

Application No: 21/00561/FUL
Date valid: 7 June 2021
Target decision date: 6 September 2021

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Ward: Wallsend

Application type: full planning application

Location: Land At Former Point Pleasant House, Point Pleasant Terrace, Wallsend, Tyne And Wear

Proposal: Development of a vacant site to 10no.residential dwellings with ancillary car parking, using existing access from Meadow Road (ADDITIONAL INFORMATION)

Applicant: Montagu Hotels Limited, Mr Gill 14 Grand Parade Tynemouth NE30 4JQ

Agent: Sadler Brown Architecture, Mr Alex Darley 11-12 Riverside Studios Amethyst Road Newcastle Upon Tyne NE4 7YL

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

2.0 Description of the Site

2.1 The application relates to a vacant plot of land, which is located to the east of Point Pleasant Terrace. The site has an area of approximately 0.28 hectares. It previously contained an early 19th century property (Point Pleasant House) which was demolished in 2009.

2.2 The site is accessed from Meadow Road which runs along the northern boundary and joins Point Pleasant Terrace to the west. To the east of the site is Point Pleasant Industrial Estate and to the west are semi-detached residential

properties. A road runs along the site's southern boundary, linking Hadrian Road to the southern end of Point Pleasant Terrace. Access between the two roads is blocked by bollards.

2.3 The site has no allocation within the Local Plan. It lies within a Wildlife Corridor and trees along the site boundaries are protected by the Point Pleasant House TPO, 2007.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for 10no. residential dwellings comprising 6no. 2-bedroom properties and 4no. 3-bedroom townhouses.

3.2 The development would utilise the existing entrance on Meadow Road, from where an access road would lead to a turning head within the southern part of the site.

3.3 The development has been amended during the course of the application. A development of 7no. dwellings and 15no. apartments was originally proposed.

4.0 Relevant Planning History

06/03274/FUL - Demolition of existing dwelling and creation of 3 town houses and 21 apartments.
Refused 11.10.2006

07/03196/FUL - Demolition of existing dwelling and the development of 20 dwellings comprising of 12 apartments 8 town houses (Re-submission)
Refused 11.01.2008

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider are:

- Principle;
- Impact on surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;

- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

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

8.0 Principle

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

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

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

8.4 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area.

8.5 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.6 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable Greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.7 Policy S4.3 specifically allocates sites to meet the overall housing needs. The application site is not allocated for housing in the Local Plan.

8.8 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- Make a positive contribution to the identified housing needs of the Borough; and,
- Create a, or contribute to an existing, sustainable residential community; and
- Be accessible to a range of sustainable transport modes; and
- Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and

f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and, g. Demonstrate that they accord with the policies within this Local Plan.

8.9 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and point (a) of Policy DM4.5. It is located in a sustainable location close to public transport links, shops and services.

8.10 Having regard to the above; the principle of the proposed development is considered acceptable.

8.11 North Tyneside Council Housing Land Supply

8.12 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.13 The most up to date assessment of housing land supply informed by the five year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement of approximately a 4 year supply of housing land. It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. The proposed 10no. dwellings will make a small, but valuable contribution towards the borough achieving a five year housing land supply.

9.0 Impact on the amenity of existing and future occupiers

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

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

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

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

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

9.7 Policy DM4.9 states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1 October 2018 the following standards will apply, subject to site viability:

Accessibility of homes:

Market Housing

a. For new housing developments, excluding low-rise non-lift serviced flats, 50% of homes are to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

Affordable Housing

b. For all new housing developments, excluding low-rise non-lift serviced flats, 90% of homes should meet building regulation M4(2) – ‘accessible and adaptable dwellings’.

c. 10% of new homes where the local authority is responsible for allocating or nominating a person to live in that dwelling should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area. Where there is no specific need identified, then M4 (3) (2) (a) will apply, to allow simple adaptation of the dwelling to meet the future needs of wheelchair users.

Internal Space in a Home:

d. All new homes, both market and affordable, will meet the Government’s Nationally Described Space Standard (NDSS).

9.8 Impact on existing residents –

The western boundary of the site is shared with No.’s 42-52 (evens) Point Pleasant Terrace. There would be a separation distance of 15.3m between the rear elevation of No.’s 42 and 44 and the gable elevation of unit 1. This is considered to be sufficient to prevent any significant loss of light or outlook to No.44’s rear windows. The proximity of the development to No.44’s rear garden would have some impact in terms of outlook, but the orientation to the north east means that there would not be any significant loss of light. A condition requiring

obscure glazing in the first-floor landing window which is proposed in the side elevation of unit 1, would prevent any loss of privacy.

9.9 The gable elevation of unit 10 would be located approximately 12.4m from the rear elevation of No.52 at the closest point but is not directly facing and is orientated to the north east. The impact on light, outlook and privacy is therefore considered to be acceptable.

9.10 An overshadowing study has been submitted which shows that at certain times of the day the development may cause some overshadowing of the yards of properties to the north. Given that this would occur for limited periods only, the impact on residential amenity is considered to be acceptable.

9.11 Having regard to the above the impact on the living conditions of existing residents is considered to be acceptable.

9.12 Impact on future occupiers –

The layout of the development is considered to be acceptable in terms of the standard of living accommodation provided for future occupiers. Each dwelling would be provided with a front and rear garden and the layout provides adequate separation distances between properties within the development to ensure that future occupiers enjoy good levels of light, outlook and privacy. The floor areas meet the Government's Nationally Described Space Standard (NDSS).

9.13 The application site is located close to the Metro line and adjacent to industrial premises within Point Pleasant Industrial Estate and on Hadrian Way to the south. There is the potential for future residents to be affected by noise from plant, deliveries and other activity within the industrial units. A noise assessment has been submitted to consider industrial noise arising from Point Pleasant Industrial Estate and Smulders fabrication yard, and train noise from the Metro.

