



**North Tyneside Council**

# Planning Committee

15 November 2019

To be held on **Tuesday, 26 November 2019** in room Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

<b>Agenda Item</b>	<b>Page</b>
<p>1. <b>Apologies for absence</b></p> <p>To receive apologies for absence from the meeting.</p>	
<p>2. <b>Appointment of substitutes</b></p> <p>To be informed of the appointment of any substitute members for the meeting.</p>	
<p>3. <b>Declarations of Interest</b></p> <p>You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.</p> <p>You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.</p> <p>You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.</p>	
<p>4. <b>Minutes</b></p> <p>To confirm the minutes of the previous meeting held on 1 October 2019.</p>	<b>1 - 4</b>

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Agenda Item	Page
5. <b>Planning Officer Reports</b>	<b>5 - 10</b>
To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.	
6. <b>19/01191/FUL, Land Adjacent to 43 Stanton Road, Cullercoats</b>	<b>11 - 52</b>
To determine a full planning application for construction of a three and four storey extra care apartment building comprising 64no. apartments (45 one bed and 19 two bed), communal facilities including lounge, dining area, activities room, salon, assisted bathroom, guest suite, electric buggy store and charging room and ancillary offices - gardens and parking.	
7. <b>19/01088/FULH, 54 Grange Park, Whitley Bay</b>	<b>53 - 62</b>
To determine a full householder application for a ground floor rear extension with flat roof and parapet wall.	

**Circulation overleaf ...**

**Members of the Planning Committee:**

Councillor Ken Barrie  
Councillor Brian Burdis  
Councillor Sandra Graham  
Councillor Frank Lott (Chair)  
Councillor Willie Samuel  
Councillor Frances Weetman

Councillor Trish Brady (Deputy Chair)  
Councillor Linda Darke  
Councillor Muriel Green  
Councillor Paul Richardson  
Councillor John Stirling

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## Planning Committee

**Tuesday, 1 October 2019**

Present: Councillor F Lott (Chair)  
Councillors J Allan, K Barrie, T Brady, L Darke, M Green,  
P Richardson, J Stirling and F Weetman

Apologies: Councillors B Burdis, S Graham and W Samuel

### **PQ33/19 Appointment of substitutes**

Pursuant to the Council's Constitution the appointment of the following substitute members was reported:

Councillor J Allan for Councillor W Samuel  
Councillor J O'Shea for Councillor S Graham

### **PQ34/19 Declarations of Interest**

There were no declarations of interest or dispensations reported.

### **PQ35/19 Minutes**

**Resolved** that the minutes of the meeting held on 3 September 2019 be confirmed and signed by the Chair.

### **PQ36/19 Planning Officer Reports**

**Resolved** that (1) permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and

(2) any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

### **PQ37/19 19/00674/FUL, Cosalt Building, Bell Street, North Shields**

The Committee gave consideration to a report of the planning officer in relation to an application for change of use of the first floor to a pop-up events space to be used for monthly markets, wedding receptions, conferences and other special events. Installation of new staircase and three new entrances from Liddel Street. Construction of food stations and a bar on the first floor as well as installation of a new ventilation system with 1no discharge cowl. Construction of new toilets to accommodate the uplift in the capacity to 450 people. New windows installed at the rear of the building, overlooking the River Tyne. An addendum to the report had been circulated to the members of the Committee prior to the

meeting.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's speaking rights scheme Mr Rob Spence of 3 Riverside Quays, North Shields was granted permission to speak to the Committee. As Mr Spence was unable to attend Mr Glen Foster submitted a written statement on his behalf. The statement expressed the concerns of residents living in Riverside Quays regarding the proposed development of an events, food and drink venue for up to 450 people operational until 11.00pm. Reference was made to the likely impact of the development in terms of noise disturbance caused by patrons in a residential area, car parking congestion and the cumulative effect of another licensed premises on the Fish Quay.

Mr Jim Mawdsley and Mr Nick Kemp on behalf of the applicants, Blue Pidgeon Ltd, were permitted to address the Committee to respond to Mr Spence's statement. Mr Kemp stated that the venue would not be operated as a nightclub but a pop up events space to be used for monthly markets, wedding receptions, conferences and other special events. The business would be developed over a phased approach, initially focussing on monthly street food and craft beer markets. The applicants had worked with officers to reach a sensible and reasonable compromise regarding the proposed operation and opening hours of the venue. Mr Kemp asked that the Committee give consideration to extending the period during which live and amplified music could be played from 22:00hrs as recommended by the Environmental Health Officer to 22:30hrs.

Members of the Committee asked questions of Mr Mawdsley, Mr Kemp and officers and made comments. In doing so the Committee gave particular consideration to:

- a) car parking provision in the area surrounding the venue;
- b) the nature and scope of events to be hosted at the venue;
- c) the proposed conditions to safeguard the amenity of neighbouring residents from noise associated with the operation of the premises;
- d) the location of neighbouring residential properties in relation to the Cosalt Building;
- e) the number of licensed premises in the Fish Quay area and their opening hours.

Following questioning it was agreed that if the Committee were minded to grant the application, the permission be granted subject to condition No. 16 being amended so that live and amplified music could be played until 22:30hrs.

**Resolved** that the application be permitted, subject to the conditions set out in the planning officer's report and the addendum, as amended by the Committee and described above, as the development was considered to be acceptable in terms of the principal of development, its impact on the character and appearance of the conservation area, the amenity of surrounding occupiers and highway safety in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.

**PQ38/19      19/00788/FUL, Lovaine House, 9 Lovaine Terrace, North Shields**

The Committee gave consideration to a report of the planning officer in relation to an application for change of use to provide a veterinary clinic to include the demolition of existing single storey rear extension, erection of small two storey rear extension, enlarged existing single storey rear extension and internal alterations. A planning officer presented

details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's speaking rights scheme Roger Newbrook of 3 Lovaine Terrace, North Shields was granted permission to speak to the Committee. Mr Newbrook also spoke on behalf of T Burgo of 8 Lovaine Terrace and S Snowdon of 32 Brightman Road. Mr Newbrook outlined the objections of neighbouring residents on the grounds that the location of the building in a residential area was inappropriate for a commercial development, the proposed vehicular access for customers and deliveries via a back lane would be a risk to health and safety and the amenity of neighbouring residents would be affected by noise and a lack of privacy.

Councillor Matt Wilson, ward councillor for the Preston Ward, had been permitted to speak to the Committee. As he was unable to attend Councillor Cath Davis spoke on his behalf. She expressed concerns regarding the impact of the development on the Camp Terrace Conservation Area and the likely disruptive and detrimental effect the development would have on the amenity of neighbouring residents in terms of increased traffic and noise.

Karen Armstrong and Karen Wakefield of Ayres Terrace Veterinary Hospital were permitted to address the Committee to respond to Mr Newbrook's and Councillor Davis' comments. They explained that the hospital had operated from its premises in Ayres Terrace for 60 years without any complaints. The hospital was not being expanded but the relocation would be to more accessible, soundproofed premises with on site car parking for its customers. There would be no increase in the number of customers and staff would not use the parking places. The frequency and nature of deliveries to the practice were outlined together with a description of how the dog run to the rear of the premises would be operated.

Members of the Committee asked questions of the speakers and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the impact of the development on highway safety particularly how deliveries to the premises would be managed;
- b) how the development would enhance the Conservation Area;
- c) the proposed operation of the hospital overnight and the dog run to the rear of the premises and the measures to be taken to minimise the risk of noise affecting neighbouring residents.

Following questioning it was agreed that if the Committee were to grant the application, the permission be granted subject to an additional condition requiring the applicant to submit to the Council for approval a service management scheme, incorporating provision for a banksman, in order to minimise danger, obstruction and inconvenience to users of the highway and of the access.

**Resolved** that the application be permitted, subject to the conditions set out in the planning officer's report and the additional condition agreed by the Committee and described above, as the development was considered to be acceptable in terms of the principal of development, its impact on the character and appearance of the conservation area, the amenity of surrounding occupiers, trees and highway safety in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.

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## PLANNING COMMITTEE

Date: 26 November 2019

### PLANNING APPLICATION REPORTS

#### **Background Papers - Access to Information**

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

#### **Principles to guide members and officers in determining planning applications and making decisions**

##### Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed , preferably in writing , so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

## Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

### Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

### Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

#### Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

#### Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

**PLANNING APPLICATION REPORTS  
CONTENTS**

**19/01191/FUL**

**Cullercoats**

**Land Adjacent To 43 Stanton Road Cullercoats Tyne And Wear**

Speaking rights granted to:

- Mrs Christine Gallon, 73 Alexandra Gardens North Shields
- Councillor Willie Samuel

**19/01088/FULH**

**Monkseaton  
South**

**54 Grange Park Whitley Bay Tyne And Wear NE25 9RU**

Speaking rights granted to:

- Councillor Sean Brockbank

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**Application No:** 19/01191/FUL      Author: Rebecca Andison  
Date valid: 16 September 2019      ☎: 0191 643 6321  
Target decision date: 16 December 2019      Ward: Cullercoats

Application type: full planning application

**Location: Land Adjacent To 43 Stanton Road, Cullercoats, Tyne And Wear**

**Proposal: Construction of a three storey extra care apartment building (C2 use class) comprising 64no. apartments (45 one bed and 19 two bed). Communal facilities including lounge, dining area, activities room, salon, assisted bathroom, guest suite, electric buggy store and charging room and ancillary offices - gardens and parking.  
(AMENDED PLANS AND ADDITIONAL INFORMATION IN RESPECT OF MINE WORKINGS AND SITE CONSTRUCTION METHODOLOGY)**

Applicant: Galliford Try Partnerships NE, Mr Andrew Mayfield 2 Esh Plaza Sir Bobby Robson Way Newcastle Upon Tyne NE13 9BA

Agent: Spa Architects, Mr Alistair Mitchell 1 Burdon Way Stokesley Business Park Stokesley Middlesbrough TS9 5PY

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider are;

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

#### 2.0 Description of the Site

2.1 The application site comprises an enclosed parcel of grassed land, measuring approximately 1.45 hectares in area.

2.2 It is located between residential properties on Stanton Road to the north and Hartburn Road to the south. To the west is Tynemouth fire station and the Church of St. Hilda, and to the east are allotments. Access is from Stanton Road.

