

Application No: 18/01226/FUL Author: Rebecca Andison
Date valid: 2 October 2018 ☎: 0191 643 6321
Target: 1 January 2019 Ward: Collingwood
decision date:

Application type: full planning application

Location: Land At Murton House Farm, Rake Lane, North Shields, Tyne And Wear

Proposal: Demolition of the disused and redundant buildings and replacement with 10no residential dwellings including access, amenity space and parking (REVISED LANDSCAPING PLANS)

Applicant: Murton Farm Steading Ltd, C/O George F White LLP

Agent: George F. White, Miss Laura Dixon Arch 2 Westgate Road Newcastle Upon Tyne NE1 1SA

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the listed building and the character of the area;
- the impact on surrounding occupiers and the standard of amenity provided for future occupiers;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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

2.0 Description of the Site

2.1 The application relates to Murton House Farm, which is located on the north side of the A191, at the junction with Billy Mill Lane.

2.2 The main farmhouse and the gate piers to the driveway are Grade II Listed. The farmhouse has recently been refurbished and divided into two residential

dwellings. This application relates to the land to the east of the farmhouse which contains numerous derelict farm buildings. These buildings include the remains of two terraced dwellings, located immediately to the east of the farmhouse, stables and barns.

2.3 The site is bounded by trees, hedging and agricultural land to the north, the listed farmhouse to the west and residential properties to the east. There are a number of mature trees within the site and a small wooded area to the west.

2.4 There are three existing access points to the site – one to the main farmhouse, one next to the A191 roundabout and the main farm access adjacent to the eastern boundary.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to demolish the redundant farm buildings and construct 10no residential dwellings.

3.2 The proposed dwellings are 2 - 2.5 storey and arranged in a terrace of 4no dwellings, a pair of semi-detached properties and 4no detached dwellings.

3.3 The existing access adjacent to the A191 roundabout would be modified and widened to provide access into the development. Parking is provided within the curtilage of each dwelling, with visitor parking in bays along the edge of the internal access road.

4.0 Relevant Planning History

18/01227/LBC - Demolition of the disused and redundant buildings and replacement with 10 no. residential dwellings including access, amenity space and parking – Pending consideration

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 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 in this case are;

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the listed building and the character of the area;
- the impact on surrounding occupiers and the standard of amenity provided for future occupiers;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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

8.0 Principle of the Proposed Development

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, a social objective and an environmental objective.

8.2 In relation to housing, 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.

8.3 The NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

8.4 Policy DM1.3 of the Local Plan 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 through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

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 management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

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 The Local Plan specifically allocates sites to meet the overall housing needs. Members are advised that the site, subject of this application, 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:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan.

8.9 The development is proposed on a previously developed site and it would contribute to meeting the housing needs of the borough. It 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. Issues relating to the impact of this scheme upon local amenities and the character of the area are discussed later in this report.

8.10 Having regard to the above, the principle of the proposed development is considered acceptable subject to consideration of the following matters.

9.0 North Tyneside Council Housing Land Supply

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

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

9.3 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 6.1 year supply of housing land. Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing.

10.0 Design and Impact on Heritage Assets

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

10.2 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para.130). In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.3 In respect of designated heritage assets the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.4 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.5 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

10.6 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.7 At paragraph 200 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation areas...and within the setting of heritage assets to enhance or better reveal their significance."

10.8 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.

10.9 Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

10.10 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.

10.11 The Council has produced an SPD on Design Quality, it states that the Council will encourage innovation in the 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.

10.12 Buildings and other structures that pre-date July 1948 and are within the curtilage of a listed building should be treated as part of the listed building. The site currently contains numerous derelict farm buildings, most of which date from before 1948. They are located within the boundary wall which encompasses the listed farmhouse and gate posts, and relate closely to the farmhouse in terms of their function and materials. The buildings are therefore to be treated as part of the listed building.

10.13 A structural survey has been carried out and submitted as part of the application. This shows that many of the buildings are in a very poor condition.

Some of them could be saved but this would not be economically feasible. A Viability Assessment has also been submitted to consider the cost implications of retaining and converting some of the existing buildings. The assessment shows that the only viable development option is complete demolition and rebuild. The principle of demolishing the buildings is therefore considered to be acceptable.

10.14 The site is located adjacent to 2no dwellings within the listed farmhouse and an established residential area to the east. The land to the north is also allocated for residential development within the North Tyneside Local Plan. Residential use is therefore considered to be an acceptable form of development for the site.

10.15 Therefore the main issue to be considered is whether the proposal is acceptable in terms of its scale, design, layout and materials, and the impact it would have on the listed building and character of the area.

10.16 The proposal is to construct 10no residential dwellings. A mix of 2 and 2.5 storey dwellings is proposed, arranged around an internal access road.

10.17 Each property is individually designed to reflect the fact that the existing farm buildings are all different in appearance. They would be constructed predominantly from brick, with stone to the frontage of units 1 to 4. The roofs would be mainly covered in slate with corrugated fibre cement used for the roofs of some garages and the roofs of units 2 and 3 to reflect the roofing materials found in the existing farmstead. The window openings would be simple in form and random in format, again to reflect the appearance of the existing farm buildings. There are existing stone boundary walls around the southern and western boundaries of the site. These would be retained.

10.18 The site currently contains single storey buildings adjacent to the southern and eastern boundaries, and a taller group of buildings immediately to the east of the farmhouse.

10.19 The proposed development includes 4no 2-storey dwellings to the east of the farm house, on the approximate location of the existing buildings, and 2no 2-storey dwellings in the north east corner of the site which is currently undeveloped. The location and height of these dwellings is considered to be acceptable.

10.20 A 2.5 storey dwelling (unit 7) is proposed in the south east part of the site and 2-storey dwellings (units 8, 9 and 10) are proposed along the southern boundary.

10.21 The focal part of the site is currently the central group of taller buildings to the east of the farmhouse and it is officer opinion that this should be reflected in any new development. It is considered that the height of units 7- 10 results in some harm to the setting of the listed building.

10.22 The applicant has submitted a Design Information and Justification to supplement their Heritage, Design and Access Statement. This contains the following information in respect of units 7-10.