9.14 The Manager of Environmental Health has provided comments. She states that the noise assessment determines that the impact of noise from forklift trucks, deliveries, grinding and industrial alarms is likely to be low impact, and that a scheme of glazing and ventilation is proposed to address noise from the Metro line. She further advises that the assessment has not considered noise from Smulders yard as activities were not taking place within the yard during the noise monitoring. The assessment states that if industrial noise associated with Smulders has an adverse impact, the existing dwellings would be equally impacted. The Manager of Environmental Health states that while no complaints regarding industrial noise have been received from residents at the south end of Point Pleasant Terrace, it cannot be assumed that residents are not affected by noise. She notes that fabrication shed A within Smulders yard has poor sound attenuation properties and it is unclear whether existing residents are affected by noise from the shed and Yards A and B. She states that it is important that noise arising from Smulders is assessed and that if no activity is taking place this could be modelled based on typical noise levels.

9.15 The NPPF (para 187) states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. If planning permission were granted and

complaints received from residents regarding noise, this could result in restrictions being placed on Smulders under the Environmental Protection Act 1990 to the detriment of this existing business.

9.16 Paragraph 55 of NPPF states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” As all potential noise sources have not been considered to enable this application to be properly assessed, it is not clear whether appropriate mitigation could be secured.

9.17 Members need to determine whether the proposed development is acceptable in terms of the standard of living accommodation provided for future occupiers and the impact on existing residents and businesses. It is officer advice that insufficient information has been submitted to properly assess the impact of noise on future occupiers and the potential impact on Smulders yard. As such, it is officer advice, that the proposed development does not accord with the NPPF and Policies, DM5.19 and DM6.1.

10.0 Impact on Character and Appearance

10.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

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

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

10.4 The Council has produced an SPD on Design Quality, which seeks to encourage innovative design and layout and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

10.5 The surrounding area is characterised by 2-storey brick terraces to the north, semi-detached properties to the immediate west and large industrial premises to the east. To the north west is a new residential development on Coquet Gardens, which comprises detached and semi-detached 2-storey properties.

10.6 The proposed dwellings are arranged in pairs around an internal access road. Units 1 and 2 face north to provide an active frontage to Meadow Road

and improve surveillance in the area. Parking spaces are provided within the curtilage of the properties and at the 2no. turning heads.

10.7 The development includes 4no. 3-storey town houses which are positioned in the southern part of the site where levels are lower. They provide a transition between the 2-storey housing to the north and the large industrial units to the south.

10.8 3no. house types are proposed. They would be constructed mainly from red brick with elements of white render and timber effect cladding to add interest. Boundary treatments include 2m high timber fencing to the rear gardens, 2m high walls with timber panels where the rear boundaries face public areas and low brick walls and hedging within the front gardens. The existing boundary fence would be retained along the western boundary with Point Pleasant Terrace.

10.9 Members need to consider whether the design and layout of the proposed development is acceptable and whether it would accord with the advice in the NPPF, Policy DM6.1 of the North Tyneside Local Plan and the 'Design Quality' SPD and weight this in their decision. Subject to conditions to control the construction and surfacing materials, it is officer advice that the design is acceptable and accords with national and local planning policies.

11.0 Landscaping and ecology

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

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

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

11.4 Policy DM5.2 of the Local Plan states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

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

Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative

provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

11.5 Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance.

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

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

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

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

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

11.8 Policy DM5.7 states that development proposals within a wildlife corridor must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to

create new links and habitats to reconnect isolated sites and facilitate species movement.

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

11.10 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

11.12 The site is occupied by the footprint of the former dwelling, self-seeded trees and shrubs and mature trees from the former garden. It lies within a wildlife corridor and trees along the east, west and southern boundaries are protected by the Point Pleasant House TPO.

11.13 A Preliminary Ecological Appraisal (PEA), Biodiversity Net Gain Assessment, Report to Inform a Habitat Regulations Assessment, Bat Report, Arboricultural Survey, Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) have been submitted.

11.14 The Biodiversity Officer and Landscape Architect have been consulted and provided comments.

11.15 It is proposed to remove 3no. individual trees and 1no. tree group (Group 2), which are located adjacent to the eastern boundary. 2no. of these trees (T12 and T13) are classified as category B trees and are protected by the Point Pleasant TPO. The submitted AIA states that no countermeasures can be undertaken to retain these trees and the new tree planting should be considered to help compensate for this tree loss. Group 2 is not protected by the TPO but is important in terms of visual amenity and biodiversity. It is proposed to plant 3no. new trees within the site to mitigate for the loss of the existing trees.

11.16 The Landscape Architect and Biodiversity Officer state that the remaining trees within the site have value and the extent of the construction work is a threat to their long-term retention due to encroachment into the root protection areas and disturbance from construction vehicles. In addition, pruning is required to provide construction space and adequate gaps between the trees and the proposed dwellings. This is an indication that the development may be too close to the trees and this is likely to result in pressure to carry out further pruning or remove the trees in the future.

11.17 The PEA advises that the site supports 'open mosaic habitats on previously developed land' considered to be of at least district value, with the grassland, scrub and ephemeral habitats being relatively diverse. It also states that the site provides foraging and nesting habitat to a range of bird species and has some suitability to support larval food plant species for dingy skipper, grayling and wall butterflies. Some of the trees within the site have moderate suitability for bats and the site has good connectivity to the wider area and nearby grassland habitats providing further foraging opportunities for bats. The Bat Report concludes that mitigation measures would be required to avoid potential disturbance to roosting bats and nesting birds.