### 3.0 Description of the proposed development

3.1 The proposal seeks full planning permission for the construction of a three-storey extra care apartment building (C2 use class) comprising 64no. apartments (45 one bed and 19 two bed), communal facilities and gardens together with a new access and car parking. All the apartments will be classed as 'Affordable' housing, let either on an affordable rent or shared ownership basis.

### 4.0 Relevant Planning History

05/00985/OUT - Development of existing brown field site for housing, construction of a new access to a highway – Permitted 06.07.2005

### 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;

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

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

### 8.0 Principle of the Proposed Development

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



8.2 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

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

8.4 Paragraph 59 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards 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.

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

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

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

8.8 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.

8.9 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.

8.10 Policy DM4.8 supports proposals for specialist housing, including extra care and supported housing, where the development is amongst other matters

integrated into the local residential community. It also seeks to deliver and promote independent living.

8.11 The proposal comprises an extra care housing development for older people who do not want or need to move into a nursing home, but whose disability or health needs make ordinary housing unsuitable. It contains self-contained homes with additional support services to help residents live independently.

8.12 The applicant has submitted a letter from the Housing Strategy Manager in which he states that the proposed development would assist in meeting the demand for extra care social housing in the area.

8.13 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, point (a) of Policy DM7.4 and Policy DM4.8. Issues relating to the impact of this scheme upon local amenities and existing land uses are discussed later in this report

8.14 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 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 Character and appearance

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

10.2 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, NPPF).

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

10.4 The Council has produced an SPD on Design Quality (May 2018), which seeks to encourage innovative design and layout and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

10.5 The proposal comprises a 3-storey building arranged in a C-shape around a communal garden to the west, with an additional wing projecting to the south. A car park, accessed from Stanton Road, is proposed on the north side of the building, and there is a second communal garden area to the south.

10.6 The building would be constructed from brickwork, render and timber effect cladding with a tiled roof.

10.7 The proposed development is 3-storey and therefore higher than the surrounding 2-storey houses. The roof would project above the adjacent fire station, although views from Preston Road would be limited due to the set back and angle of view.

10.8 Although higher than the surrounding buildings it is not considered that the height of the development would result in any significant harm to the streetscene or character of the area. The bulk of the building is reduced by the staggered building lines and projecting wings. A varied material palette adds further interest to the elevations. There is space around the building on all sides, used to provide communal gardens and car parking.

10.9 The Design Officer has provided comments. He supports the scheme subject to conditions to control the construction/surfacing materials and landscaping.

10.10 Overall it is considered that the development is well designed to sit comfortably within the site and to relates well to the surrounding buildings.

10.11 In conclusion, it is considered that the proposal would accord with the advice in NPPF and policy DM6.1 and the Design Quality SPD. Members need to consider whether they agree.

#### 11.0 Impact upon neighbours

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

11.2 Policy DM5.19 states that amongst other matters development that may cause pollution will be required to incorporate measures to prevent or reduce the pollution so as not to cause nuisance or unacceptable impacts to people. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

11.3 Policy DM6.1 states that proposal are expected to demonstrate a positive relationship to neighbouring buildings and spaces to amongst other matters ensure a good standard of amenity for existing and future residents.

11.4 A significant number of objections have been received from surrounding properties. The concerns raised are set out in full an appendix to this report and include overlooking, loss of outlook and light, noise disturbance and highway issues.

11.5 The neighbours most likely to be affected are those living directly to the north and south on Stanton Road and Hartburn Road.

11.6 No.'s 31-43 (odds) Stanton Road are located to the north. A separation distance of 32.4m to 36.8m would be provided between the rear elevations of these dwellings and the northern elevation of the development. There would be a distance of 13.4m to 14.1m between the rear boundaries of these properties and the proposed development. The separation distances provided are considered to be sufficient to protect the amenity of residents to the north in terms of loss of outlook and privacy.

11.7 A shadow analysis has been submitted. This shows that some overshadowing of the adjacent rear gardens would occur during the winter months and that shade would be cast on the rear elevations when the sun is lowest in the sky in late December.

11.8 When taking into account that overshadowing of the gardens would occur only in the winter months, and that the rear windows would be affected for a very limited period, the impact on light is considered to be acceptable.

11.9 The proposal would also have some impact on occupiers to the south, in particular 26, 28 and 30 Hartburn Road. The 3-storey southern gable wall of the development would be positioned 19.8m from the rear windows of these properties, and 9.8m from the rear boundaries. It is considered that the height and proximity of this wall would have some impact on residential amenity. This impact would mainly be in terms of loss of outlook as the position of the site to the north means there would not be a significant loss of sunlight. The south facing windows in this part of the development are bathroom and hallway windows. The use of obscure glazing would prevent any overlooking. This can be secured by condition.

11.10 Most of the southern elevation is set back 21.7m from the rear boundaries of dwellings on Hartburn Road, and 33.2m from the rear windows. This is considered to be sufficient to protect the amenity of residents in terms of loss of light, outlook and privacy. The staggered southern elevation serves to reduce the impact on outlook from No.'s 26, 28 and 30 as these properties would still

have views to the north west and north east beyond the southern wing of the development.

11.11 Residents have also raised concern regarding the introduction of a commercial use and the potential for additional noise and disturbance. As the site is currently vacant the proposal will inevitably result in some increase in activity from the coming and going of staff, residents, visitors and delivery vehicles. However, the majority of this activity will take place during day time hours and it is not considered that the additional noise generated will be significant.

11.12 Noise generated during the construction period will be temporary and the impact can be reduced through a condition to limit the hours during which building work can take place.

11.13 The impact on the adjacent allotment gardens has been raised as a concern by users of the allotments and the Allotment Officer.

11.14 The three storey apartments would be located 6.6m from the boundary of the allotment site. The Allotment Officer is concerned that the development would cast a shadow over parts of the allotments and cause overlooking. In addition, allotment users have raised concern regarding the impact on peace and quiet, and user's enjoyment of the allotments.

11.15 The applicant has provided information in the form of shadow study to assess this impact. These study shows that overshadowing would occur in the evening period during the summer months. There would be no impact in the morning or at noon, and a very limited impact during the afternoon.

11.16 On balance, it is the view of officers, that the impact of overshadowing to certain allotment plots, over and above that experienced at present, does not outweigh the delivery of this much needed type of living accommodation.

11.17 Whether the proposed housing would provide a sufficient residential living environment for future occupiers

11.18 Paragraph 180 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

11.19 Policy DM5.19 states that development that may be sensitive such as housing to potentially polluting sources, will not be sited in proximity to such sources.

11.20 Policy DM4.9 expects 50% of homes to meet building regulation M4(2) – 'Category 2 – accessible and adaptable dwellings. In addition, all new homes are expected to meet the Government's Nationally Described Space Standard (NDSS).

11.21 The Manager of Environmental Health has been consulted and states that she has concerns with regard to noise from the adjacent fire station and traffic noise affecting future residents.

11.22 The Noise Assessment demonstrates that acceptable internal noise levels can be achieved through the provision of acoustic glazing and an appropriate ventilation scheme. For properties located adjacent to the fire station internal noise levels will not be achieved with open windows and therefore an appropriate mechanical ventilation scheme would be required. The noise report outlines that noise levels within the external gardens would accord with World Health Organisation recommendations. The Manager of Environmental Health does not object subject to conditions.

11.23 In terms of the Council's Housing Standards, the 1-bedroom apartments should be 50 sqm. They would measure 54 sq m, which is in excess of the minimum standard. The 2-bedroom apartments measure 63 sqm, which exceeds the minimum standard of 61 sq m. The building would be designed to meet Part M of the building regulations. The proposal therefore complies with policy DM4.9.

11.24 The external amenity areas are large and will have extensive landscaping, raised planters pergolas and seating areas.

11.25 Members need to consider whether the proposal would avoid having an adverse impact upon future occupants' living conditions in accordance with NPPF and local planning policy DM5.19 and weight this in their decision. Members will also need to consider the impact on existing residential properties and the allotments. It is officer advice that the proposed development would not significantly impact on the amenity of existing occupants or the amenity of future residents. Officers also consider, that on balance, the benefits of the proposed development, outweighs the harm to the allotments in terms of additional overshadowing.

#### 12.0 Whether there is sufficient car parking and access provided

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

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

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

12.3 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into

account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

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

12.5 For C2 developments the Transport and Highways SPD requires the provision of 1no. parking spaces per five bedrooms plus 1no. disabled bay per 20no. spaces. This results in a need for 13no. parking spaces.

12.6 The proposed car park contains 32no. parking spaces (including 3no. disabled bays) with a new access from Stanton Road. A Transport Statement, Travel Plan, Road Safety Audit and vehicle tracking plan have been submitted with the application.

