



North Tyneside Council

Planning Committee

29 June 2018

To be held on **Tuesday 10 July 2018** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. To receive any declarations of interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. 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. 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.	
4. Minutes To confirm the minutes of the meeting held on 12 June 2018.	3

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5.	Planning officer reports	7
	To give consideration to the planning applications contained in the above report relating to:	
5.1	17/00817/FUL Site of former Coquet Park and Marine Park First Schools, Coquet Avenue, Whitley Bay <div style="text-align: right;">(Whitley Bay Ward)</div>	12
5.2	18/00663/FUL Land at former 25 St. Anselm Crescent, North Shields <div style="text-align: right;">(Collingwood Ward)</div>	61
5.3	18/00415/FUL Killingworth Town Park, West Bailey, Killingworth <div style="text-align: right;">(Camperdown Ward)</div>	80
5.4	18/00596/FUL Greggs Building and Distribution Services, Benton Lane and Gosforth Park Way, Longbenton <div style="text-align: right;">(Longbenton Ward)</div>	118
6.	Chirton Green, North Shields Tree Preservation Order 2018 <div style="text-align: right;">(Preston Ward)</div>	140

Members of the Planning Committee:

Councillor Jim Allan	Councillor Gary Madden
Councillor Trish Brady	Councillor David McMeekan (Deputy Chair)
Councillor Sandra Graham	Councillor Paul Mason
Councillor Muriel Green	Councillor Margaret Reynolds
Councillor John Hunter	Councillor Lesley Spillard
Councillor Frank Lott (Chair)	

Planning Committee

12 June 2018

Present: Councillor F Lott (Chair)
Councillors J Allan, T Brady,
M A Green, D McMeekan,
P Mason, J Mole and W Samuel.

PQ01/06/18 Apologies

Apologies for absence were received from Councillors S Graham, John Hunter, G Madden, M Reynolds and L Spillard.

PQ02/06/18 Substitute Members

Pursuant to the Council's constitution the appointment of the following substitute member was reported:-

Councillor J Mole for Councillor S Graham
Councillor W Samuel for Councillor L Spillard

PQ03/06/18 Declarations of Interest and Dispensations

Councillor J Allan stated that he would withdraw from the meeting during consideration of Application 18/00251/FUL to avoid any perception that he was biased and he took no part in the discussion or voting on the matter.

PQ04/06/18 Minutes

Resolved that the minutes of the meeting held on 15 May 2018 be confirmed as a correct record and signed by the Chair.

PQ05/06/18 Planning Officer's 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.

Application No:	17/00835/FUL	Ward:	Tynemouth
Application Type:	Full planning application		
Location:	Coleman NE Ltd, Walker Place, North Shields		
Proposal:	Development of 14no three storey townhouses with associated vehicle parking and landscaping.		
Applicant:	P North Developments Ltd		

The Committee gave consideration to a report from planning officers in relation to the application. 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, Shirley Darby, the daughter of the resident of 51 Renaissance Point, spoke to the Committee on behalf of P & J Ferguson of 52 Renaissance Point, North Shields, who had been granted permission to speak to the Committee. Ms Darby explained that her father suffered from Dementia and, as a former fisherman, he currently benefitted from views overlooking the Fish Quay. This view would be lost if the proposed development were to proceed possibly causing him confusion. Ms Darby expressed concern at the lack of car parking within the proposed development and in the surrounding area. Buses already struggled to negotiate Brewhouse Bank without additional parked cars causing an obstruction. She was concerned at the risk of flooding as rain already gushed down nearby streets. The development was likely to cast a shadow over the sitting rooms in Renaissance Point which were already dark. During the construction of the houses there would be a risk of dust and traffic causing disturbance to the residents of Renaissance Point. Ms Darby suggested that there were more suitable alternative sites in the area for the housing.

The applicant's agent, Big Tree Planning Ltd, had been invited to attend the meeting to respond to the speaker but they were not present.

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

- a) the differences between this application and an earlier planning application for 27 apartments which had been approved on appeal. The 27 apartments could be constructed regardless of the outcome of this current application.
- b) the proposed provision of car parking within the development site which met the Council's required standards as set out in the supplementary planning document LDD12. It was noted that due to the design of the car parking places some vehicles may overhang footpaths, but these footpaths would be located within the development site, they would not be through routes and they would not be adopted by the Council.
- c) the proposed condition requiring the applicant to submit a construction method statement for approval by the Council. This would set out how the impact of the construction on neighbours would be mitigated.
- d) officer advice that issues such as a loss of a view and the availability of alternative sites were not material planning considerations; and
- e) the proposed terms of the Section 106 agreement regarding the timing of the financial contributions.

Decision

The Head of Environment, Housing and Leisure be authorised to determine the application subject to:

- a) the conditions set out in the planning officer's report and any amendments, additions or omissions of any other conditions considered necessary;
- b) the applicant entering into a legal agreement in accordance with Section 106 of the Town and Country Planning Act 1990 to secure the following financial contributions:
 - i) £50,000 for offsite affordable housing;
 - ii) £30,000 for enhancing existing facilities at King Edward Primary School; and
 - iii) £8,400 for a Coastal Mitigation Service to mitigate for the impact on the Northumbria Coast Special Protection Area.

(The Committee indicated that they were minded to approve the application, subject to the conditions set out in the report of the planning officers, as the proposed development was considered to be acceptable in terms of the principle of residential development, its design and its impact on the Fish Quay Conservation Area and adjacent listed buildings, its impact on the amenity of existing and proposed residents and in terms of highway safety in accordance with the relevant policies contained in the Council's Local Plan 2017 and the National Planning Policy Framework.)

The Head of Environment, Housing and Leisure be authorised to undertake all necessary procedure under Section 278 of Highways Act 1980 to secure the following highways improvements:

- a) Upgrade of existing footpaths abutting the site;
- b) Upgrade of carriageway on Walker Place;
- c) Associated highway drainage
- d) Associated street lighting
- e) Associated road markings.

Application No:	18/00251/FUL	Ward:	Benton
Application Type:	Full planning application		
Location:	Action Building Maintenance, Oswin Road, Forest Hall		
Proposal:	Demolition of existing structures and redevelopment of the site for two residential buildings comprising a total of 16 supported living apartments, with associated parking and open space (Use Class C3)		
Applicant:	Mersten Limited		

At this point Councillor J Allan withdrew from the meeting and took no part in discussions or voting on the matter.

The Committee gave consideration to a report from planning officers in relation to the application, together with an addendum circulated to the Committee prior to the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

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

- a) the details of proposed car parking within the development site which met the Council's required standards as set out in the supplementary planning document LDD12;
- b) the proposed boundary treatments and its impact on the security and safety of pedestrians using adjacent footpaths;
- c) a proposed condition requiring the applicant to submit to the Council for approval a scheme to manage refuse collection;
- d) the likely impact of the development on the adjacent allotments; and
- e) the support from the Council's Strategic Commissioning Manager for adult services for a supported living scheme on this site.

Decision

Application approved, subject to the conditions set out in the planning officer's report and addendum, as the proposed development was considered to be acceptable in terms of its impact on the highway network, flooding, ecology, amenity of existing and future occupants, adjacent allotments, contaminated land and its overall design and appearance in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's 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 Paragraphs 186-187 of the National Planning Policy Framework.

PLANNING COMMITTEE

Date: 10 July 2018

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**

5.1 17/00817/FUL

Whitley Bay

**Site Of Coquet Park And Marine Park First Schools Coquet Avenue
Whitley Bay Tyne And Wear**

Speaking rights requested -Matthew Unthank, 20 Coquet Avenue Whitley Bay

Speaking rights requested -Ms Gillian Dunn, 6 Coquet Avenue Whitley Bay

Speaking rights requested -Ed Schwalbe, 20 Marine Gardens Whitley Bay

Speaking rights requested -Jean Laurie, 7 Coquet Avenue Whitley Bay

Speaking rights requested -Mrs Anne Hodgkiss, 29, Coquet Avenue Whitley Bay

Speaking rights requested -Mrs Belinda Butler, 33 coquet avenue whitley bay

Speaking rights requested -Ruth Sutcliffe, Marine Park First School Park Road

5.2 18/00663/FUL

Collingwood

Land At Former 25 St Anselm Crescent North Shields Tyne And Wear

Speaking rights requested -Mr Alan Scott, 8 Chirton Hill Drive North Shields

Speaking rights requested -Mr And Mrs A Hall, 2 St Anselm Road North Shields

5.3 18/00415/FUL

Camperdown

**Killingworth Town Park West Bailey Killingworth NEWCASTLE UPON
TYNE**

5.4 18/00596/FUL

Longbenton

**Greggs Building And Distribution Services Benton Lane And
Gosforth Park Way Longbenton NEWCASTLE UPON TYNE**

Item No: 5.1
Application No: 17/00817/FUL Author: Aidan Dobinson Booth
Date valid: 8 June 2017 ☎: 0191 643 6333
Target decision date: 7 September 2017 Ward: Whitley Bay

Application type: full planning application

Location: Site Of Coquet Park And Marine Park First Schools, Coquet Avenue, Whitley Bay, Tyne And Wear,

Proposal: Residential development of 65 units consisting of 16no houses (3 and 4 bedroom), 46no apartments (1 and 2 bedroom), 3no Flats over garages (2 bedroom) with associated parking and landscaping (Revised Flood Risk & Drainage Assessment submitted 04.08.17) (Report to inform Habitat Regulations Assessment received 02.11.17) (Amended Landscape Scheme received 02.11.17)

Applicant: Places For People, Mr Bryan Hare Maybrook House 27 Grainger Street Newcastle Upon Tyne NE1 5JE

Agent: Mrs Solila McDonagh, Mrs Solila McDonagh St Jude's Barker Street Shieldfield Newcastle Upon Tyne NE2 1AS

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

- 1.1 The main issues for Members to consider in this case are;
- Whether the principle of residential dwelling development is acceptable on this site;
 - The impact of the proposal upon the character and appearance of the site and the surrounding area;
 - The impact upon neighbours living conditions with particular regard to outlook and privacy;
 - Whether an acceptable residential environment can be provided for future occupiers; and
 - Whether sufficient parking and access would be provided.

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 account any other material considerations in reaching their decision.

2. Description of the Site

2.1 The application site measures 0.6 hectares in area and comprises an area of grassland. It was the site of the former Coquet Park and Marine Park First School, but all the buildings have been demolished and the site has been cleared. There are no longer any remnants of the previous use and therefore the site is Greenfield. It is enclosed by approximately 0.6m high post and rail fence. There is a slight slope across the site. The site slopes downwards from the south west to the north east. The site is also within Whitley Bay Town Centre.

2.2 To the north of the site is free surface level car park. To the north east on the opposite side of Park Road is Marine Park Primary School. To the south of the site is St Edwards Roman Catholic Church, which is a tall Grade II listed building with an elevated central round tower section which sits higher than the main roof. Immediately to the west of the site along Coquet Avenue is a one and a half storey flat roofed hall, which is in a poor condition. Beyond this further to the west are the semi-detached dwellings of Coquet Avenue. These semi-detached dwellings are two storey in height and are characterised by red brick and slate tiles. Immediately to the west of the site adjacent to Marine Gardens there is a narrow access road, beyond which are two-storey semi-detached properties which also follow a well-defined building line.

2.3 The site is not within a Special Landscape Area, or within or adjacent to a Conservation Area. The site is not Green Belt.

3. Description of the proposed development

3.1 The proposal seeks planning permission for a total of 65 residential units consisting of 16 houses (3 and 4 bedrooms) 46 apartments (1 and 2 bedroom), 3 flats over garages (2 bedroom) with associated parking and landscaping.

4. Relevant Planning History

03/03423/DEMGDO – Demolition of Coquet and Marine Park first schools – determination of whether prior approval will be required to the method of demolition and any proposed restoration of the site.
Not development 20.01.04.

05/00867/OUT – Outline planning permission former Marine Park/Coquet Avenue Park School site (75 apartments and 12 houses).
Withdrawn 18.05.05

06/03648/OUT – Development of 94 dwellings comprising of 16 town houses and 78 apartments with 94 car parking spaces on site of former Marine Park and Coquet Park schools – siting and access only.
Permitted 05.03.07.

07/03702/REM – Submission of reserve matters for development of 78 apartments and 16 houses including details of appearance, scale, parking, refuse storage and landscaping pursuant to outline planning permission reference 06/03648/OUT

Approved 30.01.08

Mission Hall – Coquet Avenue

16/00995/FUL – Change of use and alterations to former church hall to form a swimming pool and cafe. Provide mild steel gates and railings to existing front and side boundaries.

Permitted 02.08.16

5. Development Plan

5.1 North Tyneside Local Plan 2017

6. Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Policy Guidance (as amended)

6.3 Draft Revised National Planning Policy Framework (March 2018)

6.4 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities 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 of to which any policy is consistent with the National Planning Policy Framework.

PLANNING OFFICERS REPORT

7.1 Preliminary Issues

7.2 Members will note from the planning history that planning permission was granted in 2007 for the development of 94 dwellings on this site. The subsequent approval of reserve matters was obtained in 2008. However, this planning permission has expired and can no longer be implemented. In addition since this application was approved there has been the introduction of National Planning Policy Framework (NPPF) in 2012 and a Local Plan adopted in 2017. These are significant changes in policy and therefore the previous decision carries no weight in the determination of this application.

7.3 The site is owned by the applicant and not North Tyneside Council. The site is private land and therefore there are no public rights of access over the land.

7.4 Main Issues

7.5 The main issues for Members to consider in this case are;

- Whether the principle of residential dwelling development is acceptable on this site
- The impact of the proposal upon the character and appearance of the site and the surrounding area.

- The impact upon neighbours living conditions with particular regard to outlook and privacy
- Whether an acceptable residential environment can be provided for future occupiers.
- Whether sufficient parking and access would be provided.

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

7.7 Principle

7.8 NPPF confirms that the local authorities should attach significant weight to the benefits of economic and housing growth to enable the delivery of sustainable developments.

7.9 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes.

7.10 Paragraph 14 of NPPF states that development proposals that accord with the development plan should be approved without delay. The presumption in favour of sustainable development normally applied to housing development does not apply here as this is a development requiring Appropriate Assessment under the Habitats Directive.

7.11 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.

7.12 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific and deliverable housing sites.

7.13 This site is allocated for housing according to policy S4.3(48) of the Local Plan. This identifies the site as being brownfield or previously developed land. This is defined in NPPF as land which is or was occupied by a permanent structure, but excludes land that was previously developed, but where the remains of the permanent structure or fixed structures have blended into the landscape in the process of time. The application site is currently grassland and there is no physical indication that it was previously developed. Therefore it is considered that the site is not previously developed and is a Greenfield site. However, it is important to note that whilst NPPF seeks to encourage the effective use of land by re-using land that has been previously developed this is not a pre-requisite.

7.14 The Local Plan identifies the site could provide a potential of 41 potential new homes. Objections have been received regarding the proposed number of residential units being 65 and exceeding that in the Local Plan. The Local Plan number of 41 dwellings is only a potential number and was derived without doing any design work for the purposes of helping to calculate the potential housing supply. The site is allocated for housing and this is a housing proposal. Whether the site can accommodate the number of units that are being applied for is a matter to be considered in terms of its design and layout which are considered

below. This is a housing application on an allocated housing site and therefore it is considered that the principle is acceptable in accordance with policy S4.3(48).

7.15 Members need to consider whether the principle of residential development on this site is acceptable and whether it would accord with the advice in NPPF and policies DM1.3, S4.1 and S4.3(48) and weight this in their decision. It is officer advice that it would.

7.16 North Tyneside 5-Year Housing Land Supply

7.17 Paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

7.18 Planning Committee will be aware that the North Tyneside Local Plan was adopted in July 2017 and sets out the borough's housing requirement to 2032. The most up to date assessment of housing land supply informed by the March 2018 5-year Housing Land Supply Summary that identifies the total potential 5-year housing land supply in the borough at 5,276 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 5.4 year supply of housing land). It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is included in the assessment that North Tyneside has a 5.4 year supply of housing land and it is officer opinion that the proposed 65 dwellings will make a small, but valuable contribution towards the five year housing land supply.

7.19 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. Paragraph 49 of NPPF makes it clear that housing applications should be considered in the presumption in favour of sustainable development.

7.20 This site is allocated for potentially up to 41 residential units according to the Local Plan. This proposal seeks to provide 65 new residential units, however the Local Plan figure is just a potential figure. It was derived from a desk based assessment taking into account of site constraints and then applying a density. It was not derived following detailed design work, which has been undertaken as part of this application.

7.21 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 for housing can be granted which add to the choice and range of housing. Paragraph 49 of NPPF makes it clear that housing applications should be considered in the presumption in favour of sustainable development.

7.22 Members need to take into account the benefits of providing additional housing in terms of seeking to maintain a five year housing land supply and

weight this in the balance in terms of whether planning permission should be granted.

7.23 Range of Housing Types and Sizes

7.24 Policy DM4.6 seeks to ensure that new residential development provides a mix of homes, to meet current and future demand and to create sustainable communities applications for new housing development will be considered with regard to the Council's most up-to-date evidence, including housing need and local market conditions.

7.25 The proposal would provide a mix and range of homes. It would provide 16 houses with a mixture of 3 and 4 bedrooms. It would also provide 46 apartments (1 and 2 bed) with 3 x 2 bed flats over garages. According to the 2015 Strategic Housing Market Assessment Whitley Bay/Monkseaton is the preferred location for people looking to move in the next five years. Within the Whitley Bay/Monkseaton Area the highest housing need in terms of affordable housing is for 1 and 2 bed properties (Table 5.22).

7.26 Members need to consider whether the proposal would accord with policy DM4.6 and weight this in their decision. It is officer advice that the proposal would provide a mix and range of housing that would seek to meet current and future needs in accordance with policy DM4.6.

7.27 Contamination & Land Stability

7.28 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

7.29 Policy DM5.18 states that where 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 amongst other matters sets out measures to allow the development to go ahead safely without adversely affect, which will be secured via a condition of any planning permission.

7.30 The applicant has submitted a Phase 1 Desk Top Study and Coal Mining Risk Assessment and a Phase 2 Ground Investigation Report. The site is located within a Coal Mining Referral Area, meaning there is a requirement to consult with The Coal Authority and also within a Contaminated Land Buffer Zone. The Council's Contaminated Land Officer does not object subject to conditions. The Coal Authority does not object to the proposed development and states that no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

7.31 Members need to consider whether the site could be development safely without adverse effect in accordance with policy DM5.18. It is officer advice that it could.

7.32 Biodiversity

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

7.34 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts of biodiversity and proving net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

7.35 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided or at least compensated for, then planning permission should be refused.

7.36 Policy AS8.15 states that within the Coastal Sub Area in which this site is located, growth and development will be integrated with the protection and enhancement of nature conservation sites including the Northumbrian Coast SPA and the Northumberland Shore SSSI.

7.37 Policy S5.4 states the borough biodiversity and geo-diversity will be protected by amongst other matters by the protection of both statutory and non-statutory designated sites within the borough.

7.38 Policy DM5.5 states that proposed development inland within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

7.39 Policy DM5.6 states that proposals that adversely affect an International Site such as a Special Protection Area can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. If necessary developer contributions or conditions will be secured to implement measures to ensure avoidance or mitigation of, or compensation for all of the adverse effects. This can include appropriate signage and distribution of information to raise public awareness amongst other matters.

7.40 The Council's Biodiversity Officer has commented that the site consists main of grassland of low value for biodiversity and with limited suitability for nesting bird activity.

7.41 The applicant has submitted a report to inform the Habitat Regulations Assessment. This states that the Northumbria Coast Special Protection Area and Ramsar Site are 447m to the east of the site at their closest point.

7.42 The Council's Biodiversity Officer has commented that without appropriate mitigation, recreation-related disturbance (from the development itself and in

combination with relevant developments located within a 6Km buffer) is likely to have a significant effect on the interest features of the European site (purple sandpiper and turnstone).

7.43 The applicant has submitted an updated Habitat Regulations Assessment report that recommends measures such as additional information to potential occupiers of the new homes such as Information Packs. The Council's Biodiversity Officer states that this would not be sufficient in itself to mitigate the impact.

7.44 One of the measures previously recommended was improved signage and interpretation within the local area, particularly where they are most likely to be viewed by dog walkers and recreational walkers from the developed site. She concludes by stating that unless these additional measures are secured that she would be unable to support the application. The additional measures such as a welcome pack to all new residents and signage can be secured by conditions.

7.45 Natural England does not object subject to appropriate mitigation being secured.

7.46 Members need to consider whether the proposal would result in significant harm to biodiversity and whether it would accord with the advice in NPPF, policies AS8.15, S5.4, DM5.5 and DM5.6 of the Local Plan and weight this in their decision. It is officer advice that subject to conditions that the proposal would avoid significant harm.

7.47 Archaeology

7.48 Paragraph 141 of NPPF states that heritage assets are an irreplaceable resource and therefore they should be conserved in a manner appropriate to its significance.

7.49 Policy DM6.7 seeks amongst other matters to protect, enhance, and promote the Borough's archaeological heritage and where appropriate encourage its interpretation and presentation to the public.

7.50 The Tyne and Wear Archaeology Officer has been consulted, but says she has no comments to make. Therefore in conclusion it is considered that the proposal would not conflict with the advice in NPPF and policy DM6.7 of the Local Plan.

7.51 Flooding

7.52 Paragraph 100 NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test.

7.53 Policy S5.11 states that the priority is to avoid, minimise and control surface water entering the sewerage system to reduce the risk of sewer flooding and to avoid the need for unnecessary sewerage treatment.

7.54 Policy DM5.12 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 taken to reduce the overall flood risk for all sources. Taking into account the impact of climate change.

7.55 Policy DM5.14 seeks a reduction in surface water run off rates will be sought for all new development.

7.56 Policy DM5.15 requires applicants to consider the surface water hierarchy, seeking to discharge to the ground first and only seeking to discharge to a combined sewer if other options are not possible.

7.57 The applicant has submitted a Flood Risk and Drainage Statement. This states that the proposed development is within Flood Zone 1, which is at low risk of flooding. It is also at low risk of surface water flooding. The site is at risk of ground water flooding, however this can be overcome by raising the finished floor levels 300mm above existing ground levels.

7.58 Northumbrian Water confirms that a restricted rate of surface water discharge to the public sewer would be acceptable.

7.59 The Council's Local Lead Flood Authority confirm that he has no objections to the application. Following discussions with the applicant they have agreed to amend the discharge rate to the equivalent of greenfield run-off rate or as practically close to this figure which is achievable. Following on from these discussions the applicant has amended the drainage design to restrict the discharge rate down to 5 litres per second, which is the lowest practically achievable. This can be secured by a condition.

7.60 Members need to consider whether the proposal would accord with the advice in NPPF and policies S5.11, DM5.12, DM5.14 and DM5.15 and weight this in their decision. It is officer advice that it would.

7.61 Character and Appearance

7.62 Paragraph 56 of NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute to making places better for people

7.63 Policy DM5.9 supports new tree planting with a preference towards native species of local provenance.

7.64 Policy DM6.1 states that applications will only be permitted where they demonstrate high and consistent design standards. Proposals are expected to demonstrate amongst other matters a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

7.65 The proposal seeks planning permission for 65 dwellings, which would result in a density of approximately 108 dwellings per hectare, which is a high density. Although this would be a high density, the site is within Whitley Bay

Town Centre. Town Centre locations such as this given that they are close to shops and transport facilities are considered suitable for higher density schemes.

7.66 The proposal comprises of 3 and 4 storey apartments and 2 and 3 storey houses. Concerns were previously raised by objectors and also officers about the scale, mass and design of the apartments. The scheme has been amended.

7.67 Particular concerns were raised about the height of the apartments next to St Edwards Church, which is a Grade II listed building. The apartment block has been reduced in height closest to the Church by 1 storey. The height of the remaining apartments has also been slightly reduced, although it still remains 4 storeys. It officer advice that the reduction in height adjacent to St Edwards Church helps to reduce it's impact upon the Church and is considered to be acceptable.

7.68 The height of the apartment block along Marine Gardens has been increased in height. This is considered acceptable, being opposite the Playhouse which is also a tall building in comparison with its surroundings. The Council's Design Officer states that the placement of the houses on Marine Gardens is supported and would sit well within the established street scene.

7.69 The Design Officer also states that the houses on Coquet Avenue do not follow the established building line. The arrangement of the car parking on Coquet Avenue does not follow the established pattern with garages and driveways accessed from Coquet Avenue rather than to the rear.

7.70 The Design Officer concludes by states that overall the scheme has a suitable scale, mass and design and that although there are some concerns noted with the design it if officer advice that they are not significant enough to make the application unacceptable.

7.71 The Council's Biodiversity Officer states that the amended landscaping scheme lack native tree planning and that the ornamental varieties proposed should be changed to native varieties, however this can be controlled through a condition.

7.72 The Council's Landscape Architect states that there are no significant landscape features on site, but a number of mature and smaller scale ornamental trees line the adjacent pavement areas of the opposite streets. The revised landscaping scheme and the choice of heavy standard and extra heavy standard trees and the attendant ornamental shrub, hedge and perennial planting design are appropriate and does not object subject to conditions.

7.73 Members need to determine whether the proposed development would be acceptable in terms of its character and appearance of the site and the surroundings area and whether it would accord with the advice in NPPF and policies DM5.9 and DM6.1.