- To lower the height of unit 7 would eliminate the loft bedroom and reduce the number of bedrooms to three.
- There two options for units 9 and 10. The first being to lower the roof height which would reduce the number of bedrooms in each property from three to two due to the limited headroom. A 2-bedroom house on the site would not be viable.
- The second option is to create one dwelling from both units. This would remove the gap which allows views into the site and reduce the number of units to 9 which would not be viable.
- Lowering the roof of unit 8 would result in a 2-bedroom property instead of 4-bedroom.
- Even a minimal reduction in height would result in bedrooms being lost.

10.23 Turning to the proposed construction materials. The existing buildings within the site and the listed farmhouse are predominantly stone. It is officer opinion that the preferred solution would be for stone to be used throughout the site.

10.24 It was originally proposed to construct the frontage of unit 1 in stone with brick for the remainder of the development. The applicant has stated that using stone for additional units would make the scheme unviable and have submitted a supplementary Viability Assessment. The assessment considers the costs of constructing nine units with five built in stone.

10.25 The applicant's viability assessment has been externally audited to ensure it is robust. The assessment of the viability report shows a minimal surplus of £3,797 and acknowledges that the surplus would be susceptible to minor development cost changes with a high risk of falling into the unviable range. Officers therefore accept that 9no units with 5no built in stone would not be a viable development option for the site.

10.26 In response to officer's concerns regarding the construction materials the applicant has agreed to use stone for the frontage of units 1 to 4 which are located closest to the listed farmhouse. It is appreciated that the use of stone results in significant additional costs, and as such officers consider that using stone for the south elevation of the central block of units (units 1-4) with brick for the remaining units is an acceptable compromise.

10.27 The car port associated with units 5 and 6 and the layout of the plot boundaries, which is designed to accommodate the attenuation tank, results in an awkward layout in this part of the site. Historically there were no buildings present in this area and the addition of a car port, bin store and awkwardly positioned fencing result in an overly congested appearance. The omission of the car port would allow the attenuation tank to be repositioned and the boundary layout revised. It is officer opinion that the layout of this part of the development could be improved. However it is not considered that it results in significant harm to the setting of the listed building.

10.28 It is proposed to widen the existing entrance which requires a section of the stone boundary wall to be demolished and rebuilt, with the loss of some historic fabric.

10.29 It is officer opinion that the development would result in some harm to the setting of the listed building. It is considered that the level of harm would be less than substantial due to the fact that the applicant has agreed to construct the south elevations of units 1 to 4 in stone.

10.30 The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.31 In this case the development would bring benefits through the provision of additional homes, the removal of derelict buildings and the utilisation of an underused site. The applicant has stated that it would also bring community benefits by helping to address problems of antisocial behaviour. They have submitted information provided by Northumbria Police which details incidents of vandalism and anti-social behaviour between 01.01.2016 and 31.12.2018. Within a 200m buffer zone of postcode NE29 8EX 26no incidents of ASB or vandalism were recorded.

10.32 It is officer opinion that these benefits outweigh the harm to the setting of the listed building.

10.33 In addition to the impact on the listed building the impact on the streetscene must also be considered. It is officer advice that the development would enhance the streetscene by replacing the existing derelict buildings with a well-designed residential development.

10.34 The Design Officer has been consulted. His comments will be reported to committee.

10.34 Members need to determine whether the proposed development would be acceptable in terms of its impact on the listed building, the appearance upon the site and the surrounding area. It is officer opinion that the development results in less than substantial harm to the setting of the listed building, and that this harm is outweighed by the public benefits of the development. It is considered that there would be a positive impact on the streetscene. The proposal is therefore considered to accord with the NPPF and Policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan.

11.0 Impact on Residential Amenity

11.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should 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 the quality of life.

11.2 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.

11.3 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.

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

11.5 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).

11.6 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size,

a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.7 Impact on surrounding occupiers –

11.8 The application site is located between Murton Farmhouse to the west and existing residential development to the east. The rear elevations of units 7 and 8 face towards the gable elevation of 1 Rake Lane but there would be no overlooking of habitable windows, and the separation distance is sufficient to prevent any loss of light or outlook. The relationship with the 2no dwellings in the existing farmhouse is also considered to be acceptable when taking into account the position of the proposed development in relation to this property.

11.9 Amenity of future occupiers -

11.10 The floor areas of all the dwellings exceed the minimum requirements set out in the Nationally Described Space Standard for 3 and 4 bedroom dwellings. All the bedrooms, except for two bedrooms (one double and one single) in dwelling 9, exceed the recommended bedroom widths and areas. The applicant has advised that these two bedrooms could become two single rooms with the partition wall adjusted to allow the space standards to be met.

11.11 Each dwelling is provided with a private garden which is considered to be of sufficient size for normal recreational needs.

11.12 The applicant has confirmed that the development would be designed to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

11.13 The Manager of Environmental Health has commented. She advises that there is the potential for future occupiers to be affected by traffic noise from the A191/Rake Lane. She recommends conditions in respect of acoustic glazing and a ventilation scheme to address this impact.

11.14 Members need to consider whether the impact on surrounding occupiers is acceptable and whether acceptable living conditions would be provided for future occupiers. In officer opinion the impact is acceptable subject to the conditions discussed above.

12.0 Car Parking and Access

12.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

12.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

12.3 Paragraph 109 of NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on

highway safety, or where the residual cumulative impacts of development are severe

12.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

12.5 The Council's adopted parking standards are set out in the Transport and Highways SPD.

12.6 The site is currently accessed via three access points. It is proposed to retain the existing farmhouse access, stop up the existing access to the east of the roundabout and modify the roundabout access to serve the proposed development.

12.7 Parking has been provided in accordance with current standards and large garages are proposed to allow for cycle storage. The site is also accessible by refuse vehicles. The Highway Network Manager has been consulted and recommends conditional approval.

12.8 The Public Rights of Way Officer has commented. He states that a segregated cycle track and footway could be introduced to frontage of the site. Given the scale of the development this not considered to be reasonable or necessary to make the development acceptable.

12.9 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD. It is officer advice that the development is acceptable in terms of its impact on highway safety.

13.0 Trees and Biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

13.2 Para.175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

13.3 Para. 177 states that the presumption in favour of sustainable development does not apply where development requires appropriate assessment because of its potential impact on a habitats site is being planned or determined.

13.4 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.

13.5 Policy DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and 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. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

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

13.7 The application site contains areas of woodland, scrub and mature trees. The agricultural land to the north is within a Wildlife Corridor. An Arboricultural Report, including a tree survey and impact assessment, has been submitted with the application. 69no trees growing as individuals and groups and one woodland area have been surveyed. A landscape strategy, detailing replacement planting, and a detailed planting plan have also been provided.