12.7 The Transport Statement states that there are numerous bus stops within 400m of the site which provide services to the borough's town centres, Newcastle and Gateshead. It contains data on car ownerships levels in the applicant's existing housing schemes and advises that the maximum number of staff likely to be on site is 18no. A maximum of 22no. vehicles movements is predicted during peak hours. The vehicle tracking plans shows that a refuse vehicle can enter and turn within the site.

12.8 The Highway Network Manager has been consulted and states that car and cycle parking is being provided to meet the needs of the development with suitable areas for refuse storage and collection. He recommends conditional approval.

12.9 Members need to consider whether the proposal would provide sufficient parking and access and weight this in their decision. It is officer advice that subject to conditions it would, in accordance with the advice in NPPF, Policy DM7.4 and LDD12.

### 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 by amongst other matters improving biodiversity.

13.2 Paragraph 175 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

13.3 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

13.4 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote

and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

13.5 The applicant has submitted an Ecological Report which states that habitats on the site are dominated by poor semi-improved grassland. The site is bounded by fencing and approximately 20m of species rich hedge. The habitat is described as being of low suitability for bats and unsuitable for ground nesting birds. The report states that birds may nest in the hedges and adjacent trees. The site has moderate potential to support hedgehogs but is likely to be of low local value to this species if present.

13.6 An Arboricultural Impact Assessment (AIA) has been submitted. This states that an 11m section of hedgerow, a tree group and 1no. elder tree would be removed to facilitate the development.

13.7 The Biodiversity Officer and Landscape Architect have viewed the Ecological Report and AIA and raise no objections to the application subject to the imposition of conditions. The Landscape Architect states that the loss of existing vegetation is minimal and that the proposed tree planting will more than mitigate for the loss.

13.8 The applicant has submitted a report to inform an Appropriate Assessment with regard to the Habitat Regulations.

13.9 The report states that the site is unsuitable for use by the qualifying species of the Northumbria Coast Special Protection Area (SPA) and does not support the qualifying feature of the Durham Coast Special Area of Conservation (SAC). Given the distance to the protected sites (over 1.5km), no impacts during the construction phase through pathways such as noise or pollution incidents are anticipated.

13.10 The assessment notes that residents must be over 55 years old with a care requirement and that in other similar extra care sheltered housing sites run by the same company (Housing 21) the average age of occupants is over 80 with low levels of car ownership. Given the location of the site and the nature of the development (extra care sheltered housing) the report considers it unlikely that the development will result in a significant increase in recreational activity at the coast.

13.11 The North Tyneside Coastal Mitigation SPD states: "In general, developments such as hospitals and residential care/nursing homes will not be considered to have a likely significant effect with regard to recreational impacts but will be considered on a case by case basis taking into account potential "in combination" effects and any associated net change in residential occupancy for carers residing on the site".

13.12 The Biodiversity Officer has stated that she does not consider that a contribution towards the coastal mitigation service is required in this case. Natural England agree that it is unlikely residents would be visiting the coast. It is therefore officer advice that a contribution is not required in this case.



13.13 It is officer advice that subject to conditions that the proposal would avoid having an adverse impact in terms of landscaping and ecology, and therefore would accord with the advice in NPPF, Policy DM5.5 and policy DM5.9 of the Local Plan.

#### 14.0 Other Issues

##### 14.1 Contamination and Land Stability

14.2 NPPF states that panning 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.

14.3 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.

14.4 The application site lies within a Coal Authority Development High Risk Area.

14.5 The applicant has submitted a Preliminary Investigation and a Geo-environmental Appraisal.

14.6 The Coal Authority have provided comments. They state that there have been numerous reported surface hazards within the area and that those relating to the application site have been attributed to subsidence associated with unrecorded shallow coal mining activity.

14.7 The Coal Authority notes that the submitted reports recommend the undertaking of remedial stabilisation works prior to the commencement of development. They raise no objections to the development subject to conditions to ensure that these remedial works are carried out.

14.8 The Council's Contaminated Land Officer has been consulted and does not object subject to conditions.

14.9 It is officer opinion that subject to conditions that the development can go ahead safely without adverse effect in accordance with the advice in NPPF and policy DM5.19 of the Local Plan.

#### 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 development will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall

floor risk from all sources, taking into account the impact of climate change over its lifetime.

15.3 Policy DM5.14 seeks a reduction in surface water runoff rates for all new development.

15.4 A Flood Risk Assessment and Drainage Strategy has been submitted. The site is located within flood zone 1. A small section of the site along the western boundary is at low to medium risk of surface water flooding.

15.5 It is proposed to store surface water within the site via the use of an attenuation tank, rain garden and the surface water sewer network. The surface water drainage system is designed to attenuate surface water within the site for a 1in100yr rainfall event 40% climate change and will have a restricted discharge rate of 5l/s into the combined sewer network.

15.6 The Local Lead Flood Authority (LLFA) has been consulted and recommends conditional approval.

15.7 Northumbrian Water have provided comments and state that they have no objections subject to the scheme being carried out in accordance with the Flood Risk Assessment and Drainage Strategy.

15.8 It is officer advice that that 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 S106 Contributions

16.1 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

16.2 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

Necessary to make the development acceptable in planning terms;

Directly related to the development; and

Fairly and reasonably related in scale and kind to the development.

16.3 Paragraph 64 of NPPF expects affordable housing to be provided unless the proposed development provides specialist accommodation for a group of people with specific needs such as purpose built accommodation for the elderly. The housing would provide specialist accommodation and therefore there is no requirement to provide affordable housing.

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

16.5 The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding.

16.6 New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL).

16.7 Planning obligations will be sought where:

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

In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.

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

16.9 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

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

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

16.11 The following contributions have been requested by service areas:

Ecology and biodiversity: J12, 400

Parks and greenspace: J34,080

Employment and training: 2 apprenticeships or J14,000

16.12 The proposal is for a C2 (residential care) development where all residents are over 55 years old and in need of care. The applicant has provided the following information in response to the S106 requests:

- Landscaped gardens would be provided including safe and secure paths suitable for wheelchair use, garden furniture, raised beds and pergolas, and where possible, garden sheds and a greenhouse.
- Residents will be aged 80 years plus and in need of care and support to carry out everyday activities in their daily lives. Their use of the gardens will be limited, and residents will not impact on the use of the wider community allotments or other community spaces for outdoor activities.
- The extra care scheme will employ local people. A scheme similar to this one would be looking to employ approximately 30 staff locally including the manager who will be recruited as early as 9 months prior to the scheme completing on site.
- Galliford Try Partnerships have a policy of employing /offering local apprenticeships during the build process.

16.13 The above has been reported to IPB, who have agreed that in this case no S106 contributions towards ecology/biodiversity or parks/greenspace are required due to the nature of the development given the nature of use and expected lower mobility of most residents.

16.14 A condition is recommended in respect of providing two apprenticeship opportunities during the construction phase.

#### 17.0 Local Financial Considerations

17.1 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).

17.2 The proposal would not contribute towards New Homes Bonus, as care homes are exempt from Council Tax. However, economically there would be a benefit in terms of the provision of construction jobs during the build and jobs associated with the care of the residents once the scheme is complete and occupied.

#### 18.0 Conclusions

18.1 This proposal would provide special care housing, which is a benefit of the scheme and a material consideration of substantial weight. It would be integrated into the local residential community. It would be subject to conditions, provide a well-designed residential living environment for future occupiers and would not have an adverse impact upon the character and appearance of the surrounding area, or on neighbouring properties. The proposal would avoid

having an adverse impact on highway safety. Therefore, subject to conditions it is recommended that planning permission should be granted.

**RECOMMENDATION: Application Permitted**

**Members are requested to authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:**

**New access**

**Upgrade of footpath abutting the site**

**Associated highway drainage**

**Associated street lighting**

**Associated road markings**

**Associated signage**

**Associated Traffic Regulation Orders**

**Conditions/Reasons**

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

- Site location plan 0050
- Proposed elevations Sheet 1 of 2 00-55 P2
- Proposed elevations Sheet 2 of 2 00-56 P2
- Proposed floor plans 00-53 P2
- Proposed roof plan 0054 P2
- Proposed site layout 00-52 P2

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. | Altered Access Access Alt Prior to Occ | ACC01 | *         |
|    |                                        | 5     |           |
| 4. | Exist Access Closure Misc Points By    | ACC01 | *         |
|    |                                        | 7     |           |
| 5. | Turning Areas Before Occ               | ACC02 | *vehicles |
|    |                                        | 5     |           |

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

7. Prior to occupation of the development details of facilities to be provided for the storage of refuse at the premises must be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the

approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017).

8. Prior to occupation of the development a refuse collection management scheme must be 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 order to safeguard the amenities of the area having regard to policies DM5.19 and 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; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; site welfare facilities; loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, 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 and materials or parking within the RPA of the retained trees as defined by the Tree Protection Plan. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

10. Notwithstanding Condition 1, no part of the development shall be occupied until a scheme for the provision of secure undercover cycle parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

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

11. Prior to occupation of the development a parking management scheme must be 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; having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

12. The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy November 2019. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 9301 and ensure that surface water is limited to 5l/sec.

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. Prior to occupation of the development details of the appointed SUDs management company and a maintenance regime for the surface water drainage network must be submitted to and approved in writing by the Local Planning Authority.

Reason: To 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.

14. Contaminated Land Investigation Housing	CON00	*
	1	
15. Gas Investigate no Development	GAS00	*
	6	

16. Within one month of development commencing a fully detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include tree and shrub planting (trees to be a minimum 12-14cm girth), new native hedgerows along the southern and eastern boundary and wildflower meadow borders. It must specify the proposed timing and ground preparation noting the species and sizes for all new plant species.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscape scheme shall include a maintenance schedule for a minimum period of five years including details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure a satisfactory standard of landscaping and in the interests of ecology, having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

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

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

18. Any excavations left open overnight must be provided with 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.

19. Prior to the occupation of 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 be provided with hedgehog gaps (13cmx13cm). The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure that local wildlife populations are protected, having regard to the NPPF and Policy DM5.5 and DM6.2 of the North Tyneside Local Plan.

