

Agenda Item 8

ADDENDUM 2

Application No: 21/02389/FUL Author: Julia Dawson
Date valid: 23 November 2021 ☎: 0191 643 6314
Target decision date: 1 February 2022 Ward: Monkseaton North

Application type: full planning application

Location: Whitley Bay High School Deneholm Whitley Bay Tyne And Wear NE25 9AS

Proposal: Demolition of existing school buildings and development of a replacement school building and sports hall, along with car parking, hard and soft landscaping and access arrangements

Applicant: Department for Education, C/o Agent

Agent: Lichfields, Mr Andrew Darby Saint Nicholas Building Saint Nicholas Street Newcastle Upon Tyne NE1 1RF

RECOMMENDATION: Minded to grant on expiry consultation

REPRESENTATIONS

INTERNAL CONSULTEES

Contaminated Land Officer

Solmek Phase 2 report states: The gas screening values from the monitoring visits would place the site in Characteristic Situation (CS) 1. However, given that the carbon dioxide results are just below 5.00% and depleted oxygen was recorded in the gas pipes on five of the six visits Characteristic Situation (CS) 2 is recommended.

Coal Mining Risk Assessment by Envirosolution Ltd states: commissioned to prepare a Coal Mining Risk Assessment report (CMRA) for the proposed development site, in order to provide the Local Planning Authority with information on the coal mining legacy risk(s), an assessment of their potential impact on land stability, and provide recommendations for the need to carry out any further investigations (including intrusive boreholes) to address these risk(s).

Both the Yard and the Bentick coal subcrop 140m and 200m southwest of the site and are not likely to be present beneath the Whitley Bay High School site area considered in this report.

The Coal Authority Report states the property is in an area of previous interest regarding mine gas. An area 23.5m to the east of the site has been investigated and remediated by the Coal Authority. It is recommended that consideration of coal mine gas risk is undertaken with respect to future built development.

No information has been supplied to expand on this statement as to what the mine gas issues were or the remediation required.

The Coal Authority States that: Mine Gas: It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present.

Whitley Bay High School Design Statement issued by Curtins states: However, a full appreciation of the conceptual site model of the site and limited ground gas sources onsite (in terms of historical and geological context) evident in determine ground gas concentration; a Curtins re-assessment consider a CS1 ground gas regime. Consequently, no level of ground gas protection measures are considered necessary within any of the proposed buildings.

This is a statement not backed up by any justification as to why the site was re assessed as CS 1.

Consequently, further shallow soil sampling is recommended to be undertaken within any proposed soft landscaping that are located beneath existing building footprints ('dark areas') to be demolished. As further works are proposed then Con 003 through and including Con 007 must be applied.

Materials are to be placed within proposed soft landscaping areas as part of the development works in line with the drawings provided in Appendix A. The majority of these materials will arise from off-site sources with the requirement for imported soils likely. All imported soils both subsoil and topsoil should be tested to human health criteria to ensure they are suitable for proposed end use.

The site lies within a Coal Referral Area, there are multiple coal shaft shown within 250m to the northwest and the east of the site.

There is uncertainty as to the justification of the re assessment of the site to CS1 from CS2, in light of the site lying in a coal referral zone, there being multiple coal shafts within 250m of the site to the east and the northwest, the Coal Authority stating that the property is in an area of previous interest regarding mine gas. An area 23.5m to the east of the site has been investigated and remediated by the Coal Authority. It is recommended that consideration of coal mine gas risk is undertaken with respect to future built development, however this was not mentioned in the reassessment of the site gas characterisation.

Due to the lack of justification the following must be applied
Gas 006

As further soils sampling is proposed in the areas of building footprints and the Design report has stated that there will be a requirement for the importation of materials then the following must be applied: Con 004; Con 005; Con 006; Con 007

REVISED CONDITIONS

Condition 14:

The use of the sports pitch shall be restricted between the hours of 07:00 – 21:30 hours Monday – Friday, 08:00 – 20:00 hours Friday, 08:00 – 12:30 hours Saturday, 08:30 – 15:30 hours Sunday.

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

Condition 29:

No deliveries shall be made to the site before 07:00 hrs and after 21:00 hrs Monday - Saturday and no deliveries shall be permitted on Sundays and Bank Holidays.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

ADDITIONAL CONDITIONS

All lighting will be undertaken in accordance with the details provided within the External Lighting Statement (Ref:108638-BMD-00-XX-RP-E-48700 – Nov 2021); Proposed Lighting Scheme (DWG No. D44205/RD/B Nov 2021) and Proposed External Lighting Strategy 108638-BMD-ZZ-00-DR-E-40901-P02. Any changes to the lighting will be submitted to the LPA for approval prior to installation.

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

All building works will be undertaken in accordance with the Bat Method statement In Appendix 3 of the Ecological Impact Assessment (EclA) Report (E3 Ecology Nov 2021)

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

Prior to occupation of the approved development the details of the location and specifications of 10 no. integrated bird nesting and bat roosting features (5 of each) to be provided in the new buildings on site shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details and retained thereafter.

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

Prior to occupation of the approved development the details of the location and specifications of 10 no. bird and bat boxes (5 of each) will be provided on suitable trees within the site shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details and retained thereafter.

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

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

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

Prior to the installation of any new boundary fencing associated with the approved development full details must be submitted to and approved in writing by the LPA. The

fencing, which must incorporate hedgehog gaps (13cmx13cm), shall thereafter be installed in accordance with the approved details and retained.

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

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

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

Within three months from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan (to include details of hedgehog hibernacula/habitat piles) shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the Biodiversity Net Gain Assessment Report & Biodiversity Metric (E3 Ecology February 2022). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

Prior to occupation of the approved development a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the details set out within the Biodiversity Net Gain Assessment Report & Biodiversity Metric (E3 Ecology Feb 2022) and which shall be implemented on site prior to the occupation of any new buildings will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 30 years. The Plan will also include details of timescales, management responsibilities and regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report will also be provided.

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

Prior to construction of the approved development above damp-proof course level, a detailed drainage design, including details of ditches, swales and attenuation ponds shall be submitted to and approved in writing by the Local Planning Authority. Details

shall include profiles, cross sections and planting of SuDs features. Any ditches, swales or attenuation ponds shall be designed to provide ecological benefits, including appropriate native planting agreed by the Local Planning Authority.

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

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority.

Reason: In order to safeguard existing trees and the amenity of the site and locality having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan submitted by Elliot Consultancy Ltd unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority. Photographic evidence of the fence in place is to be submitted to allow discharge of this condition.

Reason: In order to safeguard existing trees and the amenity of the site and locality having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan submitted by Elliot Consultancy Ltd and within the guidelines contained within BS5837:2012 and NJUG Volume 4. The AMS is to form part of the contractors method statement regarding the proposed construction works.

Reason: In order to safeguard existing trees and the amenity of the site and locality having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

Prior to construction of the approved development above damp-proof course level shall commence on site until detailed plan showing services, drainage on site and off site and lighting that require excavations, which provides for the long term protection of the existing trees on the site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority. Any excavations within the RPA (for example kerb edging, excavations) are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

Reason: In order to safeguard existing trees and the amenity of the site and locality having regard to policy DM5.9 of the North Tyneside Local Plan (2017).