13.8 Revised plans have been submitted to support of the application as a result of comments made in relation to landscape and biodiversity. The revised landscape plans retain trees within the site where possible and include a number

of additional native trees, including 2no on the highway boundary, as mitigation for the trees lost.

13.9 A Bat Survey and Preliminary Ecological Appraisal have been submitted.

13.10 The bat survey found no traces of bats within the buildings and no trees were identified as having bat roost potential. The occasional bat was seen foraging around the buildings. The Bat Report recommends mitigation measures to ensure bats are protected during construction, and requiring the provision of bat crevices within the new buildings.

13.11 The ecological appraisal shows that the trees and scrub within the site have the potential to support nesting birds. The main impacts of the scheme are noted as being loss of vegetation/trees, loss of nesting habitat, damage to retained trees, potential risk to badger and hedgehog and disturbance of nocturnal species due to additional lighting. Mitigation measures are proposed to address these impacts.

13.12 The Landscape Architect and Biodiversity Officer have been consulted. Their comments note that the layout retains trees where appropriate and includes additional planting. Conditions are recommended to ensure retained trees are adequately protected and in respect of: a construction method statement; revised tree survey; detailed landscaping scheme; bat protection; bat and bird features; external lighting; vegetation removal; and to protect mammals.

13.13 A Shadow Habitat Regulations Assessment (sHRA) has been submitted in order to allow the impacts of the scheme on the Northumbria Coast SPA (Special Protection Area) to be appropriately assessed under the Habitats Directive and to determine if there is the potential for a Likely Significant Effect on the SPA. The Shadow Habitat Regulations Assessment concludes that without appropriate mitigation/compensation there is the potential for indirect effects associated with the proposed development, namely an increase in recreational disturbance. It recommends mitigation in the form of an information pack for new residents providing information on Natura 2000, and an interpretation board within the site to identify local walking routes.

13.14 The Council's Biodiversity Officer has advised that the proposed mitigation is not sufficient to mitigate the impacts of recreational disturbance at the coast. She recommends that a financial contribution towards the delivery of a coastal mitigation service would be an acceptable measure to help address this impact.

13.15 Natural England has been consulted and they advise that the application could have potential significant effects on Northumberland Shore Site of Special Scientific Interest (SSSI), and Northumbria Coast Special Protection Area (SPA) and Ramsar site. They do not consider that the mitigation proposed within the sHRA is adequate and recommend that consideration should be given to a financial contribution to a coastal mitigation service.

13.16 The applicant has agreed to pay £3,370 towards a coastal mitigation scheme. An appropriate assessment has been undertaken and Natural England

has been notified of this. Natural England's comments will be reported to committee.

13.17 It is officer advice that the proposal is acceptable in terms of its impact on biodiversity and trees subject to conditions, a financial contribution towards the Coastal Mitigation Service, and no objections being raised by Natural England.

14.0 Other Matters

15.0 Flooding

15.1 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.

15.2 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 taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

15.3 All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

15.4 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). A reduction in surface water run off rates will be sought for all new development. 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 development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

15.5 Policy DM5.15 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).

15.6 The applicant has submitted information in respect of drainage and would be attenuating the surface water within the site via an attenuation tank and surface water sewers. The water would then discharge at a reduced rate into the combined sewer at the rear of properties on Rake Lane. The attenuation tank is located within the garden of unit 6. The applicant has confirmed that

maintenance and access rights will be secured via a restrictive covenant on the new owner.

15.7 The Local Lead Flood Officer has commented and recommends conditional approval.

15.8 Northumbrian Water has no objections subject to a condition stating that the development must be carried out in accordance with the submitted drainage strategy.

15.9 It is officer advice that that subject to the above conditions the proposed development would not have an adverse impact on flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14 of the Local Plan.

16.0 Contamination

16.1 NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

16.2 Policy DM5.18 of the Local Plan 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 which shows that investigations have been carried out and that detailed measures to allow the development to go ahead safely without adverse effect.

16.3 The Coal Authority have advised that the proposal falls within the defined High Risk Area. A Coal Mining Investigation and Risk Assessment have been submitted by the applicant. The Coal Authority has no objections subject to a condition.

16.4 The Contaminated Land Officer advises no objections subject to conditions.

16.5 It is therefore officer advice that the proposal is acceptable in terms of ground conditions.

17.0 Archaeology

17.1 The Tyne and Wear Archaeology Officer has commented. She states that a permanent archive of the farmstead is required to build on the information already submitted. This can be secured by a condition.

18.0 S106 Contributions

18.1 NPPF states 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. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

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

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

18.3 The Council's adopted SPD on Planning Obligations LDD8 states that a Section 106 Agreement, is a formal commitment undertaken by a developer to mitigate site specific impacts caused by new development. They must be necessary and used directly to make a development acceptable.

18.4 The SPD also states that the Council is concerned that planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon economic viability of development and sets out appropriate procedure to address this. However, the SPD also states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

18.5 The Council are seeking the following S106 contributions:

- £1,950 towards greenspace;
- £5,343 towards park infrastructure;
- £25,000 towards primary education;
- £19,000 towards secondary education;
- 1 apprenticeship or £7,000 contribution towards training; and
- £3,370 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

18.6 The applicant has submitted a viability appraisal to demonstrate that the scheme would not be viable with the requested contributions. The Viability Assessment has been externally audited to ensure it is robust. The review of the appraisal concludes that the development appears to show a surplus of £219,225. However it also states that the appraisals presented by the developer are limited in their content that further detailed analysis of the development would only result in increased costs and a reduction in this surplus. Therefore the position is that the above contributions would make the development unviable.

18.7 A CIL payment will be required in respect of this development.

19.0 Local Financial Considerations

19.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

19.2 The proposal involves the creation of 10 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

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

20.0 Conclusion

20.1 This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweighs the benefits that planning permission should be granted.

20.2 Members need to consider whether the proposal will impact on existing land uses, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, the setting of the listed building, trees, ecology and the highway network.

20.3 It is officer opinion that the proposal results in less than substantial harm to the setting of the listed building and that this harm is outweighed by any public benefits of the proposal which include the provision of additional homes and the utilisation of a derelict site.