20. The development and site clearance must be undertaken in accordance with the submitted Method Statement for Hedgehog.

Reason: To ensure that local wildlife populations are protected during the execution of the works hereby permitted, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

21. Prior to the occupation of development 5no. bird boxes must 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 prior to their installation. Thereafter the boxes must be installed in accordance with the approved 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.

22. Prior to the occupation of development 3no. bat boxes/bat features must be provided in suitable locations within the development site. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter the boxes must be installed in accordance with the approved 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.

23. Prior to 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. 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.

To reduce external lighting that may deter bats using boundary hedges, high intensity security lights should be avoided. Where security lights are required,

these should be of minimum practicable brightness, be set on a short timer and be motion sensitive only to larger objects.

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

Reason: In the interests of visual amenity and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.19 and DM5.5 of the North Tyneside Local Plan.

24. 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 construction of the development. Any trees, shrubs or hedgerows that are removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first 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).

25. Prior to the commencement of development, the remedial drilling and grouting exercise to stabilise shallow mine workings outlined in the Design Statement and Method Statement dated 22nd October 2019 by Groundshire Ltd must be undertaken in accordance with the submitted details.

Reason: To ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

26. No construction above ground level shall take place, until the following details and a timescale for their implementation have been submitted to and approved in writing by the Local Planning Authority:

- New access
- Upgrade of footpath abutting the site
- Associated highway drainage
- Associated street lighting
- Associated road markings

Associated signage  
Associated Traffic Regulation Orders

Thereafter, these agreed works shall be carried out in accordance with the agreed timescales and retained thereafter.

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

27. Notwithstanding any indication of materials which may have been given in the application, no construction above ground level shall take place until a schedule and/or samples of all external finishing and surface materials for the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

28. Prior to construction above damp proof course the details specifying how the applicant intends to offer 2no. apprenticeship opportunities to North Tyneside unemployed people during the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, it shall be implemented in accordance with the agreed details.

Reason: To enable the Council to be put forward local eligible unemployed people with a view to securing work and training opportunities to encourage employment in accordance with policy S2.1 of the North Tyneside Local Plan (2017).

29. Restrict Hours No Construction Sun BH      HOU00      \*  
4

30. Noise No Tannoys Externally Audible      NOI002      \*

31. There shall be no deliveries or collections between the hours of 21:00 and 07:30 hours.

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.

32. Prior to occupation of the development a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must provide details on a plot by plot basis of the window glazing to be provided to habitable rooms as outlined in the Environmental Statement Addendum Chapter 10 Noise Impact Assessment report. The glazing must ensure that bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A), and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines. Thereafter the development shall only be carried out in accordance with the approved details.

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.

33. Prior to occupation of the development a ventilation scheme to ensure an appropriate standard of ventilation with windows closed must be submitted to and approved 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 means of mechanical ventilation, such as mechanical heat recovery (MVHR) system, must 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. Thereafter the development shall only be carried out in accordance with the approved details.

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.

34. Prior to the installation of any equipment for the cooking, heating or re-heating of food within the kitchen associated with the café/communal dining area, an odour suppression system for the arrestment of cooking odours must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented prior to the cooking equipment being brought into use and thereafter retained and maintained in accordance with the manufacturers specification.

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.

35. Prior to occupation of the development details of the air ventilation system must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and permanently retained.

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.

36. Prior to the installation of any refrigeration plant full details of the system must be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

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.

37. Full details of the height, position, design and materials of any chimney or extraction vents to be provided in connection with the development must be submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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.

38. Prior to the installation of any external plant a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels without the plant operating at the boundary of the nearest residential premises and appropriate mitigation measures where necessary to ensure the rating level of external plant and equipment does not exceed the background noise. Prior to the plant being brought into operation (other than for testing purposes) acoustic testing must be undertaken to verify compliance with this condition, and submitted to and approved in writing by the Local Planning Authority. Thereafter the plant must be installed and maintained in accordance with the approved details.

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.

39. All first and second floor windows in the southern gable projection shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass to a Level 3 or above. The windows(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM6.2 of the North Tyneside Local Plan (2017).

40. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the building/land shall be used only for the purpose of extra care housing for the elderly and for no other purpose including any other purpose within Use Class C2.

Reason: To enable the Local Planning Authority to retain control over the use and to safeguard the amenities of the area, protected habitats and highway safety; ; having regard to policies DM5.19, DM7.4 and DM5.5 of the North Tyneside Local Plan (2017).

41. The development must be carried out in accordance with the submitted Arboricultural Impact Assessment.

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

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

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

## **Informatives**

Building Regulations Required (I03)

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)

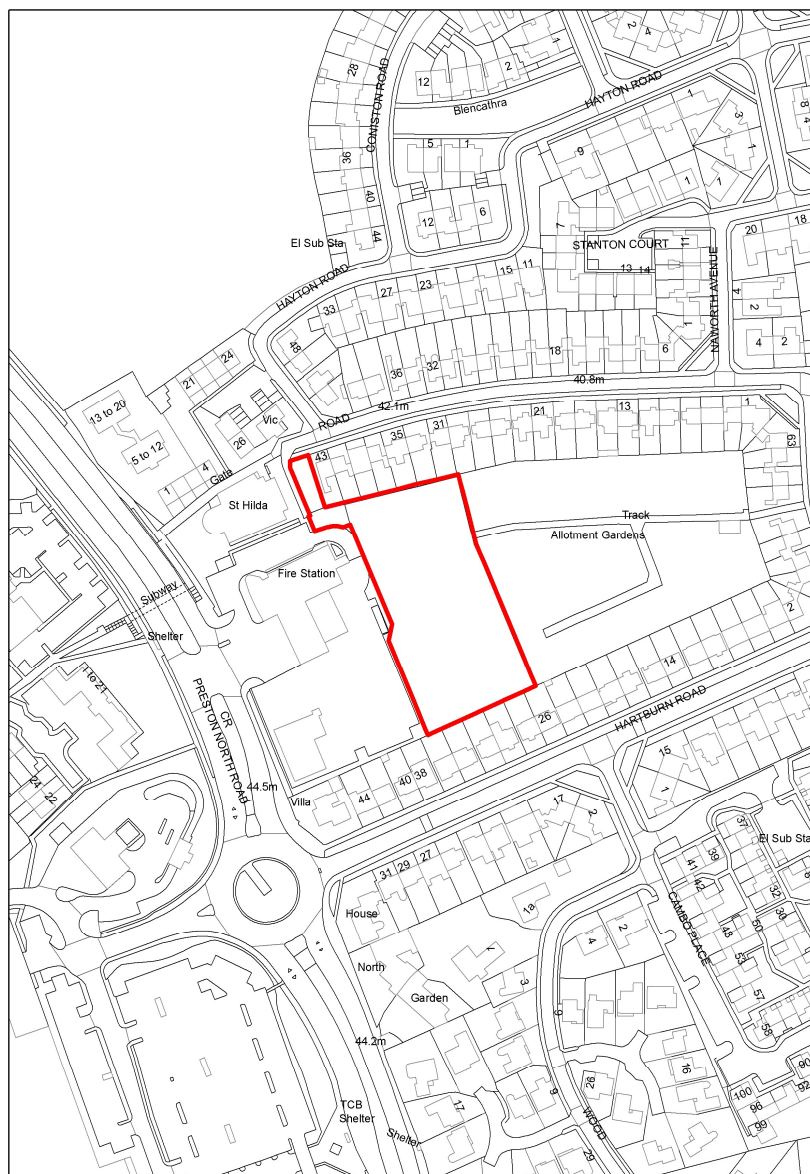
Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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: 19/01191/FUL**

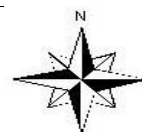
**Location: Land Adjacent To 43 Stanton Road, Cullercoats, Tyne And Wear,  
Proposal: Construction of a three storey extra care apartment building (C2  
use class) comprising 64no. apartments (45 one bed and 19 two bed).**

**Communal facilities including lounge, dining area, activities room, salon,  
assisted bathroom, guest suite, electric buggy store and charging room  
and ancillary offices - gardens and parking.**

Not to scale

Date: 14.11.2019

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**Appendix 1 – 19/01191/FUL**  
**Item 1**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 The site will be accessed via Stanton Road to the north to the rear of the church and fire station.

1.3 Parking is being provided to meet the needs of the development and suitable areas for refuse storage and collection are provided within the site with an area suitable for the turning of a refuse vehicle. Cycle parking is being provided and the site has reasonable links with public transport. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 The applicant will be required to enter into an appropriate legal agreement with the Local Authority for the following works:

New access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

1.6 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

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

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

Notwithstanding the details submitted, the proposed Site Management Methodology shall be carried out in accordance with the agreed document and retained for the duration of construction. This document included details of construction routes, dust suppression, cleaning of vehicles and prevention of mud & debris on the highway etc.

Reason: In the interests of highway safety.

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.

No part of the development shall be occupied until a scheme to manage parking has been submitted to and approved by in writing the Local Planning Authority.

Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

New access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

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 dvlpt

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

## 2.0 Local Lead Flood Officer

2.1 I have carried out a review of the revised FRA and I can confirm I have no objections to the applicant's surface water drainage proposals.