7.74 Impact upon heritage assets

7.75 Paragraph 131 of NPPF states that in determining planning applications local planning authorities should take account of another matters the desirability of sustaining and enhancing the significance of heritage assets.

7.76 Paragraph 132 of NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.

7.77 Paragraph 133 states that where a proposed development would result in substantial harm to or total loss of significance of a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm to or total loss is necessary to achieve substantial public benefits that outweigh any harm or loss.

7.78 Policy S6.5 seeks to pro-actively preserve, promote and enhance its heritage assets by amongst other matters respecting the significance of assets.

7.79 Policy DM6.6 states that proposal that affect heritage assets or their settings, will be permitted where they sustain, conserve and where appropriate enhance the significance, character and setting of heritage assets in an appropriate manner.

7.80 Policy AS8.15 seeks to integrate growth and development at the Coast with the protection and enhancement of the built and natural environment, in particular the heritage assets at Whitley Bay.

7.81 The site is within close proximity of 3 listed buildings. St Edwards Church which is Grade II listed and located immediately to the south of the application site. Further to the north at the junction between Park Road and Marine Avenue, there is a sewer gas lamp and further way the north-west is Spanish City, which consists of The Dome and former Empress Ballroom which is now use as a Bingo Hall. The Spanish City is Grade II listed also.

7.82 As mentioned above the apartment block along Park Avenue has been reduced from 4 storeys to 3 storeys adjacent to the St Edwards Church and this would reduce its impact upon this listed building. The ridge height of the apartment block would be comparable with that of the ridge height of the main roof of the church. This would still allow the central circular tower of the church to project above and therefore it is considered that it would not unduly affect this listed building's prominence or its setting.

7.83 With regards to the sewer gas lamp it is also considered that the proposal would not adversely affect its setting. The new development would be visible from standing next to the sewer gas lamp and looking south. However it would be viewed in the context of the Playhouse which is another tall building and also the modern development of Marine Park First School, and it is considered that give its distance away it would not adversely affect its setting.

7.84 In terms of the Dome, it is also considered that the proposal would not have an adverse impact. The Dome is situated on the sea front. The principal views of the Dome and the most important are those looking along the Coast especially from the north looking southwards. Due to the fact that this site is set further away from the seas front and the other tall buildings in this area such as the Playhouse and St Edwards Church it is considered that it would be seen in this context and would not have an adverse impact upon the Dome's setting.

7.85 Members need to determine whether the proposal would adversely affect the character or setting of listed buildings. It is officer advice that it would not and the proposal would accord with the advice in NPPF and policies S6.5, DM6.6 and AS8.15.

7.86 Impact upon Neighbours

7.87 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

7.88 Policy S1.2 seeks to improve the health and wellbeing of communities by amongst other matters preventing negative impacts on residential amenity.

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

7.90 Policy DM5.19 states that development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be secure a satisfactory living or working environment.

7.91 Policy DM6.1 expects proposals amongst other matters to provide a good standard of amenity for existing and future residents and users of the buildings and spaces.

7.92 The neighbours most likely to be directly affected by the proposals are those living in 1, 8-18 (evens) Marine Gardens, 2 Coquet Avenue and the former Church Hall, St Edwards Church and 3-9 (odds) Coquet Avenue.

7.93 For the occupiers of 1 Marine Gardens, it is considered that that the proposal would not have an adverse impact. Plot 55 which is a two storey semi-detached dwelling would be set on the north eastern side of an access lane. It would have a lower ridge height than 1 Marine Gardens and would have no windows in the side flank facing towards the existing neighbouring property.

7.94 For the occupiers of 8-18 Marine Gardens it is also considered that the proposal would not have an adverse impact. The outlook from these properties would be upon two storey semi-detached and terraced properties with those dwellings further to the east having front dormer windows and gradually increasing in height. Such relationship between dwellings within an existing urban area are common and it would not have an adverse impact upon either outlook or privacy.

7.95 For the occupiers of 2 Coquet Avenue it is also considered that the proposal would not have an adverse impact. 2 Coquet Avenue is separated from the application site by the former Church Hall, which is currently disused and in a poor state of repair although it has an extant planning permission to be used as a swimming pool. The approved plans shows that there would be no openings on the eastern flank elevation facing towards the application site and therefore this application would not adversely affect the privacy of the swimming pool. The proposed dwelling that would be sited towards the east of the Hall would provide accommodation on three levels with living in the roof space, although its ridge height would be lower than that of 2 Coquet Avenue. This particular housetype would have a door in the side elevation at ground floor level; however this would just face onto the flank elevation of the Hall and would not affect the amenity or privacy of 2 Coquet Avenue.

7.96 For the occupiers of St Edwards Church it is also considered that the proposal would not adversely affect the privacy or amenity of the users of this building. Although the proposal would be at three storeys in height towards the eastern end of the site it would be situated to the north of the Church and as such would not adversely affect the amount of sunlight.

7.97 For the occupiers of 3-9 Coquet Avenue it is also considered that the proposal would not have an adverse impact. These occupiers would be looking out onto a mix of two and three storey houses. However the garages and access road would create visual breaks between the new housing and as such the proposal would not adversely affect outlook or privacy.

7.98 The Manager of Environmental Health (Pollution) has been consulted and states that she has viewed the noise assessment that has considered daytime noise from the school and from the road traffic noise and night time noise arising from the Playhouse. The night time noise monitoring occurred during a music event. The report confirms that music from the event was not audible at the development site, but that the main noise sources included for cars leaving the car park, revellers leaving the venue and crews loading 2 vans. The noise assessment included for a BS4142 assessment of the noise from the loading operations and determined that the noise would not amount to a significant adverse impact.

7.99 However, the noise report has determined that road traffic noise is high and gave levels of between 58 - 65 dB for proposed properties adjacent to Park Road. If residents choose to open windows for habitable rooms facing onto the road and onto Marine Park First School they will be exposed to high noise levels that will result in the internal noise levels being above the recommended levels within BS8233. A form of enhanced glazing will be necessary.

7.100 The Manager of Environmental Health also notes that the apartments will include balconies. The noise levels for those located on the eastern elevation will exceed the upper threshold level recommended by the World Health Organisation of 55 db LAeq. It will therefore be necessary for some form of screening to be provided to the balconies at an approximate height of 1.2m to provide partial acoustic screening. Other external areas are to the rear of the houses and will be afforded screening by the building themselves. However, if

any garden area has a line of sight of Park Road then this will require a minimum 1.8m high acoustic fence or wall to be provided to mitigate road traffic noise.

7.101 The Manager of Environmental Health does not object subject to conditions.

7.102 Concern has also been expressed by Marine Park Primary School that the apartment block would overlook the school playground and that this would be detrimental to their amenity. This concern is noted. The Senior Manager of Education has been consulted and states Schools, by their very nature, are located at the heart of the communities they serve and are generally visible within their catchment (indeed, we have concerns for those schools hidden from public view, in terms of their lack of presence within their communities, and the potentially detrimental impact this has for pupil numbers). Many existing, and more recently built schools are overlooked by residential, community and industry / employment properties.

7.103 Safeguarding is an essential principle that the school manages, and this focuses upon the activities and access arrangements in and around the school. Schools work on the principle of Public, Privileged and private spaces, in terms of who, why, when and where members of the public can gain access to school buildings. The monitoring of who can see into a school from a public highway or other development is not something that can be controlled, it would, however be for the school to ensure that the public cannot see into school spaces where the children are in vulnerable circumstances, i.e. changing accommodation or medical examinations.

7.104 As a rule, the Local Education Authority would not object to residential developments unless there were safeguarding concerns that went beyond that of 'normal' community presence. It is officer advice that the proposal would not adversely affect the amenity or privacy of children at Marine Park Primary School.

7.105 Members need to determine whether the proposal would comply with the advice in NPPF and policies S1.2, S1.4, DM5.19 and DM6.1 and weight this in their decision. It is officer advice that it would.

7.106 Car Parking and Access

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

7.108 All development that generates significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Planning decisions should take into count amongst other matters that safe and suitable access to the site can be achieved for all people.

7.109 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.110 Policy DM7.4 states that the number of cycle and parking spaces provided in accordance with the standards set out in the Transport and Highways SPD (LDD12).

7.111 Policy DM7.9 states that all developments are expected to ensure a suitable location for the storage and collection of waste.

7.112 The Highway Network Manager has been consulted and states that the site is accessed from both Coquet Avenue and Marine Gardens Street. Parking has been provided in accordance with the standards set out in LDD12 and the site has good links with public transport.

7.113 The site is also within a sustainable location being within the Whitley Bay town centre and therefore is close to facilities such as shops, leisure facilities and public transport.

7.114 The proposed site plan showing the wider context demonstrates that the site would provide suitable locations for the storage and collection of waste and therefore the proposal would accord with policy DM7.9.

7.115 Concern has been expressed from existing residents that this would reduce the availability of on-street parking along Coquet Avenue and Marine Gardens. This proposal would undoubtedly reduce the amount of on-street parking that is available, however existing residents have benefitted from this site lying vacant for a considerable period of time. In any event following the advice of the Highways Network Manager the proposal would not have a severe impact.

7.116 Members need to consider whether the proposal would provide sufficient access and parking and whether the proposal would accord with the advice in paragraph 32 of NPPF, policies DM7.4 and DM7.9 and weight this in their decision. It is officer advice that it would.

7.117 S106 Contributions

7.118 NPPF states that pursuing development requires careful attention to viability. To ensure viability, the costs of any requirements likely to be applied to development such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation, provide competitive returns to a willing land owner and a willing developer to enable the development to be deliverable.

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

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

7.120 Policy DM4.7 states that the Council will seek 25% of new homes to be affordable on new housing development of 11 or more dwellings, taking into consideration specific site circumstances and economic viability.

7.121 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.

7.122 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 applicants to identify appropriate solutions where matters of viability arise and require negotiation.

7.123 The applicant has offered 17% affordable housing on-site, which is below the 25% sought by policy DM4.7 of the Local Plan. The applicant has submitted a viability appraisal that has been checked for its robustness. This confirms that the site would not be viable if it required the provision of the full 25% affordable housing and therefore the proposal would comply with policy DM4.7 and the advice in the SPD.

7.124 A contribution of £12,765 is also considered necessary towards provision of a mitigation service including warden provision and associated facilities to mitigate the impact of recreation activity along the coast of North Tyneside.

7.125 Marine Park Primary School considers that a S106 contribution should be made in terms of an education contribution to deal with the extra children that this proposal will generate. However, Marine Park Primary School does not admit entirely within catchment. In terms of new admissions 38 (4 of these were siblings) children were admitted outside of catchment in September 2016 and 42 (20 were siblings) in September 2015. Therefore there is capacity at the school, as currently it is admitting children from outside of catchment. With this development it would mean that fewer children would be admitted from outside of catchment. It would only be necessary to seek an education contribution if the school was full in terms of admitting all of its children from within catchment which it is not.

7.126 Members need to consider whether the proposal would accord with policy DM4.7 and the advice in the SPD and weight this in their decision. It is officer advice that it would.

7.126 Local Financial Considerations

7.127 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). It is considered that the proposal would result in benefits in terms of jobs during the construction.

7.128 Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

7.129 As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years.

7.130 In addition, the new homes will bring additional revenue in terms of Council Tax.

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

7.131 Other Matters

7.132 One of the objections states that a precedent will be set. However, planning applications must be considered on their own merits and in accordance with the development plan, unless material considerations indicate otherwise. The proposal would not set a precedent, whereby other similar proposals would be acceptable.

7.133 Conclusions

7.134 Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The site is allocated for housing by policy S4.3(48) of the Local Plan.

7.135 The proposal would provide a range of house types and sizes.

7.136 Subject to conditions and a S106 Agreement the proposal would avoid significant harm to biodiversity.

7.140 The site is within Flood Zone 1 and subject to conditions to secure greenfield run off rate, it would not cause an adverse impact.

7.141 The proposal would not adversely affect the character and appearance of the site or its surroundings including the character and settings of nearby listed buildings.

7.142 The proposal would not adversely affect neighbours living conditions through an adverse impact upon outlook or privacy.

7.143 Subject to conditions, the proposal would not have a significant adverse impact in terms of future occupiers living conditions in terms of noise.

7.144 Highways and traffic impacts would be acceptable and not severe.

The proposal would provide 17% affordable housing, although this is not the 25% sought, the applicant has submitted a robust viability appraisal.

7.145 In conclusion, subject to conditions and a S106 Legal Agreement, it is recommended on balance that planning permission should be granted.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate they are minded to approve the application subject to the conditions set out below and the addition or omission of any other considered necessary to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;
17% affordable housing to be provided on-site;
£12,675 contribution towards provision of a mitigation service including warden provision and associated facilities to mitigate the impact of recreation activity along the coast of North Tyneside.

Members are also recommended to authorise the Head of Law and Governance to undertake all necessary procedures to obtain the following highway improvement by virtue of S278 of the Highways Act 1980;
Associated drainage
Associated street lighting
Associated road markings
Associated signage
Associated Traffic Regulation Orders

Conditions/Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and specifications;

Application Form including materials dated 02/06/17.

Site Location Plan, Drawing No. SL-01 Rev A

Proposed Site Layout Plan, Drawing No. SL-02 Rev C

Proposed Roof Plan, Drawing No. SL-03 Rev A

Proposed Boundary Treatments, Drawing No. SL-04 Rev A

Proposed Site Plan - Wider Context Drawing No. DL-05 Rev A

- Proposed Ground and First Floor (APT's) Drawing No. A-01 Rev C
Proposed Second and Third Floor (APT's) Drawing No. A-02 Rev C
Proposed Elevations 1 (APT's) Drawing No. A-03 Rev B
Proposed Elevations 2 (APT's) Drawing No. A-04 Rev B
Proposed APT. Block 2 (FOG) Drawing No. A2-01
Housetype 1 - Plans and Elevations, Drawing No. HT1-01
Housetype 2 - Plans and Elevations, Drawing No. HT2-01
Housetype 3 - Plans and Elevations, Drawing No. HT3-01
Housetype 4B - Plans and Elevations, Drawing No. HT4B-01
Housetype 4C - Plans, Drawing No. HT4C-01
Housetype 4C - Elevations, Drawing No. HT4C-02
Streetscape 1, Drawing No. SS-01
Streetscape 2, Drawing No. SS-02
Streetscape 3, Drawing No. SS-03
Hard and Soft Landscape General Arrangement Drawing No.
POE_141_001 Rev D
Design and Access Statement dated June 2017
Marine Gardens, Whitley Bay, Report to Inform a Habitat Regulations
Assessment , dated 25 August 2017.
Reason: To ensure that the development is carried out in accordance with
the approved plans.
2. The development hereby permitted shall be begun before the expiration of
three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and
Country Planning Act 1990.
3. No development shall take place until plans of the site showing the existing
and proposed ground levels and levels of thresholds and floor levels of all
proposed buildings has been submitted to and approved in writing by the Local
Planning Authority. Such levels shall be shown in relation to a fixed and known
datum point. Thereafter, the development shall not be carried out other than in
accordance with the approved details.
Reason: This condition is required to be pre-commencement to ensure an
accurate measurement of the existing ground level can be taken in accordance
with policy DM6.1 of the North Tyneside Local Plan 2017.
4. The development hereby permitted shall be landscaped in accordance with a
fully detailed scheme to be approved in writing by the local planning authority
prior to any of the buildings hereby permitted being built above damp proof course.
Reason: In the interests of the amenity and to ensure a satisfactory
standard of landscaping in accordance with policy DM6.1 of the North Tyneside
Local Plan 2017.
5. All planting, seeding or turfing comprises in the approved details of
landscaping shall be carries out in the first planting and seeding seasons
following the occupation of the buildings or the completion of the development,
whichever is the sooner, and any trees or plants within a period of five years from
the completion of the development, die are removed or become seriously
damaged or diseased, 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 regards to policy DM5.9 of the North Tyneside Local Plan 2017.

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

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

7. 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 DM6.1 of the North Tyneside Local Plan 2017

8. No development above damp proof course shall take place until details of facilities to be provided for the storage of refuse at the premises have been 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 policy DM6.1 of the North Tyneside Local Plan 2017.

9. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water 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. 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 development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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

11. No development above damp proof course shall commence until a scheme to manage refuse collection, including identifying a suitable storage areas for collection day has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Council Local Plan 2017.

12. No development above damp proof course shall take place until the local planning authority has approved in writing details of a noise scheme for window glazing to be provided to habitable rooms as outlined in noise report reference IDP/MG/001 to ensure that bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of L_{max} of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB(A) as described in BS8233:2014. No residential unit shall be first occupied until the glazing has been provided in accordance with the approved details.

Reason: To ensure an acceptable residential living environment for future occupiers in accordance with policy DM5.19 of the North Tyneside Local Plan 2017

13. No development above damp proof course shall take place until a ventilation scheme for habitable rooms with line of sight to Park Road, the Playhouse and Marine Park First School has been submitted to and approved in writing by the Local Planning Authority. The ventilation scheme shall thereafter be implemented and maintained to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2c of Approved Document F. Each habitable room must be fitted with a mechanical extract vent and have a variable control installed for ventilation. Thereafter the development shall be provided in accordance with the approved details prior to any or the residential units hereby permitted being first occupied.

Reason: To ensure an acceptable residential living environment for future occupiers in accordance with policy DM5.19 of the North Tyneside Local Plan 2017

14. No development above damp proof course shall take place until details of a double boarded fencing to be provided to any main external garden of the residential plots that have line of sight to Park Road, The Playhouse and Marine Park First School has been submitted to and approved in writing by the Local Planning Authority. Thereafter the fencing shall be provided in accordance with the approved details prior to any of the residential plots that have a line of sight to Park Road, the Playhouse, and Marine Park First School being first occupied.

Reason: To ensure acceptable residential living environment for those properties in line of sight of Park Road, The Playhouse and Marine Park First School in accordance with policy DM5.19 of the North Tyneside Local Plan 2017.

15. No development above damp proof course shall take place until details of a 1.2m high acoustic screen to balconies facing Park Road and Coquet Avenue has been submitted to and approved in writing by the Local Planning Authority. Thereafter the acoustic screen shall be provided and maintained thereafter prior to any of the dwellings with balconies being first occupied.

Reason: To ensure an acceptable residential living environment from those units with balconies in accordance with policy DM5.19 of the North Tyneside Local Plan 2017.

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

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

17. Prior to the development commencing a detailed scheme to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Thereafter development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works and used on all occasions when visible dust emissions are likely to be carried from the site eg during dry, windy conditions.

Reason: To safeguard the occupiers of surrounding properties and users of the public highway from any discomfort or loss of amenity arising from construction activities on the site in accordance with policy DM5.19 of the North Tyneside Local Plan 2017.

18. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard

to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

19. 19. No other part of the development shall be commenced until:-
- a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed form the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

20. Notwithstanding the submitted details no residential units shall be constructed above damp proof course until details of the windows and doors has been submitted to and approved in writing by the local planning authority. Windows should be set back within the window reveal unless otherwise agreed by the local planning authority. Thereafter the doors and windows shall be installed in accordance with the agreed details prior to any of the residential units hereby permitted being first occupied.

Reason: In the interests of securing high quality design in accordance with policy DM6.1 of the North Tyneside Local Plan 2017.

21. Notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 or any order re-enacting, amending or replacing that order no alarm boxes or other external features, including meter boxes, satellite dishes or ventilation extraction shall be installed unless approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to be able to control in detail any additional external features to ensure high quality design in accordance with policy DM6.1 of the North Tyneside Local Plan 2017.

22. No development above damp proof course shall take place until details of a Welcome Pack to be provided to all residents has been submitted to and approved in writing by the Local Planning Authority. The Welcome Pack shall include details of the Ramsar Sites/SPA and the issues relating to bird populations. The Welcome Pack shall be provided to all new residents prior to first occupation of the residential units hereby permitted in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with the advice in National Planning Policy Framework.

23. Prior to any development above damp proof course details of signage and interpretation boards regarding birds between the development site and the SPA shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Natural England. Thereafter the signage and interpretation boards shall be provided in accordance with the approved details.

Reason: In the interests of biodiversity and in accordance with the advice in National Planning Policy Framework.

24. No development shall take place until details of nest box specification including location has been submitted to and approved in writing for the following;

- 5 house martin nest boxes to be provided on buildings within the scheme.
- 10 bird nesting boxes (hole nesting and open front boxes)
- 5 bat boxes to be provided on a building or trees within the application site.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: This condition needs to be pre-commencement to ensure that the details are approved prior to works commencing to ensure that birds and bats are protected throughout the development in accordance with the advice in National Planning Policy Framework.

25. No vegetation removal is to take place within the bird nesting season (March-August inclusive) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to the development commencing.

Reason: In the interests of biodiversity in accordance with the advice in National Planning Policy Framework.

26. The development hereby approved (excluding demolition and/or site clearance works) shall not be commenced until full drainage design details of surface water attenuation from the highway, footpaths and other hard surfaces have been approved in writing by the Local Planning Authority and no residential unit hereby permitted shall be occupied until the surface water attenuation has been constructed in accordance with the approved details.

Reason: These details are required in advance of development as the drainage is likely to be provided early in the construction process. This will ensure that the drainage details can be agreed and provided in advance of the works commencing so that when works start they can be incorporated into the development as it proceeds having regard to policy DM5.12 of the North Tyneside Local Plan 2017.

27. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk and Drainage Statement" dated September 2016. The drainage scheme shall ensure that foul and surface water flows discharge at the combined sewer at manhole 2401. The surface water discharge rate shall not exceed the available capacity of 46.5l/sec that has been identified for this sewer.

Reason: To prevent flooding in accordance with policy DM5.12 of the North Tyneside Local Plan 2017.

28. Prior to any of dwellings hereby permitted being first occupied details of street lighting including the design, height and location of lampposts which shall be designed to be fully cut off so as not to direct lighting up in the atmosphere shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle Airport. Thereafter the street lighting shall be implemented in accordance with the approved details.

Reason: In the interests of aerodrome safeguarding.

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 Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Coal Mining Referral Area , (FULH) (I43)

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

The applicant is advised that future residents may not be entitled to a parking permit under the Council's residential permit scheme. For further information contact the Parking Control Team: parkingcontrol@northtyneside.gov.uk (0191) 643 2121

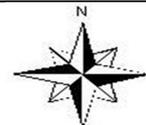


Application reference: 17/00817/FUL
Location: Site Of Coquet Park And Marine Park First Schools, Coquet Avenue, Whitley Bay, Tyne And Wear
Proposal: Residential development of 65 units consisting of 16no houses (3 and 4 bedroom), 46no apartments (1 and 2 bedroom), 3no Flats over garages (2 bedroom) with associated parking and landscaping (Revised Flood Risk & Drainage Assessment submitted 04.08.17) (Report to inform Habitat Regulations Assessment received 02.11.17) (Amended Landscape Scheme received 02.11.17)

Not to scale

Date: 28.06.2018

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**Appendix 1 – 17/00817/FUL
Item 1**

Consultations/representations

Internal Consultees

1. Highway Network Manager

1.1 The site is accessed from both Coquet Avenue and Marine Gardens Street. Parking has been provided in accordance with the standards set out in LDD12 and the site has good links with public transport.

1.2 For the reasons outlined above and on balance conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 The applicant will be required to enter into an appropriate Legal Agreement with the Local Authority for the following works:

1.5 Upgrade of existing footpaths abutting the site

Associated drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

1.6 Conditions:

ACC10 - New Access: Access before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

1.7 No development shall commence until a scheme to manage refuse collection, including identifying a suitable storage area for collection day 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 before the development is occupied.

Reason: In the interests of highway safety.

1.8 Informatives:

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

1.9 The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management

Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

1.10 The applicant is advised that future residents may not be entitled to a parking permit under the councils residential permit scheme. For further information contact the Parking Control Team:
parkingcontrol@northtyneside.gov.uk (0191) 643 2121

2. Manager of Environmental Health (Pollution)

2.1 I have concerns with regard to noise arising from the Playhouse affecting the proposed residential site. Environmental Health have previously received complaints in 2013 and 2014 regarding noise from the Playhouse affecting neighbouring residential properties during entertainment events when tribute bands were playing.

2.2 I have viewed the noise assessment that has considered daytime noise from the school and from the road traffic noise and night time noise arising from the Playhouse. The night time noise monitoring occurred during a music event. The report confirms that music from the event was not audible at the development site, but that the main noise sources included for cars leaving the car park, revellers leaving the venue and crews loading 2 vans. The noise assessment included for a BS4142 assessment of the noise from the loading operations and determined that the noise would not amount to a significant adverse impact.

2.3 However, the noise report has determined that road traffic noise is high and gave levels of between 58 - 65 dB for proposed properties adjacent to Park Road. If residents choose to open windows for habitable rooms facing onto the road and onto Marine Park First School they will be exposed to high noise levels that will result in the internal noise levels being above the recommended levels within BS8233. A form of enhanced glazing will be necessary. A noise scheme as detailed in the noise assessment report will therefore need to be implemented to ensure noise arising from road traffic using Park Road is appropriately mitigated to ensure habitable rooms achieve a good standard internally. This is to ensure an internal equivalent noise level of 30 dB LAeq for bedrooms and 35 dB LAeq in living rooms and no exceedance of the Lmax noise level in bedrooms at night of 45 dB in accordance to BS8233 is achieved.

