacy we have enjoyed 100% total privacy during our 12 years at the cottage. From the windows on the first floor of the 4 bedroom houses we would not have any privacy at any point on our property. Basically, we would go from 100% to zero.

-With regard to the planning in principle application we requested that any developer should make adequate provision to protect our situation and that of any new

neighbours. This proposal makes no such provision by placing the 4, 4 bedroom houses so close to the cottage.

-We are in the process of producing some drawings that show the cottage inside elevation and front elevation against that of the development to show exactly how the cottage would be dwarfed by this development and the impact of a screen of 9.1m high x 40m long. To visually try and see the impact we have a telegraph pole that stands at 7.5m high if you imagine a further 1.5m added to this pole and look at this in relation to the cottage it just looks overwhelming.

-With regard to our fence which forms the boundary with the development the owner was unsure when we asked about access. We have had 12 years of unrestricted access to maintain the fence and more importantly the leylandii hedge we ensure this is well maintained for obvious reasons. It is not our intention to allow this to exceed 6ft in height. If access was not allowed this would cause problems for ourselves and that of new potential neighbours.

-We extend an open invitation to all planning committee members to visit Meadow Cottage to see for themselves to see how this proposed development significantly impacts on our dwelling.

-We have met with the owners of the land and expressed our views/concerns and they had virtually no sympathy to any of our concerns. We have suggested how the houses could be repositioned on the site reducing the number of houses to 8 or 9 but again they were not interested stating it has to be 10 properties to be commercially viable. This highlights to us that they have no interest or sympathy with the local residents within this small village community.

-The end elevation and view from the rear of Meadow Cottage with the development superimposed. I hope you would agree it just overwhelms Meadow Cottage it totally infringes on our privacy and jeopardises everything we've worked to achieve in the last 12 years. We maintain the direct sight line from all of the first-floor windows look directly into our loft bedroom window and velux kitchen window.

-Whilst the very two end houses are not directly opposite our master bedroom window and living room window the line of site is directly into both rooms

-Just the very scale of the proposed adjoining houses is totally out of keeping with that of an established cottage that's been on the site since 1920.

-The core development of ten houses makes for a density which is inappropriate for this size of plot.

-The impact of such a development would be excessive and intrusive.

-I am disappointed there is a plan to remove the trees existing along the road adjacent.

-In conclusion I wish to register my objection to this proposal as it stands, but would support a lesser development on this site of five houses and/or bungalows, making for a more sympathetic development of this site, taking into account the design and situation of existing residences and other facilities in close proximity

-With reference to the above application I'm uncertain as to exact road site boundary on the proposed plan which leads into the recreation ground. The road is owned by three individuals, they have informed me they own a strip of land either side of the road. With regard to the proposal to remove 3 trees on this boundary it's possible the land may not belong to the developer. The owners of the road are aware of this proposal and I'm sure will contact yourself or the developer.

-With regard to the solar study again we dispute the suggestion that the impact on Meadow Cottage will have little overshadowing impact. The illustration during autumn and winter clearly shows Meadow Cottage in the shade. To have a true reflection the illustration should be produced before the proposed development, so you can clearly see the impact. The study was undertaken by the architect acting on behalf of the developer their opinion is prejudiced in favour of the developer and not the residence affected by such an overbearing development.

-We refer to the comments made by the council's design and layout response we are in total agreement with their proposal that unit 5 should be removed from the plan and the 21/2 storey house moved away from Meadow Cottage.

-With regard to the proposed boundary fence been a close boarded wooden fence at 6ft high we would prefer a more maintenance free proposal such as a brick wall this reduces future liability for us and new neighbours.

-We would also note the design layout has made no attempt to limit the impact of our kennels. The noise survey dose not reflected the noise between 6-30 and 7-30am and 3-30 to 4-30pm during feeding times and not to mention when our bitches our in season. During your site visit I hope you would agree we've done everything we can to mitigate the impact of noise from our kennels a responsible developer should have the same consideration for future residents.

-I have just picked up on a point from your design teams' response regarding the overshadowing study. I would agree with their comments. Meadow Cottage appears to be overstated in terms of its size in relation to the proposed development. I have made this assumption based on the drawing produced by my architect submitted to yourself showing Meadow Cottage set against the proposed development. The study also appears to suggest Meadow Cottage and the development are on the same ground level. This is not the case we are at least 600mm lower than the development. I maintain the impact of shadowing is significantly more than suggested by the author of the report.