2.2 A condition is required to ensure that the drainage is constructed in accordance with the submitted FRA/Drainage Strategy. A condition is also required requesting that details of the appointed suds management company and proposed maintenance regime for the surface water drainage network are provided prior to occupation.



### 3.0 Manager of Environmental Health (Pollution)

3.1 I am concerned about noise arising from the adjacent fire station and elevated traffic noise affecting the proposed residential housing development from Preston North Road, where areas of the proposed housing will not be screened by existing buildings in the area.

3.2 I have viewed the noise assessment which has considered noise arising from the fire station and road traffic noise. The noise assessment has monitored noise from activities occurring at the fire station including fire engine sirens when they depart from the station for an emergency call and a training exercise on the site to ensure the proposed sound attenuation scheme is representative of all external noise affecting the site. The noise monitoring gave levels of up to 63 dB LAeq for daytime and 52 dB LAeq for night time. The noise exposure levels have been modelled and it has been demonstrated that internal noise levels in accordance with BS8233, 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 can be achieved through the provision of acoustic glazing and an appropriate ventilation scheme. For properties located adjacent to the fire station internal noise levels will not be achieved with open window and therefore an appropriate mechanical ventilation scheme will be required.

3.3 The noise report outlines that external gardens will be below the upper threshold level of 55 dB LAeq World health organisation community noise level for outside spaces, without further mitigation.

3.4 A condition will need to be attached if planning consent is to be given to require a noise scheme for external plant and equipment. This will need to be in accordance with BS4142 to ensure the rating level for all plant does not exceed the current background noise levels.

3.5 The care home plans indicate the provision of a kitchen, this will need to include for odour abatement. The location of the extraction flue needs to be indicated on the plans to mitigate against kitchen cooking odours.

3.6 If planning consent is to be given, I would recommend the following conditions.

Prior to occupation submit and implement on approval of the local Planning Authority a noise scheme providing details on a plot by plot basis of the window glazing to be provided to habitable rooms as outlined in the Environmental Statement Addendum Chapter 10 Noise Impact Assessment report to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, we expect that 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.

EPL01

EPL02

EPL03

EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant installed at the residential care home must not exceed the current background noise levels.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

Deliveries and collections must not be permitted to the care home between 21:00 and 07:30 hours.

HOU04

NOI02

LIG01

SIT03

REF01

REF02

#### 4.0 Manager of Environmental Health (Contaminated Land)

4.1 Although a site investigation has taken place information is missing. The site requires a remediation strategy, and there is gas monitoring missing. The following must be applied:

Con 001

Gas 006

#### 5.0 Biodiversity Officer

5.1 The site is within a designated wildlife corridor with residential immediately to the north and south of the site, allotments to the east and a fire station to the west.

#### 5.2 Preliminary Ecological Appraisal (PEA)

5.3 The Preliminary Ecological Appraisal undertaken for the site shows that habitats on site are dominated by poor semi-improved grassland with tall ruderal vegetation at its margins. There is a small area of amenity grassland and hardstanding in the north of the site. The site is bounded by a mix of metal and

wood fencing, and approximately 20m of intact species rich hedge. The semi-improved grassland is considered to be of low habitat value, and the hedge of parish value. The area of hardstanding will be expanded to form the access road, and the other habitats, including the boundary hedge, will be lost to the proposed development.

5.4 The habitat is of low suitability for bats, with the grassland providing limited foraging opportunities, and it is connected to the wider landscape by linked residential properties with small gardens and allotments. There are no trees or structures with suitability for roosting bats on site. There is likely to be lower light levels on the eastern boundary which adjoins the allotment gardens, which may support higher foraging and/or commuting levels. The site is likely to be of low to local value for bats.

5.5 The site is likely to be used by foraging garden birds, and birds may nest in the hedge in the northwest of the site and trees/vegetation overhanging the site boundary. 5.6 The site is small in size, enclosed and surrounded by residential housing making it unsuitable for ground nesting birds. The site is considered to be of low value to birds.

5.7 The site has moderate potential to support hedgehog; the consultation returned numerous records and the surrounding suburban gardens are suitable for this species. The site is likely to be of low to local value to these species, if present. No other protected or priority species are likely to be affected by the proposals.

#### 5.8 Potential impacts:-

- Loss of poor semi-improved grassland (approximately 0.5ha)
- Loss of approximately 11m of species rich hedge of parish value;
- Harm/disturbance to nesting birds through removal of the hedge in the northwest corner of the site and pruning trees and scrub (including Russian vine) overhanging the site, should works be undertaken in the bird nesting period (March to August inclusive);
- Low risk of harm to mammals, including hedgehog, during the construction period;
- Disturbance of a small area of potential bat and hedgehog foraging habitat; and
- Potential indirect impacts through an increase in recreational activity on the Northumbria Coast SPA and Ramsar site

#### 5.9 Recommended Mitigation Measures:-

- A species rich hedge will be planted on the eastern boundary to strengthen the potential wildlife commuting corridor, provide sheltered areas for hedgehogs and compensate for the loss of hedge on the western boundary;
- Habitat links for hedgehogs should be retained with 13x13cm holes created between walls or fences separating gardens and areas outwith the site;
- Landscaping should include native fruit and seed-bearing shrub and/or trees;
- To reduce external lighting that may deter bats using the eastern boundary hedge, high intensity security lights will be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects;

- The removal of the hedge, and pruning of trees and scrub (including Russian vine) overhanging the site, will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests;
- 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°; and
- Site clearance will be undertaken under a general method statement for hedgehog.

#### 5.10 Arboricultural Impact Assessment (AIA)

5.11 This confirms that an 11m section of hedgerow identified as H1 will be removed to facilitate a proposed footpath at the site's entrance. In addition, T1 and Group 1 (self set alder) will also need to be removed to accommodate parking. Hedge 3 (H3) is shown as retained along the western boundary.

#### 5.12 Indicative Landscape Plan

5.13 An indicative landscape plan has been submitted for the scheme (DWG 18034-SPA-ZZ-ZZDR-A-0052 -proposed site layout). The plan shows 16no. new trees to be planted as well as private gardens with a footpath running through. The plans do not show new native hedge planting along the eastern boundary as recommended in the Ecological Assessment. In addition, no mitigation has been incorporated within the scheme to mitigate the loss of 0.5ha of poor semi-improved grassland that will also be lost as a result of this scheme and is within a wildlife corridor.

5.14 In order to adequately mitigate this scheme and its impacts on the wildlife corridor, the following additional mitigation planting will be required:-

- Native hedging along the southern and eastern boundary to create a wildlife link around the boundary of the site that links with planting on the northern and western boundary
- Wildflower grassland creation adjacent to the hedgerows around the boundaries to enhance these green links for wildlife

#### 5.15 Report to Inform an Appropriate Assessment

5.16 The information provided within the above document states that it is proposed to construct an extra care sheltered housing unit with 64 apartments. Residents must be over 55 years old with a care requirement. Carers will be on site 24 hours a day but will not be resident.

5.17 The document concludes that given the location and the nature of the development (extra care sheltered housing) it is considered unlikely the development will result in a significant increase in recreational activity at the coast. The likely demographic of occupants is elderly with care requirements. Studies on other similar extra care sheltered housing sites run by the same company (Housing 21) have demonstrated average age of occupants to be 80+ with low levels of car ownership.

5.18 Any visits to the coast are considered likely to comprise limited recreational activity restricted to existing areas where access is good. Coastal visits are considered unlikely to include activity on or close to the areas of rocky shore

within the SPA where the majority of bird activity is recorded or to the sections of the SAC where the qualifying feature, namely vegetated sea cliffs, are present. The closest sections of the SPA to the site comprise rocky shore sections from Cullercoats north to Whitley Bay and to the south, Sharpness Point at Tynemouth. The closest section of the SAC lies 4.8km distant (Trow Point in South Shields) with public access in this area provided by a well-managed footpath network.

5.19 The North Tyneside Coastal Mitigation Supplementary Planning Document details a per residential unit contribution to be made towards a coastal mitigation scheme. The scheme comprises a coastal wardening scheme and associated physical projects at the coast. With regard to C2 use class developments such as this scheme, it is stated that the coastal mitigation contribution to be applied would be determined on a case by case basis.

5.20 Given the nature of the closest sections of the SPA and SAC, and the likely demographic of residents of the development, limited car ownership and likely limited mobility, no significant effect through recreational activity is anticipated and it is considered that, in this case, no contribution to the Coastal Mitigation Scheme is required.

#### 5.21 Design and Access Statement

5.22 The Design & Access Statement states:- “the scheme will be designed for ‘extra care housing’ which is designed for people who do not need or want to move into residential or nursing homes, but their disability or health needs make ordinary housing unsuitable. It is made up of self-contained homes which have additional support services to help residents live independently. The schemes have a manager and trained care staff on site or on call 24/7 to provide any extra care and support that may be needed, residents still have the comfort, security and privacy of their own front door”

#### 5.23 Coastal Mitigation SPD

5.24 The development clearly falls into the ‘C2 use class (Residential Institutions)’ within the North Tyneside Coastal Mitigation SPD which states that “ In general, developments such as hospitals and residential care/nursing homes will not be considered to have a likely significant effect with regard to recreational impacts but will be considered on a case by case basis taking into account potential “in combination” effects and any associated net change in residential occupancy for carers residing on the site”.

5.25 The SPD goes on to state that certain types of C2 residential accommodation may also be considered to have little to no recreational impacts, including-

- “Purpose built schemes for the frail elderly where there is an element of close care provided on site 24 hours a day”

5.26 Given the information provided as part of the D&A statement, the assessment provided by E3 to inform the Appropriate Assessment and the guidelines regarding class use C2 within the Coastal Mitigation SPD, it is not considered that a financial contribution is required towards a Coastal Mitigation Scheme for this development.