11.18 A Landscape Plan has been submitted. This includes native hedgerow and scrub planting and 3no. trees, but the majority of the landscaping comprises private gardens. The Biodiversity Net Gain (BNG) Assessment indicates hedgerow creation of approximately 80m and habitat creation consisting of residential gardens (700sqm), mixed scrub (400sqm) and neutral grassland (100sqm). The assessment also states that no habitat on site will be enhanced for biodiversity.

11.19 The submitted reports identify a UK priority habitat (open mosaic habitat on previously developed land) within the site. The BNG assessment indicates that 0.27ha of priority habitat will be lost to accommodate the scheme, amounting to 6.15 biodiversity units. Habitats created within the site post-development amount to an overall net loss of 5.72 units or 93% of biodiversity habitat, which is UK Priority Habitat. The assessment shows that there will be a gain in hedgerow units of 0.41units as 80 linear metres of native hedging is proposed as part of the landscape scheme. The BNG Assessment recommends the introduction of further biodiversity measures within the site landscaping and that habitat creation is undertaken off-site to deliver a net gain in biodiversity.

11.20 Local Plan Policy DM5.5 states that all development should "*Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.*" The policy further states that proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), would only be permitted where the three criteria set out in the policy are met.

11.21 The proposed development would significantly impact a UK priority habitat as a result of the complete loss of this habitat and does not provide net gains to biodiversity as sought by Policy DM5.5 and the NPPF. It is officer opinion that the criteria set out in Policy DM5.5 are not met given that the development is not sensitive to and does not make provision for the needs of the protected habitat, and the adverse impacts of the development have not been adequately mitigated. The provision of housing is a benefit, but it is officer opinion that this does not clearly outweigh the adverse impact of the development on the biodiversity value of the site.

11.22 The proposal is also considered to be contrary to Policy DM5.7 as it does not protect and enhance the connectivity of the wildlife corridor.

11.23 The development lies within 6km of the coast and therefore has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. The Report to Inform a Habitats Regulations Assessment that has been submitted as part of the application concludes that the proposed development has the potential to increase recreational activity at the coast and as such, a financial contribution towards a Coastal Wardening Service is required.

11.24 The Coastal Mitigation SPD sets out that a contribution of J337 per dwelling is required to mitigate the impact of additional visitors on the coast.

11.25 Natural England has been consulted. They have advised that they have no objections to the application subject to appropriate mitigation being to mitigate the impact of additional visitors on the Northumberland Coast SPA and Ramsar Site.

11.26 The applicant has not agreed to enter into a legal agreement to secure a financial contribution towards the Coastal Mitigation Service to address the impact on the SPA as a result of 10no. new dwellings and therefore it is officer advice that the proposal would conflict with policies S5.4, DM5.5, DM5.6 and the Coastal Mitigation SPD (2019).

11.27 Members need to consider whether the impact on trees and ecology would be acceptable and weight this in their decision. It is officer advice that the proposal fails to comply with the NPPF and Local Plan policies DM5.2, S5.4, DM5.5, DM5.6, DM5.7 and DM5.9 and the Coastal Mitigation SPD.

12.0 Whether there is sufficient car parking and access provided

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

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

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

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

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

12.6 14no. parking spaces plus 3no. visitor bays are proposed for the 10no. dwellings. Two of the parking spaces would be accessed directly from Meadow Road and the remainder would be accessed from the internal access road which leads from Meadow Road. Cycle and refuse storage would be provided within the rear garden of each property.

12.7 The Highway Network Manager been consulted and raises no objection to the application. He advises that an appropriate level of parking would be provided for the development and that each dwelling has space for refuse and cycle storage. He notes that while the site would not be eligible for adoption, it includes sufficient space for a refuse vehicle to turn.

12.8 The Highway Network Manager recommends conditions including in respect of a construction management plan, refuse storage, cycle storage and off-site highway works.

12.9 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, it is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and the Transport and Highways SPD.

13.0 Other issues

13.1 Contaminated Land

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

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

13.4 The site lies within 250m of two areas of unknown filled ground to the south and east. The Contaminated Land Officer has stated that conditions will be required to address the risk from contamination and landfill gas.

13.5 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

13.6 Flooding

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

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

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

13.10 The site is located within Flood Zone 1 and is not within a Critical Drainage Area.

13.11 The Local Lead Flood Officer has provided comments and states that a condition should be imposed requiring details of the proposed surface water drainage system prior to commencement of the development.

13.12 Subject to this condition, it is officer advice that the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14. Members need to consider whether they agree.

13.13 S106 Contributions

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

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

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

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

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

13.18 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall

proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

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

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

13.20 The following contributions have been requested by service areas:

Ecology and biodiversity: J1,950
Equipped play: J7,000
Primary education: J25,000
Employment and training: J2,500
Coastal mitigation: J3,370

13.21 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.

13.22 The applicant has not agreed to provide the S106 contributions requested and has not submitted any evidence to demonstrate that the development would not be viable with the contributions.

13.23 It is officer opinion that the S106 contributions sought are required to mitigate the impacts of the developments. The proposal is therefore considered to be contrary policies S7.1, DM7.2, DM7.5 of the North Tyneside Local Plan (2017) and the advice in Planning Obligations SPD (2018). Members need to consider whether they agree and weight it in their decision.

13.24 Local Financial Considerations

13.25 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL).

13.26 The proposal involves the creation of 10no. new dwellings. Granting planning permission for new dwellings increases the amount of New Homes

Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

13.27 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.

14.0 Conclusion

14.1 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.

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

14.3 The proposal would provide 10no. residential units, which would make a small but valuable contribution towards the 5-year housing land supply. The site lies in a sustainable location, close to shops, services and transport links. It is therefore officer advice that the principle of residential development on this site is acceptable.