-To draw some comparison with the proposed Drift Inn development I've studied a very similar completed development for 1-8 Bridge Court Seaton Burn.

-The Bridge Court site is 2.5% larger than the Drift Inn proposal, the plot is more square compared to the Drift Inn that is narrow and long.

-The design of Bridge Court minimises any potential boundary disputes and delivers significantly more individual garden and public open space.

-The design incorporates 8 properties that provide a very good natural balance with all the neighbouring properties.

-In comparison the Drift Inn development is less than sympathetic to its neighbours The design and layout is based on squeezing 2 addition properties onto a smaller narrower strip of land compared to Bridge Court, this has provided significantly less garden and public open space.

-After discussions with the developer it's clear the proposal to squeeze 10 properties on this strip of land is drive purely by commercial gain without due consideration to existing residence and that of new owners by providing little or no garden and public open space

-10 properties on this narrow strip of land is not in keeping with the planning in principle application submitted and approved for 5 to 8 dwellings.

- Discrepancies in the submitted noise report. The results from the survey undertaken are not representative of the full impact on the kennels.
- Details have been provided on dogs kept at the kennels (14 of our own dogs and additional dog which will be with us for several months).
- Shooting season started on the 12.08.2020. Dogs are worked on a weekly basis during the shooting season. Dogs were being worked on the days of the noise surveys reducing the number of dogs on site.
- Disappointed that the developer has failed to engage with us to ensure we work together regarding this matter.
- We are surprised that they seem to think two surveys taken over a 60 minute period is sufficient to mitigate them against potential noise from our working kennels.
- We are registered with North Tyneside Council and have a five star breeding licence whilst we have indicated feeding times generate noise from the kennels is nothing compared to when bitches are in season. We do our best to separate the bitches but barking from the dogs is continuous and relentless over the bitches season which usually will be three to weeks but normally between the 11th and 20th day is significantly worse. To put this into perspective we have nine bitches and five dogs and an additional bitch in training.
- Objector has provided remaining shooting dates. Additional dates to be confirmed and subject to possible Covid restrictions.
- We are not qualified to comment on acceptable noise levels relative to dogs barking but we can say with 100% certainty dogs barking regardless of the level will cause a nuisance at any level to people who are not dog and animal friendly. Ultimately this will have an impact on our kennels and future neighbours.
- The results are not representative of the kennel situation, so the company should be aware of this fact. Council officers and the planning department fully understand the situation. The noise survey appears to highlight some uncertainty as to what is an acceptable noise levels for dogs barking.
- World Health Organisation states a few people would be highly annoyed at levels over 55dB and some people moderately annoyed at levels of 50dB. The fact that they have made assumptions and calculated the level of noise from the kennels to be 49.5dB with only half the dogs on site and only two surveys for 60 minutes seems to me like it was done on the cheap to get the result they wanted, and that's job done.
- Someone with experience in acoustic testing has advised that for a definitive survey to be competent the kennel position should have been verified and not presumed. The author should have established if the kennels doors and windows were closed, part opened or fully open. Were all the dogs in the kennels or exercising in the garden or a mixture of both?
- I cannot find a verified distance stated from the kennels (or MP2 from the existing fence) nor did I see comments on wind (if any) direction both of which have a significant bearing on meaningful readings.
- Why was MP2 chosen? The reason should be outlined.
- To have any meaningful readings several places along the boundary and distance from the boundary should have been carried out. Close proximity does not always mean "loudest noise" because of how sound bounces around producing "in phase" and out of phase" resultants. This means the sound could be worse further away and less nearer,

and it would be my opinion that if/when there are buildings in position the sounds will echo off walls and produce a potential nuisance in pockets. It is my opinion because of the anomalies and deficiencies outlined, this survey could be deemed unreliable.