5.27 I have no objections to the above scheme, subject to the following conditions being attached to the application:-

#### 5.28 Conditions

- A fully detailed landscape plan will be submitted to the LPA for approval within 4 weeks of works commencing on site. Details will include new native hedgerows along the southern and eastern boundary and wildflower meadow borders to provide mitigation for the loss of habitat on site and impacts to the wildlife corridor.

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

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

- Provision of hedgehog gaps (13cmx13cm) will be provided within any new or existing fencing within the scheme. Details to be submitted to the Local Authority for approval within 4 weeks of works commencing on site.

- Site clearance must be undertaken in accordance with the submitted Hedgehog Method Statement.

- 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.

- 3no. bat boxes/bat features will be provided in suitable locations within the development site. Details of bat 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

- To reduce external lighting that may deter bats using boundary hedges, high intensity security lights will be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

#### 6.0 Landscape Architect

6.1 Existing Site Context: The proposed development site area consists of a grassed rectangular plot of land that is currently managed as public open space. The site is relatively flat across its surface horizon and is bordered to the north east and south by residential housing, with a Fire Station facility immediately to the west. There is a number of small occasional trees within the site, with hedgerow and shrub groupings along the western site boundary adjacent to the Fire Station. There is currently controlled vehicle and pedestrian access from Stanton Road via the northwest corner of the site area. The site is dominated by grassland with a small area of amenity grassland and hardstanding in the north of the site. The site is bounded by a mix of metal and wood fencing, and approximately 20m of intact hedgerow.

6.2 In 2017, North Tyneside Council adopted the Local Plan which sets out a number of policies to ensure sustainable development within the borough. The

site is located within a designated wildlife corridor as defined by the Local Plan, therefore, the policies that apply to this site are:

S5.4 Biodiversity and Geodiversity

DM5.5 Managing effects on Biodiversity and Geodiversity

DM5.7 Wildlife Corridors

DM5.9 Trees, Woodland and Hedgerows

DM5.2 Protection of Green Infrastructure

6.3 An Arboricultural Impact Assessment has been submitted. Five trees (T1 - T5), 2 groups of trees (G1 - G2), and 4 hedgerows (H1 - H4) were surveyed in accordance with BS5837, based on their current arboricultural, landscape or cultural qualities.

6.4 Trees T2 to T5, tree group G2 and hedges H2 to H4 are located outside the site application boundary. Trees T2 and T3 overhang into the site boundary to the south. Group G2 and hedge H3 are primarily young specimens within the fire stations yard. Hedgerows H2 and H4 and trees T4 and T5 are located in a neighbouring property adjacent to the site entrance.

6.5 In order to accommodate the proposal, a section of hedgerow (H1) is to be removed for the access road, although the remaining hedgerow is to be retained. Tree group G1 comprising of elder and Tree T1 (Elder) are growing within the site along the northern boundary and are also shown for removal.

6.6 The trees and landscape elements on the site and in the wider landscape is valuable habitat for wildlife and biodiversity. However, the loss of existing vegetation is minimal and it is proposed to plant a number of trees which will more than mitigate for the loss. In terms of developing a landscape scheme, a species rich hedgerow should be planted along the eastern boundary to strengthen the potential wildlife commuting corridor to include native fruit and seed-bearing shrub and/or trees.

6.7 The following conditions are to be applied:

No trees, shrubs or hedgerows 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.

Prior to works starting on site, a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) is to be submitted that looks to protect hedgerows within the site. The method statement is to include:

- Details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees for the location of any (and not

limited to) underground services, carriage way positions, parking areas and driveways, drainage, lighting, installation of fence posts to the boundary of the site, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage to the retained trees and /or root systems of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details.

- Details of any changes in ground level, including existing and proposed levels and any retaining structures required within the root protection area as defined by BS5837:2012. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. and the effect they will have on finished levels and finished heights.

Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval.

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

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

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 revised landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include tree and shrub planting (trees to be a minimum 12-14cm girth) and include the proposed timing and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscape scheme shall include 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.

#### 7.0 Allotments Officer

7.1 The Allotment Service have concerns regarding the height of the building which will cause shadow to some of the allotment gardens bordering the site. In addition the close proximity of the new development will allow residents to overlook the allotment site this may further reduce the amenity of the gardens for tenants as they will be continually overlooked.

#### 8.0 Design Officer

8.1 The proposed development has a large footprint and is higher than surrounding buildings, however it has been designed to minimise the impact on neighbouring residents. In my pre-application comments, I raised a concern about the distances between the proposed building and the houses on Hartburn Road. This was not just overlooking but a potential overbearing impact due to the height. The applicant has changed the design of the scheme to improve distances between the proposed building and adjacent properties. The south wing has been substantially re-designed and moved northwards, away from the Hartburn Road properties. There is also a projecting gable to this area which has been designed with a hipped roof to minimise the scale and mass. The only windows on this gable are bathroom and corridor windows which could both be conditioned to be obscure glazing. The eaves height of this southern projecting gable could be reduced further without effecting unit numbers; this would further reduce the impact on neighbouring residents.

8.2 On the east side of the site (adjacent to the allotments) the building was previously four-storeys. Concerns were raised about this and the building height has been subsequently reduced to three storeys which is considered acceptable. A shadowing survey has been submitted to show the impact of the building on residential amenity of existing properties and the allotments. This shows some impact, mostly in the winter equinox.

8.3 The proposed building is a contemporary design and includes a simple palette of materials comprising of facing brickwork, render and cladding. Further design detailing could be included to create some variance within the elevations.

8.4 The proposal provides a good area of multi-functional amenity space for residents to socialise and engage in interests such as gardening. The layout shows outdoor seating, raised beds and a greenhouse. These elements will contribute towards the 'liveability' of the housing and the enjoyment of residents.

8.5 Indicative landscaping is shown on the site plan but no detailed landscape plan has been submitted. This should be conditioned to show a range of soft landscaping to improve the design quality of the scheme and help to create further privacy for neighbouring residents. Landscaping should also be included along the north and south boundary of the site to help protect residential amenity.

8.6 Surface materials have not been specified; this should be conditioned.

8.7 Overall, the scheme is supported subject to conditions.

#### 9.0 External Consultees

##### 9.1 Tyne and Wear County Archaeologist

9.2 I have checked the site against the historic environment record and consider that the proposals will not have a significant impact on any known heritage assets. There is currently no indication that the site has archaeological potential, and part of the site was previously the site of a later twentieth century fire station which will have truncated any earlier remains. I therefore consider that no archaeological work is required.

##### 9.3 Northumbrian Water

9.4 We would 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 "Flood Risk Assessment and Drainage Strategy". In this document it states that foul and surface water will discharge to the combined sewer at manhole 9301, with surface water being restricted to 5l/sec.

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

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated October 2019. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 9301 and ensure that surface water is limited to 5l/sec.

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

9.6 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

#### 10.0 Coal Authority

10.1 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.

10.2 The Coal Authority's information indicates that the Bensham Coal seam (also known as the Maudlin Coal seam) outcrops to the east of the application site, dipping in a south westerly direction beneath the site. Historic unrecorded coal mining activity is considered likely to have taken place beneath the site at shallow depth.

10.3 The Coal Authority raised no objection to this application in our initial consultation response letter. This was subject to the inclusion on any permission issued of a condition requiring the remediation of probable shallow mine working, as recommended in the applicant's Preliminary Investigation and Geoenvironmental Appraisal reports.

10.4 We note that the applicant has now submitted additional information from Groundshire Limited which sets out a proposed scheme of drilling and grouting works across the entire application site in order to stabilise shallow mine workings in the Bensham Coal seam.

10.5 The Coal Authority considers these remedial works to be generally acceptable, however, it should be noted that an application for a Coal Authority Permit to undertake the remedial works at the site has yet to be received. The Permit application will need to provide a detailed methodology for the remedial works, including details of the grout curtain, the timing/progression of grouting works across the site, and details of gas monitoring and protection measures to be adopted during the works. Nevertheless, we consider the submitted information to be adequate for the purposes of the planning system.

10.6 As we highlighted in our initial response letter, the Coal Authority recommends that the LPA seek 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.

10.7 In light of the above, the Coal Authority wishes to revise its recommendation to the LPA as follows:

10.8 The Coal Authority concurs with the conclusions of the Preliminary Investigation and Geoenvironmental Appraisal reports, that coal mining legacy poses a risk to the proposed development and that remedial measures are necessary to ensure the safety and stability of the proposed development.

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

\* The undertaking of the remedial drilling and grouting exercise to stabilise shallow mine workings, as outlined by Groundshire Limited.

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

10.11 The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

10.12 The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the

safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework

#### 11.0 Natural England

##### Initial comments:

11.1 No objection – subject to appropriate mitigation being secured.

11.2 We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA) <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Northumberland Shore Site of Special Scientific Interest (SSSI) has been notified.

11.3 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- North Tyneside Council have recently adopted an SPD to address impacts on the coastal designated sites from increased residential development. An appropriate contribution to mitigation should be secured in line with the details of the SPD.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

11.4 Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below

Further advice on mitigation:

- The Coastal Mitigation SPD recently adopted by North Tyneside Council identifies that a financial contribution to be made from new residential development to fund strategic mitigation initiatives along the coast to offset the impacts from new residential development.
- A suitable contribution should be agreed for this development towards these mitigation initiatives to ensure there is no residual impact from the increased residential availability resulting from this development. This contribution should be secured via a S106 agreement between the developer and North Tyneside Council.