14.4 It is officer advice that the development is also acceptable in terms of its impact on the highway network and in terms of its overall design and appearance.

14.5 The impact on biodiversity is not considered to be acceptable due to the loss of UK Priority habitat within a designated wildlife corridor. The development fails to provide adequate mitigation for this loss and results in a significant net loss of biodiversity units. The development also fails to provide mitigation for the impact of additional visitors on the Northumbrian Coast SPA/Ramsar site. It is therefore officer advice that the proposal fails to comply with the NPPF and Local Plan policies DM5.2, S5.4, DM5.5, DM5.5, DM5.6, DM5.7 and DM5.9 and the Coastal Mitigation SPD (2019).

14.6 It is also officer opinion that insufficient information has been submitted to demonstrate that the impact of noise from Smulders yard on the living conditions of future residents is acceptable and that the development avoids having an adverse impact on the operation of this existing business; contrary to Policies DM6.1 and DM5.19 and NPPF.

14.7 Furthermore, the applicant has not agreed the S106 contributions requested and has not submitted evidence to demonstrate that the development is not

viable with these contributions, contrary to Policies DM7.2, DM7.5 and the Planning Obligations SPD.

14.8 The Council does not have a 5-year housing land supply and the provision of 10no. new homes would make a small, but valuable contribution towards meeting this shortfall. This is a benefit which should be afforded significant weight. However, it is officer opinion that, given the relatively small contribution the development would make to the housing land supply, the benefits of the scheme do not outweigh the significant harm caused by the development in terms of biodiversity, noise and failure to provide adequate mitigation through appropriate S106 contributions. It is therefore recommended that planning permission is refused.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. 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 and prevent unreasonable restrictions being placed on Smulders yard. As such, the proposed development is contrary to the NPPF and policy DM5.19 of the North Tyneside Local Plan (2017).
2. In the absence of a scheme of mitigation to address the impact on the Northumbria Coast Special Protection Area and Ramsar Site, the Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI, the additional residents at the coast as a result of the proposed development and a subsequent increase in recreational activity, particularly in relation to cumulative impacts with other residential schemes at the coast and the wider area, will result in significant harm to the designated sites. This is contrary to the advice in NPPF, policies S5.4, DM5.5, and DM5.6 of the North Tyneside Local Plan 2017 and the Coastal Mitigation SPD July 2019.
3. The development would result in the loss of UK Priority Habitat and trees within a designated wildlife corridor. It fails to provide adequate mitigation for this loss and results in a net loss of biodiversity units. This is contrary to the NPPF and Local Plan (2019) Policies DM5.2, S5.4, DM5.5, DM5.7 and DM5.9.
4. The applicant has not agreed the S106 contributions requested by the Council and has not demonstrated that the development would not be viable with the contributions, therefore the development fails to mitigate against the unacceptable impacts of the development contrary to Planning Obligations Supplementary Planning Document LDD8 (2018), and Policies 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: 21/00561/FUL

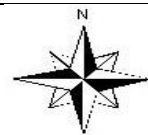
Location: Land At Former Point Pleasant House, Point Pleasant Terrace, Wallsend, Tyne And Wear

Proposal: Development of a vacant site to 10no.residential dwellings with ancillary car parking, using existing access from Meadow Road

Not to scale

Date: 02.12.2021

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.1 This application is for the development of a vacant site to 10 residential dwellings with ancillary car parking. The site is accessed from Meadow Road, 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, although the site will not be eligible for adoption by the Local Highway Authority. Conditional approval is recommended.

1.2 Recommendation - Conditional Approval

1.3 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

1.4 Conditions:

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

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, the scheme for refuse vehicles to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for family cars to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for driveways, private parking spaces and visitor parking spaces shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

No part of the development shall be occupied until details of the hard surfaces for driveways & parking spaces including future maintenance arrangements has been submitted to and approved in writing by the Local Planning Authority and in consultation with the Local Lead Flood Authority (LLFA). These surfaces shall be made of porous materials or provision shall be made to direct run-off water from the hard surface away from the adopted highway and retained thereafter.

Reason: In the interests of surface water management and of the development having regard to policy DM5.14 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for storage of refuse, recycling & garden waste bins shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for storage of cycles shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.

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

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

include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

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

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

1.5 Informatives:

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

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

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

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

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

The applicant is advised that they should enter into an agreement indemnifying the council's refuse, recycling & garden waste collection vehicles against any claims for damages to the internal road and parking layout.

2.0 Manager of Environmental Health (Contaminated Land)

The site lies within 250m of two areas of unknown filled ground to the south and east. Due to this and the proposed sensitive end use the following must be attached:

Con 003
Con 004
Con 005
Con 006
Con 007
Gas 006

3.0 Manager of Environmental Health (Pollution)

3.1 I have concerns with regard to potential noise from the industrial activities arising from the adjacent industrial estate affecting the proposed residential properties.

3.2 I have reviewed the updated noise assessment that has considered industrial noise from activities arising from Point Pleasant Industrial Estate, Smulders fabrication yard and train noise from the Metro rail line. The noise assessment determined the existing background noise levels of 43 dB LA90 and 35 dB LA90 for day and night respectively. Noise from use of forklift trucks, deliveries, grinding and industrial alarms has been considered within the noise assessment and the rating level from such activities has been assessed in accordance to BS4142 and determined that it is likely to be of low impact. Train noise from the Metro rail lines has been assessed and a noise scheme for the glazing and ventilation has been proposed. Gardens were determined to meet the WHO guidance levels for outdoor amenity to below <55 dBLAeq16hr.