2.4 It is noted that the apartments will also include for balconies. The noise levels for those located on the eastern elevation will exceed the upper threshold level recommended by the World Health Organisation of 55 db LAeq. It will therefore be necessary for some form of screening to be provided to the balconies at an approximate height of 1.2m to provide partial acoustic screening. Other external areas are to the rear of the houses and will be afforded screening by the building themselves. However, if any garden area has a line of sight of Park Road then this will require a minimum 1.8m high acoustic fence or wall to be provided to mitigate road traffic noise.

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

2.6 Submit and implement on approval of the local Planning Authority a noise scheme providing details of the window glazing to be provided to habitable rooms as outlined in noise report reference IDP/MG/001 to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014.

2.7 Prior to development, the ventilation scheme for habitable rooms with line of sight to Park Road, the Playhouse and Marine Park First School must be submitted for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2c of Approved Document F. Each habitable room must be fitted with a mechanical extract vent and have a variable control installed for ventilation.

2.8 Details of the double boarded fencing to be provided to any main external garden of residential plots that have line of sight to Park Road, the Playhouse and Marine Park First School, to be submitted and implemented on approval of the local planning authority, and thereafter retained, to attenuate against road traffic noise.

2.9 1.2m high acoustic screening to be provided to balconies to minimise road traffic noise.

HOU04

SIT03

3. Manager of Environmental Health (Contaminated Land Officer)

3.1 The following conditions should be applied:

GAS06

CON01

4. Design Officer

4.1 The proposal comprises of 3 and 4 storey apartments and 2 and 3 storey houses. Concerns were previously raised about the scale, mass and design of the apartments which was considered to be beyond acceptable limits. The scheme has been amended and revised plans have been submitted.

4.2 Particular concerns were raised about the height of the apartments next to St Edwards Church, a grade II listed building. The apartment block has been reduced in height by 1 storey. The height of the remaining apartments has been slightly reduced in height although they remain 4 storeys. The applicant has provided 3D visuals to demonstrate the impact of the development on St Edwards Church from a number of different view points. This information has provided assurance that the scheme will not have a negative impact on the listed building or wider street scene along Park Road.

4.3 The height of the apartment block on Marine Gardens has been increased in height. This is considered acceptable, being opposite the playhouse. The design and placement of the houses on Marine Gardens is supported and will sit well within the established street scene.

4.4 The houses on Coquet Avenue do not follow the established building line. The arrangement of car parking on Coquet Avenue also does not follow the established pattern with garages and driveways accessed from Coquet Avenue rather than to the rear.

4.5 Overall, the scheme has a suitable scale, mass and design. Although some concerns are noted with the design, they are not significant enough to make the application unacceptable.

4.6 Recommended conditions:

- Construction details of windows and doors shall be submitted to the LPA and approved. Windows should be set back within the window reveal unless otherwise agreed by the LPA.
- No alarm boxes or other external features, including meter boxes, satellite dishes or ventilation extraction shall be installed unless approved by the LPA
- Details of boundary treatments should be submitted to the LPA and approved.

5. Landscape Architect

5.1 Existing Site Description

The current site consists of a rectangular compartment of land with an open aspect (grassed) flat horizon, with former land use as Marine Park First School. The site area extends to 0.56 hectare's and is the former site of Marine Park First School. The site area is contained on three sides by roadways, with the end terraces of Marine Gardens and Coquet Avenue bordering its southwest side. There are no significant landscape features on site but a number of mature and smaller scale ornamental trees line the adjacent pavements areas of the opposite streets.

The current site is located within a cultural and educational quarter of the town, with Whitley Bay Playhouse to the north, Whitley Bay Park and Marine Park First School to the northeast and St Edwards Church at close quarters to the south.

5.3 Landscape Comments (Trees and Landscape Design)

The revised document (Landscape Scheme Rev D) shows the proposed landscape design layout, within the context of the built form, streetscape and garden frontage areas. The choice of heavy standard and extra heavy standard trees and the attendant ornamental shrub, hedge and perennial planting design are appropriate for the location(s) within the space available. The proposed layout should make a more substantial and acceptable landscape effect and presence, than the previous design, although the following information will be required.

5.4 Proposed conditions:

In relation to the trees, we will also require further information (with ref, to BS 4043 and BS 3936) on the proposed method of support, staked and/or guying. There does not appear to any cross-references on the types of trees used throughout the scheme and the information in the plant schedule and we would also require this information.

5.5 Will there be any tree protection arrangement/furniture within the car parking bays? Is it proposed to form the hedgerow sections from the ornamental species and if so how will that planting matrix and layout be achieved and established?

5.6 Regarding the following and my previous report submitted to NTC Planning Authority (26/09/2017, as follows., *'There are a small number of mature street trees close to the boundary of the site that may be affected by the proposed construction works and the applicant should consider submitting information (on condition) as to how these landscape elements will be protected during the course of the works. The applicant's contractor should also record these protection measures and a strategy for carrying them out in any potential Construction Works Method Statement (MS).* The contractor should give an assurance that the aforementioned protection measures will be in place prior to any commencement of construction works.

5.7 All tree works should be carried out by an appropriately qualified arboricultural professional in accordance with BS3998: 2010, ensuring the integrity of the surrounding tree and shrub structure. All works to be consistent with good arboricultural practice.

5.8 No site storage or parking of (plant) vehicles to be located within the root protection area of any tree or landscape feature within the area of the proposed site or adjacent to the boundary or perimeter area of the proposed site.

5.9 No utilities or drainage should be located within the root protection areas of any nearby trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

6. Biodiversity Officer

6.1 Landscaping

6.2 The scheme outlined above is sited on an area of open space that consists of amenity grassland of low value for biodiversity and with limited suitability for nesting bird activity. The ecology report undertaken on the site by BSG (July 2016) states that new residential gardens will provide a new roosting and foraging resource for birds within the survey area and recommends mitigation that would provide nesting opportunities for nesting birds including bird boxes.

6.3 The submitted 'Hard and soft landscape general arrangement plan' (DWG No. POE_141_001) has been updated but lacks native tree planting within the scheme. I would, therefore, recommend that the ornamental varieties of *Acer campestre* and *Prunus avium* shown as part of the tree specification are changed to native varieties. To improve biodiversity at the site, bird and bat boxes have been indicated on the plans to provide nesting/roosting opportunities for bats and birds, as well as house martin nest boxes.

6.4 Habitat Regulations Assessment

A report to inform a Habitat Regulations Assessment has also been undertaken by BSG in response to potential recreational disturbance impacts on a European site (the Northumbria Coast SPA and Ramsar site) that was highlighted in their Extended Phase 1 Habitat Survey of July 2016. This report concludes that without appropriate mitigation, recreation-related disturbance (from the development itself and in combination with relevant developments located within a 6km buffer) is likely to have a significant effect on the interest features of the European site (purple sandpiper and turnstone).

6.5 The updated HRA report (2nd Nov 2017) recommends the following measures in order to mitigate the scheme:-

6.6 Pre sales marketing stage, mail shots, on site marketing and web based marketing through Agents for Private Sales and through PfP website and North Tyneside Website for rental properties will include a summary of the HRA issues.

6.7 Sales site Cabin or Marketing Suite to have information in display format to make visitors and potential purchasers aware of the impact of new residents on the Coastal Strip.

6.8 Purchaser/Rental Packs to have full info on the subject with info on mitigation measures that are to be provided (by others) when they become resident.

6.9 Follow up mail shots 1 year into occupation to remind Residents of the issues and measures that are being implemented locally.

6.10 An obligation to the vendor to ensure the Information Packs or passed onto the new Resident (or Tenant) if the property changes hands.

6.11 The above measures relate only to the provision of information provided to new residents on the sensitivity of the coastal SPA. Whilst the provision of information in this way is one of the acceptable means of helping to address the impacts of the scheme, the measure on its own is not adequate or acceptable. A previous version of the HRA document recommended a number of potential mitigation measures including information packs, signage and potential contributions towards a local wardening scheme/improvement of existing access routes to the coast from the site.

6.12 In addition, the North Tyneside Local Plan Policy DM5.6 (Management of International Sites) states the following:-

“if necessary, developer contributions or conditions will be secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of two or more of the following mitigation measures”:-

- a. Appropriate signage to encourage responsible behaviour;
- b. Distribution of information to raise public awareness;
- c. Working with local schools, forums and groups to increase public understanding and ownership;
- d. Use of on-site wardens to inform the public of site sensitivities;
- e. Adoption of a code-of conduct;

- f. Zoning and/or seasonal restrictions to minimise disturbance in particular sensitive areas at particularly sensitive times;
- g. Specially considered design and use of access points and routes;
- h. Undertaking monitoring of the site's condition and species count;
- i. Provision of a Suitable Accessible Natural Green Space (SANGS).

6.13 Additional measures are required to mitigate this scheme, given the size of the development, its distance from the SPA and the fact that the HRA assessment concludes that a combination of measures are required to mitigate for the impacts of the scheme on the integrity of the European site. One of the measures recommended in the previous version of the HRA document was that improved signage and interpretation is provided within the local area, particularly in locations where they are most likely to be viewed by dog walkers and recreational walkers from the developed site. In addition to this, a financial contribution will also be required (to be agreed with the LPA) towards a proposed Coastal Strategic Mitigation Service that will involve coastal wardening and associated activities.

6.14 Natural England have also stated that a financial contribution needs to be secured for coastal mitigation along with some of the other measures listed in the HRA report relating to signage and information packs.

6.15 Therefore, in order to make the scheme acceptable in terms of adequate mitigation for the recreational impacts on the Northumbria Coast SPA, the following mitigation measures will be required:-

6.16 A 'Welcome Pack' provided to all new residents of the Site including details of the SPA / Ramsar sites and the issues relating to bird populations. The pack will include a code-of-conduct within it.

6.17 Provision by the developer of appropriate signage and interpretation in key locations between the development site and the SPA. Details of the signage and their locations will be agreed with the Local Authority and Natural England.

6.18 A financial contribution agreed with the LPA and secured via a S106 agreement towards a Strategic Coastal Mitigation Service

6.19 I have no objection to the scheme subject to the following conditions being attached to the application:-

Conditions

6.20 A financial contribution will be agreed with the LPA towards a Strategic Coastal Mitigation Service to mitigate the impacts of the scheme on the SPA. This will be secured via a S106 agreement prior to development commencing.

6.21 A 'Welcome Pack' will be provided to all new residents of the Site including details of the SPA / Ramsar sites and the issues relating to bird populations. The pack will include a code-of-conduct within it. Details of the pack must be submitted to the Local Authority for approval prior to development commencing.

6.22 Provision by the developer of appropriate signage and interpretation in key locations between the development site and the SPA. Details of the signage and their locations will be agreed with the Local Authority and Natural England prior to development commencing.

6.23 Mitigation measures outlined in section 8.3 of the submitted HRA Report will be adopted for the Marine Gardens Development. Details to be submitted to the Local Authority for approval prior to development commencing.

6.24 A Construction Environmental Management Plan (CEMP) must be submitted to the Local Authority for approval prior to development commencing.

This should outline construction activities and the methods that will be undertaken to minimise the risk of disturbance to SPA birds.

6.25 A detailed landscape scheme must be submitted to the Local Authority for approval prior to development commencing. Landscaping should include native trees within the scheme.

6.26 5no. house martin nest boxes must be provided on buildings within the development scheme. Details of nest box specification and location to be submitted to the Local Authority prior to development commencing.

6.27 10no. bird nesting boxes (hole nesting and open fronted boxes) must be provided within the development scheme. Details of nest box specification and location to be submitted to the Local Authority prior to development commencing.

6.28 5no. bat boxes must be provided on buildings or trees within the development scheme. Details of nest box specification and location to be submitted to the Local Authority prior to development commencing.

6.29 No vegetation removal should take place within the bird nesting season (March-August inclusive) unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing.

7. Local Lead Flood Authority

7.1 I have carried out a review of the above applications surface water drainage proposals and confirm that I have no objections to the application. The initial proposals were to restrict the surface water from the site to 46.5l/s as per NWL advice. I had concerns regarding this rate and its potential impact on the surrounding drainage network, following discussions with the applicant they agreed to amend this discharge rate to the equivalent greenfield run-off rates or as practically close to this figure which is achievable. Following on from these discussions the applicant has amended the drainage design to restrict the discharge rate down to 5l/s which is the lowest figure practically achievable.

7.2 A condition will need to be placed on the application requesting the full drainage design and the methods which will be used for the surface water attenuation before works commences on site.

8. Senior Manager Regeneration

8.1 The Regeneration Team fully supports the development of this vacant grassed site for housing in conjunction with the emerging Local Plan. The proposal will provide a good mix of much needed new homes into the town centre and in close proximity to the coastal regeneration area within Whitley Bay, which is well underway.

8.2 It is important that the adjacent listed building is still the dominant form on the locality, and this remains so.

8.3 The area has excellent public transport links and is close to amenities for residents of the new homes and will add to the vibrancy of the town centre and coast.

9. Senior Manager Education

9.1 When considering proposals for new residential developments, and the subsequent implications for schools, our focus is upon the capacity of the schools in the locality and wider borough to cope with the additional pupil demand arising from new developments.

9.2 Schools, by their very nature, are located at the heart of the communities they serve and are generally visible within their catchment (indeed, we have concerns for those schools hidden from public view, in terms of their lack of presence within their communities, and the potentially detrimental impact this has for pupil numbers). Many existing, and more recently built schools are overlooked by residential, community and industry / employment properties.

9.3 Safeguarding is an essential principle that the school manages, and this focuses upon the activities and access arrangements in and around the school. Schools work on the principle of Public, Privileged and private spaces, in terms of who, why, when and where members of the public can gain access to school buildings. The monitoring of who can see into a school from a public highway or other development is not something that can be controlled, it would, however be for the school to ensure that the public cannot see into school spaces where the children are in vulnerable circumstances, i.e. changing accommodation or medical examinations.

9.4 As a rule, the Local Authority would not object to residential developments unless there were safeguarding concerns that went beyond that of 'normal' community presence.

External Consultees

10. Natural England

10.1 No objection subject to appropriate mitigation.

10.2 We consider that without appropriate mitigation the application would:
- damage or destroy the interest features for which Northumbria Coast Ramsar and Special Protection Area (SPA) have been notified.

10.3 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.

10.4 The proposed mitigation contained within Section 8 of the 'Report to Inform the Habitat Regulations Assessment' received by the LPA on the 2nd November 2017 shall be secured by a section 106 agreement or via appropriate planning condition. Most notably the securing of a financial contribution agreed in conjunction with the LPA to be used for either existing or proposed strategic mitigation schemes.

11. Northumbria Water

11.1 We would have no issue with this application provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk and Drainage Statement." In this document it states that the proposed

development will drain in accordance with the details provided in Northumbrian Water's pre-development enquiry response. This response states that foul and surface water would be permitted to discharge to the existing combined sewer at manhole 2401, with surface water being restricted to a maximum of 46.5l/sec.

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

11.3 **CONDITION:** Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk and Drainage Statement" dated September 2016. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 2401. The surface water discharge rate shall not exceed the available capacity of 46.5l/sec that has been identified for this sewer. The final surface water discharge rate shall be agreed by the Local Lead Flood Authority.

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

12. Newcastle International Airport

12.1 As the development is close to the eastern flight path Newcastle International Airport expect that any lighting for the development including during construction, should be fully cut off so as not to emit any light into the atmosphere, which could be a distraction to pilots.

12.2 The site is situated within the airport's protected obstacle limitation surfaces, however only structures over 100m would present any issue, therefore it is assumed the construction equipment likely needed for this development would present no safeguarding issues.

13. The Coal Authority

13.1 The Coal Authority is satisfied with the broad conclusions of the Phase 2 Ground Investigation Report, and the professional opinions of the report authors set out therein that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development.

Accordingly, The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

14. Police Architectural Liaison Officer

14.1 I recently commented on this planning application and expressed some concerns regarding access and exit points to the site and possible escape routes for offenders.

14.2 I have since had a meeting with Solila Tran at IDP and we have discussed my concerns. She has agreed to make some changes and introduce some gates and extra fencing. As a result if these changes are put in place, then I withdraw my objection to the application.

15. Tyne and Wear Fire and Rescue Service

15.1 The Fire Authority have no objections to this proposal.

16. Cllr John O'Shea (Whitley Bay Ward Councillor)

16.1 Objection.

16.2 My objection is based on my view that the 4 storey elevation on Park Road is overdevelopment of the site. The elevation also damages the amenity of the area and jars with the nearby Church and the Whitley Bay Playhouse.

17. Marine Park First School

17.1 Objection.

17.2 There is no objection to the principle of residential development on the site. However, the development proposed is considered over development, the massing creates significant issues of overlooking of the school, is not appropriate for the area and detracts from the listed Church. Furthermore, the development proposed is highly likely to harm road safety, especially vulnerable road users and sufficient mitigation has not been put forward by the applicant.

17.3 Marine Park First School has a capacity of 520 pupils and accommodates 85 staff. Whilst the school day operates between 08:50 and 15:30, there are busy breakfast and after school clubs together with regular and well subscribed extracurricular activities thus extending the typical school day to between 08:00 to 18:00. There are two nursery sessions which run from 08:45 to 11:45 and 12:45 to 15:30. The school operates at capacity and has done for many years. The school has a very high levels of pedestrian and vehicular movements and as vulnerable road users, pupil safety is of paramount concern to the school and in the determination of this application.

17.4 Additional residential dwellings will result in increased demand for education within the local area. The Local Education Authority should be consulted and they should advise of any necessary planning obligation (Section 106 financial contribution) required to meet additional demand for education services as a result of this development.

17.5 Pedestrians, Traffic and Highways

The pedestrian accesses into the site from Park Road are not inviting and this is due to the developer attempting to screen unsightly undercroft apartment parking. There are limited segregated pedestrian routes within the site and this is problematic for those with visual and mobility impairments, this is not compliant with LDD12 which requires 'high quality direct, well-lit and safe links to the walking network including priority crossings at internal junctions.

17.6 The northern pedestrian access on Park Road appears to be at the existing bus shelter, this is already a movement pinch point and therefore the pedestrian connection to the highway should be relocated. Improved street lighting should be provided as the part of the off-site works.

17.7 The transport statement notes pedestrian, visibility splays of 2m by 2m are to be provided however this is not reflected in the boundary treatment plan. Additionally, these splays should be protected in perpetuity to prevent planting obstructing the view of vulnerable pedestrians from vehicles emerging from the site.

17.8 Very high volumes of pedestrian movements are not limited to the start and end of the school day. The park next to the school is often used by pupils of Marine First School after school, during holidays and at the weekends. Any additional vehicular movements increase the risk of a collision occurring.

17.9 The applicant has failed to provide a safe environment for pedestrians from the development and those on the highway. Furthermore, measures (including off site highway works) to mitigate and manage the additional traffic as a consequence of the development in order to ensure pedestrian safety have not been provided.

17.10 The applicant has failed to make sufficient or appropriate cycle facilities for future residents.

17.11 The Transport Statement notes the existing highway conditions and directional flow of traffic along the one-way streets however it fails to recognise that the eastern end of Marine Gardens is two ways.

17.12 Over the past 10-15 years, there has been increases in general traffic levels as well as cumulative impact from developments such as the change of use to create Taekwondo studio, the redevelopment of the playhouse and more recently the permission for the pool on Coquet Avenue.

17.13 These incremental developments over time have seen increases in traffic levels along the road directly outside the school which the pupils are required to cross to access school.

17.14 The trip generation should be revised and then an accurate assessment of impact can be undertaken.

17.15 This development will certainly add to traffic congestion and therefore pedestrian conflicts on the highway network. All development traffic will pass the pedestrian access points in the school whilst circulating the one-way road system and therefore a material impact occurs to the school frontage.

17.16 The morning network peak vehicular movements and the development peak will occur simultaneously. The increase traffic will result in an increased exposure of risk of a road traffic collision occurring. This is a significant concern for pupils of the school as they are vulnerable road users. The development is likely to have a negative impact on road safety.

17.17 It is expected that the developer would pay for amendments to the highway to reduce vehicular speeds and impacts, including TROs, signs and road markings.

17.18 The parking as detailed is not working resulting in demands which cannot be accommodated within the parking provision and is therefore inadequate.

17.19 The proposed parking is unsuitable, compliant with policy and unacceptable.

17.20 The site is too small to adequately and appropriately accommodate even the parking provision proposed by the applicant and further demonstrates that the proposal is overdevelopment. Without appropriate parking provision made on site for future residents, visitor bays will be occupied and/or there will be a reliance on reduced off-site parking to the detriment road safety.

17.21 Any development of this site should accommodate its parking needs within the site and therefore any future residents should not be eligible for permits for the area and this should be secured via a condition/obligation.

17.22 The information submitted is not clear in terms of refuse strategy, large vehicle servicing and fire access strategy. Furthermore, it has not been demonstrated via vehicle swept path analysis that these vehicles can be adequately accommodated on site and therefore the proposal is poor and unsuitable.

17.23 The developer has failed to demonstrate its claims in the Planning Statement that adequate manoeuvring has been provided for large vehicles access and that safe access is achieved. Furthermore, that the highway remains unobstructed for the safe passage of all users of the highway and that the proposed development does not have an adverse impact of the safety of all users of the highway.

17.24 Concerns regarding construction traffic, noise and disruption to the school.

18. Representations

105 letters of objection have been received raising the following issues;

- Adverse effect on wildlife
- Adverse setting of listed building
- Affect site of Special Scientific Interest
- Affect character of conservation area.
- Affect the setting of a listed building
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision
- Inappropriate design
- Inappropriate materials
- Inappropriate in a special landscape area
- Loss of privacy
- Loss of residential amenity
- Loss of/damage of trees
- Loss of visual amenity
- None compliance with approved policy
- Not in accordance with the development plan
- Nuisance – disturbance
- Nuisance dust/dirt
- Nuisance – fumes
- Nuisance - noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access

Precedent will be set

Traffic congestion

Will result in visual intrusion

I am completely against the proposal for this development, we have enough problems with parking now.

We need guarantee that parking permits will not be granted for the estate to deny them parking on Marine Gardens and Coquet Park as they will have their own private parking that we cannot use.

I believe this development is totally out of order.

I do not understand why the Council believe it is necessary to build on every spare piece of land. It is a small green in a built up area, totally unnecessary to fill it.

I cannot see how there can be enough parking at this development with the number of houses and flats proposed.

Dramatically increase traffic around Marine Park School and increase the risk of accidents.

This development does not take into account the safety aspect, with regard to road crossing traffic pollution and congestion. This is already a busy area at Social housing would be detrimental to the area.

This land should be a car park instead.

Object until it is made clear who will be living in the proposed housing and what effect this would have on the school opposite.

The existing green space is used by the community.

Additional housing is not needed.

The development will spoil the landscape around the school.

It feels like cramming hundreds of people in a small and confined space.

We are already having to put up with major works etc around the Spanish City, why more?

The field is currently heavily used by the community at present and it will be a shame to lose that and our existing trees may be affected by the landscaping. Our privacy will be affected with having new houses facing us instead of in towards the estate.

The flats are too big for in keeping with the area. It obstructs any views we had and makes the corner turn blind and dangerous especially with the school being there.

Any dwelling should be 2+ bed and be lower than 4 storeys.

This small area contains a theatre, park, school, church and soon to have a swimming school too. There is too much traffic and not enough parking already.

A large light-coloured block of flats is completely out of character for these streets.

As well as parking spaces they [the new residents] will also need school places and doctors surgeries where they don't have to wait weeks for appointments.

The area cannot support so many extra properties.

The proposal is a complete over development of the site. The apartment block alone is far too high and intrusive.

The design of the proposal is completely out of keeping with a street of period properties.

Adjacent land of a similar size, has about 24 dwellings on it this would seem reasonable to copy and provide off street parking.

Why not settle for upgrading the area with a decent project.

As a parent who walks daily to Marine Park First School, I am extremely concerned about the extra high volume of traffic that would be created by a further 64 dwellings, possibly a further 125 plus cars daily commuting past a primary school with 500 plus children on a one way traffic system.

The high rise of the flats is not in keeping with the local area and should not be allowed to compete with the surrounding Catholic Church and the playhouse. Should be maintained as green space for local residents.

The vacant brownfield site represents an opportunity to create a sympathetic, contemporary and sustainable development in a key location.

The floor areas do not meet the National Space Standards and some plans are contrived with cramped public and private circulation. None of the units are identified as 'Lifetime' or HAPPI3 homes when there would be significant demand from an older demographic (though downsizing) for such accommodation.

There is no evidence of any renewable energy provision through integrated solar/PV roofing or other technology.

An opportunity to explore the potential for innovative car management scheme has also been missed.

Specific concerns arising from the site plan and building massing include loss of privacy between adjunct units (proximity distances less than guidance) inappropriate location of communal refuse stores under habitable rooms (noise, disturbance, smells, fire risk. The apartment elevations and roof form are contrived and inappropriate (the pre-app Design and Access Statement included a simpler less extravagant forms. The introduction of link Villas is a typology foreign to this area of Whitley Bay.

The proposed pedestrian routes and apartment access, underneath part of the apartment block is unifying and reliant on permanent artificial lighting.

There is no indication of any site community or play space and simply taking S106/CIL money is not a suitable solution.

A developers viability assessment would provide a suitable means of interrogating the economics of the proposals.

It is also disappointing that an opportunity to incorporate an element of self build/co-housing is being lost.

If we change the Playhouse to Rake Lane hospital, Park Road to Bridport Road and Marine gardens to Devon Road we find ourselves at the scene of a 2010 fatal road traffic collision involving a 9 year old child. Even the road layouts of the two adjoin streets are almost identical a severe over 90 degree turn and excessive parking congestion caused by additional visitors to the area and poor crossviews. Can we allow this to happen again.