#### 11.5 Additional Comments

11.6 It is probably unlikely residents would be visiting the coast, and so a contribution to the mitigation may well not be needed, but ultimately it is the Council's decision as the competent authority.

#### 12.0 Northumbria Police

12.1 I have considered the documents from a crime prevention point of view and have no objections to it progressing.

12.2 I have noted the section in the DAS regarding security and although I have not been contacted as yet by the applicant I have worked with SPA Architects on several developments in the recent past and am confident that they will produce

a building that meets the police approved security scheme Secured by design (SBD), as stated at the end on the security section.

### 13.0 Representations

13.1 168no objections have been received.

13.2 These are summarised below.

#### Highways and parking

- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Parking is already difficult and will be made worse.
- Existing parking problems when funerals or christenings take place at St Hilda's Church.
- Access difficulties for emergency vehicles, bin lorries.
- Access problems for construction vehicles.
- Pavement, road and grass verge damage.
- Stanton Road is very narrow.
- Construction vehicles will threaten safety of children.
- Children will no longer be able to play safely in the street.
- Safety risk to residents using the street, pedestrians and cyclists.
- Incorrect to say that residents will not have cars.
- Additional congestion from staff, health workers, residents, visitors, catering and refuse collection vehicles over 24 hours.
- The two access points into Marden Estate are at capacity.
- Unsafe site access – Stanton Road is not suitable for construction traffic.
- Impact on parking for the church and users of Foxhunters playing fields.
- Access should be from Preston Road.
- Traffic will cause air pollution.
- Additional traffic and congestion.
- Dangerous road layout.
- Poor quality of the pavement on Stanton Road is a danger.
- 40ft delivery vehicles will not be able to access the site.
- Damage to residents vehicles by construction vehicles.

#### Amenity

- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Nuisance – disturbance, dust/dirt, noise, fumes.
- Will result in visual intrusion.
- Overlooking and loss of privacy to surrounding gardens and properties.
- Loss of sunlight and overshadowing.
- The shadow analysis is only for the growing season.
- The shadow analysis indicates that some gardens would be affected.
- Impact on views from surrounding houses.
- Additional noise disturbance from visitors.
- Obstruction of view.
- Overbearing and intrusive.
- Refuse and parking area at rear of Stanton Road houses will cause odour and noise.

- Light, noise and air pollution.
- Will cause major problems for residents on the surrounding streets.
- Construction noise – impact on sleep.
- Construction will take place on Saturday mornings.
- Health impact of construction dust.
- Impact of noise from the fire station on future residents.
- Future residents will look onto the rear of the fire station.
- Impact on mental health and quality of life.
- Impact of security lighting and cameras.
- Location of 2-storey site cabins at the rear of Stanton Road- loss of privacy.
- Impact on/disruption/anxiety to allotment users.
- Many allotments users are elderly and in poor health.
- Loss of light to the allotments.
- Impact of dust, waste pollution and potential flooding on allotments.
- Ruin the ambience of the allotments.
- Impact of dust and air pollution on bees.
- Overlooking of allotments.

#### Design

- Affect setting of listed building.
- Affect character of conservation area.
- Inappropriate design.
- Inappropriate materials.
- Out of keeping with surroundings.
- Hideous large building is out of character.
- Visible from miles around.
- Surrounding properties are all 2-storey.
- 3-4 storey height not in keeping.
- Would be taller than the fire station.
- Eyesore for residents.
- Too many properties for the plot, overdevelopment.
- Although reduced to 3-story would still be higher than surrounding buildings.

#### Other Issues

- Adverse effect on wildlife.
- Affect Site of Special Scientific Interest.
- Impact on landscape.
- Inadequate drainage.
- Inappropriate in special landscape area.
- Letter or petition of support.
- Loss of/damage to trees.
- None compliance with approved policy.
- Not in accordance with development plan.
- Inadequate parking provision.
- Pollution of watercourse.
- Precedent will be set.
- Within greenbelt/no special circumstance.
- Mine workings/sink holes under the site and Stanton Road have caused the road to collapse.
- Not suitable for HGVs.
- History of subsidence.

- Potential impact on ground stability/structure of nearby houses.
- Potential for more sink holes to be caused by vibrations during construction.
- No need for more housing for the elderly.
- Should be used to provide additional allotments, tree or a play area.
- There is already vacant sheltered housing in the borough.
- Loss of property value.
- Potential increase in crime rates during construction due to access into rear gardens.
- Danger from construction machinery.
- Driven by financial gain.
- Could be located elsewhere on more suitable sites.
- If a smaller development is not viable it should be put on a different site.
- There are brownfield sites available elsewhere.
- Could be located as part of Murton Gap.
- The revised plans have not addressed residents' concerns.
- Resident's concerns have been ignored.
- Impact on wildlife (foxes, hedgehogs, skylark, nesting birds, bats).
- Loss of green space.
- Impact on climate change.

13.3 A petition against the development with 71no. signatures has been received.

13.4 The grounds of objection are:

Object to the scheme due to the fact that a further 64 units will have to be serviced in a relatively small space.

Access to the development on Stanton Road which has existing traffic problems. The development will add to these problems.

Difficult access for construction traffic due to narrow street.

Pavement damage.

Will take 2 years to build.

#### 14.0 Councillor Comments

##### 14.1 Cllr. Willie Samuel

14.2 I wish to submit an objection to this application on two counts.

14.3 The proposed building is out of character with the area and will cause loss of amenity to surrounding properties. Secondly the proposed access for construction and for the final development is unsuitable.

14.4 I have been asked by residents to represent their concerns and expand on these comments at committee.

##### 14.5 Cllr Ken Barrie

14.6 I would like to request a site visit for the Planning Committee before this is brought before it.

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**Application No:** 19/01088/FULH      Author: Julia Dawson  
Date valid: 10 October 2019      ☎: 0191 643 6314  
Target decision date: 5 December 2019      Ward: Monkseaton South

Application type: Householder Full application

**Location:** 54 Grange Park, Whitley Bay, Tyne And Wear, NE25 9RU,

**Proposal:** Ground floor rear extension with flat roof and parapet wall

Applicant: Mr David Bell, 54 Stirling Drive North Shields Tyne And Wear NE29 8DJ

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- (i) Impact on Residential Amenity, and;
- (ii) Impact on Character and Appearance.

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 material considerations in reaching their decision.

#### 2.0 Description of the Site

2.1 The site to which the application relates is a two-storey detached dwelling located within an established residential area. It is south eastern facing onto Grange Park in Monkseaton. The host property has previously been extended by way of two storey side extensions (to each side of the dwelling) and a flat roofed two storey rear extension. The property has a large irregular shaped (extended) rear garden. The adjacent properties to the south west (No.56) and north east (No.52) are bungalows. Residential bungalows are located to the rear (north west) of the site, these face onto Fairfield Drive.

2.2 No.52 has previously been extended by way of a single storey extension. No.52 has four windows located in its side elevation facing towards the host site (three of these are in the extension and serve a kitchen and bathroom). The side elevation of No.52 is positioned approximately 1m from the 1.8m high closed

boarded boundary fence which is located along the shared boundary. The side elevation of the host dwelling is located approximately 3.4m from the shared boundary. No.56 has an existing single storey rear conservatory which is located adjacent to the shared boundary with the host dwelling.

### 3.0 Description of the Proposed Development

3.1 The proposal relates to a part retrospective application for planning permission for the erection of a single storey rear extension with a parapet wall.

### 4.0 Relevant Planning History

77/02389/FUL - Kitchen dining room extension - Approved 23.02.1978

79/00474/FUL - Enclosure of existing porch area in timber frame (glazed) – Approved 14.05.1979

79/02195/FUL - Erection of store and balcony across – Approved 03.12.1979

81/01651/FUL - Provision of bathroom and bedroom – Approved 16.10.1981

82/02291/FUL - Extension of bedroom – Approved 14.12.1982

89/00336/FUL - Extension of existing study. – Approved 04.04.1989

91/01270/FUL - Re-roofing - creation of room in roof space and bedroom extension – Refused 14.11.1991

92/00731/FUL - Re-roofing of house – Approved 09.07.1992

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policy

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

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

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

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for consideration are:

- (i) Impact on Residential Amenity; and
- (ii) Impact on Character and Appearance.

### 8.0 Impact on Residential Amenity

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

8.2 Policy S1.4 'General Development Principles' of the North Tyneside Local Plan (2017) 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. In accordance with the nature of development those proposals should (amongst other criteria):

b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

8.3 Policy DM6.1 'Design of Development' 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. Proposals are expected to demonstrate (amongst other criteria):

b. A positive relationship to neighbouring buildings and spaces; and

f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.4 Policy DM6.2 'Extending Existing Buildings' states that when assessing applications for extending buildings the Council will consider (amongst other criteria):

c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;

d. The cumulative impact if the building has been previously extended;

f. The form, scale and layout of existing built structures near the site.

8.5 Several objections have been received from the occupants of four neighbouring dwellings and the Monkseaton South Ward Councillor. The content of these are noted. A significant amount of the objections refer to the French doors, which have been installed within the rear elevation at first floor level, and the potential for the use of the roof of the proposed single storey rear extension as an external terrace/balcony accessible via the French doors. Objectors have also advised that the applicant has verbally confirmed to them that it is his intention to use the roof as a balcony and they have suggested that the installation of outward opening French doors reiterates his intent to do this. (The Case Officer has requested clarification from the applicant as to his intentions with regard to the French doors, but no response has been provided.)