3.3 Noise from the Smulders yard has not been assessed as activities were not taking place within the yard during the additional noise monitoring. The noise report states that as there are existing residential properties at a similar distance from the yard, that if industrial noise associated with Smulders could have an adverse impact, the existing dwelling would be equally impacted. Environmental Health have not received historic complaints from properties located at the southern end of Point Pleasant Terrace, but it cannot be assumed that residents are not affected by noise from Fabrication Building A on the basis that they have

not made complaints. It is unclear as to whether the occupiers of the proposed dwellings will be exposed to unreasonable noise levels from Smulders, but it cannot be assumed that the noise levels are acceptable based on lack of complaints.

3.4 Fabrication shed A is of steel construction with poor sound attenuation properties and it is unclear as to how much noise breakout occurs from the building. It is unclear as to whether the proposed residential properties will be exposed to noise from Yards A and B at Smulders due to the topography and screening by buildings, but it is important that noise arising from Smulders is assessed to enable the determination of this application. Where activities are not currently taking place predicated noise levels could be modelled based on typical noise levels arising from a fabrication operation that would include for grinding, shot blasting and hammering etc; to ensure that the industrial noise from Smulders can be suitably mitigated. Smulders have submitted a general comment regarding their operation that occurs 24/7 to state that the Council must ensure that "the design, layout and noise mitigation measures of the proposed scheme will provide an acceptable level of residential amenity for all future residents in order to ensure that there would be no adverse impacts, not only on the amenity of future residents, but also on the operations of Hadrian Yard". Following complaints about industrial noise from other nearby residential properties abatement notices were served on Smulders to address external plant noise during the day and to abate noise from nighttime fabrication activities. The noise report does not demonstrate whether noise arising from fabrication activities at the Smulders yard will impact on the proposed residential properties.

3.5 The NPPF section 187 states that "planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed." Potential noise arising from the Smulders industrial fabrication operations must be considered to ensure that there is no significant adverse effect on the new development that would cause unreasonable restrictions to be placed on this business. I am therefore unable to recommend approval of this application without full consideration of the industrial noise levels from Smulders and to ensure any noise generated at this site can be suitably mitigated.

4.0 Planning Policy (Heritage and Design)

4.1 The revised plans address the previous issues and are now considered to be acceptable.

5.0 Sustainable Transport

5.1 The application does not trigger a Travel Plan.

6.0 Landscape Architect and Biodiversity Officer

6.1 The application is for the development of 10 dwellings with ancillary car parking.

6.2 The proposed development area occupies land to the west of Point Pleasant Industrial Estate, adjacent to Hadrian Road (A187). Residential housing is located to the north (Ford Terrace) and west (Point Pleasant Terrace). Access to the site is achieved from Meadow Road. The site is currently vacant following former development uses and has a number of individual and self-seeded trees and shrubs occupying its internal and perimeter areas. The site used to accommodate Point Pleasant House, a detached Victorian villa set in large gardens characterised by mature trees. The property was demolished leaving the remaining former garden areas which have now overgrown. There are a number of mature trees on the site that remain from the former garden and the trees to the east, west and southern boundaries are protected by a TPO (Point Pleasant House, TPO 2007). In addition, the site is located in a wildlife corridor as defined by the Local Plan.

6.3 With regard to the Local Plan, the following policies apply:

DM5.2 The Protection of Green Infrastructure

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM 5.9 Trees, woodland and hedgerows

Policy DM 5.7 Wildlife Corridors

6.4 Impacts on Protected Trees

Pre application advice was provided, although based on an alternative proposal, that stated the 'Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows. Trees contribute to the character and appearance of the local area, providing visual amenity as well as providing vital screening from the adjacent properties, with regard to light and noise. The site is located in a wildlife corridor as defined by the Local Plan and Policy DM 5.7 (Wildlife Corridors) applies to this site which looks to protect and enhance the quality and connectivity of the wildlife corridor. The information provided will impact on the existing tree groups and has the potential to adversely impact a designated wildlife corridor due to habitat loss. Trees on the site should be retained and protected. If any trees are to be removed (as defined by a tree survey and AIA), suitable mitigation must be provided as part of a landscape scheme that looks to enhance the biodiversity of the wildlife corridor'.

6.5 This revised layout plan sees a reduction of the number of trees to be removed from the site. This is supported by a revised Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (November 2021) from Elliott Consultancy Ltd. The reports have been produced in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition & Construction'.

6.6 BS5837 provides guidance on how to assess the value and quality of trees which should help decide which trees are appropriate for retention. Where trees are considered to be merit worthy, or their loss would significantly impact on the

wider locality they should be considered as a material consideration with the layout designed to accommodate them. The principle of removing trees is stated in section 5.1.1 of BS 5837 which states that "The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration. Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification....'

6.7 The proposed development will require the removal of 3 trees and one group of trees on the site. Trees 12, 13, & 15 will be removed to provide garden space to units 4 & 5 and Group 2 is to be removed to allow for construction. Other shrubs and small self-seeded bushes will also require removal from within the site to allow construction.

6.8 A Tree Preservation Order exists on the site and comprises of one individual TPO and 3 groups comprising of 10no. protected trees in total. The proposals will require the removal of 2 protected trees from the site. Using the applicants numbering system they are: T13(B) sycamore and T12(B) Sycamore. T15(C) and Group 2 (C) is not protected by a TPO.

6.9 T13 Sycamore has a suppressed form with an approximate height of 12m. It has been given an estimated remaining contribution 40 years plus and sub group category of 2, meaning that the tree provides mainly landscape qualities. However, a 40 year plus retention value on a tree could potentially mean that this T13 is a category A tree i.e. a tree with a high retention value.