A more ambitious, better designed scheme, with a less dense footprint and more sustainable approach would result in a more appropriate and economically viable response to the location.

The Proposals Map of the Local Plan designates this site for 41 homes. The current proposal for 60 dwellings is more than a third more than outlines and therefore an overdevelopment. This is a significant departure from the local plan and clearly far too many for this gap/infill site.

The plan does not mention the existing street scene in Coquet Avenue, or the proposed houses are actually flats. The existing building line on that side of Coquet Avenue is two-storey houses.

I can find no indication in the planning proposals that these homes reach Design for Life Standards. Nowhere can I find any reference to homes being accessible to people with mobility or other disabilities.

Marine Park First School will be overlooked by the four storey flats. It is not usual to justify building houses to the height of a church or commercial properties.

The Design Statement states that the proposed apartment block does not compromise on the height of St Edwards Church. In fact it will be the same height as the church and therefore will impact on a Grade II listed building. It also states that the Playhouse is also not compromised by the proposed development in its height and massing. However, the development takes the rear upper roof of the playhouse as its elevation, rather than the main roof at the front. Reducing the height of the apartment block to three storeys would address both the overdevelopment of the site and its impact on surrounding buildings. In addition to the increased traffic, the development will remove around 15 parking spaces at the bottom of Coquet Avenue and a similar number in Marine Gardens which are used by residents to reduce parking on both sites of already narrow streets.

These four storey buildings are totally out of scale. Where else in Whitley bay do we have large buildings in a residential and school area. It will also detract from Spanish Dome development by dominating the landscape.

The current traffic calming measures are ineffective with cars and buses regularly driving over 30mph.

In a recent news letter from Marine Park Primary School to parents reported examples of near misses between cars and children and the proposed development can only aggravate the situation.

Regeneration is not just about building for the sake of it, but adding value to a place and improving the quality of life of existing and future residents. The proposed plans will not achieve either of these aims.

The smaller development at the bottom of Holly Avenue is a good example of what can be achieved: town houses and flats which are set back from the main pavement and the road.

To introduce a 4 storey building, including balconies overlooking the school is an inappropriate overdevelopment and indeed a potential safeguarding issue for the school.

Not-to-scale drawings misrepresent the relative building heights, giving decision makers an inaccurate and misleading idea of the relative massing of the proposed development.

The apartment and balconies at the rear (car park elevation) of the apartment block will directly overlook mine and my neighbours currently secluded gardens. This area also served major bus routes and frequently has coaches parked to service the needs of Marine Park pupils.

Traffic is particularly heavy 8:30am – 9:15am, 3:15-3:45pm during Church services and evening when the Playhouse has events, seven days a week. These are not necessarily your “typical” peak hours and on that basis I question the accuracy and appropriateness of the traffic study undertaken in relation to the development.

The leaflet contained in the pre-application did not include any contact details. Not enough visitor parking for a development of this size.

As there are 3 storey buildings opposite us (3 Coquet Avenue) at the bottom of the street, their lounge/living room will be looking into our front bedrooms which are occupied by our children which we feel is highly inappropriate.

It would be reckless of the Council to allow this development to proceed.

At present, the openness of the area is a real asset to the local neighbourhood and compliments Whitley Park, Marine Park First School and the Catholic Church.

As residents of Whitley Bay we are proud of the Spanish City and given all the money that the Council has poured into this project, it would be a disgrace to dominate the skyline from the plaza with a four storey building. The nearest four storey building is the Rex which is towards the south end of the promenade and is in keeping with its neighbouring buildings.

A planning application was rejected in 2007 due to insufficient parking spaces as it was recommended that each flat should have 1.5 parking spaces. The new proposal does not meet this ratio and has a significantly larger number of dwellings.

I believe that the developer must be aware that a number of spaces proposed is not adequate as the Design and Access Statement simply states the design will provide off-street parking for a proportion of the development. This is simply not good enough.

Houses 9-16 are more likely to park on the street at the front of their homes. Residents of house no.11 would need to walk through their garden, past other parking bays and then cross the internal parking to reach their allocated spaces and access their car.

It has been proven without doubt that children at Marine Park First School have been adversely affected due to the building of the new road to the rear of Spanish City their educational attainment was far below what was expected during the construction period. This proposal would have a deleterious effect once again.

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

Maybe a few residences at the Park View end of the site coupled with the provision of a new park area with developer maintained features even a larger water park would create a wonderful space for all interested parties.

I have heard that a large proportion of the development is to be sheltered housing, which makes it even more vital to ensure the development has been properly thought-out to meet the needs of everyone who would live there. Sheltered housing should be the highest quality because it is often the most vulnerable who need it.

The flood report was completed with the assumption there would be 24 dwellings. It would also have a negative impact on the environment, which currently has a low building density (it's Whitley Bay not Manhattan) and is framed by the imposing Catholic Church and playhouse.

The view of the Catholic Church would be diminished by obscuring apartment buildings.

Central Whitley Bay is currently three storeys in its entirety, why go for four storey's here.

The entrance/exit for cars is also problematic, since for Marine Gardens, although nominally a one-way street, this rule is frequently flouted, since many Sat-Navs are unaware of the one-way nature of the streets.

As a result of this development pavement parking will not longer be available on the north pavement at the bottom of Coquet Avenue.

To limit the congestion and to enable some of the existing on-street parking to remain at the end of Coquet Avenue, I believe it would be reasonable to site some or all of the larger houses with driveways onto the Marine Gardens side.

The height of the proposed development also begs safety issues with regard to the school, cars use both streets to drop children off and it is hazardous on the road at the moment without creating further obstructions of the view.

I do not oppose 2 storey houses getting built on this land

Why when there is such a good vibe around the Whitley Bay area at the minute, what with the new regeneration of the seafront, with your [Council's] "masterplan" would you want to blight the area with a four storey block of flats.

The site plan looks like a giant car park.

The site should only be affordable housing (not flats) and that a buffer one of green space should be kept at the front of the site opposite the school. The number of units should be reduced.

This could be a very good scheme and add to the area, but right now it is over development.

Block out light and view from neighbouring properties.

The Council should engage with the developer to significantly amend their proposals down to one that is in line with the carefully prepared local plan and in keeping within the area. If the developer does not agree to amending their proposals then their planning application should be refused.

Concerned that the construction and the foundations need to construct such a building will affect the structural integrity of nearby buildings.

The proposals made by Places for People compare the four storey apartment size to the Playhouse and St Edwards Church. Considering both of these properties were built in the 1920's as the country rebuilt from a world war including bomb strikes within Whitley Bay upon the immediate area, I hardly think the comparison is fair nor does it reflect the wishes of today's public.

The shared permit scheme is already stretched beyond capacity as is demonstrated during evenings where residents are unable to park within the streets due to an excess of vehicles and again numerous visitors drawn by the Playhouse.

The increased competition for parking spaces will put added pressure onto the playhouse and people will travel elsewhere, which is highly worrying for a town in the midst of regeneration that wants to draw visitors and tourists back to the area. I absolutely object to this application and am horrified of the prospect of this development at the bottom of my street.

We have to pay for our parking permits, but when visitors turn up after 5pm to park for the Play House free of charge I have on occasion had to park two streets away when I have come in from work because I cannot get parked in my own street.

We can hear music coming from the Playhouse when there is a show on and we live up the street away, the residents of those flats and houses would feel like it was in their living room.

If the new development goes ahead it will be unbearable.

Looking at the aesthetics of the plans the properties will be totally out of context with the current housing in Coquet Avenue and Marine Gardens which will look ugly.

Family homes are needed not apartments. There should be more family homes and fewer apartments, if anything.

Reducing the height of the apartment block to three storeys would address both over development of the site and its impact on surrounding buildings.

While it seems a shame to build on this piece of land at all, I understand it is the owner's rights to do so however, planning fewer houses which are more in

keeping with the surrounding properties would surely be far more pleasing to local residents and parents of children attending Marine Park.

Residents believe that the photographic images used on the proposals do not show a true representation of how dense the parking is at all times of the day.

Many cars also drive the wrong way up and down the streets.

The proposed layout is a significant change to the current path layout and requires children to stop, look and listen on 6 occasions to ensure it is safe to continue their journey along this avenue to avoid being involved in a collision with a vehicle. The public paths are main routes to school for vulnerable pedestrians and there is a significant risk to anyone (regardless of vulnerability) due to vehicles accessing driveways on a path which has never before had this type of use previously in place at any point along the avenue.

The sheer volume of traffic entering and exiting the development is concerning given the high concentration of children that frequent this route through the day. The photographs used in the Design and Access Statement are at least 5 years out of date, possibly up to 9 years. They were taken before completion of the playhouse and the adaptation of the local road system. With this in mind they give an unbalanced and unrepresentative view of the level of congestion/parking/pedestrian and vehicles traffic/development in the immediate vicinity.

The entrance to the proposed development is opposite the side entrance to St Edwards Church. This is the preferred entrance for parishioners of limited mobility. The increased volume of traffic and parked cars will restrict the ability of many of parishioners to access the church for worship. The Church is well used and the pews full each Sunday.

The National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions and I fear the proposal fails in both cases.

The proposed siting of the development is particularly ill-considered: it is on a Greenfield site used by many residents for recreation and building here would both diminish this use and the view of the Spanish City dome.

There is no need for this kind of open market affordable housing. Whitley Bay has enough flats and houses and the housing market is still very healthy.

An alternative to this proposal would support the construction of terraced or semi detached houses built in keeping with the rest of the surrounding area, if it was ensured that these were affordable homes for local people.

The elevation erroneously conveys the impression that the building is comparable or subservient to St Edwards Church and the Playhouse. The tallest elements of each structure, the spire of the Church and the Playhouse flytower are relatively small elements. The bulk of both buildings step down much lower. The Playhouse steps down to the height of a two storey building along most of its length. These are two of Whitley Bay's primary civic buildings and should be given significant prominence. The proposal does not recognise this. The choice to have an unrelieved slab of gable-fronted development along this frontage would make this appear particularly overbearing whichever angle it is viewed from. It will have a significant negative massing impact.

Behind the main block of apartments there is a very large area of unmitigated hard surfacing.

There is little documentary evidence of a thorough design review process.

There is not sufficient well located and clear visitor parking. This will unacceptably increase parking pressure in the neighbouring streets. The increase in traffic and congestion will make the air pollution worse than it is now.

My main objection is the block of flats at the Park Avenue end of the development. The developer is saying that it is in keeping with the surroundings and cites St Edwards Church and the playhouse. Yes it may well be of similar height however you cannot look out of the church/playhouse directly onto the classrooms/playground of Marine Park School. This I feel is a gross invasion of the privacy of young children.

After looking at the latest proposal I still strongly object to this development in part.

Additional Comments received following the amended plans;

I strongly oppose the plans for the same reasons I strongly opposed them before. The new plans don't address any of the key issues.

I do not feel that the revisions solve any of the issues I raised previously.

The amended plans have not addressed the issue of parking in an area already difficult to park in.

My original objections have not been addressed.

The number of dwellings remains the same and the proposed amendment does little to mitigate the overbearing four story structure that still overlooks the school with only a cosmetic change to the fourth storey nearest the church. While I have no objection to the development of the land, I believe that the proposed housing density is too high for the surrounding area with all the attendant additional pressures on parking and spaces.

The proposed housing is inappropriate and an over development of the site. The elevation of the proposed apartment block would detract from the Grade II listed building and that the parking traffic issues have not been addressed. The flats do not contain a lift and therefore the development does not adhere to Design for Life Principles. The development is higher than the Spanish City, excluding the Dome. North Tyneside Council restricted the height of the Premier Inn, so as not to detract from this listed building. Only the two storey Marine Park First School separates the proposed development from the Spanish City. I therefore contend that this will impact on the two nearest listed buildings.

Resident only parking restrictions would not be a solution, as the loss of 30 parking spaces would mean that there are not enough parking spaces to accommodate all residents.

The amended proposal pays little or no respect to residential and local business and school's concerns. In simple terms the use of this land for development of such a scale is wholly inappropriate.

I also have concerns over the appropriateness of luxury flats in line with housing demand in the area.

The proximity of the proposed development to the boundary of the pavement is also entirely out of character for all existing properties in the area.

I have read the amendments and I am very disappointed that my concerns and those concerns raised by other objections have not been addressed.

The Council has gone for medium growth in its new Local Plan to try and limit the development within legal boundaries set by the Government, and not to gamble with over development and loss of green belt in North Tyneside.

If the development is built for the lower income bracket it will change the criteria for living status for existing residents.

1 letter of support has been received raising the following issues;

I am delighted that the site is to be developed, and see the project as another sign of the continuing renewal of the Whitley Bay Area and the increasing provision of affordable housing in the area. However, it would be important to install traffic calming measures along Coquet Avenue, especially with the additional traffic resulting from the development. In fact, it has always seemed strange to me that the street lacks traffic calming measures, unlike the others in the area.

The environmental report recognises the impact of the development on the nearby SPA and RAMSAR sites which will be significant enough to want the employment of a Coastal Ranger. Taken with the proposed development at The Avenue, South Parade, Whiskey Bends and The High Point, the impact is substantial.

Item No: 5.2
Application No: 18/00663/FUL Author: James Blythe
Date valid: 18 May 2018 ☎: 0191 643 7756
Target decision date: 13 July 2018 Ward: Collingwood

Application type: full planning application

Location: Land at former 25 St Anselm Crescent, North Shields

Proposal: Variation of condition 1 of application 16/00886/FUL (2no new 'one and a half' storey 3 bed bungalows) regarding alterations to external finishing (render), alteration to the location, height and roof style of the proposed garages, additional rear patio and two additional windows to the front elevation. (Additional information submitted - In relation to the change of description and the elevations to indicate the two additional windows to the front elevation). (Part retrospective)

Applicant: G Leisure, Mark Garry Land at 25 St Anselm Crescent Moor Park North Shields NE29 8BL

Agent: DLD, David Lawson 15 Shannon Close Fulford Grange Castletown Sunderland SR5 3DJ

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- (i) The Principle of development;
- (ii) North Tyneside 5-year housing land supply;
- (iii) The impact upon surrounding residential amenity/future occupiers; and
- (iv) The impact of the proposal upon the character and appearance of the surrounding area.

2.0 Description of the Site

2.1 The application site is located within a residential area of North Shields and was previously occupied by a detached bungalow (former 25 St Anselm Crescent). The bungalow has now been demolished.

2.2 The site is a corner plot which abuts the rear gardens of dwellings on Moor Park Road to the north and Chirton Hill Drive to the west. The adjacent site to the south (No.21 and 23 St Anselm Crescent) contains a newly built pair of bungalows, which were constructed following the demolition of the original properties. No. 2 St Anselm Road is to the east of the site.

2.3 Access to the application site is via a shared driveway.

3.0 Description of development:

3.1 The application is in relation to a variation of condition 1 of application 16/00886/FUL (2no new 'one and a half' storey 3 bed bungalows) regarding alterations to external finishing (render), alteration to the location, height and roof style of the proposed garages, additional rear patio and two additional windows to the front elevation. The proposal seeks to move the garages from their previously approved location and amend their design from a pitched roof to a flat roof.

3.2 Construction works are underway at the site.

4.0 Relevant Planning History:

4.1 The following application is considered relevant planning history in relation to the proposed application site:

- 11/00626/FULH - Proposed re-modelling due to subsidence of existing property, extensions to the front and side of the property. Permitted 12.05.11;
- 13/01568/FUL - Demolish existing building and erect a pair of semi-detached houses (additional information 16.01.2014). Refused 03.02.14;
- 14/00344/FUL - Demolish existing building and erect a pair of semi-detached houses (Re-submission 13/01568/FUL) Refused 17.04.14;
- 16/00886/FUL - 2no new 'one and a half' storey 3 bed bungalows (ADDITIONAL INFORMATION). Permitted 22.07.16.

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012);

6.2 National Planning Practice Guidance (As Amended); and

6.3 Draft revised National Planning Policy Framework (March 2018).

6.4 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 in this case are:

- (i) The Principle of development;
- (ii) North Tyneside 5-year housing land supply;
- (iii) The impact upon surrounding residential amenity/future occupiers; and
- (iv) The impact of the development upon the character and appearance of the surrounding area.

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

7.3 Principle of the Proposed Development

7.4 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It identifies 12 core planning principles for Local Authorities that should underpin decision making. One of these is to encourage the effective use of land by reusing land that has been previously developed (brownfield land). However, this is not a prerequisite.

7.5 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes. In order to achieve this objective government requires that authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery the buffer should be increased to 20 per cent.

7.6 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

7.7 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

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

7.9 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.

7.10 The application is to vary consent already approved for 2 no. residential units in an existing residential area. The site is located within St Anselm Crescent, and is sited in close proximity to local amenities and public transport.

7.11 Members must determine whether the proposal is acceptable in terms of the use of the land as a residential development. Officer advice is that the principle of the proposed development is acceptable.

8.0 North Tyneside Council Housing Land Supply

8.1 Paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.2 The most up to date assessment of housing land supply informed by the March 2018 5-year Housing Land Supply Summary identifies the total potential 5-year housing land supply in the borough at 5,276 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 5.4 year supply of housing land).

8.3 It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the emerging Local Plan. North Tyneside Council remains dependent upon approval of further planning permissions to maintain its housing land supply and achieve the level of delivery anticipated and it is considered that the proposed 2 no. dwellings will make a contribution, albeit small, towards the five year housing land supply.

9.0 The impact upon surrounding residential amenity/future occupiers

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

9.2 The NPPF outlines 12 core planning principles which should underpin decision taking. It states that local planning authorities should contribute to conserving and enhancing the natural environment and reducing pollution. It goes on to state that new and existing development should be prevented from contributing to unacceptable levels of air or noise pollution. To prevent unacceptable risks from pollution local planning authorities should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

9.3 Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under

pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

9.4 The NPPF defines pollution as ‘anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.’

9.5 Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

9.6 The objective of paragraph 123 of the NPPF is to avoid noise from giving rise to significant adverse impacts on health and quality of life and that existing businesses should not have unreasonable restrictions put on them.

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

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

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

9.10 The amenity of both the existing neighbouring occupiers and the future residents of the proposed dwellings is an important material planning consideration.

9.11 In regards to the impact of the development upon existing neighbouring occupiers it is noted that this application proposes a revised location for the garages. It is acknowledged that the height of the garages has been reduced from the approved scheme (ref. 16/00886/FUL) from approximately 4.4 metres (from finished floor level to the ridge of the roof) to the currently proposed 2.6 metres (from finished floor level to the top of the roof). It is also noted that the roof style of the garages has changed from approved pitched roofs to proposed flat roofs.

9.12 The proposal moves the garages to within approximately 1 metre of the rear boundaries of the site and would be nearer the properties of No. 23 St. Anselm Crescent and No.’s 6, 8 and 10 Chirton Hill Drive in relation to the southern most garage and the properties of No. 2 St Anselm Road and No.’s 16 and 17 Moor Park Road in relation to the northern most garage. It is not considered that the

amended location or design of the garages has a detrimental impact on the amenity of the neighbouring residents. Whilst the garages would be visible to the neighbouring properties, above the boundary treatments, they would not project significantly above the boundary treatments and would not cause such an adverse impact as to warrant refusal.

9.13 The application also includes the addition of rear patios to the dwellings. The patios would have an approximate footprint of approximately 9.72 square metres (combined footprint of 19.44 square metres). Given the height of the patios they would not have a detrimental impact on overlooking to neighbouring properties.

9.14 In addition to the above changes, the application also includes the addition of no. 2 windows to the front elevation of the development (1 per dwelling) at first floor level. The windows will overlook the public highways of St Anselm Crescent and St Anselm Road and therefore not have an impact on the amenity of the adjacent properties.

9.15 Members must determine whether the proposed development is acceptable in terms of its impact on the living conditions of the occupiers of nearby neighbouring dwellings, with particular reference to properties on Chirton Hill Drive, Moor Park Road, St Anselm Crescent and St Anselm Road. Officer advice is that whilst the development would impact the neighbouring properties in regards to loss of light, outlook and overlooking, the proposed development would not create additional significant impact when taking into account the previously approved scheme.

10.0 Impact on the Character and Appearance

10.1 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.

10.2 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.

10.3 The Council's 'Design Quality' SPD (May 2018) 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.

10.4 The variation to the development in regards to the impact of upon the character of the area would be the changes from approved brick finish dwellings to fully rendered dwellings.

10.5 It is noted that there are no other fully rendered properties within the surrounding area, however, elements of rendering (both smooth and pebble-dash rendering) are present on a number of dwelling within the surrounding area. This is therefore considered to be acceptable.

10.6 Flat roofed garages are now proposed. There are other flat roofed garages in the area therefore this is considered acceptable.

10.7 Members must determine whether the proposed variation is acceptable in terms of its impact on the character and appearance of application site and surrounding area. Officer advice is that the development would not be significantly detrimental to the outlook of the surround area and the impact upon its character.

Other issues

11.0 Flooding

11.1 Paragraph 100 NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test.

11.2 Policy S5.11 states that the priority is to avoid, minimise and control surface water entering the sewerage system to reduce the risk of sewer flooding and to avoid the need for unnecessary sewerage treatment.

11.3 Policy DM5.12 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 taken to reduce the overall flood risk for all sources. Taking into account the impact of climate change.

11.4 Policy DM5.14 seeks a reduction in surface water run off rates will be sought for all new development.

11.5 Policy DM5.15 requires applicants to consider the surface water hierarchy, seeking to discharge to the ground first and only seeking to discharge to a combined sewer if other options are not possible.

11.6 Northumbrian Water were consulted on the application and have raised no objections to the application.

11.7 The Local Lead Flood Authority has advised that there have been no reports of surface water flooding to properties in this area within the last ten years. As the applicant is proposing to have a turfed rear garden which will give the surface water coming from the paved area at the front of the property an opportunity to percolate into the ground rather than allowing it to flow towards the neighbouring properties then the flood risk from this property will be minimal. Given this variation seeks only to amend the location and design of the garages, render the property and amend window details it is not considered that this proposal will give rise to additional surface water flooding issues.

11.8 Members need to consider whether the proposal would accord with the advice in NPPF and policies S5.11, DM5.12, DM5.14 and DM5.15 and weight this in their decision. It is officer advice that it would.

12.0 Contamination & Land Stability

12.1 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

12.2 Policy DM5.18 states that where 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 amongst other matters sets out measures to allow the development to go ahead safely without adversely affect, which will be secured via a condition of any planning permission.

12.3 The site is located within a Coal Mining Referral Area, meaning there is a requirement to consult with The Coal Authority and also within a Contaminated Land Buffer Zone. The Council's Contaminated Land Officer does not object subject to conditions. The Coal Authority does not object to the proposed development and states that 'this application is simply to vary condition 1 (approved plans) therefore as there are no recorded coal mining risks affecting this site which would influence the layout of the proposed development (i.e. mine shafts / opencast high wall / fissures) the Coal Authority has no specific comments to make on this specific consultation.'

12.4 Conditions relating to contamination and site investigation were imposed on the previous consent and are the subject of a current discharge of condition application.

12.5 Members need to consider whether the site could be development safely without adverse effect in accordance with policy DM5.18. It is officer advice that it could.

13.0 Highways Impact and Parking Provision

13.1 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

13.2 Policy DM7.4 states that the number of cycle and parking spaces provided in accordance with the standards set out in the Transport and Highways SPD (LDD12).

13.3 The Highway Network Manager has been consulted and states that 'The proposed variation is considered to be acceptable and approval is recommended with all other conditions & informatives applicable.'

13.4 Members need to consider whether the proposal would provide sufficient access and parking and whether the proposal would accord with the advice in paragraph 32 of NPPF, policies DM7.4 and weight this in their decision. It is officer advice that it would.

14.0 Local Financial Considerations

14.1 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). It is considered that the proposal would result in benefits in terms of jobs during the construction.

14.2 Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

14.3 As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years.

14.4 In addition, the new homes will bring additional revenue in terms of Council Tax.

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

15.0 Conclusion

15.1 The development would make a small, but still valuable contribution to the housing supply. It is considered that the proposed development is acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants, its impact on the character and appearance of the surrounding area, flood risk, contaminated land and highway safety.

15.2 Subject to the imposition of appropriate conditions the proposed development is acceptable and accords with relevant national and local planning policy and is therefore acceptable.

15.3 With regard to all of the above, on balance it is recommended that planning permission should be granted.

RECOMMENDATION: Minded to grant on expiry consultation

It is recommended that members indicate they are minded to approve the application subject to the outstanding re-consultation expiring on 9th July, and the conditions set out below and the addition or omission of any other conditions considered necessary, subject to the receipt of any additional comments received following expiry of the consultation period and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

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, dated 18.05.18;
 - Site Plan as Proposed, Ref. BE/002, Rev. C, dated 17.05.18 (1:100); and
 - Elevations, Ref. BR/010, Rev. B, dated 22.08.17 (1:50);
 - Garage Plans, Ref. BR/G001, Rev. B, dated 18.05.18 (1:20)(1:50).

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

2. Restrict Hours No Construction Sun BH HOU00 *
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3. Notwithstanding Condition 1, prior to the occupation of the dwellings details of all screen and boundary walls, fences and any other means of enclosure within that development shall be submitted to and approved in writing by the Local Planning Authority. 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. These agreed boundary treatments shall be retained hereafter.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to Policy DM6.1 of the North Tyneside Local Plan 2017.