20.4 It is also considered that, subject to the outstanding comments of consultees, the development is acceptable in terms of its impact on the highway network, the amenity of future occupants and surrounding land uses and ecology.

20.5 The development is considered to comply with relevant National and UDP policy and is therefore recommended for conditional approval subject to no objections being raised by Natural England and a unilateral undertaking to secure a financial contribution towards the Coastal SPA.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate that they are minded to grant this application subject to no objections being raised by Natural England and the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of a S106 Agreement to secure the following:

- £3,370 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

Conditions/Reasons

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

- Application form
- Site location plan Dwg.No.05 Rev.D
- Final site layout M577/13 Rev.G
- Site sections: before and after AA, BB, EE M577/22 A
- Site sections: before and after CC, DD, FF M577/23 A
- Proposed levels 124088/2002 A
- Indicative surface water drainage 124088/2001 B
- Detailed planting Plan 1159_01 21.06.19
- Landscape Strategy 1159_02 21.06.19
- Proposed dwelling one M577/16 Rev.B
- Proposed dwelling two M577/17 Rev.C
- Proposed dwellings three and four M577/18 Rev.B
- Proposed dwellings five and six M577/19 Rev.B
- Proposed dwellings seven and eight M577/20 Rev.C
- Proposed dwellings nine and ten M577/21 Rev.B
- Roof plans and planting M577/14 Rev.C

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

2. Standard Time Limit 3 Years FUL MAN02 *

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

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

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

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. Exist Access Closure Misc Points By ACC01 *
7

6. Turning Areas Before Occ ACC02 *vehicles
5

7. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre

line of the access measured from the edge of the carriageway and a point 33 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. 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. There shall be no cabins, storage of plant or materials, or parking within the root protection areas of the retained trees. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the agreed wheel washing/road cleaning measures are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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

9. Refuse Storage Detail Provide Before Occ REF00 *

10. No part of the development shall be occupied until a refuse collection scheme has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. Prior to occupation of the development details of an appointed SuDS management company and a drainage maintenance regime must be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

12. The development shall be implemented in accordance with the drainage scheme contained within the submitted document entitled "Murton Farm, North Shields Drainage Strategy (version D/I/D/124088/01)" dated "June 2018". The drainage scheme shall ensure that foul flows discharge to the transferred asset to the rear of 1 Rake Lane and ensure that surface water flows discharge to manhole 4103 at a restricted rate of 19l/s.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

13. Notwithstanding any indication of materials which may have been given in the application, prior to the construction of any dwelling above damp proof course level a schedule and/or samples of all construction and surfacing materials and finishes for the development must be submitted to and approved in writing by the Local Planning Authority. This shall include stone for the south elevations of units 1 to 4. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.2 of the North Tyneside Council Local Plan 2017.

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

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

15. Notwithstanding the details submitted, 50% of the dwellings shall meet building regulation M4(2) - 'Category 2 -accessible and adaptable dwellings'.

Reason: To ensure compliance with Policy DM4.9 of the North Tyneside Local Plan (2017).

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

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

17. Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services) an Arboricultural Method Statement (AMS) to include a Tree Protection Plan (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' must be submitted to and approved in writing by the Local Planning Authority. The TPP must show the type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

The AMS must include details of construction for vehicular drives, parking areas, installation of kerb edges, wall construction, foundations, the laying of services, lighting and other hard surfacing (all in accordance with BS5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees') with any excavations within the root protection areas being undertaken using an air spade or dug by hand. Thereafter the development must be carried out in accordance with the agreed AMS and TPP.

Reason: To ensure trees and hedges to be retained are adequately protected from damage from the outset of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan 2017.

18. Prior to any tree pruning of retained trees being carried out, details of the pruning work must be submitted to and approved in writing by the Local Planning Authority. All tree pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

19. An arboricultural consultant must be appointed to advise on the tree management for the site and to undertake supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement. Written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction must be submitted and approved in writing by the Local Planning Authority prior to occupation of the development.

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 (2017).

20. Prior to commencement of development, a revised Tree Survey in relation to Group 2 to determine which trees within the group are to be retained, with a method statement for their removal, must be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure trees and hedges to be retained are adequately protected from damage from the outset of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan 2017.

21. Within one month from the start on site of any operations including site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan must be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new species with specimen trees at a minimum of 12-14 cm girth, and a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation. The landscape scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

22. All demolition and renovation works will be undertaken in accordance with the Bat Method Statement (Section 2) of the submitted Bat Survey Report.

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.

23. Two integrated Build-in Wood Stone Bat Boxes must be built into west and east facing gable walls at a height 30cm below the apex of new buildings as detailed in Section 2 C.1.4 (Bat method Statement) of the Bat Survey Report.

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.

24. Features for swallows must be created in the design of the bin store such as overhanging eaves (30cm) on the east aspect on the sheltered aspect of the building at 2.5 to 3 metres in height. Details of swallow features and their location must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and must be installed in accordance with the approved plans prior to occupation of the development.

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.

25. Two integrated Vivara Pro Cambridge Brick Faced Swift Nest Boxes must be installed at a height of at least 5m with a clear flight path to the entrance on an east facing wall of Dwelling 7 as detailed in Section 2 C.1.4 (Bat method Statement) of the Bat Survey Report prior to occupation of the development.

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.

26. Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating, parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity, highway safety and to ensure that local wildlife populations are protected having regard to policies DM5.19 and DM5.5 of the North Tyneside Local Plan (2017) and the NPPF.

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

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

28. Any excavations left open overnight must 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.

29. Prior to occupation of the development details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. All new and existing fencing must include hedgehog gaps (13cmx13cm). The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure a satisfactory environment within the development and to ensure that local wildlife populations are protected having regard to the NPPF and Policies DM6.2 and DM5.5 of the North Tyneside Local Plan.

30. 5no. bird boxes must be provided in suitable locations within the development site. Details of bird box specification, locations and timing of installation must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site. The boxes shall be installed in accordance with the agreed details.

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.

31. Prior to the commencement of development a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. The approved measures and requirements shall be implemented in full prior to the occupation of the development hereby approved.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

32. No demolition or development shall take place until a second phase of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. The recording must begin before any work commences on site. Further recording will be required once the

buildings have been made safe to access. The appointed archaeologist or heritage professional must advise the planning authority when the on-site work has been completed.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

33. The buildings shall not be occupied/brought into use until the report of the results of the second phase of building recording pursuant to condition 32 has been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

34. Contaminated Land Investigation Housing CON00 *
1

35. Gas Investigate no Development GAS00 *
6

36. The demolition shall be carried out in the accordance with the recommendations of the approved Demolition Survey Report (Report Number: 2016/12/21/8389/O).