6.10 T12 is a multi-stemmed sycamore, which is slightly smaller in height at around 10m. This has been given a remaining estimated contribution of 20 years plus and a sub group category of 1, meaning that the tree might be included in category A, but is downgraded because of impaired condition.

6.11 Category B trees (with a potentially category A tree) are trees of moderate quality and are considered to be important enough to be considered a constraint to development and consequently should be retained and afforded appropriate protection during the ground works and construction phase of development. Category C trees are considered to be of low quality, but adequate for retention but in this case, the category C trees provide valuable habitat, and contribute to the wider wildlife corridor, therefore, Category C trees have a place in the landscape and can be considered a site constraint. Collectively the trees provide the site and the wider landscape with amenity and screening and are worthy of their TPO. Any tree removal should be dealt with via the appropriate management of the woodland (an ongoing programme of management should already exist) and not because removal is required to accommodate a development scheme.

6.12 The AIA states that no countermeasures can be undertaken to retain these trees and the new tree planting as part of a post-construction landscape proposal should be considered to help compensate for this tree loss. However, the trees to be removed are category B trees protected by a TPO which would be against Local plan policy DM5.9 which states:

6.13 Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the Borough, and:

- a. Protect and manage existing woodland, trees, hedgerows and landscape features.
 - b. Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.
 - c. Promote and encourage new woodland, tree and hedgerow planting schemes.
 - d. In all cases preference should be towards native species of local provenance.
- Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the local planning authority.

6.14 With regard to Group 2, although not protected by the TPO, are just as important in terms of visual amenity and biodiversity. The revised landscape plan shows this group being retained; but it has not been shown as such in the AIA and AMS.

6.15 The site is to be significantly developed with insufficient or adequate space to accommodate any meaningful tree planting. 3no new tree have been shown to be planted within the site, with 2no trees located in small corner areas left over from the development. No indication of their size has been provided but are likely to be insufficient in size and form that will not adequately mitigate for the loss of mature protected trees that already provide a level of amenity.

6.16 The remaining trees on the site, whether protected or not, have value and the extent of the construction works is a further threat to their long-term retention. The majority of the retained trees on the site, some of which are category B trees, will experience some form of encroachment into their RPA's or disturbance from the movement of construction vehicles around the site and the installation of utilities, for which no information has been provided. In order to minimize damage to any retained trees, it is proposed to use special construction techniques as detailed in the method statement, however, the level of harm resulting from the impacts of the development are a cause for concern. In this case, a condition would not satisfactorily mitigate the harm and it would be difficult to ensure their retention due to site construction requirements.

6.17 Pruning of overhanging branches will be required to provide construction space and adequate long-term gaps between the trees and the new house; an indication that the development could be too close to retained trees. Any retained trees on the site are likely to cause future concerns with residents in the future, giving rise to pressures for the trees to be lopped, topped or even felled, to the detriment of their continued good health, longevity and in turn to the character and appearance of the local area. There are other potential issues such as falling debris or branches, blocked gutters, interference with underground services, and potential concerns in relation to their overbearing presence.

6.18 The TPO would enable the Council to control any future tree work to protected trees, yet it would be difficult for the council to refuse an application to cut-back or even remove a tree that was threatening the safety of the occupiers

or having a harmful effect on their enjoyment of the property. There can be no certainty that such pressures could be reasonably resisted. In this case, protected trees on the site is sufficient to be considered to be 'a major constraint' on the site. The serving of the TPO has already demonstrated that the trees are important in the landscape and their loss will have a negative impact on the surrounding area, the integrity of the TPO and the verdant setting of the site.

6.19 Ecology

The Preliminary Ecological Appraisal (PEA) submitted to support the application concluded that the site supports 'open mosaic habitats on previously developed land' considered to be of at least district value, with the grassland, scrub and ephemeral habitats being relatively diverse. The survey also concluded that the site provides foraging and nesting habitat to a range of bird species and has some suitability to support larval food plant species for dingy skipper, grayling and wall butterflies. The Report also indicates that some of the trees within the site have moderate suitability for bats and although habitats on site are considered to be of low value to bats for foraging and commuting purposes, the site has good connectivity to the wider area and grassland habitats nearby providing further foraging opportunities to bats.

6.20 The Report recommendations included the following to ensure a robust assessment could be undertaken and appropriate mitigation provided:

- Botanical survey at the optimum period i.e., May to September (inclusive)
- Assessment of habitat for suitability for dingy skipper, grayling and wall followed by butterfly survey if habitats and food sources are found to be suitable between May and August (inclusive).
- Two nocturnal activity surveys to assess the moderate value trees on site in accordance with BCT Guidelines.
- Biodiversity Net Gain Assessment.
- A Report to Inform a Habitat Regulation Assessment

6.21 As a result, the following Ecological Reports have been submitted for assessment:

- Bat Report;
- Proposed Landscape Plan;
- Biodiversity Net Gain Assessment;
- Report to Inform a Habitats Regulations Assessment.

6.22 Bat Report

On site roosting opportunities for bats were located within trees on site. Of the 14 trees assessed during the preliminary bat risk assessment, two were assessed as moderate suitability to roosting bats; T8 (Horse Chestnut) and T12 (Birch Tree). These required two dusk emergence surveys to assess bat usage which were carried out in June and July 2021.

6.23 The results of the vantage point surveys recorded one species, a noctule bat, however, no bats were identified emerging from roost sites during the survey. As a result of the assessment and the nature of the proposed works, the Report concludes that the likely impacts of the scheme, without appropriate avoidance measures, mitigation and/or compensation scheme would be:-

- Potential disturbance and harm to roosting bats, should they be present at the time of any felling works
- Potential harm and/or disturbance to nesting birds, should felling or vegetation clearing works be undertaken in the breeding bird season (March to August inclusive).
- Increased disturbance resulting from the proposed development through increased noise and lighting across the site.