4. 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.

5. Notwithstanding Condition 1, within 1 month of the date of this permission a Construction Method Statement for the duration of the construction period shall be 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; 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. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to Policy DM7.4 of the North Tyneside Local Plan 2017.

6. Prior to the occupation of the dwellings, details of facilities to be provided for the storage of refuse at the premises shall 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 policy DM7.4 of the North Tyneside Local Plan 2017.

7. Within 1 month of the date of this permission, a scheme of intrusive site investigations to a depth of 30m shall be carried out, and a report of the findings and any resulting mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Coal Authority. Thereafter, all mitigation measures identified must be carried out in accordance with the approved details.

Reason: To ensure that any risks associated with mining works are fully addressed and having regard to Policy DM5.18 of the North Tyneside Local Plan 2017.

8. Within 1 month of the date of this permission, details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground shall be submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. Within 1 month of the date of this permission.

- a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed form the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the

Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

The 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 Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Referral Area , (FULH) (I43)

**Appendix 1 – 18/00663/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 The Network Highways Manager

1.2 This application is for a variation of condition of application 16/00886/FUL - 2 new 'one and a half' storey 3 bed bungalows. The proposed variation is considered to be acceptable and approval is recommended with all other conditions & informatives applicable.

2.0 Manager of Environmental Health (Contaminated Land)

2.1 I have no objection to this variation however my previous comments still apply:

2.2 Please be advised that there is a known issue with stythe gas in this area. There is a pumping station installed on St Thomas More school playing fields to help with this issue. However a borehole installed in St Anselm Crescent showed elevated levels of Carbon dioxide and depleted oxygen.

2.3 Gas protection measures will be required along with a verification report that the gas protection has been installed correctly and has not been damaged.

2.4 I have no objection in principle. However as a minimum the following should be applied to any application:
- Gas 06

2.5 I would recommend consultation with the Coal Authority.

2.6 Due to the proposed sensitive end use and records show that the site overlies an infilled former quarry the following should be attached:
- Con 01

3.0 Lead Local Flood Authority

3.1 I have carried out a review of the above application. I can confirm there have been no reports of surface water flooding to properties in this area within the last ten years. As the applicant is proposing to have a turfed rear garden which will give the surface water coming from the paved area at the front of the property an opportunity to percolate into the ground rather than allowing it to flow towards the neighbouring properties then the flood risk from this property will be minimal. However in order to reduce the flood risk further you could advise the applicant to install another wood panel on the base of the boundary fence and possibly install a French drain with a soakaway to help collect and divert any surface water into the ground.

4.0 Representations

4.1 Six individual public representations and a petition with 27 signatures have been received, the objections to the application are summarised below:

- I strongly object to the garages being moved from their original approved position to the new site which is only just one metre from my border and due to the height it fills the gap between the new house and the next door existing house taking away most of my view and a lot of light.
- We would like to know how a builder can override the approved plans, without any intervention by the departments who get paid by the residents of this council. It must be asked are these departments fit for purpose?
- I am a neighbour of this building site and I have serious concerns over the lack of consultation I have received over this and the fact that the posted plans appear to be ignored and rode roughshod over.
- The finish cannot be as posted, there is no possibility of a brick skin on this development and can only be rendered (as it has been built) which does not comply with the posted plans or blend with its neighbours.
- Although affected by this property and overlooked by its windows, I have never been contacted by anyone about its design or amendments.
- The alterations of the garage position removes my privacy, and by design can only be rendered, and is so close to the neighbours property I'm baffled how this or the fence can be maintained.
- I believe that no permission was granted for the change of finishes previously mentioned and I cannot see how the change (which at this point could only be a rendered finish) could ever be in keeping with the local area.
- Rendering of the houses began 03.06.18.
- Planning application 16/00886/FUL 17th May 2016 states brick build which has not been done it block build.
- Previous planning approval states attached garages which these are not.
- The roof design of the bungalow and garage is not the same as the surrounding area and properties.
- The garage being built at 25 should be adjacent to the garage at No. 23 as to drawings on the plans and trees planted.
- No 27 opposite new build has an attached garage like all the rest of the properties why have No 23/25 new build been allowed detached garages.
- All surrounding properties are brick built not block, why has this been granted and what finish has now been approved by planning department as residents are concerned it will not look and match the surrounding buildings and dwellings in the area.

4.2 It is noted that representations received have also raised concerns regarding the overall development which was previous granted permission and not subject to this application. These objections are summarised below:

- Objections to the erected fence. Not in the correct position according the land registry.
- The height of the property is at least 1.5 metres higher than all the surrounding properties.
- The size of the property could not be viewed by interested parties, so how could planning permission be given on an unknown quantity.
- The roof line of the building is taller than its neighbours.
- Ground levels state it must be back filled with 600mm and a mixture of sand/soil after the investigation report was completed by SOLMEK LTD. In June 2016 was this taken into account prior to the new build commencing?

- Why has the boundary of the site not had a retaining wall built all the way around off the outline of site this could help in the issues with drainage and flooding other adjoining properties.
- A wooden fence has been erected around the perimeter of the new build which all residents are disgusted about. 6 foot at one side and 8 foot at one side.
- The height from ground level and the gap that have been left in the bottom which has been back filled using waste and cuttings from trees, rubble etc.
- No. 2 Chirton Hill Drive already has drainage problems, and with this property No 25/27 it is going to add further issues as the height off their ground level is higher than the rest of the surrounding back gardens.
- There is an issue with Stythe gas in this area and is on the council website as it is on the plans, how has the ground level not been lowered by 600mm on the report.

5.0 Ward Councillor Representations

5.1 Councillor Wallace

5.2 I would like to refer the application to the Planning Committee for decision. The size, scale and position of the development is not in keeping with the area and is overbearing to neighbours. The materials are inappropriate. The artificially raised elevation and gradient creates a flooding risk.

6.0 Councillor Rankin

6.1 This site has been an issue for residents for a number of years - with the original dwelling suffering from significant subsidence issues and having been left derelict for some time. In that sense, development of a new building is extremely welcome. However, the development seems to have been undertaken with significant and material variances to the existing planning consent and this has caused concern for owners of neighbouring properties. My understanding, which planning officers can clarify, is that stop notices to enforce the planning consent were not adhered to and it is important for the committee to fully comprehend residents concerns and also maintain the integrity of our planning process. In that regard I wish to lodge my objection to these variation applications.

6.2 Officer note: The Council's Planning Enforcement officer has been monitoring the development on site. He advised the applicant's builder to stop works on the garages while the current application is determined. However no stop notice has been issued. The applicant was advised that a variation to the existing approved consent was required to regularise matters given the variations to the approved plans. The developer submitted the current application in order to seek to regularise this.

7.0 External Consultees

7.1 The Coal Authority

7.2 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals.

7.3 Records indicate that the application site has been subject to past coal mining activities, which would include recorded underground coal mining at

shallow depth at 21m depth with an extraction thickness of 1.70m. In addition, the Coal Authority has in the past been called upon to deal with three surface hazard and three mine gas issues at or close to this site.

7.4 However this application is simply to vary condition 1 (approved plans) therefore as there are no recorded coal mining risks affecting this site which would influence the layout of the proposed development (i.e. mine shafts / opencast high wall / fissures) the Coal Authority has no specific comments to make on this specific consultation.

8.0 Northumbrian Water

8.1 Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Item No: 5.3
Application No: 18/00415/FUL Author: Maxine Ingram
Date valid: 5 April 2018 ☎: 0191 643 6322
Target 5 July 2018 Ward: Camperdown
decision date:

Application type: full planning application

Location: Killingworth Town Park, West Bailey, Killingworth, NEWCASTLE UPON TYNE,

Proposal: Proposed construction of a flood storage detention basin with weir, and associated development including a new access, fishing jetties, footpaths and landscaping

Applicant: Northumbrian Water, Mrs Lynn Preston Spectrum 5 Spectrum
Business Park Seaham SR7 7TT

Agent: Stantec (Esh/MWH Joint Venture), Mrs Louise Plant Dominion House
Temple Court Warrington WA3 6GD

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider are:

- The impact on flooding;
- The impact on amenity (visual and residential);
- Impact on open space;
- Impact on biodiversity;
- Impact on the highway; and
- Other issues.

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

2.0 Description of the Site

2.1 The site to which this application relates is to a parcel of land to the south east of Killingworth Lakeside Park. The site is designated as a Site of Local Conservation Interest (SLCI), a wildlife corridor and an area of open space in the Council's Local Plan (2017).

2.2 The site is bounded to the north by Killingworth Lake, beyond which lies residential properties, and by land within the Killingworth Lakeside Park to the west and south. The southern boundary is formed by a footpath running along the front of properties on Lake View, part of a new housing estate off Northumbrian Way. The eastern boundary is formed by Southgate, which runs north to south parallel to the east of the park.

2.3 The site area measures approximately 3.2 hectares (ha). The area currently consists of grassed and wooded areas with paths and small groups of trees.

2.4 Killingworth Lake and Park is identified on the Council's Register of Buildings and Parks of Local Architectural and Historic Interest (Ref: 17/0101/LOCAL).

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the formation of a detention basin and associated development, including a new access road, new pipework and weir outlet, new footpaths and fishing jetties.

3.2 The detention basin will provide increased capacity for the storage of flood waters when the water level in the Killingworth Lake reaches capacity. Excess water from the lake currently overflows into the combined sewerage system taking up valuable space in times of storm. The work will be undertaken alongside the lowering of the normal water level in the lake (by 100mm). A new inlet weir will be constructed on the lake shore, so that when the water reaches the level of the inlet, water will spill over into the new detention basin.

3.3 Providing the increased storage capacity and also controlling the rate at which the stored flood water is returned to the sewer network, reduces the risk of flooding in the catchment. The basin will connect back into the existing drainage system from two controlled outlets in the bottom of the basin. The western outlet will discharge to a surface water sewer via an existing outlet on the West Moor tributary. The eastern outlet will discharge to the combined sewer system at a controlled rate.

3.4 Flood Water Detention Basin

3.5 The detention basin will be excavated to various depths. The banks will be sloped at a gradient of 1:4 to enable maintenance of landscaped areas in the long term. The detention basin narrows in the middle to avoid an existing group of trees to the south, these will be protected during construction.

3.6 The majority of the time, water will remain in the lake itself as the overflow to the detention basin will only occur during intense rainfall. Therefore, the basins are predicted to remain dry and useable for the majority of the time.

3.7 Inlet Weir

3.8 The inlet weir will be constructed to allow the existing lake to spill into the detention basin. The weir will consist of a pre-cast concrete culvert with fish screen. A footpath will be constructed around the detention basin, this will cross the weir. The weir will incorporate a fish screen designed to ensure fish from the lake do not enter the detention basin and become stranded or make their way into downstream drainage systems.

3.9 Access Road

3.10 A new access road will be constructed from Southgate up to the edge of the detention basin. The access road will be used during construction of the detention basin but will be retained following completion of the works for use by parks maintenance staff. The access road will be constructed in bitmac and will be approximately 3m wide, the edge will be defined by kerb stones.

3.11 Fishing Jetties

3.12 Three new fishing jetties will be provided. The jetties will be constructed in timber and will be built out from the bank. The built out area will be formed by placing materials excavated from the detention basin area and constructing a timber platform with raised edging on top.

3.13 Footpaths

3.14 A new footpath network will be established to provide a circular walk around the basin area. In the area above the inlet weir the footpath will be above the weir level, and a handrail will be constructed to ensure pedestrians can cross the area safely.

3.15 The new footpaths will link into the existing footpaths in the park, and will be 1.8m wide and constructed in bitmac with pin kerb.

4.0 Relevant Planning History

4.1 Adjacent residential development

13/00691/FUL - Residential development for 121 dwellings and associated highways, drainage and landscape works (amended layout received 03.07.13) – Permitted 16.09.2013

13/01859/FUL - Variation of condition 1 (approved plans) of planning application 13/00691/FUL: Reposition plots 52 - 59 (Southeast corner). Reduction in the total numbering of units from 121 to 119. Relocation of proposed Electricity Sub-station from the rear of plot 18 to the Northwest corner of the site – Permitted 28.02.2014

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (March 2012)

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

6.3 Draft revised National Planning Policy Framework (March 2018)

6.4 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:

- Impact on flood risk;
- Impact on amenity (visual and residential);
- Impact on open space;
- Impact on biodiversity;
- Impact on the highway; and
- Other issues.

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

8.0 Impact on flood risk

8.1 The National Planning Policy Framework (NPPF), supported by Planning Practice Guidance notes (PPGs), was published in 2012 and sets out the Government's planning policies for England and how these are expected to be applied. Planning Practice Guidance (PPGs) provide further guidance on the core principles set out in the NPPF. It should be noted that the Government has issued a consultation on a new revised NPPF, but given the document is still in the consultation phase no weight has been afforded to the draft document in this assessment.

8.2 The NPPF highlights the importance of delivering and planning for sustainable development and states a presumption in favour of sustainable development. It states that: "The purpose of the planning system is to contribute to the achievement of sustainable development." Sustainable development is defined within the document as having three key dimensions; economic, social and environmental.

8.3 Paragraph 17 of the NPPF identifies twelve core principles, the following being of particular relevance:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources.

8.4 Paragraph 93 and 94 consider the role of planning in helping to shape places to secure radical reductions in minimising vulnerability and providing resilience to the impacts of climate change, which is central to the economic, social and environmental dimensions of sustainable development referred to above.

8.5 Flood risk is considered in paragraph 103, which states that '*when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding.*' It goes on to say that LPA's should be informed by site-

specific flood risk assessment following the Sequential Test, and, if required, the Exception Test, to enable it to demonstrate that, amongst other things, *'development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.'*

8.6 Policy S5.11 Water Management

This policy states that 'the Council will work with developers, residents and Northumbrian Water Ltd to ensure that North Tyneside's future water resource needs, wastewater treatment and drainage infrastructure are managed effectively in a coordinated manner to ensure water supply, sewerage and drainage infrastructure is in place in tandem with development, to accommodate the levels of growth anticipated within the Borough.' It also states that the priority is to 'avoid, minimise and control surface water entering the sewerage system to reduce the risk of sewer flooding and to avoid the need for unnecessary sewerage treatment'.

8.7 Policy DM5.12 Development and Flood Risk

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

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

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

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

8.8 Policy DM5.13 Flood Reduction Works

The Council will work with Northumbrian Water Ltd, the Environment Agency and landowners to ensure the risk of flooding in North Tyneside, to existing property and infrastructure, is reduced through a planned programme of work on the existing and future components of the drainage system.

Where development is proposed, and where it is deemed to potentially impact on drainage capacity (either individually or cumulatively), applicants will be expected to contribute to off-setting these impacts and work with the Council and its drainage partners to ensure any works are complementary to wider plans and fairly and reasonably related in scale and kind to the proposed development.

8.9 The applicant has advised that since 2010, the Risk Management Authorities (RMA's) for the Tyneside drainage catchment have developed and implemented an area-based prioritisation process to identify and investigate the drainage

areas at greatest risk of flooding. The Killingworth, Longbenton and Forest Hall area was one of the areas identified as at risk of flooding, and this evidence was supplemented by the 2010 North Tyneside Strategic Flood Risk Assessment which identified Longbenton as having the highest risk of flooding.

8.10 Northumbrian Water, North Tyneside Council and the Environment Agency have been working together on the joint surface water management scheme for the catchment. A number of solutions across the catchment have been assessed to minimise flood risk within the catchment in a cost effective and sustainable approach which benefits people and the environment. The applicant has advised in their submitted Planning Statement that a number of potential solutions were investigated, including 'do nothing'. These investigations established that the most viable solution was to undertake a strategic surface water management scheme consisting of the following elements:

- Disconnecting Longbenton Letch from the combined sewer and transferring flows to Forest Hall Letch. This was completed in December 2016, and involved constructing a new surface water pipe to divert Longbenton Letch watercourse out of the sewer network and transfer the watercourse into the Forest Hall Letch.
- Providing attenuation on Forest Hall Letch. This was completed in 2017 and involved the construction of three surface water storage areas near to Killingworth Moor with flow control devices installed to help manage future flows along Longbenton Letch and Forest Hall Letch. These surface water storage areas are designed to hold back excess water from the watercourse during periods of heavy rainfall and create the space in Forest Hall Letch to allow flows from Longbenton Letch to join the watercourse.
- Providing exceedance capacity adjacent to Killingworth Lake; disconnecting the lake from the combined sewer and transfer flows to West Moor Tributary. These works are the subject of this planning application.

8.11 Killingworth Lake is a large body of water in the north of the drainage area collecting and attenuating surface water runoff from most of Killingworth. When the lake reaches capacity, overflow spills from the lake discharge point to combined sewers which run through high-risk flood areas. This contributes to incapacity sewer system and results in fluvial, highway and sewer flooding within the catchment.

8.12 A Flood Risk Assessment (FRA) has been submitted. This assessment has been considered by the Local Lead Flood Authority (LLFA), Environment Agency (EA) and Northumbrian Water. None of these consultees have raised any objection to the proposed development which involves the construction of a new detention basin along the south side of Killingworth Lake, in conjunction with lowering the water level in the lake by 100mm.

8.13 The reduction in the water level will provide additional storage capacity within the lake. Providing the increased storage capacity will allow the lake to be disconnected from the combined and foul sewerage system and consequently reduces the risk of flooding in the catchment. The detention basin will be able to store approximately 13,500 cubic metres of water. A new inlet weir will be constructed on the lake shore, so that when the water reaches the level of the inlet, water will spill into the detention basin. The proposed storage basin will be

constructed in two areas separated by a lower connection across the middle. The FRA advises that this arrangement will allow the majority of flow to drain to the West Moor Tributary – a watercourse to the west flowing through to Gosforth Park Nature Reserve. The existing overflow chamber at the north west edge of the lake, which discharges to the foul system is to be abandoned. The existing lake level control chamber, at the south east edge of the lake, will be modified to prevent flow discharging to the combined system. However, the chamber will be maintained to allow for the full drain down or to control lake levels when required.

8.14 Providing the increased storage capacity and also controlling the rate at which the stored water is returned to the sewer network, reduces the risk of flooding. The basin will connect back into the existing drainage system from two controlled outlets in the bottom of the basin. The western outlet will discharge to a surface water sewer via an existing outlet on the West Moor Tributary. The eastern outlet will discharge to the combined sewer at a controlled rate.

8.15 Members need to determine whether the proposed development is acceptable in terms of flood risk. Based on the information provided the proposed works will remove surface water flows from the foul and combined system; reduce flood risk at reported flooding locations downstream; basin will provide improved flood protection for properties around the lake and it will not increase the peak flow at the outfall to West Moor Tributary. On this basis, it is officer advice that the impact on flood risk is acceptable and the development accords with both national and local planning policies.

9.0 Impact on amenity (visual and residential)

9.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

9.2 Policy DM5.19 Pollution

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

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.3 During the construction of the proposed development the applicant has advised that residents may notice an increase in vehicle movements to and from the site. However, these movements will be over a relatively short time period of approximately six to eight weeks. The applicant has also advised that works will be limited to daytime working hours. They have also advised that the

development will not impact on air quality and will not generate any significant noise, vibration or dust in the long term.

9.4 The Manager for Environmental Health has been consulted. She has raised no objection to the proposed development subject to conditions to control the hours of construction and dust suppression.

9.5 Paragraph 56 specifies that the Government attaches 'great importance' to the design of the built environment. It states that '*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*' The 'Design' PPG provides further detail around 'good' design, its benefits and how this is achieved. It states that good design "puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term".

9.6 Policy DM6.1 Design of Development

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.

9.7 The lakeside park is located within an urban area of Killingworth. The park, including the man-made lake, was created in the 1960's as an amenity area for residents of the housing created under the Killingworth Township. It is acknowledged that there will be some disruption to the park during construction. However, once complete the proposed development will result in improvements to the park through improved amenity and also through habitat creation.

9.8 The closest residential properties are located immediately to the south of the site, Lake View. The frontages of these properties face into the park towards the lake, views of the application site are relatively open, although some views from these properties are screened by existing tree groups which will be retained during construction. During construction works, the views of these properties will be affected in terms of temporary site fencing and the presence of plant and machinery. However, in the long term views will not alter significantly as the site will still form part of the public open space and will be a natural area, although views over the lake may be filtered through planting being carried out as part of the scheme. On balance, it is the view of officers that the impact on the visual amenity of these properties is considered to be acceptable.

9.9 Residential properties to the north of the lake are approximately 100m from the application site. These properties face outwards over the lake towards the site. Taking into consideration this separation distance, it is the views of officers that the proposed development will not significantly affect their residential amenity.

9.10 Members need to consider whether the overall design concept and layout are appropriate and whether the impact on residential amenity is acceptable. It is officer advised that the development is acceptable in terms of its visual impact and its impact on residential amenity. As such the proposed development complies with both national and local planning policy.

10.0 Impact on open space

10.1 Paragraph 73 sets out the importance of ensuring communities have access to high quality open spaces and opportunities for sport and recreation and the important contribution this makes to the health and well-being of communities. This is reinforced in paragraph 74 which seeks to protect existing open space, sports and recreational buildings and land unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

NPPF states that planning policies should protect and enhance public rights of way and access.

10.2 Policy DM5.2 Protection of Green Infrastructure

The loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

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

Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

Proposals for new green infrastructure or improvements to existing should seek net gains for biodiversity, improve accessibility and multi functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

10.3 Policy DM5.3 Green Space Provision and Standards

Within North Tyneside, accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy (GSS). Opportunities should be sought to improve provision for new and existing residents.

10.4 The application site is designated as open space within the Council's Local Plan (2017). The proposed development will result in a temporary loss of the use of some open space, i.e. during the construction period where a section of the existing park will not be accessible by the public. However, the development will not result in any permanent loss of open space and will benefit from a landscape scheme that will provide added value to the open space. Footpaths will also be provided to the north and south of the basin and will connect into existing footpaths. The development also improves the fishing jetties, provides for the provision of picnic benches and interpretation boards. The objection regarding the location of the picnic benches is noted. However, it is not considered necessary to control the location of the picnic benches by condition.

10.5 The Public Rights of Way Officer has been consulted. He has raised no objection to the proposed development.

10.6 Members need to determine whether the proposed development is acceptable in terms of its impact on open space provision. It is officer advice that the proposed development will not result in a significant reduction in open space provision. As such, the proposed development accords with both national and local planning policies.

11.0 Impact on biodiversity

11.1 Biodiversity

11.2 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 and as part of this helping to improve biodiversity amongst other matters.

11.3 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts of biodiversity and providing net gains to biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

11.4 Paragraph 118 of NPPF states that when determining planning applications LPA's should aim to conserve and enhance biodiversity by avoiding significant harm from development. If significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

11.5 Policy S5.4 Biodiversity and Geodiversity

The Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

11.6 Policy DM5.5 Managing effects on Biodiversity and Geodiversity

All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

11.7 Policy DM5.7 Wildlife Corridors

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

11.8 Policy DM5.9 Trees, Woodland and Hedgerows

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

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

11.9 The application site is designated as a Site of Local Conservation Interest (SLCI), an area of open space and it is located within a wildlife corridor. Gosforth Park Site of Special Scientific Interest (SSSI) is located approximately 2km to the west of the site.

11.10 A Preliminary Ecological Assessment (PEA) has been carried out for all works, including works being carried out as permitted development. The PEA found that the habitats on site are generally of low importance. However, the PEA acknowledges that the site has a number of features with the potential to support protected species and it is close to the Gosforth Park SSSI.

11.11 The PEA has been considered by the Council's Biodiversity Officer. She has advised that the proposed development will have an impact on the biodiversity of the lake by reducing oxygen levels, increasing temperature and nutrient load and potentially resulting in an increase in algal blooms. These changes will also affect fish populations. She has advised that in order to mitigate these impacts, a combination of mitigation measures will be required, including repairing and re-planting the existing floating island, water quality monitoring measures, aquatic planting zones on the large lake and submerged predation cages. It is considered that these mitigation measures can be secured by appropriately worded conditions.

11.12 The Biodiversity Officer has also considered the potential impacts identified by the supporting reports such as pollution of the lake/drainage system and the impact on the Gosforth Park SSSI. The western outlet will discharge to the surface water sewer via an existing outlet on the West Moor Tributary which has the potential to impact on the SSSI as well as fish movement and an increase in sediment. In order to mitigate these potential impacts conditions to control pollution prevention, fish screens and silt trap arrangements will need to be conditioned.

11.13 Natural England has been consulted. They have raised no objections subject to conditions being imposed to mitigate the impacts on the lake and the SSSI.

11.14 An Arboricultural Impact Assessment (AIA) has been submitted. This assessment identifies 46 individual trees and four tree groups within immediate influence of the works. All 46 individual trees require removal to accommodate

the proposed works. Members are advised that this work has already taken place. Both the Council's Biodiversity Officer and Landscape Architect have advised that mitigation is required for the loss of trees and scrub habitat on site. Whilst an indicative landscape plan has been indicated on the submitted plans, a detailed landscape plan will need to be conditioned to ensure that an appropriate level of mitigation is secured. Some of this planting should be on the embankment of the detention basin to soften its visual impact.

11.15 Members need to consider whether the impact on biodiversity is acceptable. Subject to the imposition of the suggested conditions, it is officer advice that the impact on biodiversity and existing landscape features could be adequately mitigated. As such, the proposed development accords with both national and local planning policies.