Reason: To ensure that the contamination of the site does not impact on public safety regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

37. Prior to occupation of the development a noise scheme for acoustic glazing which considers road traffic noise form the A191 and Rake Lane must be submitted to and agreed in writing by the Local Planning Authority. The acoustic glazing must be in accordance with BS8233 and the World Health Organisation community noise guidelines to ensure that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and a maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms. Thereafter the scheme shall be implemented in accordance with the agreed details.

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

38. Prior to occupation of the development a ventilation scheme for all habitable rooms to ensure an appropriate standard of ventilation with windows closed must be submitted to and agreed in writing by the Local Planning Authority. Where the internal noise levels specified in BS8233 are not achievable with windows open due to the external noise environment, an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system, must be provided to addresses thermal comfort and purge ventilation requirements and reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Thereafter the scheme shall be implemented in accordance with the agreed details.

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

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

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

Informatives

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

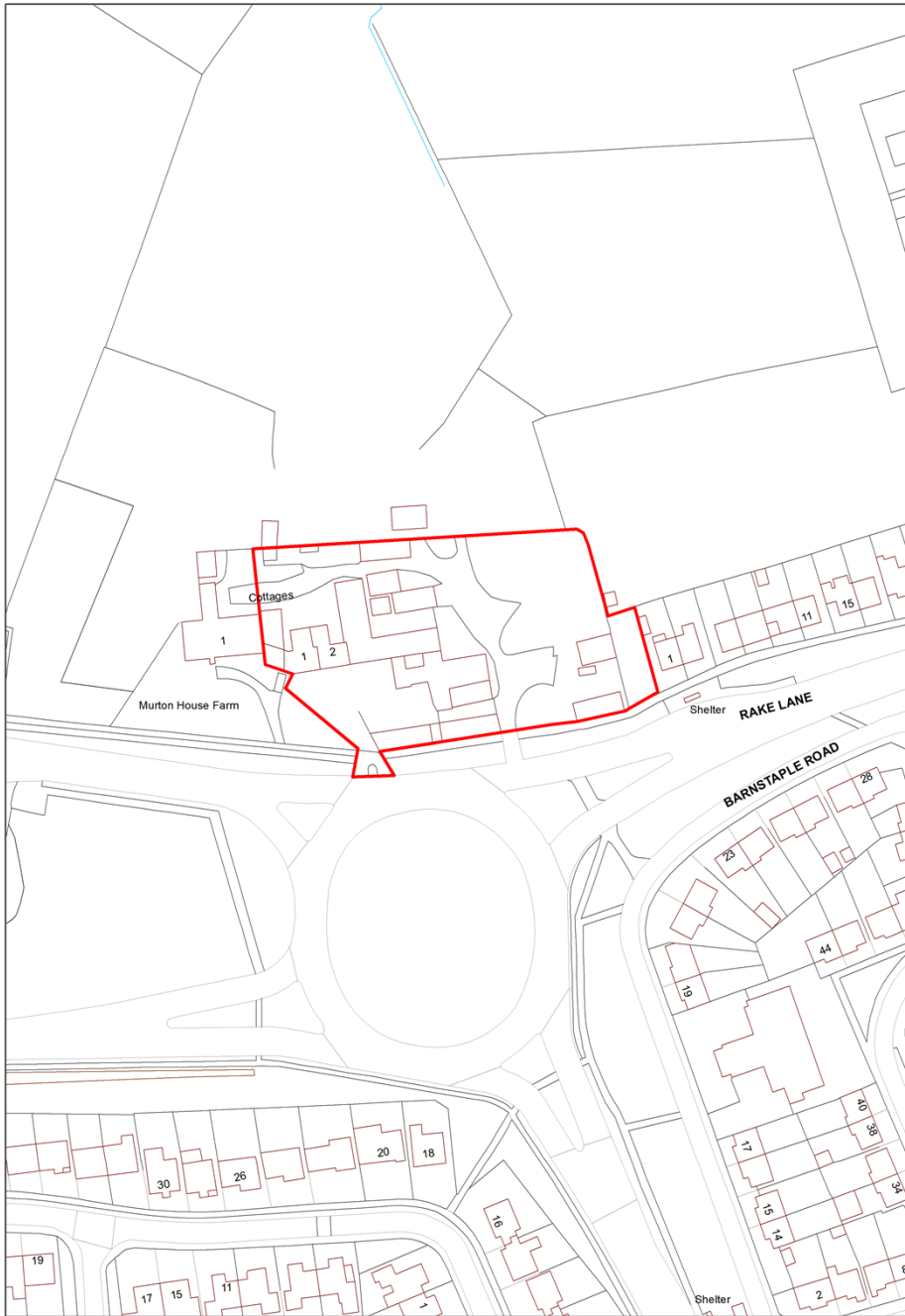
Coal Mining Standing Advice (FUL,OUT) (144)

Free and full access to the Public Right of Way network is to be maintained at all times. 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.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

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



Application reference: 18/01226/FUL

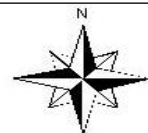
Location: Land At Murton House Farm, Rake Lane, North Shields

Proposal: Demolition of the disused and redundant buildings and replacement with 10no residential dwellings including access, amenity space and parking (REVISED LANDSCAPING PLANS)

Not to scale

Date: 25.07.2019

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**Appendix 1 – 18/01226/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the demolition of the disused and redundant buildings and replacement with 10 residential dwellings including access, amenity space and parking.

1.3 The site is currently accessed via three access points:

Farmhouse access to west of roundabout

Disused access with tree at roundabout

Main access to east of roundabout

1.4 The proposed access arrangements are:

Farmhouse access to west of roundabout - retained for farmhouse

Disused access with tree at roundabout - tree removed, modified and used as main access

Main access to east of roundabout - stopped up and used for pedestrians & cycles

1.5 Parking has been provided in accordance with current standards and large garages are proposed to allow for cycle storage. The site is also accessible by refuse vehicles and conditional approval is recommended.