6.24 The Report, therefore, recommends mitigation measures including a Method Statement for the soft felling of trees, a Construction Ecological Management Plan and external lighting that avoids impacts on bats. It also recommends 5no. bat boxes to be installed as part of the scheme.

6.25 Proposed Landscape Plan

The submitted landscape plan indicates some native hedgerow within the site (approx. 80m) and native scrub planting to parts of the southern, western and northern boundary (approx. 400sqm). The majority of the 'landscaping' is composed of the private gardens (700sqm). 3no. new trees are also proposed within the site although the sizes are not indicated. The Plan also indicates that further tree removal may be necessary as it shows the existing hedge and trees to the eastern boundary (Tree Group 2) as "retained and enhanced, or if not possible, to be replaced in its entirety following construction" This indicates that Tree Group 2 may be vulnerable to removal due to proximity of housing and working areas. The BNG Assessment indicates the native hedgerow with trees on the eastern site boundary will be retained. If this is not the case, then the loss of this habitat has not been taken into consideration within the BNG calculation and therefore, the scale of habitat loss would be greater than indicated.

6.26 The Biodiversity Net Gain Assessment indicates hedgerow creation of approximately 80m and the majority of habitat creation consists of residential gardens (700sqm) and mixed scrub (400sqm) with 100sqm of neutral grassland, which does not appear to be indicated on the landscape plan. The BNG Assessment also states that no habitat on site will be enhanced for biodiversity.

6.27 Report to Inform a Habitats Regulations Assessment (HRA)

This Report concludes that the proposed development is considered to have the potential to increase recreational activity at the coast. As such, a financial contribution to North Tyneside Council towards a Coastal Wardening Service in accordance with the NTC Coastal Mitigation SPD is recommended. With the proposed mitigation, no impacts are predicted on the Northumbria Coast SPA, as a result of the proposals.

6.28 Biodiversity Net Gain (BNG) Assessment

The assessment and Preliminary Ecological Appraisal identified the following UK priority habitat within the site:-

- Open mosaic habitat on previously developed land.

6.29 The assessment indicates that 0.27ha of Priority 'Open Mosaic' habitat will be lost to accommodate the scheme amounting to 6.15 biodiversity units. Habitats created within the site post-development include 0.07ha (700sqm) of vegetated gardens, 0.04ha (400sqm) of mixed scrub, 0.01ha (100sqm) of other

neutral grassland and 0.01ha (100sqm) of street trees, amounting to an overall loss of 5.72units which equates to a 93% net loss of biodiversity habitat, which is UK Priority Habitat. The Assessment shows that there will be a gain in hedgerow units of 0.41units as 80 linear metres of native hedging is proposed as part of the landscape scheme.

6.30 The Report recommends that the scheme looks to introduce further biodiversity measures within the site landscaping to reduce the net loss of habitat resulting from the scheme. It also recommends that habitat creation is undertaken off-site to deliver a net gain in biodiversity and suggests exploring opportunities to identify sites where this can be achieved.

6.31 The BNG Assessment report includes a summary of the results from the DEFRA Metric calculations, but has not included the raw results (Metric Calculations) to enable the LPA to be able to assess the information and ensure it has been input correctly and is in accordance with guidelines. The LPA has requested this information from the applicant, but this has not been submitted for review.

6.32 The loss of priority habitat of high significance within the Biodiversity Metric Calculator must be addressed through the creation of the same habitat type and condition to a level that achieves a biodiversity net gain. The applicant has not submitted any information to demonstrate how this 93% net loss will be addressed, contrary to planning policy:

6.33 Planning Policy DM5.5 (Managing effects on Biodiversity and Geodiversity states that all developments should:

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

6.34 The scheme fails to protect the biodiversity of the land or to maximise opportunities for creation and enhancement of natural habitats and crucially fails to provide a net gain for biodiversity in accordance with part c.

6.35 Policy DM5.5 then goes on to state that:

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

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their

presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
f. For all adverse impacts of the development appropriate on-site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

6.36 The scheme will significantly impact a UK priority habitat, as a result of the complete loss of this habitat and the policy states that a scheme will, therefore, only be permitted where it meets parts d, e and f of the above policy. The applicant has not demonstrated that the scheme meets these criteria and as the site is not allocated for housing in the Local Plan, it is not considered that the benefits of the scheme clearly and demonstrably outweigh the environmental impacts, including the loss of priority habitat and associated impacts on the wildlife corridor. It has also failed to provide adequate information to address the impacts of the scheme by providing appropriate mitigation/compensation measures for the loss of priority habitat and addressing the 93% biodiversity net loss resulting from the scheme.

6.37 Wildlife corridor

The development is located within a wildlife corridor, as shown on the Policies Map. This means that the development must protect and enhance the quality and connectivity of the wildlife corridor in accordance with Planning Policy below:

DM5.7 Wildlife Corridors

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

6.38 The loss of trees and open mosaic habitat (a UK Priority habitat) does not 'protect and enhance the quality and connectivity of the wildlife corridor'. Wildlife corridors and the connectivity they provide are important linkages between habitat areas, enabling migration, and re-colonization at a local level. Lighting and noise associated with the scheme also have the potential to impact the wildlife corridor through disturbance.