3.0 External Consultees

3.1 Northumbrian Water

3.2 In making our response to the LPA 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.

3.3 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 construction work with consideration to the presence of sewers on site. Should you require further information please visit <https://www.nwl.co.uk/developers/asp>

3.4 Having assessed the proposed development against the context outlined above we have the following comments to make:

3.5 The planning application does not provide sufficient information against the context outlined above we have the following comments to make:

3.6 The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

Condition: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

3.7 How to satisfy the condition:

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:

- Soakaway
- Watercourse; and finally,
- Sewer

3.8 If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us. Full details and guidance

can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559

3.9 Please note that planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

3.10 The Coal Authority

3.11 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 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.

3.12 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.

3.13 Northumbria Police

3.14 I am unconvinced that the addition of an 1800mm fence around the site addresses my main concern regarding Plot 5 but it does at least address my third recommendation.

3.15 Crime Risk Assessment

3.16 The site is located on the D4L3 Police Beat, where over the fiscal year 2018/19 there were 375 crimes reported of which the most significant were Violent Crime 162, Criminal Damage 67 and Public Disorder 57 which collectively made up 76% of all crime. In the following fiscal year, 2019/20, there were 366 crimes reported of which the most significant were Violent Crime 149, Criminal Damage 66 and Public Disorder 64 which collectively made up 76% of all crime. These aren't high levels of reported crime, but it still equates to about a crime a day, which is on the higher side for a residential area.

3.17 I also looked at the levels of crime and calls for service made to properties in Front Street itself. In 2018/19 there were 32 calls for service, predominantly about trouble with youths, and 11 crimes reported which equates to 3% of the crimes on that beat, whilst in the following year 2019/20 there were 67 calls for service (still dominated by youth disorder) and 18 crimes reported which equates to 5% of the crimes on that beat.

3.18 Risk Assessment is a dynamic process and can, in part, be subjective. In assessing the risk for this development, I have scored it against the 5X5 Risk Matrix shown below. This matrix combines the likelihood of an event occurring against the possible consequences of such an event.

5x5	Consequence					KEY
Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic	
Almost certain	Yellow	Orange	Red	Red	Red	EXTREME
Likely	Yellow	Orange	Orange	Red	Red	HIGH
Possible	Green	Yellow	Orange	Orange	Red	MODERATE
Unlikely	Green	Yellow	Yellow	Orange	Orange	
Rare	Green	Green	Green	Yellow	Yellow	LOW

3.19 In assessing the likelihood of crime occurring at this development I have taken into account the design and likely use of this development and the pattern of offending in the immediate area and therefore assess the overall likelihood of crime risk as Likely.

3.20 Assessing Consequences however, can be a more subjective exercise, and taking into account that Catastrophic or Major consequences, such as loss of life or loss of the loss of an entire building are Unlikely or Rare; taking into account prior offences I assess that such acts might have only Moderate Consequences for the residents and people using the space

3.21 Accordingly, I assess the overall risk to, or from, this proposed development to be High and have based the following observations on this assessment.

3.22 Observations & Recommendations

3.23 Any application to use a vacant brownfield site for housing is to be welcomed and I am aware that there has been a degree of pre-application discussion regarding this application but the submitted layout is problematic.

3.24 I understand both the strategic and financial argument to maximise the use of space and seek to provide a viable and useful scheme, but the layout as proposed provides somewhat meagre outside space for residents, which is not redeemed by some having balconies, and Plot 5 stands in splendid isolation with public space to all four elevations.

3.25 Plot 5 has two blank gable ends devoid of windows, a recipe for them being used as goal posts, and the rear boundary treatment, to its small back garden, appears to be reliant on newly planted Beech hedging, even though the plot backs on to the lane that runs to the recreation field. Such provision will not deliver a serviceable boundary for some time. It also faces one commercial property and looks to another at the rear.

3.26 Spatially I think the layout is either seeking to achieve too many properties, or too many of the wrong sort. Whilst I appreciate the need to provide a mix of housing types, would it not have been better to achieve the same number of homes by providing more three bedroom properties at the expense of the larger four bedroom ones. If Plot 5 was

removed from the design, it could afford better outside provision for the remaining nine properties.

3.27 Overall the site seeks to use landscaping as boundary treatments, which might be appropriate in more rural areas, but sandwiched between to commercial sites and alongside a public access to the nearby recreation ground fall somewhat short of achieving the balance outlined in Para 4.10 Design Quality Supplementary Planning Document May 2018, which states that “in considering the design and siting of boundary treatments, a balance has to be struck between privacy, safety and security and aesthetic considerations”. Whilst it also seeks boundary treatments that are appropriate and relate to the property that surround it, I cannot help but conclude that the choice of natural hedging places too much emphasis on the aesthetic consideration and less upon the safety and security of the residents.