1.6 Recommendation - Conditional Approval

1.7 Conditions:

ACC11 - New Access: Access prior to Occ

ACC17 - Exist Access Closure: Misc Points, By *6 months

ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 33m by 0.6m)

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

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

Reason: In the interests of highway safety.

1.8 Informatives:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials
I45 - Street Naming & Numbering
I46 - Highway Inspection before dvlp

Free and full access to the Public Right of Way network is to be maintained at all times. 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.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

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.

1.9 Local Lead Flood Authority

1.10 I have carried out a review of the above application drainage proposals.

1.11 The applicant is proposing to attenuate the developments surface water via the use of an 77Cu.m attenuation tank and surface water sewers. This will then discharge at a restricted discharge rate of 12.7l/s into a 225mm dia combined sewer located behind 1-41 Rake Lane.

1.12 The only issue I have regarding the drainage proposals is the location of the attenuation tank. This is planned to be installed partially within a residential garden and the highway, in order to maintain the viability of the attenuation tank the applicant may have to prevent future owners of this property from planting any trees/shrubs or altering the front garden(additional parking).

1.13 In general I can confirm I have no objections to the proposals and as such I would recommend for approval.

1.14 The following drainage condition should be placed on the application:
Development shall not commence until details of appointed SuDS Management Company and a drainage maintenance regime are to submitted to and approved in writing by the Local Planning Authority.

1.15 Landscape Architect and Biodiversity officer

1.16 The application is for the demolition of the disused and redundant farm buildings and replacement with 10no residential dwellings including access, amenity space and parking at Murton Farm, Rake Lane. The farm is located on the A191 on the junction of Rake Lane and Billy Mill Lane. The site is bounded to the north by a mature hedge and tree planting with agricultural land beyond, to the south by the A191, to the west by a Listed Farmhouse with residential

development beyond. The Farmhouse is Listed Grade II, with the gateposts of the original driveway entrance to its south listed separately, also Grade II.

1.17 A number of mature trees are present within the site and to the boundaries outside the site. Mature trees are also present on land within the neighbouring farm. A small wood of mature broad-leaved trees is located to the west. There are 3 no. TPO trees recorded on site, however T1 has not been present on site for some time and there is no tree located in the same position as the previous T3. A mature beech tree, T2, is outside of the red line planning boundary for the site.

1.18 Additional and revised plans have been submitted to support of the application (planting plan and landscape strategy) as a result of comments made in relation to landscape and biodiversity. The revised landscape plans now retain some of tree group 2 along the front of the site as well the inclusion of a number of proposed native trees, including 2 on the highway boundary. This is an improvement on the previous layout which looked to remove all the trees to the east of the farmhouse including trees outside the application site with no new tree planting proposed.

1.19 The revised layout considers the retention of trees (where appropriate) which are an important consideration in achieving a high quality design and fully sustainable scheme.

1.20 Suggested conditions:

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

2) Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services) there shall be submitted to the Local Planning Authority for their approval an Arboricultural Method Statement (AMS) to include a Tree Protection Plan (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

The TPP is to show the type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in

accordance with that scheme. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

The AMS is to include details of construction for vehicular drives, parking areas, installation of kerb edges, wall construction, foundations, the laying of services, lighting and other hard surfacing (all in accordance with BS5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees') with any excavations within the RPA being undertaken using an air spade or dug by hand.

3) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

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

5) An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

6) Prior to works starting on site, a revised Tree Survey is to be submitted in relation to Group 2 to determine which trees within the group are to be retained, with a method statement for their removal

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

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

8) All demolition and renovation works will be undertaken in accordance with the Bat Method Statement (Section 2) of the submitted Bat Survey Report.

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

9) Two integrated Build-in Wood Stone Bat Boxes will be built into west and east facing gable walls at a height 30cm below the apex of new buildings as detailed in Section 2 C.1.4 (Bat method Statement) of the Bat Survey Report

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.

10) Suitable features for swallows will be created in the design of the bin store such as overhanging eaves (30cm) on the east aspect on the sheltered aspect of the building at 2.5 to 3 metres in height. Details of swallow features and their location must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

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.

11) Two integrated Vivara Pro Cambridge Brick Faced Swift Nest Box to be sited at a height of at least 5m, with a clear flight path to the entrance on an east facing wall of Dwelling 7 as detailed in Section 2 C.1.4 (Bat method Statement) of the Bat Survey Report

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.

12) Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating, parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;

- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
 - an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
 - where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity, highway safety and to ensure that local wildlife populations are protected having regard to policies DM5.19 and DM5.5 of the North Tyneside Local Plan (2017) and the NPPF.

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

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

14) 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.

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

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

16) 5no. bird boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

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.

17) In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required

towards the delivery of a Coastal Mitigation Service in accordance with the Councils Draft Coastal Mitigation SPD.

Reason: To ensure that internationally designated sites are protected having regard to policy DM5.6 of the North Tyneside Local Plan (2017) and the NPPF.

1.21 Public Rights of Way officer

1.22 The A191 has been identified as a strategic cycle route via New York and connecting to Rake Lane. Improvements have been made in recent years and this project could contribute.

1.23 A segregated cycle track and footway could be introduced to the front to tie in with the village and new infra approx 593 m. I would expect the new access to retain a ped cycle priority with raised table and give ways.

1.24 Consideration should be made as to how this development ties into the Murton scheme in the future to minimise car trips.

1.25 Manager of Environmental health (Contaminated Land)

1.26 I have no objection in principle subject to the following conditions:

Con 001

Gas 006

1.27 Manager of Environmental Health (Pollution)

1.28 The site is located in primarily a residential area adjacent to Rake Lane. I would be concerned about road traffic noise affecting the proposed dwellings adjacent to Rake Lane where habitable rooms are not afforded any screening.

1.29 If planning consent is to be given I would recommend the following conditions to require a noise scheme to be provided that assesses road traffic noise and ensures suitable mitigation is included for good habitable living in the properties:

Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme for acoustic glazing that has considered road traffic noise from the A191 and Rake Lane. Details of the acoustic glazing to be provided must be in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

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

HOU04
HOU05
SIT03

2.0 Representations

2.1 3no objections have been received raising the following points.