12.0 Impact on highways

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

12.2 All development that generates significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Planning decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

12.3 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

12.4 Policy DM7.4 New Development and Transport

The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.

e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.

f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

12.5 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

12.6 A new access road will be constructed from Southgate up to the edge of the basin. The access road will be used during the construction of the basin but will be retained following completion to allow for use by the parks maintenance team.

12.7 The Highways Network Manager has been consulted. He has raised no objection to the proposed development subject to the imposition of his suggested conditions.

12.8 Members need to determine whether the proposed development is acceptable in terms of its impact on highway safety. It is officer advice that the proposed development is acceptable and would not result in a significant impact on highway safety. As such, the proposed development accords with both national and local planning policy.

13.0 Other Issues

13.1 Contamination

13.2 NPPF states that the planning system should contribute to remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

13.3 Policy DM5.18 Contaminated and Unstable Land

Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and

b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

i. Removing the contamination;

ii. Treating the contamination;

iii. Protecting and/or separating the development from the effects of the contamination;

iv. Validation of mitigation measures; and

v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.

13.4 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

13.5 The Contaminated Land Officer has been consulted. She raises no objection to the development subject to a condition relating to contamination being imposed.

13.6 Members need to determine whether the proposed development is acceptable in terms of whether the contaminated land can be appropriately mitigated. It is officer advice that, subject to the suggested condition, the proposed development accords with both national and local planning policy.

13.7 Archaeology

13.8 Paragraph 141 of NPPF states that heritage assets are an irreplaceable resource and therefore they should be conserved in a manner appropriate to its significance.

13.9 Policy DM6.7 Archaeological Heritage

The Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.

The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development.

Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.

13.10 The Tyne and Wear Archaeology Officer has been consulted. She has advised that any archaeological features on site will have been substantially disturbed when the lake and township were created. On this basis, she has recommended conditional approval.

13.11 Members need to determine whether the proposed development is acceptable in terms of its impact archaeological heritage. It is officer advice that, subject to the imposition of the suggested conditions, the proposed development complies with both national and local planning policy.

13.12 Heritage Asset

13.13 NPPF paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 129 of the NPPF requires LPA's to 'identify and assess the particular significance of any heritage asset that may be affected by a proposal'.

13.14 Killingworth Lake and Park is identified on the Council's Register of Buildings and Parks of Local Architectural and Historic Interest.

13.15 The proposal will result in temporary visual effects during construction, where heavy machinery and construction site will be visible, which may temporarily result in slight harm affecting the setting of the locally listed lake and park. In the long term however, the proposal will result in a natural area that will remain open and form part of the park, therefore there will be no change to the significance of the locally listed heritage asset.

13.16 Members need to consider whether the proposed development is acceptable in terms of the short and long term impacts on the setting of the locally listed asset. It is officer that the impact of the proposed development is considered to be acceptable, particularly when weighted against the benefits of this flood alleviation scheme.

13.17 Airport

13.18 Newcastle International Airport (NIA) has been consulted. They have raised no objection to the proposed development.

14.0 Local Financial Considerations

14.1 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). It is considered that the proposal would result in benefits during the construction phase.

15.0 Conclusions

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

15.2 Specifically NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made to reduce flood risk.

15.3 The application site is designated as an area of open space, a wildlife corridor and a Site of Local Conservation Interest within the Council's Local Plan (2017). In terms of the impact of the development, the consultees are satisfied that the development is acceptable in terms of its impact on flood risk, its impact on biodiversity, its impact on amenity, its impact on open space provision,

connectivity and usability, its impact on the locally listed heritage asset and its impact on the highway network.

15.4 Approval is therefore recommended.

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 247/257 of the Town and Country Planning Act 1990) to secure:

-Stopping up or divert the highway footpaths within the site that are no longer required.

Conditions/Reasons

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

-Location plan Dwg No. 41521691/00/Z0701 Rev B

-Proposed site layout Dwg No. 41521691/00/Z0702 Rev C

-Overflow weir Dwg No. 41521691/05/C3106 Rev A

-Silt trap provision Dwg No. 41521691/07/C4301 Rev A

-New site layout and pipeline profiles Dwg No. 41521691/00/Z0706 Rev C

-New site layout and cross sections sheet 1 of 3 Dwg No.

41521691/00/Z0703 Rev C

-New site layout and cross sections sheet 2 of 3 Dwg No.

41521691/00/Z0704 Rev C

-New site layout and cross sections sheet 3 of 3 Dwg No.

41521691/00/Z0705 Rev C

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Notwithstanding Condition 1, prior to the commencement of any development a detailed pollution control plan shall be submitted to and approved in writing by the Local Planning Authority. These measures must ensure that pollution risk to the surrounding environment is minimised. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

4. Notwithstanding Condition 1, prior to the commencement of any development a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

5. Notwithstanding Condition 1, prior to the commencement of any development a detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new native tree and shrub planting, and ground preparation noting the species and sizes for all new planting (standard native trees to be a minimum 12-14cm girth) and habitat creation around the detention basin. 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. A schedule of works and full specification/maintenance operations should also be submitted in relation to the successful reinstatement and establishment period for those works. The landscape plan should also include measures and a specification in relation to the making good and/or reinstatement of areas affected by the works such as field systems and adjacent 'Riparian Habitats'. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

6. Notwithstanding Condition 1, prior to the commencement of any development a detailed mitigation plan, including maintenance and management of these features, to address the impacts of the scheme on the lake shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of submerged and aquatic planting around the lake, submerged predation cages for fish, water quality monitoring measures and the securing and re-planting of the existing floating island. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

7. Notwithstanding Condition 1, prior to the commencement of any development a detailed drainage plan associated with the scheme, including maintenance and management of these features, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

8. Notwithstanding Condition 1, prior to the commencement of any development a details of the silt trap on the western outlet and its maintenance as well as flow monitoring shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

9. Notwithstanding Condition 1, prior to the commencement of any development a detailed drainage and landscape maintenance and management plan for the scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

10. Notwithstanding Condition 1, prior to the commencement of any development detailed designs for the fish screens on the basin weir and the western drainage outlet, including management and maintenance of these features, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

11. No vegetation removal shall take place within the bird nesting season (March-August inclusive) unless a suitably qualified ecologist has confirmed there are no nesting birds.

Reason: This is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

12. All works must be undertaken in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan submitted by Woodsman Arboricultural Services as well as BS 5837:2012 'Trees in relation to Design, Demolition and Construction - recommendations'.

Reason: To ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

13. Prior to the commencement of works on the site, all trees within or adjacent to the site must be adequately protected by fencing throughout the works in accordance with Section 6 of the Arboricultural Method Statement and Tree Protection Plan submitted by Woodsman Arboricultural Services. These measures shall remain in place until the works are complete or unless otherwise first agreed in writing by the Local Planning Authority.

Reason: This information is required from the outset to ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, prior to the commencement of any development details of 10no. bird boxes (various designs) and 5no. bat boxes (various designs) to be installed on trees within the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include

specifications and locations to be identified on a plan. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

15. Any lighting associated with the construction phase of the works must avoid light spill into adjacent habitats that are suitable for foraging bats and nesting birds.

Reason: To safeguard important habitats and species of nature conservation value having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

16. The site compound area and any additional storage areas associated with the scheme shall be fully reinstated once works have completed. Prior to the commencement of any development the details of the reinstatement including timescales shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in the interests of wildlife protection having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

17. Notwithstanding Condition 1, prior to the commencement of any ground works details of interpretation panels, including the number, specification and location of the panels, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: To ensure users of the park are adequately informed having regard to policy DM5.2 of the North Tyneside Local Plan (2017).

18. Notwithstanding Condition 1, prior to the commencement of the development, the applicant shall undertake all necessary procedures required under Section 247/257 of the Town and Country Planning Act 1990 to secure the following;

- Stop up or divert the highways within the site that are no longer required.

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan (2017).

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

20. Wheel Wash SIT008 *

21. New Access Access Before Devel ACC01 *
0

22. No other part of the development shall begin until visibility splays have been provided on both sides of the access, both temporary and permanent, between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

23. Turning Areas Before Occ ACC02 *maintenance
5 vehicles

24. All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing trees and shrubs.

Reason: To ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

25. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans (Arboricultural Impact Assessment/Tree Protection Plan - Woodsman) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

26. No utilities or drainage should be located within the root protection areas of retained trees on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

Reason: To ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

27. Prior to commencement, any pruning works required to be undertaken to trees shall be detailed and submitted for approval. All works to be carried out in accordance with British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: To ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

28. Notwithstanding Condition 1, an arboricultural consultant shall be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. A method statement, prior to the commencement of development, shall be submitted to and approved in writing by the Local Planning Authority and shall include timing of inspections, preliminary tree removal and pruning; installation of protective fencing and the monitoring of thereafter, pollution control, installation of services near retained trees and the removal of protective measures on completion. Upon completion of the development written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that existing trees are adequately protected having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

29. Contaminated Land Investigation Housing CON001 *

30. Restrict Hours No Construction Sun BH HOU004 *

31. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

32. Within one month of the completion of the development the report of the results of observations of the groundworks pursuant to condition 31 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

33. Notwithstanding Condition 1, no development shall take place until plans of the site showing the existing ground levels of the application site and proposed ground levels of the detention basin have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This needs to be pre-commencement condition to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 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 Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development. The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

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)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Highway Inspection before dvlpt (I46)

Fish With respect to potential impacts and mitigation measures, we are satisfied with the proposed mitigation measures, as set out in the Addendum to paragraph 3.4.2 of the Planning, Design and Access Statement. The proposed mitigation measures will help minimise any impacts of lowering the lake on fish populations and angling. In terms of further surveys or consultation requirements, we are satisfied that the agreed programme of monitoring, which involves measuring dissolved oxygen, pH, depth, temperature, ammonia and turbidity for a minimum of two years will better identify any impacts of lake lowering on water quality and fish. With respect to the inlet weir, whilst the 5mm screen aperture meets the minimum requirements to prevent coarse fish species escaping from the lake. It is recommended that the screening arrangements are revisited in order to reduce the likelihood of the screen blinding, overtopping and fish escaping.

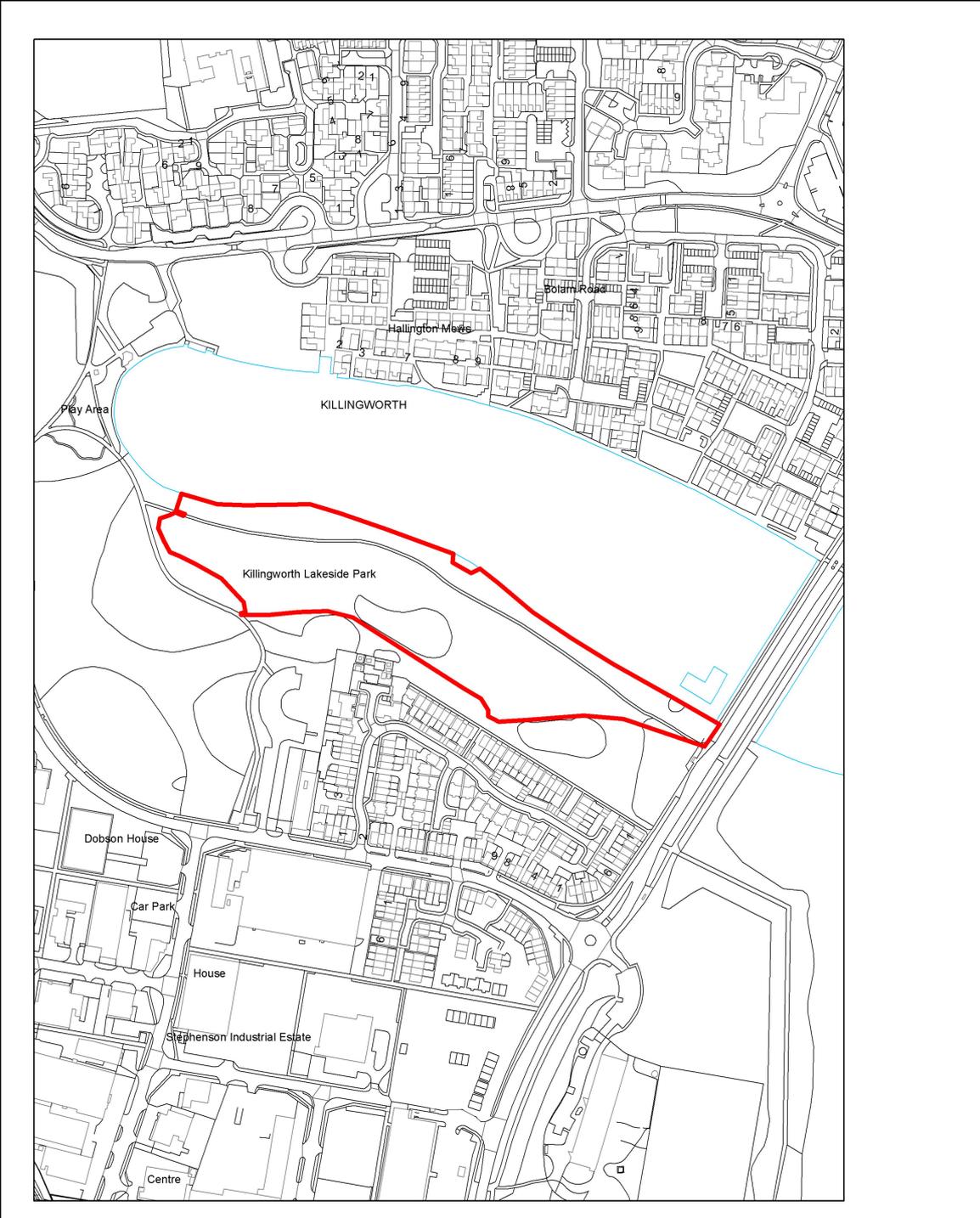
Consideration should be given to using a round bar inclined at an angle, rather than vertical 'mesh' box, curved designs that maximise the screening area and two-tier systems which utilise a coarse screen on the outside and finer (i.e. 5mm) one on the inside. Further information on screen design for intakes is available at: http://www.therrc.co.uk/MOT/References/EA_Screening_Intake_Outfalls.pdf

Invasive Non-Native Species There are records of Japanese Rose (*Rosa rugosa*) on site. Japanese Rose is listed on Schedule 9 of the Wildlife and Countryside Act (1981) in England and Wales therefore, it is an offence to plant or otherwise cause to grow these species in the wild. A 7m buffer zone of no works must be maintained from any Japanese Rose specimen present on site.

Within the lake, we also have records of Northern River Crangonyctid (*Crangonyx pseudogracilis*), Water Fern (*Azolla filiculoides*) and Canadian Pondweed (*Elodea canadensis*). Water Fern and Canadian Pondweed are listed on Schedule 9 of the Wildlife and Countryside Act in England and Wales therefore, it is also an offence to plant or otherwise cause to grow these species in the wild and after April 2014 this species will no longer legally be for sale in England and Wales. It is important that measures are put in place to avoid the spread of these species, particularly into the neighbouring Site of Special Scientific Interest. **Protected Species** There are records of Great Crested Grebe (*Podiceps cristatus*) using the site. These birds are protected under Wildlife and Countryside Act 1981 and the EC Birds Directive 1979. **Biosecurity** Biosecurity measures need to be in place for the duration of the works and strictly adhered to by all site operatives. As a minimum the Check Clean and Dry campaign should be followed; check your equipment and clothing for live organisms, particularly in areas that are damp or hard to inspect; clean and wash all equipment, footwear and clothing thoroughly. If you do come across any organisms, leave them at the water body where you found them; dry all equipment and clothing as some species can live for many days in moist conditions. It is also important to make sure water is not transferred elsewhere. Further information on biosecurity can be found at the following link

<https://secure.fera.defra.gov.uk/nonnativespecies/checkcleandry/index.cfm>

Pollution Prevention - Advice to LPA/Applicant It is important that all fuel and chemicals used on site should be kept on an impervious base within a secondary containment system such as a bund, not within 10m of any watercourse, and above flood water level.



Application reference: 18/00415/FUL
Location: Killingworth Town Park, West Bailey, Killingworth
Proposal: Proposed construction of a flood storage detention basin with weir, and associated development including a new access, fishing jetties, footpaths and landscaping

Not to scale

Date: 28.06.2018

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**Appendix 1 – 18/00415/FUL
Item 3**

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Jim Allan

1.2 I would be interested to know how wide has the consultation been in relation to residents and local businesses. Also, is this being funded by Northumbria Water?

2.0 Internal Consultees

2.1 Biodiversity Officer

2.2 The above application for the construction of a flood storage detention basin at Killingworth Lake Park is within an area of designated greenspace, a Site of Local Conservation Interest (SLCI) and within a wildlife corridor. Gosforth Park Site of Scientific Interest (SSSI) lies less than 2km to the west of the site.

2.3 The Arboricultural Impact Assessment (AIA) submitted for the scheme identifies 46 individual trees and 4 trees groups within immediate influence of the works with all 46 individual trees requiring removal to accommodate the works. This work has already been undertaken in advance in order to avoid the bird nesting season. Mitigation is required for the loss of trees and scrub habitat on site as well as the general impacts of the scheme and while an indicative landscape plan has been indicated on the plans no detailed landscape mitigation plans have been submitted with the application. These will need to be conditioned.

2.4 With regard to landscape mitigation, in addition to wildflower meadow creation around the basin, areas around the south side of the small lake will need to be enhanced with wildflower meadow and marginal aquatic planting to the edge of the lake. Native standard trees should be planted in agreed locations that will enhance the site. Some of this planting should be on the embankment of the detention basin which could be softened by extending the existing woodland trees into the bank. We feel that the basin looks too engineered and could be softened with some tree planting.

2.5 The lowering of the lake by 100mm will also have an impact on the biodiversity of the lake by reducing oxygen levels, increasing temperature and nutrient load and potentially resulting in an increase in algal blooms. These changes will also affect fish populations. In order to mitigate these impacts, a combination of mitigation measures will be required, including, repairing and re-planting the existing floating island, water quality monitoring measures, aquatic planting zones on the large lake and submerged predation cages.

2.6 An Ecological Assessment has been submitted which identifies potential impacts such as those associated with pollution of the lake/drainage system as well as potential impacts on Gosforth Park SSSI from movement of fish from the lake and an increase in sediments. The Design and Access Statement (D&A) states that the western outlet will discharge to the surface water sewer via an

existing outlet on the West Moor Tributary and therefore has the potential to impact Gosforth Park SSSI.

2.7 The applicant has held meetings with the Natural History Society of Northumbria (NHSN), Natural England and Tyne Rivers Trust to discuss impacts to the SSSI. Flow monitoring on the western overflow pipe has been agreed to monitor frequency of overflow and pollution incidents. A silt trap arrangement on the overflow pipe has also been agreed to prevent silt passing downstream (this will be inside a below-ground manhole). NWG will inspect and maintain the silt trap along with the overflow. Fish screens will also be employed on the attenuation basin weir and the western outlet to prevent fish entering the detention basin and the SSSI. Details of the screens will need to be conditioned.

2.8 I have no objections to the scheme in principle subject to the following conditions being attached to the application:-

Conditions

-A detailed pollution control plan must be submitted to the Local Authority for approval prior to development commencing to ensure measures are in place that minimise pollution risk to the surrounding environment.

-A detailed Construction Environmental Management Plan (CEMP) must be submitted to the Local Authority for approval prior to development commencing.

-A fully detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. The plan should include details of native tree and shrub planting and habitat creation around the detention basin and the small lake.

-A fully detailed mitigation plan to address the impacts of the scheme on the lake must be submitted to the Local Authority for approval prior to development commencing. The plan should include details of submerged and aquatic planting around the lake, submerged predation cages for fish, water quality monitoring measures and the securing and re-planting of the existing floating island. Details will also be required regarding the maintenance and management of these features.

-Fully detailed drainage plans associated with the scheme must be submitted to the Local Authority for approval prior to development commencing.

-Details of the silt-trap on the western outlet and its maintenance as well as flow monitoring on the western outlet must be submitted to the Local Authority for approval prior to development commencing.

-A detailed drainage and landscape maintenance/management plan for the scheme must be submitted to the Local Authority for approval prior to development commencing.

-Detailed designs for the fish screens on the basin weir and the western drainage outlet must be submitted to the Local Authority for approval prior to development commencing.

-Detailed plans showing adequate access on to the site for maintenance and events vehicles must be submitted to the Local Authority for approval prior to development commencing.

-No vegetation removal will take place in 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.

-All works must be undertaken in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan submitted by Woodsman Arboricultural Services as well as BS 5837:2012 'Trees in relation to Design, Demolition and Construction – recommendations'

-All trees within or adjacent to the site must be adequately protected by fencing throughout the works in accordance with Section 6 of the Arboricultural Method Statement and Tree Protection Plan submitted by Woodsman Arboricultural Services.

-Any lighting associated with the construction phase of the works must avoid light spill into adjacent habitats that are suitable for foraging bats and nesting birds

-5no. bat boxes (various designs) to be installed on suitable trees within the site. Details of bat box specifications and their locations to be submitted on a plan to the Local Authority for approval prior to development commencing.

-10no. bird boxes (various designs) to be installed on suitable trees within the site. Details of bird box specifications and their locations to be submitted on a plan to the Local Authority for approval prior to development commencing.

-The site compound area and any additional storage areas associated with the scheme must be fully reinstated once works have completed. Details of reinstatement to be submitted to the Local Authority for approval prior to development commencing.

-Interpretation panels associated with the scheme must be provided on site. Details of the number, specification and location of the panels must be submitted to the Local Authority for approval prior to development commencing.

2.10 Public Rights of Way Officer

2.11 The proposal will help to reduce the risk of flooding in this area. The applicant has agreed a range of measures to protect and restore where necessary the public rights of way network in this area on completion of the scheme. Approval is recommended.

2.12 Recommendation - Approval

The applicant will be required to stop up or divert the highway footpaths within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

2.13 Informatives:

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

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

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

2.14 Local Lead Flood Authority (LLFA)

2.15 This work will be the final phase of the Killingworth and Longbenton flood alleviation schemes and once complete more than 3,500 properties in the area will benefit from reduced flood risk. In addition the works will alter the existing lake outlet point which will remove the impact of the surface water from the lake on Northumbrian Water's drainage network by transferring it into the Whitehouse Burn which eventually discharges into the River Tyne. Approval is recommended.

2.16 Highways Network Manager

2.17 The proposal will help to reduce the risk of flooding in this area. Conditional approval is recommended.

2.18 Recommendation - Conditional Approval

The applicant will be required to stop up or divert the highway footpaths within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

2.19 Conditions:

ACC10 - New Access: Access before Devel

ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 43m by 0.6m)

ACC25 - Turning Areas: Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

2.20 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

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

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

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

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

2.21 Landscape Architect

2.22 The area included within the application area currently consists of grassed and wooded areas with lakeside access paths immediately to the south of

Killingworth Lake and is used for informal leisure uses and recreation. The wider area is also interspersed with groupings of trees and shrubs, solitary trees, hedgerows and important wildlife 'Riparian' habitat areas along the lakeside edge, which have been left to naturally form and regenerate. The closest residential properties are at Lake View to the immediate south of the proposed site area. There is a large residential area to the north of the application site, although the area is separated from the application site by Killingworth Lake. A number of properties and office locations have open views across the lake due to the lake being sparsely vegetated along the edge. The main trunk approach road (Southgate) to Killingworth Township runs in a north to south alignment adjacent to the eastern extent of the site area, effectively dividing a smaller lake area further to the east from the main waterbody.

2.23 An AIA has been submitted together with an Arboricultural Constraints Plans (ACP) and Tree Protection Plans (TPP). Forty-six significant individual trees and four tree groups within immediate influence of the work areas have been surveyed. The site contains further large tree groups which are beyond the influence of any potential construction activity. Adjacent tree groups have also been surveyed.

2.24 The AIA states that '*The proposed development will require the removal of all of the individual trees surveyed*'. This is approximately 46no individual trees. Although none of the trees are of high retention value a number of trees are considered to be of moderate value (Category B). The majority of trees have been given a sub-category rating of 2 with regard to Landscape Value. It is proposed that new landscape works, including the planting of new trees adjacent to footpaths through the site, will mitigate for the initial tree losses although no details have been provided.

2.25 There is concern relating to the number of trees for removal particularly at the eastern end of the park area, just adjacent to Southgate carriageway as this area is a gateway point to the lakeside park and the tree groupings form an important barrier and buffer zone in relation to the activity of the road corridor within this zone.

2.26 It has been noted that tree removal in some areas has already occurred. The reduction of tree numbers should be kept to a minimum and any proposed landscape design strategy should reflect and enhance the characteristics of the area.

2.27 The submitted documents (*Section 3.4.5 Reinstatement and Landscaping: Design and Access Statement*) refer to further details in relation to the remediation works and proposed landscape design intended for the site.....'*Following the main construction period which involves bulk excavation of materials, the area will be landscaped in accordance with a Detailed Landscape Plan which will be agreed with the Local Planning Authority and other relevant Stakeholders, for example the parks maintenance team*'.

2.28 The scheme is acceptable in principle subject to the following conditions being applied:

No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting, and ground preparation noting the species and sizes for all new planting (standard trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. 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. A schedule of works and full specification/maintenance operations should also be submitted in relation to the successful reinstatement and establishment period for those works. The landscape plan should also include measures and a specification in relation to the making good and/or reinstatement of areas affected by the works such as field systems and adjacent 'Riparian Habitats'

All works to be undertaken in accordance with the Arboricultural Impact Assessment, Method Statement, Tree Protection Plan submitted by Woodsman Arboricultural Services and BS 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'.