6.39 Conclusion:

Pre-application advice stated that the trees on the site should be retained and protected. The number of trees to be removed in this revised scheme is reduced, but two of the trees to be removed are category B trees and protected by a TPO which is not acceptable. Nor is their removal in accordance with local plan policy. In addition, the scheme will result in the loss of 0.27ha of UK Priority Habitat (Open Mosaic Habitat on Previously Developed Land) which will result in a 93% net loss of priority habitat (post development) with no mitigation or compensation proposed to address this in accordance with Planning Policy and the NPPF. The Mitigation Hierarchy recommends avoiding and then minimising impacts on biodiversity with regard to Net Gain, but these principles do not appear to have

been applied on this scheme. The scheme is not allocated for housing in the Local Plan and has not demonstrated that the benefits of the scheme clearly and demonstrably outweigh the environmental impacts. The proposed development is not in accordance with Local Plan Policy and on this basis, the application is not supported.

7.0 Local Lead Flood Authority

7.1 As the development does not fall within flood zone 2 or 3 areas then an FRA is not required. A condition will need to be placed on the application requiring details of the proposed surface water drainage system to be provided to LLFA for approval prior to commencement of the development. As the development is for 10 or more properties the developer will need to adhere to the latest North East LLFA Sustainable Drainage Local Standards when designing the developments drainage system. These standards are available via the following link <https://my.northtyneside.gov.uk/category/1135/flooding>

8.0 External Consultees

8.1 Northumbria Police

8.2 We have no objections to the proposal and we always welcome the re-development of spaces which are in need of improvement. However, there is very little information contained within the documents around proposed security, boundary treatments and lighting plans, therefore we would require further details before making specific comments from a crime prevention aspect.

9.0 Tyne and Wear Archaeology Officer

9.1 This site was the location of Point Pleasant House (HER 1876 <http://www.twsitelines.info/SMR/1876>) and its associated gardens, however the house has been demolished and the site cleared. I have checked the site against the HER and historic maps and consider that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.

10.0 Natural England

10.1 Internationally and nationally designated sites – No objections subject to appropriate mitigation

10.2 This development falls within the 'zone of influence' for coastal sites designated at a national and international 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.

10.3 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.

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.

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

10.5 Sites of Special Scientific Interest Impact Risk Zones:

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 Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

11.0 Representations

11.1 22no. objections have been received. The concerns raised are summarised below.

- Nuisance – disturbance, dust/dirt, fumes, noise.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Adverse effect on wildlife.
- Affect character of conservation area.
- Affect Site of Spec. Scientific Interest.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Will result in visual intrusion.
- Within greenbelt/no special circumstance.
- Loss of/damage to trees.
- None compliance with approved policy.
- Not a planning issue.
- Not in accordance with development plan.
- Out of keeping with surroundings.
- Pollution of watercourse.
- Poor traffic/pedestrian safety.
- Impact on landscape.
- Inappropriate design.
- Inappropriate materials.
- Inappropriate in special landscape area.
- Inadequate drainage.
- Inadequate parking provision.
- Point Pleasant Terrace is a narrow road with vehicles parked on both sides.
- Construction vehicles will create a risk of damage to resident's vehicles and the road, noise, dirt and congestion.
- Nuisance and disturbance within a quiet area where children play and wildlife live.
- Detrimental effect on existing residents.

- A possible +70 vehicles will cause congestion.
- Air pollution from construction.
- Damage to existing houses from the construction and pile driving.
- Overlooking from the 4-storey apartments.
- Inadequate drainage systems for the development.
- Increased traffic.
- Parking will overspill onto the adjacent streets.
- Additional traffic is a risk to highway safety.
- The removal of trees has increased noise levels from nearby industrial sites.
- Loss of the remaining trees.
- Access should be from the industrial estate side of the site.
- Too many properties within a small area.
- Damage to the wildlife corridor.
- Impact on wildlife, including birds, bats and deer.
- The development is very close to the Roman Wall.
- Loss of light.
- Proximity to protected trees.
- Impact of noise from the adjacent industrial estate and the potential impact on local industry.
- The noise measurements were taken at a time when no industrial activity was taking place.
- Mass of the development.
- The site has suffered fly tipping and anti-social behaviour due to poor security.
- Proximity of the development to existing properties and impact on light, outlook and privacy.
- Design is out of keeping with the area.
- The properties are 3 different heights.
- Increased noise from use of the site.
- There are no bus services along Hadrian Road.
- Inaccuracies within the Design and Access Statement.
- Tree loss should be opposed given the climate emergency.
- Asbestos risk from disused buildings at the back of the proposed development.
- Too overdeveloped even though the number of properties has been reduced.
- Traffic will be an issue as one way in and one way out.
- Who would manage the protected trees after the development is built?
- Residents will need to reverse from their drives onto Meadow Road.
- There is still inadequate parking despite the reduction in units.
- The planting of new trees does not replace the cover, habitat and noise reduction that mature trees provide.
- Impact of noise from increasing industrial activity on the River Tyne.
- Impact of the parking on the roots of retained trees.
- Overdevelopment of the site.
- Previous objections have not been addressed.

11.2 3no. representations have been received. These are summarised below.

- I have no issues with developing this waste ground, but can the access for the properties should be via bottom of Point Pleasant Terrace through the business park.

11.3 The following representation has been received on behalf of Smulders:

11.4 Smulders own and operate land at Hadrian Yard, which comprises 30ha of industrial land located to the south of the application site. The operations at Hadrian Yard include metal fabrication activities for the construction of offshore wind and renewable infrastructure. The site is permitted to operate 24 hours a day/ 7 days a week.

11.5 Whilst Smulders do not object to the principle of residential development, it is important that the Council takes into account the operations at Hadrian Yard when determining the application. In this regard, the Council should be satisfied that the design, layout and noise mitigation measures of the proposed scheme will provide an acceptable level of residential amenity for all future residents in order to ensure that there would be no adverse impacts, not only on the amenity of future residents, but also on the operations of Hadrian Yard.