- Affect setting of listed building.
- Inappropriate design.
- Inappropriate materials.
- Out of keeping with surroundings.
- Loss of/damage to trees.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- The south elevations along the A191 in brickwork are out of keeping.
- The existing farm worker cottages adjoining the grade II listed Murton farmhouse should be reconstructed using existing stone to match the existing.
- Access to/from the Murton Gap strategic site should be included in the planning permission.
- Pedestrianise Murton Lane junction with New York village and Westminster Avenue and close it off to vehicular traffic.
- Allow vehicle access to Norham road roundabout from Murton Lane to allow access to Murton village and the Wheatsheaf Inn.
- Is this development compatible with the Murton Masterplan?
- Unsafe access from the roundabout – risk to pedestrians.
- Comments regarding Cllr Rankin's letter of support.

3.0 Councillor Comments

3.1 Cllr Martin Rankin (Collingwood Ward)

3.2 I wish to register my support for this application and to request that my views are considered by Planning Committee.

3.3 I would state at the outset that I am submitting this as an Elected Member for Collingwood Ward, although I am also drawing upon my experience as someone who has provided development funding in excess of £300m in my professional career. I confirm that there is no conflict of interest in submitting this letter of support.

3.4 The application is for the demolition of existing and severely dilapidated outbuildings which comprised the former Murton Farm Steading. The outbuildings were previously used for the stabling of animals and for general storage. The main farmhouse was fully refurbished in line with its listed status recently at a cost of over £600,000 and is now occupied on a residential basis.

3.5 The farm is no longer a working farm and the buildings would be considered redundant for their former purpose. They have no further economic life in their current condition. They have no investment value with regard to restating to their former working condition. There is no commercial demand for such units of such size in this location.

3.6 What is clear is that in order to develop the site for future use then an alternative purpose must be found that is both feasible and realistic.

3.7 I would urge that members of the Committee request a site visit so that they can appreciate the scale of deterioration in the existing buildings. The site is overgrown with trees (which in many cases have penetrated and destroyed the stone walls) and it is clear that it is uneconomic to try and repair and convert the buildings for residential purpose. Added to this, there is very little by way of building materials which could be recycled for future use. It is clear that much of the stone is in such a condition that it would not be suitable for modern building regulations.

3.8 The site is an eyesore and is easily accessed by vandals and children. It is impossible to secure it and it has been subject to attacks whereby fires have been set (a small area was utilised for caravan storage but this revenue was lost after a major incident). I would contend that there is a significant risk of injury to a member of the public at some future point given the unstable nature of much of many of the buildings (I note that the archaeologist report did highlight that access was not gained to a number of areas due to safety concerns). Part of the roof has recently collapsed on a building immediately adjacent to Rake Lane/ New York roundabout. The site will continue to deteriorate and it is unreasonable for the owners to be expected to maintain it given the circumstances.

3.9 The above confirms that this site cannot simply be left 'as is' and that it is in all parties interests to seek to agree a realistic and feasible development plan as a matter of urgency.

3.10 A number of potential schemes have been discussed between the applicant and North Tyneside Planning Officers. What must also be noted at the outset is that this is a unique site with a number of development challenges which will lead to cost uncertainty and higher levels of contingency funding being required. The developers acquired the land many years ago and so there is no land cost to factor into overall development costs. This should put the applicants at an advantage – although as will be seen from the below that is not the case.

3.11 There are a number of commercial risks associated with this (and all developments) which it is relatively simple to factor into a scheme cost (such as increased contingencies for issues that cannot be identified until the development begins, projected sales values not being achieved, increasing funding costs due to slippage of sales etc).

3.12 There are a number of developments across the Borough currently being brought to market. Whilst a number of them are considered to be achieving their expected sales values – in a number of instances this is due to the provision of heavy incentives (such as carpets etc) which are in reality a form of discount. The current outlook for the UK economy and housing market in general is extremely uncertain. Developers looking to bring schemes to market would expect to have a suitable margin (which only Scenario 2 provides) in order to absorb any market corrections or discounting they are forced to do to obtain sales. I would also request you to note that the accepted funding costs (equating to an interest rate of 6.5%) are too low.

3.13 Access to development funding is extremely restricted since the credit crunch and a finance cost of, 6.5% would imply the provision of loans by high street lenders. In many instances, more localised schemes are not attractive to such lenders and so one must access the secondary market – where arrangement fees usually equate to 2%, margins are between 6% -8% and a developer will be charged 'sales fees' based on 1% of the achieved sales price.

3.14 Applying a very general discount of, say 5% to sales prices (to allow for reductions or incentives) plus realistic finance costs would reduce the overall development surplus by around £175K. Applying a time lag to sales of just 3 months would reduce the development surplus by a further £40K. The above are only very general sensitivities but which must be considered by a responsible business when entering into any scheme. There are other further highly significant issues including the fact that the site is in an area of high risk re: historic coal mining.

3.15 Whilst Scenario 2 is the applicants preferred option (and which I am supporting) it must be noted that some variances have been suggested which would again affect the viability of bringing the scheme forwards.

3.16 My view is that Scenario 2 – the demolition of the old buildings with full site clearance and construction of 10 x new build units in line with the applicants plans are the only commercial, realistic and feasible way of ensuring that the site is developed for future use. The projected development returns for this scenario (with a fair wind) would just about cover the original investment on the main house, which has now been protected for many generations to come.

3.17 I would add of course that to simply allow the site to remain as is, because a realistic and feasible planning consent is not provided, will serve no purpose.

3.18 The site will remain dangerous and continue to deteriorate. It is highly unlikely that development costs and sales values would vary considerably enough for the site to ever become developable within Scenario 1, 3 or 4 (with an acceptable development surplus to protect against commercial risks).

3.19 The owners will continue to have to pay expensive insurance to protect themselves against any claims arising from trespassers being injured on site and waste further funds making minimal repairs. North Tyneside council will lose the potential for council tax collection totalling over £100K over the period of our medium term (5 year financial plan).

4.0 External Consultees

4.1 Coal Authority

4.2 The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable historic unrecorded underground coal mining at shallow depth.

4.3 The planning application is accompanied by a Coal Mining Risk Assessment Report (17 January 2017, prepared by Elliott Environmental Surveyors Ltd). Based on a review of appropriate sources of coal mining and geological information, the submitted report concludes that the site is at high risk from possible shallow unrecorded mine workings within the High Main coal seam, whilst mine gas migration poses a medium risk. A rotary borehole investigation and a programme of gas monitoring are recommended to assess these risks further and to inform any necessary remedial/mitigatory measures.