All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing trees and shrubs.

Prior to the commencement of works on the site, the trees within or adjacent the site are to be protected by fencing in accordance with Section 6 Arboricultural Method Statement and the Tree Protection plan submitted by Woodsman Arboricultural Services and shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority.

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans (Arboricultural Impact Assessment/Tree Protection Plan - Woodsman) shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed 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.

No utilities or drainage should be located within the root protection areas of retained trees on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

Prior to commencement, any pruning works required to be undertaken to trees shall be detailed and submitted for approval. All works to be carried out in accordance with British Standard 3998: 2010 - Recommendations for Tree Works.

An arboricultural consultant should be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. A method statement should be submitted for comment and include timing of inspections, preliminary tree removal and pruning; installation of protective fencing and the monitoring of thereafter, pollution control, installation of services near retained trees and the removal of protective measures on completion. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

The contractors construction method statement relating to traffic management/site compounds/contractor access 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 root protection area (RPA) of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

2.29 Contaminated Land

2.30 I have read the desk study report and I concur with the findings that a Phase 2 investigation is required. Therefore the following must be applied:

Con 001

2.31 Manager for Environmental Health (Pollution)

2.32 I have no objection in principle to this development but would recommend hours of construction and dust mitigation be applied if planning consent is to be given.

HOU04
SIT03

3.0 Representations

3.1 One letter of representation has been received. The comments received are set out below:

Having looked at the documents and attended the consultation event I can say that I do understand and appreciate the effort to manage flood risk in the area. My concern is with the re-siting of the picnic tables. I cannot see any detail as to the placement of these tables in the new scheme. Only to say they will be adjacent to the new path. These tables do provide an amenity for people. However, I am aware that on occasion the area around the tables can be susceptible to anti-social behaviour - of which the community police are aware. I am concerned about the exact relocation of these tables and the impact on local residents living in the houses adjacent to the park area. I would appreciate it if residents could be consulted before any decision is made regarding this.

4.0 External Consultees

4.1 Northumbrian Water

4.2 Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

4.3 Environment Agency

4.4 We have no objections to the above application as submitted. However, we have the following advice/comments to offer:

4.5 Fish – Advice to LPA/Applicant

4.6 With respect to potential impacts and mitigation measures, we are satisfied with the proposed mitigation measures, as set out in the Addendum to paragraph 3.4.2 of the Planning, Design and Access Statement. The proposed mitigation measures will help minimise any impacts of lowering the lake on fish populations and angling.

4.7 In terms of further surveys or consultation requirements, we are satisfied that the agreed programme of monitoring, which involves measuring dissolved oxygen, pH, depth, temperature, ammonia and turbidity for a minimum of two years will better identify any impacts of lake lowering on water quality and fish.

4.8 With respect to the inlet weir, whilst the 5mm screen aperture meets the minimum requirements to prevent coarse fish species escaping from the lake. It is recommended that the screening arrangements are revisited in order to reduce the likelihood of the screen blinding, overtopping and fish escaping.

4.9 Consideration should be given to using a round bar inclined at an angle, rather than vertical 'mesh' box, curved designs that maximise the screening area and two-tier systems which utilise a coarse screen on the outside and finer (i.e. 5mm) one on the inside. Further information on screen design for intakes is available at:

http://www.therrc.co.uk/MOT/References/EA_Screening_Intake_Outfalls.pdf

4.10 The fish jetties are in a dilapidated condition and are infrequently used by anglers. Therefore, it is recommended that the platforms are no longer retained due to their poor condition.

4.11 Flood Risk – Advice to LPA

4.12 The proposed development will deliver improvements to the flood storage capacity of Killingworth Lake and the local amenity. Therefore, we have no flood risk concerns regarding the proposed development.

4.13 Invasive Non-Native Species – Advice to LPA/Applicant

4.14 There are records of Japanese Rose (*Rosa rugosa*) on site. Japanese Rose is listed on Schedule 9 of the Wildlife and Countryside Act (1981) in England and Wales therefore, it is an offence to plant or otherwise cause to grow these species in the wild. A 7m buffer zone of no works must be maintained from any Japanese Rose specimen present on site.

4.15 Within the lake, we also have records of Northern River Crangonyctid (*Crangonyx pseudogracilis*), Water Fern (*Azolla filiculoides*) and Canadian

Pondweed (*Elodea canadensis*). Water Fern and Canadian Pondweed are listed on Schedule 9 of the Wildlife and Countryside Act in England and Wales therefore, it is also an offence to plant or otherwise cause to grow these species in the wild and after April 2014 this species will no longer legally be for sale in England and Wales. It is important that measures are put in place to avoid the spread of these species, particularly into the neighbouring Site of Special Scientific Interest.

4.16 Tree Removal – Advice to LPA/Applicant

4.17 The replanting of broadleaf trees to offset those which are lost on site is supported by the Environment Agency.

4.18 Protected Species – Advice to LPA/Applicant

4.19 There are records of Great Crested Grebe (*Podiceps cristatus*) using the site. These birds are protected under Wildlife and Countryside Act 1981 and the EC Birds Directive 1979.

4.20 Biodiversity Mitigation – Advice to LPA/Applicant

4.21 The biodiversity mitigation measures outlined in the ecological report are in-keeping with what we would expect from a development of this nature in this area, where priority species and habitats are lacking.

4.22 Biosecurity – Advice to LPA/Applicant

4.23 Biosecurity measures need to be in place for the duration of the works and strictly adhered to by all site operatives.

4.24 As a minimum the Check Clean and Dry campaign should be followed; check your equipment and clothing for live organisms, particularly in areas that are damp or hard to inspect; clean and wash all equipment, footwear and clothing thoroughly. If you do come across any organisms, leave them at the water body where you found them; dry all equipment and clothing as some species can live for many days in moist conditions. It is also important to make sure water is not transferred elsewhere. Further information on biosecurity can be found at the following link

<https://secure.fera.defra.gov.uk/nonnativespecies/checkcleandry/index.cfm>

4.25 Pollution Prevention – Advice to LPA/Applicant

4.26 It is important that all fuel and chemicals used on site should be kept on an impervious base within a secondary containment system such as a bund, not within 10m of any watercourse, and above flood water level.

4.27 Tyne and Wear Archaeology Officer

4.28 I was consulted by Northumbrian Water back in February.

4.29 I would imagine that the site was substantially disturbed when the lake and Killingworth Township were created. The lake was created during the reclamation of derelict pit sites and levelled spoil heaps.

4.30 The only known archaeological features on the site are two colliery waggonways. The waggonways should be on your archaeology constraints layers.

4.31 The first is the Burradon Waggonway which linked West Moor Pit to Burradon Colliery. It opened in 1820.

4.32 The second is a 19th wagonway which connected the North Eastern Railway at Killingworth to the wagonway which served collieries at Burradon and Killingworth. This was built after 1857.

4.33 It is likely that the reclamation and landscaping work will have destroyed all evidence of the waggonways.

4.34 However as a precaution I recommend that groundworks on the lines of the waggonways are archaeologically monitored as a watching brief.

Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Watching Brief Report Condition

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

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

4.35 Newcastle International Airport (NIA)

4.36 Thank you for consulting Newcastle International Airport on the bird strike risk assessment undertaken for the above application. I have reviewed the assessment there is some concern regarding the robustness of the survey work undertaken and disagreement with the conclusion that Killingworth Lake does not support a significant population of wildfowl and the mainly supports 'small birds'. In particular the Lake supports large population of mute swans. However, given that the detention basin will not permanently hold water, the indicated fill and drain down times, and the absence of additional reed bed planting, the Airport is satisfied with the recommendation of the risk assessment and therefore have no objection to the development.

4.37 Natural England

4.38 No objection subject to appropriate mitigation being secured.

4.39 We consider that without appropriate mitigation the application would:
-Damage destroy the interest features for which Gosforth Park Site of Special Scientific Interest (SSSI) has been notified.

4.40 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:

- Details of a pollution control protocol in the event of a pollution incident/event.
- Design details of a silt trap and management maintenance plan.
- Design details of a fish screen to be installed to the western outlet of the lake to avoid transfer of fish from the lake to the SSSI site.

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

4.42 Further advice on mitigation

4.43 We note the following conditions have been suggested by the Local Planning Authorities Biodiversity Officer and Natural England the addition of the following conditions would ensure appropriate mitigation is secured to mitigate against harmful effects to the SSSI.

- A detailed pollution control plan must be submitted to the Local Authority for approval prior to development commencing to ensure measures are in place that minimise pollution risk to the surrounding environment.
- A detailed Construction Environmental Management Plan (CEMP) must be submitted to the Local Authority for approval prior to development commencing.
- Detailed designs for the fish screens on the basin weir and the western drainage outlet must be submitted to the Local Authority for approval prior to development commencing.

4.44 Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice.

4.45 Natural England offers the following additional advice:

4.46 Protected Species

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

4.48 Local sites and priority habitats and species

4.49 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any

relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

4.50 Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

4.51 Ancient woodland and veteran trees

4.52 You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

4.53 Environmental enhancement

4.54 Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

4.55 You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

4.56 Access and Recreation

4.57 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

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

4.59 Paragraph 75 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

4.60 Biodiversity duty

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

Item No: 5.4
Application No: 18/00596/FUL Author: Aidan Dobinson Booth
Date valid: 11 May 2018 ☎: 0191 643 6333
Target decision date: 10 August 2018 Ward: Longbenton

Application type: full planning application

Location: Greggs Building and Distribution Services, Benton Lane And Gosforth Park Way, Longbenton, NEWCASTLE UPON TYNE,

Proposal: Production and freezer extensions with despatch docks. New electricity sub-station and compressed natural gas station

Applicant: Greggs Plc, Mr Peter Boughton Greggs House Q9 Quorum Business Park Newcastle Upon Tyne NE12 8BU

Agent: Cox Freeman, Mr Alan McCall 4th Floor 39 Stoney Street The Lace Market Nottingham NG1 1LX UK

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

1.1 The main issues for Members to consider in this case are;

- Whether the principle of extending the existing factory is acceptable;
- The impact of the proposal upon the character and appearance of the site and surrounding area;

The impact upon neighbouring occupiers with particular regard to noise and disturbance and

- Whether sufficient parking and access would be provided.

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 account any other material considerations in reaching their decision.

2. Description of the Site

2.1 The application site is a central production site for Greggs the bakers. The site occupies some 7.8 hectares in area and the floorspace of the existing buildings on-site is 14,582 square metres in area. The application site is situated centrally within the wider Greggs production site, with a bakery to the north end of the site and a production area and cold store to the south including the Greggs ancillary offices and surface level car park to the southern end of the site. To the

east of the site is the former Findus factory which is now occupied by Country Style Foods. To the south east are a number of smaller office buildings with a surface level car park situated closest to the boundary with Greggs. However there is a good landscape buffer between these offices and the Greggs factory. On the southern side of Balliol is Innovate House, which is an office building also used by Greggs. To the south west of the site is an existing office building which is currently vacant, but has planning permission to change its use to B2 (General Industrial). To the west of the site is the road Gosforth Park Way and to the south is an area of overgrown vacant land between the southern boundary of the site and the road.

2.2 The site is allocated for Employment Land according to Policy S2.2 of the North Tyneside Local Plan 2017. Part of the western edge of the site is allocated as reserved employment land also covered by policy S2.2.

3. Description of the proposed development

3.1 The application seeks full planning permission for production and freezer extensions with despatch docks, new electricity sub-station and compressed natural gas station. The compressed natural gas station would be used to supply environmentally friendly refuelling to Greggs' lorry's.

4. Relevant Planning History

02/00122/FUL - Erection of a new cold store with ancillary amenity block, modification of existing service yard and relocation of car parking area. Diversion of existing private sewer (amended description 18 March 2002). Permitted 05.04.2002

04/03745/FUL - Extension of existing factory to form new savoury production unit and cold store. Permitted 17.12.2004.

05/01523/FUL - Construction of new chilled, frozen and ambient distribution centre, offices block and site infrastructure. Temporary use of part as bakery. (Re-submission) Permitted 21.07.2005.

05/04076/FUL - Erection of new effluent treatment plant, roof mounted plant and spiral access stair, sprinkler tank and booster pump house. Permitted 21.02.2006.

06/02642/FUL - Installation of a window to the second floor office accommodation, east elevation Permitted 04.10.2006.

09/01610/FUL - Installation of a containerised boiler with chimney and ancillary refrigeration equipment on an existing industrial site Permitted 18.01.2010.

10/00564/FUL - Extension to existing Greggs GDS building to form new bakery with associated warehousing, offices, delivery and despatch yards. Lorry refuelling and wash areas

Permitted 09.06.2010

13/00559/FUL - Erection of a single storey building to provide an IT Datacenter
Permitted 11.06.2013

13/00924/FUL - Installation of solar pv panels to south, east and west facing roof areas as shown in accompanying drawing.
Permitted 18.07.2013.

15/01925/FUL - Construction of a refrigeration plant room extension and the siting of new two storey modular cabins
Permitted 27.01.2016.

16/01668/FUL - Construction of new car and lorry parking areas including disabled and cycle parking
Permitted 12.12.2016.

17/01491/FUL - Variation of condition 1 (approved plans) of planning approval
16/01668/FUL - revised layout.
Permitted 17.11.2017

4.1 Land to the South West of the Greggs Factory

16/01304/FUL - Proposal for the erection of 240 Starter Home Dwellings (C3) with associated open space, landscaping, car parking associated access and infrastructure (Amended no. of dwellings and additional information September 2017) (Amended site plan and house plans November 2017)
Pending Consideration.

4.2 Land to the South

16/02018/FUL - Change of use of an existing call centre to an industrial unit with increased office space at first floor (mezzanine level) - (Amended plans received 1.3.17)
Permitted 04.04.2017.

5. Development Plan

5.1 North Tyneside Local Plan 2017

6. Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Policy Guidance (as amended)

6.3 Daft Revised National Planning Policy Framework (March 2018)

6.4 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities 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 of to which any policy is consistent with the National Planning Policy Framework.

PLANNING OFFICERS REPORT

7. Main Issues

7.1 The main issues for Members to consider are;

- Whether the principle of extending the existing factory is acceptable;
- The impact of the proposal upon the character and appearance of the site and surrounding area;

The impact upon neighbouring occupiers with particular regard to noise and disturbance and

- Whether sufficient parking and access would be 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.

7.3 Principle

7.4 Paragraph 14 of National Planning Policy Framework (NPPF) states that that the heart of it is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay.

7.5 Paragraph 17 of NPPF sets out the 12 core planning principles one of which is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

7.6 Paragraph 18 of NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity.

7.7 Paragraph 19 of NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

7.8 Policy S1.1 states that amongst other matters that employment development will be located within the main urban area. The Balliol Business Park where this application site is located is within the main urban area.

7.9 Policy DM1.3 states that the Council will work proactively 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.

7.10 Policy S1.4 states that development proposals will be considered favourably where it can be demonstrated that would accord with the strategic, development management, or area specific policies of this plan.

7.11 This site is allocated as existing and reserved employment land by policy S2.2 of the Local Plan (E009). This policy recognises this land as part of the total employment land in the borough that is available to deliver the Council's strategy for economic prosperity and job growth. The western part of the application site is identified as reserved employment land in the Local Plan, which is to be treated as potential expansion for businesses. This policy states that this site is suitable for Class B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). This proposal seeks planning permission for 7,025 sq metres of new B2 space, which would comply with its allocation in the Local Plan. The existing amount of B2 space already on the site is 14,582 square metres.

7.12 There would be no change in the number of staff numbers on site as a result of this development. Staff numbers for the Balliol 1 and 2 factories along with the cold store and centre for excellence located at the south end of the site will remain at 400 total staff with an additional 380 staff operating from the bakery site. The increase in the shop numbers from 1850 to 2000 shops as a result of the current proposals along with the related works being carried out at other Greggs sites will mean an increase in staff numbers at these shops.

7.13 The Council's Senior Manger of Regeneration has been consulted and fully supports the proposal.

7.14 Members need to consider whether the principle of an extension to the existing Greggs factory is acceptable. It is officer advice that it is and it would accord with policies S1.1, DM1.3, S.14 and S2.2 of the Local Plan.

7.15 Contamination & Land Stability

7.16 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

7.17 Policy DM5.18 states that where 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 amongst other matters sets out measures to allow the development to go ahead safely without adversely affect, which will be secured via a condition of any planning permission.

7.18 Both the Coal Authority and the Council's Contaminated Land Officer have been consulted and neither object.

7.19 Members need to consider whether the site could be development safely without adverse effect in accordance with policy DM5.18. It is officer advice that it could.

7.20 Biodiversity

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

7.22 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts of biodiversity and proving net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

7.23 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided or at least compensated for, then planning permission should be refused.

7.24 Policy S5.4 states the borough biodiversity and geo-diversity will be protected by amongst other matters by the protection of both statutory and non-statutory designated sites within the borough.

7.25 Policy DM5.5 states that all development proposals should amongst other matters protect biodiversity and maximise opportunities for creation of natural habitats.

7.26 Policy DM5.6 states that proposals that are likely to have significant effects on features on internationally designated sites will require an appropriate assessment and that proposals that adversely affect a site's integrity can only proceed where there are no alternatives. Where necessary mitigation of or compensation for adverse effects will be secured.

7.27 The applicant has submitted a Preliminary Ecological Appraisal. This states that the Gosforth Park Site of Special Scientific Interest (SSSI) is 160m away to the north west. However due to the low value habitats recorded on site and the nature of the development, as an expansion of an already existing industrial unit, within the footprint of the existing factory complex, impacts on protected species and habitats associated with the SSSI are not anticipated.

7.28 The report states that the habitats on site are of low ecological value. Primarily consisting of buildings and hardstanding with associated amenity grassland, a small number of scattered trees and a small section of hedgerow in the north west of the site. There is also a small area of tall ruderal (plants growing on wasteland) within the grassland in the west of the site.

7.29 The scattered trees due to be felled as part of the development are immature, with no potential bat roosting features. The grassland, scattered trees and hedgerow habitats only provide limited opportunities for foraging bats, therefore the site is considered to be of negligible-low value for bats.

7.30 The habitats on site are not considered suitable for great crested newts as they consist of buildings, un-vegetated hardstanding, a highly managed

hedgerow and regularly mown grassland. These habitats provide limited cover and the site is currently very active, with HGV's entering and leaving the site 24 hours a day. There are two ponds to the south that are suitable for great crested newts, but are highly isolated within the industrial estate and surrounded by a circular road considered to be a major barrier to movement.

7.31 The Council's Biodiversity Officer states that the applicant's ecological survey has assessed the habitats on site as low ecological value, consisting primarily of buildings and hardstanding and associated species poor grassland, scattered trees and a single hedgerow. Due to the low value habitats recorded on site and the nature of the development impacts on protected species and habitats are not anticipated. However, it is advised that best practice working methods are used to ensure no adverse effects and this can be controlled by conditions.

7.32 Natural England has also been consulted and states that the development will not have significant adverse impacts on the designated site of Gosforth Park Site of Special Scientific Interest and has no objection.

7.33 Members need to consider whether the proposal would result in significant harm to biodiversity and whether it would accord with the advice in NPPF, policies S5.4, DM5.5 and DM5.6 of the Local Plan and weight this in their decision. It is officer advice that subject to conditions that the proposal would avoid significant harm.

7.34 Flooding

7.35 Paragraph 100 NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test.

7.36 Policy S5.11 states that the priority is to avoid, minimise and control surface water entering the sewerage system to reduce the risk of sewer flooding and to avoid the need for unnecessary sewerage treatment.

7.37 Policy DM5.12 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 taken to reduce the overall flood risk for all sources, taking into account the impact of climate change.

7.38 Policy DM5.14 seeks a reduction in surface water run off rates.

7.39 Policy DM5.15 requires applicants to consider the surface water hierarchy, seeking to discharge to the ground first and only seeking to discharge to a combined sewer if other options are not possible.

7.40 The applicant has submitted a proposed surface water drainage layout.

7.41 Northumbrian Water has been consulted and they state that they have no issue to raise in terms of the foul water, as the additional flows will be discharge to the existing on site drainage.

7.42 With regards to surface water Northumbrian Water has no issues to raise provided that the development is carried out in accordance with the Proposed Surface Water Drainage Layout.

7.43 The Council as Local Lead Flood Authority have been consulted and has no objection subject to a condition for the detailed drainage design, which can be controlled by a condition.

7.44 Members need to consider whether the proposal would accord with the advice in NPPF and policies S5.11, DM5.12, DM5.14 and DM5.15 and weight this in their decision. It is officer advice that it would.

7.45 Character and Appearance

7.46 Paragraph 56 of NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute to making places better for people.

7.47 Policy DM5.9 supports new tree planting with a preference towards native species of local provenance.

7.48 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces.

7.49 The Balliol Freezer Expansion ridge height will be approximately 21m high. The roof profile of the extension matches the existing lower level roofs in pitch and materials. All the roofing materials are to be profiled metal built up roofing systems coloured grey. The freezer elevations are of profiled metal cladding and coloured light grey to match the existing building. The lower level walls are to be white insulated metal cladding and exposed steel columns will be painted dark grey to match the existing building columns. On the whole the extensions are of a functional appearance typical within an employment area and will blend in with the existing buildings. The extensions fit comfortably within the existing factory complex. They would not have an adverse impact upon the character and appearance of the site, or the surrounding area.

7.50 The Council's Landscape Architect states that the proposed extension to the facility appears to involve no reduction or interference with the existing landscape structure of the area. They go on to state that the increasing industrialisation of the existing site should be accompanied by a landscape design to increase and or enhance the existing elements of the site in relation to screening and this can be controlled by conditions.

7.51 Members need to determine whether the proposed development would be acceptable in terms of its character and appearance of the site and the surrounding area and whether it would accord with the advice in NPPF and policies DM5.9 and DM6.1. It is officer advice that it would.

7.52 Impact upon Neighbours

7.53 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

7.54 Policy S1.2 seeks to improve the health and wellbeing of communities by amongst other matters preventing negative impacts on residential amenity.

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

7.56 Policy DM5.19 states that development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be secure a satisfactory living or working environment.

7.57 Policy DM6.1 expects proposals amongst other matters to provide a good standard of amenity for existing and future residents and users of the buildings and spaces.

7.58 The neighbours most likely to be directly affected by the proposals are those existing neighbouring occupiers of the Balliol Business Park. There are existing factory units neighbouring the site to the east and south. This is an existing factory complex, within an established business park that is seeking to expand within its existing site. It is considered that subject to conditions that the proposal would not have an adverse impact upon surrounding occupiers of the business park.

7.59 In addition Member's attention is also drawn to the planning application for 240 Starter Homes immediately to the west of the site. This application is pending and has not been determined and therefore the impact on this site through increased noise and disturbance from the Greggs factory is not relevant to this application. Should Members however, decide to grant planning permission for this application, then it's impact on the Starter Homes site would need to be considered. It is also important to note that the reconfigured lorry park has already been granted planning permission (by applications 16/011668/FUL and 17/01491/FUL). This represents the "fall-back" position of what could be done without any further planning permission.

7.60 Members need to determine whether the proposal would comply with the advice in NPPF and policies S1.2, S1.4, DM5.19 and DM6.1 and weight this in their decision. It is officer advice that subject to conditions it would.

7.61 Car Parking and Access

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

7.63 All development that generates significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Planning

decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

7.64 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.65 Policy DM7.4 states that the number of cycle and parking spaces provided in accordance with the standards set out in the Transport and Highways SPD (LDD12).

7.66 Policy DM7.9 states that all developments are expected to ensure a suitable location for the storage and collection of waste.

7.67 The Highway Network Manager has been consulted and states that a Transport Statement was submitted as part of the proposal and he considers that the number of trips associated with the site will not have a severe impact on the adjacent highway network particularly with previous and future highway improvements taken into consideration.

7.68 The Highway Network Manager goes onto state that the site has been operating for a number of years, access remains unchanged and the applicant has demonstrated that internal circulation is appropriate for the needs of the site throughout the phasing of the development. He concludes by recommending conditional approval.

7.69 Members need to consider whether the proposal would provide sufficient access and parking and whether the proposal would accord with the advice in paragraph 32 of NPPF, policies DM7.4 and DM7.9 and weight this in their decision. It is officer advice that it would.

7.70 Local Financial Considerations

7.71 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). It is considered that the proposal would result in benefits in terms of jobs during the construction.

7.72 The proposal will bring additional revenue in terms of additional Business Rates. In addition, Greggs have also agreed to a condition to seek to secure opportunities for unemployed local people during the construction phase to provide employment and training.