3.28 Recommendation 1

3.29 The layout of the development be reconsidered with a view to not having any isolated property (Plot 5).

3.30 Recommendation 2

3.31 Should the layout be considered necessary to make the development acceptable in planning terms then I would ask that the Planning Authority consider that the appropriate balance is struck and the security of the individual homes be prioritised by conditioning the achievement of Secured By Design (Silver) accreditation.

3.32 Recommendation 3

3.33 All boundary treatments be reviewed, and side and rear gardens provided with more robust defensive barriers by using walls or fencing to a minimum height of 1.8m.

3.34 Given that the crime risk assessment for the Area indicates a High rating the reasons for my recommendations are listed below:

-To accord with Para 91(b) of the NPPF - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion;

-To accord with Para 127 (f) of the NPPF - Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

-To accord with North Tyneside Council's own Local Plan objective 3 to give all residents the opportunity to live free from crime and enjoy a healthy lifestyle, achieving their potential in work and education;

-To accord with North Tyneside Council's own Design Quality Supplementary Planning Document (May 2018) para 4.10 (Boundary Treatments) and 4.13 (Designing Out Crime).

3.35 Newcastle International Airport Limited (NIAL)

3.36 The site lies just outside of the Airport noise contours but the properties will experience some noise. I would request two conditions:

Double glazing; and,

An 'informative' advising purchasers that the houses are close to airport flight paths. I can provide a draft of this that has been used for other housing developments, if you wish.

3.37 Tyne and Wear Archaeology Officer

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

3.39 The Environment Agency

3.40 We have no objection to this application as submitted.

3.41 The landfill concerned is historic, we hold no reliable information regarding it. There are already buildings erected on top of the landfill site. This new proposal is away from the site. The applicant has undertaken a soil assessment which has included gas monitoring. The assessment proposes further recommendations based on the appropriate CIRIA guidance. We wouldn't have any further recommendations beyond the tests which are already being conducted.

3.42 Natural England

3.43 Internationally and nationally designated sites – no objection subject to appropriate mitigation.

3.44 This development falls within the 'zone of influence' for coastal sites designated at a national level as Sites of Special Scientific Interest 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.

3.45 Northumberland and North Tyneside Councils 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.

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

3.47 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 of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

3.48 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 on the 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.

3.49 Natural England 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.

3.50 Sites of Special Scientific Interest Impact Risk Zones

3.51 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 are a GIS dataset designed to be used during the planning application validation process to help LPA's decide when to consult Natural England on developments likely to affect a SSSI.

3.52 SSSI's

3.53 Local authorities have responsibilities for the conservation of SSSI's under s28G of the Wildlife and 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 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 to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates 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.

3.54 Biodiversity duty

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

3.56 Protected Species

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

3.58 Local sites and priority habitats and species

3.59 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, geo-conservation groups or recording societies.

3.60 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 as either SSSI, on the Magic website or as Local Wildlife Sites (LWS). Lists of priority habitats and species can be provided. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be provided.

3.61 Ancient woodland and veteran trees

3.62 You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities when determining relevant planning applications. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

3.63 Protected Landscapes

3.64 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 local 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.

3.65 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.

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

3.67 Landscape

3.68 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.

3.69 Best and most versatile agricultural land and soils

3.70 LPA's are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of the whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. ALC information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss this matter further.

3.71 Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developers use an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

3.72 Access and recreation

3.73 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.

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

3.75 Paragraph 98 and 170 of the NPPF highlights the importance 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 any nearby National Trails, including the England Coast Path. The National Trails website provides information including contact details for the National Trail Officer.

3.76 Environmental enhancement

3.77 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 set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where on site measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. 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 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 and bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

3.78 You could also consider how the proposed development can contribute to the wider environment and help implement 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 new opportunities for new greenspace and managing existing (and new) public spaces to more wildlife friendly (e.g. by sowing wild flower strips).
- Planting additional street trees.

- Identifying any improvements to the existing public rights 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).