8.6 Whilst these points are acknowledged, and it is noted that the planning application is partly retrospective as the proposed single storey rear extension has largely been constructed (albeit works have ceased), it must be pointed out that the installation of the French doors at first floor level do not, in themselves, require planning permission. Such works would be classed as permitted development under Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended. As such, Members are advised that planning permission cannot be withheld for this reason alone.

8.7 The construction of a raised roof terrace/balcony does require planning permission, but the applicant has not actually applied for this. The current application relates solely to a single storey rear extension with a parapet wall to

the roof. An objector has stated that the inclusion of a parapet means that the roof will be used as a balcony (according to the guidance which accompanies the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended). However, this is not necessarily the case. It is often the case that a parapet wall is included by a developer for design reasons or to ensure that all guttering is concealed. In this case, it may or may not have been the original intent of the applicant to use the roof of the proposed extension as a balcony, but this is not what has been applied for and is therefore not for consideration as part of this planning application. However, if planning permission is granted for the single storey rear extension and acknowledging the fears of local residents given that the French doors are in situ, it would be reasonable to prevent the use of the roof as a balcony/raised external terrace by way of the attachment of a suitably worded planning condition.

8.8 It is acknowledged that the host dwelling has been significantly extended over the years. Whilst it is noted that criterion (d) of policy DM6.2 'Extending Existing Buildings' states that in such cases the cumulative impact must be taken into account, it must also be noted that simply because a building has been previously heavily extended does not mean that further development cannot take place. All factors, including the impact on the visual amenity of the site and surroundings, and the impact on the residential amenity of neighbouring occupants must be considered.

8.9 In this particular case, whilst the proposed extension is to project approximately 4m from the rear elevation of the existing two storey rear extension, it will project only slightly beyond the rear elevation of the adjoining dwelling's (No.56's) rear conservatory extension which is located adjacent to the shared boundary. The proposed extension will be located 3.5m from this shared boundary. As such, it is not considered that it will result in any significant loss of outlook, daylight, sunlight or privacy for the occupants of No.56. Any matters relating to the access for building works and the party wall cannot be addressed via planning legislation and would be dealt with separately via the Party Wall Act as a civil matter between the two private property owners.

8.10 The concerns raised by the occupants of No.52 with regard to the impact of the proposed extension on their side windows are also noted, with particular reference to sunlight, daylight, overshadowing and outlook. However, whilst it is noted that the proposed extension will be positioned to the south west of these windows at a height of approximately 3.2m, it will be positioned approximately 3.4m away from the shared boundary. The kitchen window and the obscure glazed bathroom windows are located in the side elevation of No.52's own single storey extension. Whilst the proposed extension will result in some loss of afternoon sunlight, it is not considered that it will have such an adverse impact on the existing standard of daylight, sunlight or outlook currently enjoyed via these windows that the Local Planning Authority could successfully sustain a refusal of planning permission on these grounds.

8.11 The internal use of the proposed rear extension and the outlook from its rear ground floor windows will not result in any harm to the privacy and living conditions of neighbouring occupants and screening is provided by the existing boundary fences.

8.12 Members must determine whether the proposed rear extension is acceptable in terms of its impact on the living conditions of the occupiers of neighbouring dwellings, with particular reference to No's 52 and 56. Officer advice is that the proposed extension is acceptable in this regard.

#### 9.0 Impact on Character and Appearance

9.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

9.2 Policy DM6.1 'Design of Development' 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. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

9.3 Policy DM6.2 Extending Existing Buildings states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations. When assessing applications for extending buildings the Council will consider (amongst other criteria):

- b. The location of the extension in relation to the street scene;
- d. The cumulative impact if the building has been previously extended;
- e. The effect that the extension will have on the existing property and whether it enhances the overall design; and
- f. The form, scale and layout of existing built structures near the site.

9.4 The Council's 'Design Quality' Supplementary Planning Document applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

9.5 Objections have been received in relation to the scale of the proposal due to the existing extensions which the host dwelling has previously had. However, although it is not disputed that the existing dwelling has been heavily extended, the proposed extension must be viewed in context. It will be a single storey flat roofed structure to the rear of an existing two storey flat roofed extension, and it will not project considerably beyond the main rear elevations of either of the neighbouring dwellings.

9.6 Flat roofed rear extensions, often rendered with large expanses of glazing, are considered to be an acceptable and contemporary way to extend dwellings and numerous similar extensions have received planning permission across the Borough. In the context of the host dwelling and the numerous flat roofed extensions in the immediate and surrounding area, the design, scale and massing of the proposed extension will not appear incongruous and it is considered to be acceptable.

9.7 Members must determine whether the proposed extension is acceptable in terms of its impact on the character and appearance of host property and surrounding area. Officer advice is that the proposed extension is acceptable in this regard.

#### 10.0 Local Financial Considerations

10.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will be or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL). It is not considered that the proposal results in any local financial considerations.

#### 11.0 Conclusion

11.1 The proposed single storey extension is considered to be acceptable in terms of its impact on neighbouring amenity and the character and appearance of the site and surrounding area, subject to a condition to ensure that the roof of the extension cannot be brought into use as an external balcony/raised terrace at any future time. With regard to all of the above, approval is recommended.

**RECOMMENDATION:     Application Permitted**

#### **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 07.08.2019
- Site Location Plan, Scale 1:1250, 10/10/2019 15:22
- Site Location Plan, Scale 1:200, July 19
- Proposed alterations at: 54 Grange Park, Monkseaton, North Tyneside, NE25 9RU, Scale 1:100 1:50, July 19

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 external roof area of the approved single storey rear extension shall not, at any time, be used for recreational/amenity purposes.

Reason: To protect neighbouring residents from noise, disturbance and a loss of privacy in accordance with policy DM5.19 of the North Tyneside Local Plan (2017).

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)



**Application reference: 19/01088/FULH**

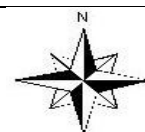
**Location: 54 Grange Park, Whitley Bay, Tyne And Wear, NE25 9RU**

**Proposal: Ground floor rear extension with flat roof and parapet wall**

Not to scale

Date: 14.11.2019

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## **Appendix 1 – 19/01088/FULH Item 2**

### **Consultations/representations**

#### **1.0 Representations**

1.1 Objections have been received from the occupants of four neighbouring dwellings. These are summarised below:

- Visual intrusion
- Alterations or remedial work to the boundary wall must not be carried out without permission of owner of neighbouring dwelling. No access via neighbouring garage roof without permission.
- Concerns re. precedent being set in the area for balconies, which would result in loss of privacy to neighbouring properties, particularly to the private use of gardens.
- Loss of privacy through windows which are not currently overlooked by the existing window locations at the rear of the property.
- Submitted plans do not match work that has been carried out at the property to date. The work completed so far indicates an intent to use the extension roof as a balcony which the plans do not represent.
- Plans mention 'parapet' which according to the householder permitted development guidance is another term for balcony. The plans do not show a balcony but as the windows were changed to doors which open externally, where are the doors leading to? They cannot be used as doors for a 'Juliet' balcony, because the doors would have to open internally.
- This house has been extensively extended over the years and is already out of character for the area as most of the neighbouring properties are bungalows.
- Overlooking and loss of privacy.
- Noise and disturbance resulting from use.
- Loss of light, sun benefits and overshadowing.
- Out of keeping with surroundings.
- No first floor plan showing use of roof. No information on parapet wall.
- Existing side view gives a misleading impression as it shows No.56's wall and conservatory roof which are further away.
- Plans are not correct – bathroom window has been enlarged, backdoor, window and door have been replaced with a set of French doors, drainpipe missing.
- The plans are not for the applicant named on the form, but for different people.
- Site location plan does not show No.52's kitchen window.
- First floor French doors result in overlooking and loss of privacy. They will provide access to a large roof terrace.
- Host site's very large rear garden can accommodate large terrace without building balcony.
- Lack of dimensions on plans.

#### **2.0 Ward Councillor Sean Brockbank (Monkseaton South)**

##### **2.1 Comments submitted 24.10.19:**

2.2 I have already made comments on this proposed development in support of a number of residents in the street. I oppose this plan and request to speak to Committee.

2.3 Firstly, this proposal represents a significant development on this residential area with the overall house size increasing largely. This will have an impact on the local area as it is out of keeping with other properties. The property has almost doubled in size since it was built in 1924 when assessing the issue of curtilage.

2.4 Secondly, there is a concern that the height and length of the proposal would present a real risk of visual intrusion to neighbours.

2.5 Thirdly, there is a real risk of loss of privacy for neighbouring properties given the size of the development and also, that it seems most likely that a balcony will be built out so as to pose a risk of total loss of privacy for one neighbour in particular.

2.6 I refer the Officer to case 19/00145/FULH where permission was refused for a development due to a balcony being proposed, and neighbours have been told unequivocally by the owner that this is his intention. If so, the neighbours cannot be responsible for policing any development and the proposal needs to be rejected.

2.7 Comments submitted 06.09.19:

2.8 As an Elected Member, I request that this application be heard at Committee and I would like to speak. I have the opportunity to review this planning application for this property and have concerns that the plans submitted do not correspond with the work being undertaken. Also:

1. I am concerned that the significant development of the property will lead to a loss of privacy for neighbours;
2. The properties on either side will be overlooked;
3. The suggested development is out of keeping with the local area and other properties;
4. The development would lead to a loss of light and overshadowing of other properties;

2.9 Residents have contacted me about their concerns relating to this matter and I support them in raising objections. Also, I am concerned that this is a Delegated Decision, given the impact on neighbours of a serious nature.