4.4 In light of the above, we are pleased to note that the application is also accompanied by a Phase I and II Environmental Site Investigation and Risk Assessment report (February 2018, prepared by Roberts Environmental Ltd) which confirms that five boreholes were drilled across the application site. These confirmed the presence of unrecorded shallow mineworkings within influencing distance of the surface.

4.5 The report goes on to advise that remedial measures will be required to address the risk posed by these workings. It advises that grouting of the workings or foundations supported on piles installed in competent bedrock are possible options. The Coal Authority notes and welcomes the recommendation for redial works, however, we must point out that given the significant thickness of voids/working (up to 2.7m) and their very shallow depth, we would typically expect these workings to be consolidated/stabilised through a programme of drilling beneath buildings, roads, etc. Foundations should then be designed in cognisance of the stabilisation works which have been carried out across the site.

4.6 The Phase I and II Environmental Site Investigation and Risk Assessment report indicates that gas monitoring was ongoing at the time of the production of the report, but suggests that on the basis of the results available to-date, the risk from ground gases is considered to be low. The Coal Authority would recommend that the LPA seek further comments from the Council's Environmental Health / Public Protection Team regarding gas monitoring requirements and any resultant need for the incorporation of gas protection measures within the proposed development.

4.7 The Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment Report and the subsequent Phase I and II Environmental Site Investigation and Risk Assessment report; that coal mining legacy poses a risk to the proposed development. We concur with the recommendation that remedial measures are necessary to ensure the safety and stability of the proposed development in respect of past shallow coal mining activity which has now been confirmed at the site.

4.8 Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

- The submission of a scheme of proposed remedial works for approval; and
- The implementation of those remedial works.

4.9 The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.

4.10 Historic England

4.11 No need to consult.

4.12 Northumbrian Water

4.13 We have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Murton Farm, North Shields Drainage Strategy June 2018" prepared by Fairhurst. In this document it states that an unrestricted foul flow can be discharged to the transferred asset for sewerage to the rear of 1 Rake Lane and Surface Water can be discharged at a restricted rate of 19l/s to manhole 4103.

4.14 We therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

4.15 **CONDITION:** Development shall be implemented in accordance with the drainage scheme contained within the submitted document entitled "Murton Farm, North Shields Drainage Strategy (version D/I/D/124088/01)" dated "June 2018". The drainage scheme shall ensure that foul flows discharge to the transferred asset to the rear of 1 Rake Lane and ensure that surface water flows discharge to manhole 4103 at a restricted rate of 19l/s. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

4.16 Tyne and Wear County Archaeologist

4.17 It is a pity that the farm buildings are proposed for demolition, and none are proposed for conversion to houses. However I acknowledge the explanation in Spence & Dower's Heritage, Design and Access Statement, that the buildings are not in a condition to be used and are unsafe. They would need to be completely rebuilt.

4.18 However, some of the curtilage walling is in reasonable condition. It can be repaired and used as an integral part of the new development. This should be done.

4.19 The buildings comprise:

Stable 1 – little significance. 1788-1865.

Stable 2 – some local significance. 1865-1894.

Building 1 - some local significance. 1788-1865.

Barn 1 – a series of joined buildings. The north building has the most significance as this preserves evidence of stable fittings. Pre 1788 and 1788-1865.

Barn 3 - some local significance. 1865-1894.

Barn 4 - some local significance. 1865-1894.

Barn 5 - some local significance. 1865-1894.

4.20 The Heritage, Design and Access Statement is thorough and has been written by a Conservation Architect. It provides sufficient information to broadly date the farm buildings and assess their significance.

4.21 However, due to the poor state of the buildings, a full record of them has not been possible, so further work is needed. The farm buildings, are to be lost and so a permanent archive of the farmstead is required, which will build on the work already carried out. The work can be conditioned.

4.22 Archaeological work required:

Further recording of the buildings as they are made safe.

4.23 The main part of building 1 is as old as much of the farmhouse (pre 1788). It may have been a farmhand's cottage, or perhaps two. It has not been possible to thoroughly inspect this building, but more evidence may become available when it is made safe.

4.24 Barn 1 - some areas have not been safe to thoroughly inspect and more evidence may become available as the building is made safe. Further recording of the roof trusses is required when safe to access.

1. Outline elevation drawings (not stone-by-stone, but showing doors and windows etc) and a floor plan are required of the buildings, as best as is possible given safety issues.

2. Print and index the photographs included in the Heritage, Design and Access Statement. If Spence and Dower are appointed to complete the recording, then their photographs in the Heritage, Design and Access Statement should be professionally printed at 6" x 4", given an index number, and the location from which they were taken shown on a site location plan. The photographs will be presented in Conservation grade plastic wallets (you can buy A4 wallets that will each hold eight 6"x4" photographs) in an A4 ringbinder along with the photo index, a photo location plan and elevation drawings and floor plans of each building. I will require two indexed copies of the photographic prints. One for the Historic Environment Record and one for Tyne and Wear Archives. If an archaeologist is appointed to do the recording, then it will probably be quicker if they just took their own photographs before work starts on site, rather than trying to index someone else's photographs.

3. Further inspection of the buildings, particularly building 1 and barn 1, when safe access is made possible and further photographs to be taken and printed and indexed as detailed above.

4. A short report will be produced to confirm the findings of the additional recording.

5. The digital images will be saved as jpegs or tiffs on CD for inclusion in the Historic Environment Record.

4.25 Archaeological Building Recording Condition

No demolition or development shall take place until a second phase of archaeological building recording has been completed, in accordance with a

specification provided by the Local Planning Authority. The recording will begin before any work commences on site. Further recording will be required once the buildings have been made safe to access. The appointed archaeologist or heritage professional will advise the planning authority when the on-site work has been completed.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

4.26 Archaeological Building Recording Report Condition

The buildings shall not be occupied/brought into use until the report of the results of the second phase of building recording pursuant to condition () has been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an archive record of the historic buildings and to accord with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

4.27 Natural England

4.28 As submitted, the application could have potential significant effects on Northumberland Shore Site of Special Scientific Interest (SSSI), and Northumbria Coast Special Protection Area (SPA) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- The 'Shadow HRA' produced by E3 Ecology recognises the potential for indirect impacts on these sites from an increase in recreational activity. However, we do not consider the mitigation proposed to be adequate. Further consideration should therefore be given to potential mitigation measures, including a financial contribution to the Coastal Mitigation Service.

4.29 Without this information, Natural England may need to object to the proposal.