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

7.74 Conclusions

7.75 Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

7.76 The site is allocated for employment use according to the North Tyneside Local Plan policy S2.2. NPPF advises that applications that accord with the development plan should be approved without delay. It is considered that this proposal which seeks to expand the existing employment area accords with the development plan, and it is recommended that planning permission should be granted subject to conditions.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and specifications;

Planning Application Forms signed 03.05.18

Design and Access Statement 2239-CFL-00-XX-RP-A-00030

Existing Site Location Plan P01 2239-CFL-ZZ-ZZ-DR-A-P0101

Existing Site Plan P01 2239-CFL-ZZ-ZZ-DR-A-P0201

Existing Ground Floor Plan P01 2239-CFL-00-00-DR-A-P0202

Existing Roof Plan P01 2239-CFL-00-03-DR-A-P0203

Proposed Site Plan P02 2239-CFL-ZZ-ZZ-DR-A-P0501

Proposed Ground Floor Plan P01 2239-CFL-00-00-DR-A-P0601

Proposed Roof Plan P01 2239-CFL-00-03-DR-A-P0602

Freezer Extensions Elevations and Sections P01 2239-CFL-ZZ-ZZ-DR-A-P0701

Cold Store Elevations and Sections P01 2239-CFL-ZZ-ZZ-DR-A-P0702

Proposed Elevations P01 2239-CFL-ZZ-ZZ-DR-A-P0801

CNG & Sub Station Elevations P01 2239-CFL-00-00-DR-A-P0802

Phasing 1 Existing Site Layout. P01 2239-CFL-ZZ-ZZ-DR-A-P-0610

Phasing 2 Bakery Freezer P01 2239-CFL-ZZ-ZZ-DR-A-P-0611

Phasing 3 Balliol Freezer P01 2239-CFL-ZZ-ZZ-DR-A-P-0612

Phasing 4 Lorry and Car Parking P01 2239-CFL-ZZ-ZZ-DR-A-P-0613

Preliminary Ecological Appraisal 3698 Greggs Balliol Bus Park PEA R01

Final -

Proposed Surface Water Drainage Layout P2018-014-001 P1

Transport Statement A062113-1

Reason: To ensure that the development is carried out in accordance with the approved plans.

- | | | | |
|----|------------------------------------------|-------|-------|
| 2. | Standard Time Limit 3 Years FUL | MAN02 | * |
| 3. | Means of Enclosure Details No Occupation | ENC01 | *S2.2 |
| 4. | Turning Areas Before Occ | ACC02 | * |
- 5

5. 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).

6. No development above damp proof course shall take place until details of facilities to be provided for the storage of refuse at the premises have been 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 policy DM5.19 of the North Tyneside Local Plan (2017).

7. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water 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 shall include tree protection measures for the trees that are to be retained. Cabins, storage of plant and materials, parking are not to be located within the Root Protection Area. The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

8. Wheel Wash

SIT008 *

9. No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting, and ground preparation noting the species and sizes for all new planting (standard trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance

with the approved details within the first available planting season following the approval of details. 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. A schedule of works and full specification/maintenance operations should also be submitted in relation to the successful reinstatement and establishment period for those works. The landscape plan should also include measures and a specification in relation to the making good and/or reinstatement of areas affected by the works.

Reason: This condition needs to be pre-commencement so that any retained planting can be accommodated within the landscaping scheme and that it is not removed as part of the development in accordance with policy DM5.9 of the North Tyneside Local Plan (2017).

10. Prior to the commencement of works on the site, the trees within or adjacent the site are to be protected by fencing in accordance with BS5837: 2012 Trees in Relation to Construction-Recommendations and shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. Details and plan to be submitted to Local Planning Authority for approval prior to any works to commence the development.

Reason: This condition needs to be pre-commencement to ensure that the existing trees are protected in advance of the works commencing in accordance with policy DM5.9 of the North Tyneside Local Plan (2017).

11. No utilities or drainage should be located within the root protection areas of retained trees on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

Reason: To protect existing trees in accordance with policy DM5.9 of the North Tyneside Local Plan (2017).

12. No development shall commence until a Pollution Prevention/Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan should include best working practices that ensure that the nearby Gosforth Park Site of Special Scientific Interest is not adversely impacted by pollution incidents. Thereafter the development shall only be carried out in accordance with the approved Plan for the duration of the construction phase of the development.

Reason: In the interests of biodiversity in accordance with the advice in National Planning Policy Framework.

13. Any vegetation clearance/tree felling 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.

Reason: In the interests of biodiversity in accordance with the advice in National Planning Policy Framework.

14. Prior to any development hereby permitted commencing an Amphibian Working Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in

accordance with the approved Amphibian Working Method Statement for the duration of the construction works.

Reason: In the interests of biodiversity and in accordance with the advice in National Planning Policy Framework.

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

Reason: In the interests of biodiversity in accordance with the advice in National Planning Policy Framework.

16. 4no. bird boxes/features will be provided within suitable areas of the site (on buildings or trees). Details of bird box specification, location and implementation to be submitted to the Local Authority for approval prior to development commencing. Thereafter the development shall only commence in accordance with the approved details.

Reason: This condition needs to be pre-commencement to ensure that birds are suitably protected in advance of the works commencing in accordance with the advice in National Planning Policy Framework.

17. 4no. bat boxes/features will be provided within suitable areas of the site (on buildings or trees). Details of bat box specification, location and implementation to be submitted to the Local Authority for approval prior to development commencing. Thereafter the development shall only commence in accordance with the approved details.

Reason: This condition needs to be pre-commencement to ensure that bats are suitably protected in advance of the works commencing in accordance with the advice in National Planning Policy Framework.

18. Surface Water Management (Major) DRN003 *

19. Prior to construction above damp proof course the details specifying how the applicant intends to offer opportunities to local 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).

20. No development above damp proof course shall take place until details of an odour suppression system for the arrestment of odours have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

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

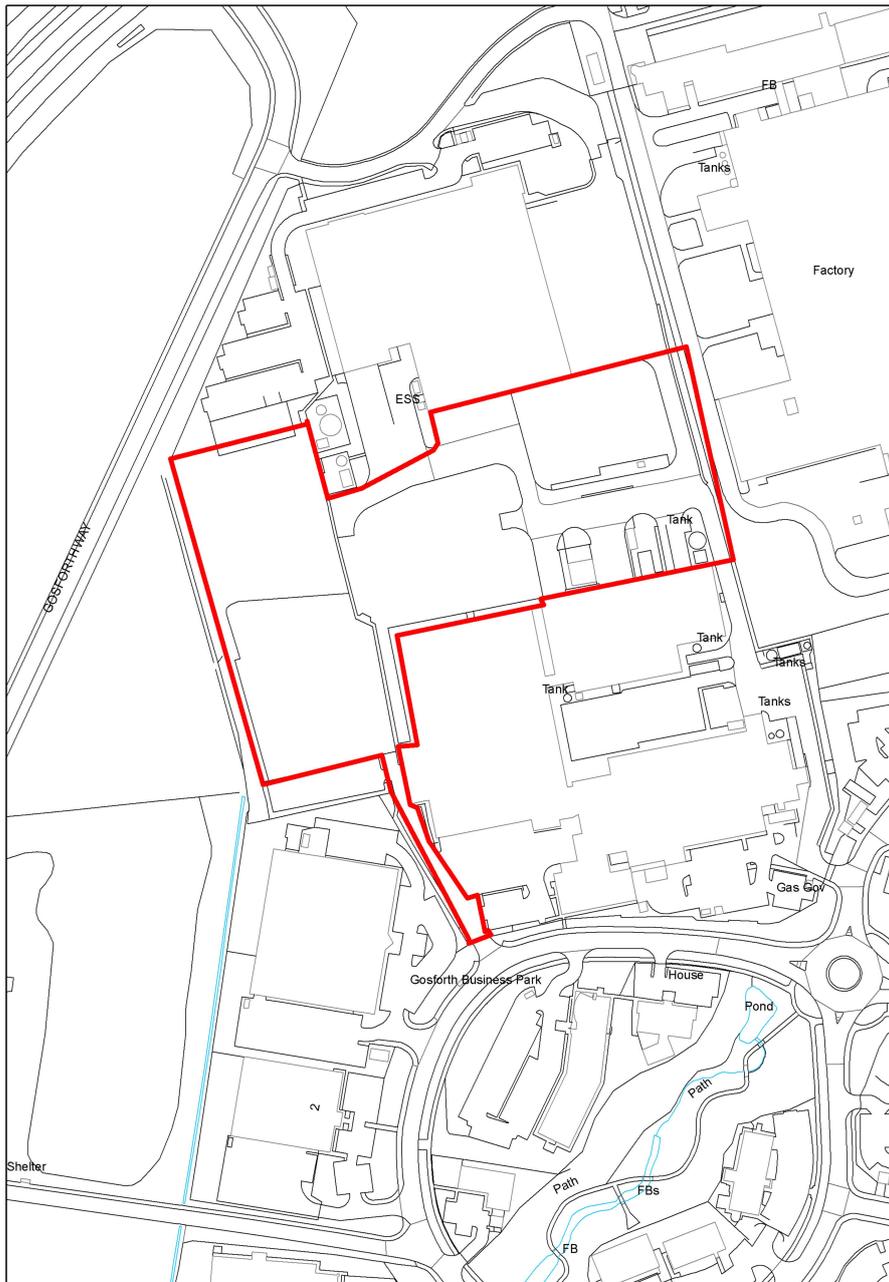
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

Coal Mining Standing Advice (FUL,OUT) (I44)

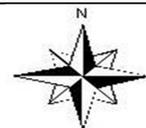


Application reference: 18/00596/FUL
Location: Greggs Building And Distribution Services, Benton Lane And Gosforth Park Way, Longbenton, NEWCASTLE UPON TYNE
Proposal: Production and freezer extensions with despatch docks. New electricity sub-station and compressed natural gas station

Not to scale

Date: 28.06.2018

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**Appendix 1 – 18/00596/FUL
Item 4**

Consultations/representations

Internal Consultees

1. Highway Network Manager (Highways)

1.1 This application is for production & freezer extensions with despatch docks, new electricity sub-station and compressed natural gas station.

1.2 A Transport Statement (TS) was submitted as part of the proposal and It is considered that the number of trips associated with the site will not have a severe impact on the adjacent highway network particularly with previous and future highway improvements taken into consideration.

1.3 The site has been operating for a number of years, access remains unchanged and the applicant has demonstrated that internal circulation is appropriate for the needs of the site throughout the phasing of the development. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

1.6 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

2. Manager of Environmental Health (Contaminated Land)

2.1 No objection.

3. Landscape Architect

3.1 Existing Site Context

3.2 The site is located within the Balliol Business Park and is close to both the A189 Salters Lane and A118 Benton Road, which provide access to the facility via Gosforth Park Way and the local and wider transport infrastructure and cycleway network. The park area consists principally of single-storey industrial and (office) buildings with adjacent car parking facilities and (soft) landscaped areas, which compliment the adjacent built form. The landscape structure of the area reinforces the boundaries of the site, external common areas and roadways, as well as complimenting the internal space of the car parks with island tree and shrub planting.

3.3 The semi-mature structural landscape of the site also links well with the local wildlife corridors, and the adjacent Gosforth Countryside Park, which promotes and compliments the bio-diversity aspiration of the local area. The site falls within the SSSI Impact Risk Zone for Gosforth Park SSSI, although the landscape character changes quite dramatically from an afforested and enclosed environmentally diverse area to an open aspect industrial flavour accentuated by fragmented landscape elements, as mentioned above.

3.4 Landscape Comments (Trees And Landscape Design)

3.5 The proposed extension to the facility appears to involve no reduction or interference with the existing landscape structure of the area. The ecological report states that there will be a loss of hardstanding, amenity grassland and scattered trees with potential damage to retained trees/ hedgerows during works. The applicant should provide protection measures to protect these features, including those on adjacent land. The working areas may be limited during the proposed construction phase and consideration should be given, within this context, regarding the adjacent (western) landscape features (trees and hedgerows) structure, as well as the wider landscape surrounding the facility. If the applicant and/or their design team, consider that the canopy areas and/or root systems of the adjacent trees may be affected they should submit further documentation to demonstrate how this will be avoided and also protected.

3.6 The increasing industrialisation of the existing site area should be accompanied by a landscape design aspiration and an increase and/or 'enhancement' of the existing landscape elements in relation to the internal screening and/or externally within the context of the site perimeter areas.

3.7 The following further information should be provided, on condition, as follows;

3.8 No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting, and ground preparation noting the species and sizes for all new planting (standard trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. 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. A schedule of works and full specification/maintenance operations should also be submitted in relation to the successful reinstatement and establishment period for those works. The landscape plan should also include measures and a specification in relation to the making good and/or reinstatement of areas affected by the works.

3.9 Prior to the commencement of works on the site, the trees within or adjacent the site are to be protected by fencing in accordance with BS5837: 2012 Trees in Relation to Construction-Recommendations and shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. Details and plan to be submitted to LPA for approval.

3.10 The contractors construction method statement relating to traffic management/site compounds/contractor access 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

3.11 No utilities or drainage should be located within the root protection areas of retained trees on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

3.12 Prior to commencement, any pruning works required to be undertaken to trees shall be detailed and submitted for approval. All works to be carried out in accordance with British Standard 3998: 2010 - Recommendations for Tree Works.

4. Biodiversity Officer

4.1 The above application involves extending a number of the factory buildings as well as building a new CNG Station, a new electricity substation, a new sprinkler tank and pump station as well as new HGV parking bays. E3 Ecology Ltd was commissioned by Greggs in February 2018 to undertake an Ecological Impact Assessment (EclA) of land within their facility at Balliol Business Park, Newcastle. The site lies within the Impact Risk Zone (IRZ) for Gosforth Park SSSI which lies 160m to the north east and there is a wildlife corridor that runs east-west to the south of the Greggs site.

4.2 The ecological survey has assessed the habitats on site as low ecological value, consisting primarily of buildings and hardstanding and associated species poor grassland, scattered trees and a single hedgerow. There are also small amounts of tall ruderal and ephemeral vegetation within the site. Due to the low value habitats recorded on site and the nature of the development (i.e expansion of an already existing industrial unit), impacts on protected species and habitats associated with the SSSI are not anticipated. However, it is advised that best practice working methods to ensure no adverse effects through pollution incidents or alteration to hydrology are implemented.

4.3 Based on the preliminary appraisal the following ecological constraints have been identified:

- The loss of hardstanding, amenity grassland, scattered trees, tall ruderal and ephemeral vegetation habitats considered to be of low ecological value.
- Damage to retained trees/ hedgerows during works.
- The loss of potential foraging habitats of negligible-low value to foraging and commuting bats.
- Loss of habitats considered to be of low value to breeding/foraging birds.
- Loss of habitats considered to be of low value to foraging hedgehog.
- Harm/disturbance to breeding birds during vegetation clearance/building works.
- Harm to hedgehog while foraging on site during construction works, through entrapment within excavations.

- Very low residual risk of harm to great crested newts and other amphibians during the works.

4.4 In order to mitigate the impacts of the scheme and the constraints above, the Ecological Appraisal has recommended the following mitigation:-

- As a precaution vegetation clearance/tree felling 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.
- Works will be undertaken to a precautionary amphibian method statement.
- 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°.
- The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

4.5 In addition to this, a landscape scheme should be submitted detailing native tree and shrub planting within the site to provide some biodiversity benefit.

4.6 Conditions

4.7 A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. Planting should include native tree and shrub planting of benefit to biodiversity.

4.8 A Pollution Prevention Plan/CEMP must be submitted to the Local Authority for approval prior to development commencing. The Plan should include best working practices that ensure the adjacent SSSI is not adversely impacted by pollution incidents

4.9 An Amphibian Working Method Statement must be submitted to the Local Authority for approval prior to development commencing.

4.10 Any vegetation clearance/tree felling 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.

4.11 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°.

4.12 The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

4.13 4no. bird boxes/features will be provided within suitable areas of the site (on buildings or trees). Details of bird box specification, location and implementation to be submitted to the Local Authority for approval prior to development commencing.

4.14 4no. bat boxes/features will be provided within suitable areas of the site (on buildings or trees). Details of bat box specification, location and implementation

to be submitted to the Local Authority for approval prior to development commencing.

5. Local Lead Flood Authority

5.1 I have carried out a review of the above applications surface water drainage proposals. The development will include two surface water attenuation tanks within the site which will attenuate a total volume of 1135m³ of surface water. The surface water from the attenuation tanks will be released at a controlled discharge rate of 3.5l/s per tank into the nearby 850mm dia sewer which runs along the western edge of the site.

5.2 Following my review, I can confirm I have no objections to the application, however we will need to place the standard drainage condition requesting the detailed drainage design.

6. Senior Manager (Regeneration)

6.1 The Regeneration Team fully supports this application for production and freezer extensions with despatch docs and a new electricity sub-station and compressed natural gas station at the Greggs site in Balliol Business Park West.

6.2 The additions will be within the established existing industrial site and the proposal forms part of the strategic development jigsaw of the company and is vital for growth of the business, which is a large employer in the region.

External Consultees

7. The Coal Authority

7.1 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

8. Natural England

8.1 No objection

8.2 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Gosforth Park Site of Scientific Interest (SSSI) and has no objection.

9. Environment Agency

9.1 No objections.

9.2 Permitting Advice/Informative

The site is regulated under Schedule 1 section 6.8 A(1)(d)(i) of the Environmental Permitting Regulations. Any increase in production capacity, freezer capacity or infrastructural changes may require an application to vary the permit. We recommend that the applicant contacts the Environmental Permitting team to discuss this further.

10. Northumbrian Water

10.1 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

10.2 With regards to the foul water, we would have no issue to raise as any additional foul flows generated from the increased development will be discharged via existing on site drainage.

10.3 With regards to the surface water we would have no issues to raise provided the application is approved and carried out within strict accordance with the submitted document entitled "*Proposed Surface Water Drainage Layout*". In this document it states the surface water will discharge at a combined restricted rate of 7 l/s and will discharge into the 825mm surface water sewer at points between existing manholes 1801 and 2601.

10.4 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:

10.5 CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Surface Water Drainage Layout" dated "03/05/2018". The drainage scheme shall ensure that surface water discharges to the surface water sewer at points between manholes 1801 and 2601. The surface water discharge rate shall not exceed the available capacity of 7l/sec. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

10.6. It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers 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.

Representations

None.

North Tyneside Council

Report to Planning Committee

Date: 10 July 2018

ITEM 6
Title: Chirton Green,
North Shields, Tyne and
Wear Tree Preservation
Order 2018

Report from Directorate: Environment, Housing and Leisure

Report Author: Phil Scott Head of Environment, Housing and Leisure (Tel: 643 7295)

Wards affected: Preston

1.1 Purpose:

To consider the above Tree Preservation Order taking into account any representations received in respect of the Order.

1.2 Recommendation(s)

Members are requested to consider the representations to the Chirton Green, North Shields, Tyne and Wear Tree Preservation Order 2018 and confirm the Order.

1.3 Information

1.3.1 Trees within the area are currently protected by the Chirton Green, North Shields TPO 1994. The Order now being considered seeks to update this Order to include the new housing development at Gardener Park.

1.3.2 3 letters of objection have been received from the owners/residents properties within the area covered by the Tree Preservation Order. Copies of these representations are included as Appendix 2 to this report. The grounds of objection can be summarised as follows:

1.3.3 Objections from 9 Gardner Park

- Objecting only to the three trees (2 Ash and 1 Sycamore) on the boundary with No.9.
- The trees have become a safety hazard.
- They affect No.'s 7, 8, 9 and 10 Gardner Park.
- Branches have fallen into the gardens.
- Leaves have to be swept up daily, the garden cannot be used year round, and washing cannot be hung out.
- The trees are causing more problems as time goes on.

1.3.4 Objections from 11 Gardner Park

- Object specifically to Group G2. Two of these trees are close to the rear of our property.
- One is dying and rotting and at risk of causing injury or damage.
- The lack of maintenance is an accident waiting to happen.
- Adverse weather during the winter will exacerbate any weakness in the trees.

1.3.5 Objection from 10 Gardner Park

- There are two very large trees (a sycamore and an ash) which are growing towards and above my property.
- The trees are causing significant problems with sap running down the rear of my property and onto my patio making it extremely slippery.
- There is falling debris all year round, and leaves block the guttering results in flooding.
- Large branches fall into the garden, meaning the garden is unusable for use due to the risk of injury.
- Impact on physical and mental health.
- The trees have been reviewed and evidence of rot was found.
- The tree surgeon expressed significant concern and believes this could be a risk to life.
- The situation is exacerbated by the extreme weather we have seen in recent times.
- The two trees do not offer any significant public interest.
- The tree preservation order will make the upkeep of them more difficult.

1.4 **Officers comments**

- 1.4.1 The Council's Landscape Architect has assessed the objections. She has advised that the trees are mature in age, and collectively have a strong visual presence and high amenity value. They are part of the historic fabric of the local area (Gardner Park is a relatively new development on land of the former Ralf Gardener High School), and along with other trees in the area have sufficient amenity value to warrant a Tree Protection Order. Her response to the objections raised is summarised below.
- 1.4.2 *Falling debris and branches* - Some of the properties (including 9, 10, and 11 Gardner Park) have small rear gardens so the trees which are located on the boundary of Chirton Green overhang and encroach upon these gardens. However, none of the tree canopies directly overhang the roofline of the properties. The trees were inspected by a tree surgeon and he confirmed that the trees are healthy with some minor dead wood (typical of a tree of this age). A small cavity has been noted as a result of previous pruning to a sycamore tree. The presence of a cavity does not automatically render a tree unsafe but the tree surgeon offered a further inspection to determine if there is any risk present. Otherwise there are no other visible defects and, as the trees do not fall within the category of 'dead or diseased', none of the trees were deemed dangerous by the tree surgeon. Pruning works in accordance with good arboricultural practice will help alleviate issues relating to dead wood. A tree surgeon has inspected the trees and has suggested a programme of pruning works which will reduce debris from deadwood and any potential risk from damaged or weaker branches.
- 1.4.3 *Leaf fall and sap* - Leaf fall, blocked gutters and sap are a natural and seasonal inconvenience. Whilst troublesome it is not legally a nuisance and not considered a sufficient reason to prune or remove a tree. Any flooding caused by blocked gutters can be resolved by regular clearance.
- 1.4.4 *Associated risk* - The trees are located on private land and are not the responsibility of the Council. Responsibility for the tree lies with the owner of the land on which the tree is growing. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people or property even if the tree is protected by a tree preservation order. As it is difficult to predict the safety of a tree, it is the owner's responsibility to have their trees checked regularly by a competent person and professional arboricultural advice should be sought to ensure trees are maintained in a safe condition. If the owner still has concerns regarding the safety of the trees they are advised to employ a tree surgeon to undertake a full inspection of the trees. The tree

surgeon will be able to determine if the trees constitute a risk, and can suggest how the risk, if any, can be mitigated.

- 1.4.5 Confirming the TPO will not prevent any necessary tree work from being carried out but will ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the trees. As there is currently a TPO on the trees, the owners/occupiers have in the past been submitting applications for work as required by the conditions of the TPO so there would be no change to the procedure if an updated TPO were to be made. If the owners/occupiers are concerned about the current condition of the trees and require pruning works to be carried out, an application to the council can be submitted as required by the TPO.
- 1.4.6 In accordance with the Town and Country Planning Act 1990 (as amended) the Authority considers it necessary to issue a Tree Preservation Order to maintain and safeguard the contribution made by these trees to the landscape and visual amenity of the area. The Tree Preservation Order was served on the owners and other relevant parties on 8 February 2018. A copy of this original Order is attached as Appendix 1.
- 1.4.7 The Order must be confirmed by 8 August 2018 otherwise the Order will lapse and there will be nothing to prevent the removal of this tree which is currently protected.

1.5 Decision options:

1. To confirm the Tree Preservation Order with no modifications.
2. To confirm the Tree Preservation Order with modifications.
3. To not confirm the Tree Preservation Order.

1.6 Reasons for recommended option:

Option 1 is recommended. A Tree Preservation Order does not prevent the felling of trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.

1.7 Appendices:

Appendix 1 – Chirton Green, North Shields, Tyne and Wear Tree Preservation Order 2018
Appendix 2 – Letters of objection.

1.8 Contact officers:

Rebecca Andison (Tel: 643 6321)

1.9 Background information:

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Report author Rebecca Andison

9929

Town and Country Planning Act 1990
The Council of the Borough of North Tyneside (Chirton Green, North Shields, Tyne and Wear) Tree Preservation Order 2018

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the Chirton Green, North Shields, Tyne and Wear Tree Preservation Order 2018.

Interpretation

2. (1) In this Order “the authority” means the Council of the Borough of North Tyneside

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4.—In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 7th day of February 2018

The Common Seal of the
Council of the Borough of North Tyneside
was affixed to this order in the presence of:



Handwritten signature of Catherine Davis in black ink.

Chair of the Council

Handwritten signature of an authorised signatory in black ink.

Authorised Signatory

TREE PRESERVATION ORDER 2018

**CHIRTON GREEN, NORTH SHIELDS
TYNE AND WEAR**

SCHEDULE

The map referred to is at a scale of 1:1250 and is based on an enlargement of the O.S. edition of sheet numbered NZ 3468. The area covered by the Order is on land at Chirton Green, North Shields, Tyne and Wear.

The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

Specification of trees

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Ash	Located approximately 5.0 metres in a south easterly direction from the south east corner of No 101 Gardner Park.
T2	Sycamore	Located approximately 9.5 metres in a south easterly direction from the eastern corner of No 126 Gardner Park

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Group comprising of: 12no. Sycamore 2no. Ash 2no. Hawthorn	Located on open space north of Gardner Park and east of 1- 11 Chirton Green.
G2	Group comprising of: 17no. Sycamore 2no Ash	Located on open space north of 1-19 Gardner Park
G3	Group comprising of: 1no Lime 9no. sycamore 1no Ash	Located on open space north of 64-67 Gardner Park

Woodlands

(within a continuous black line on the map)

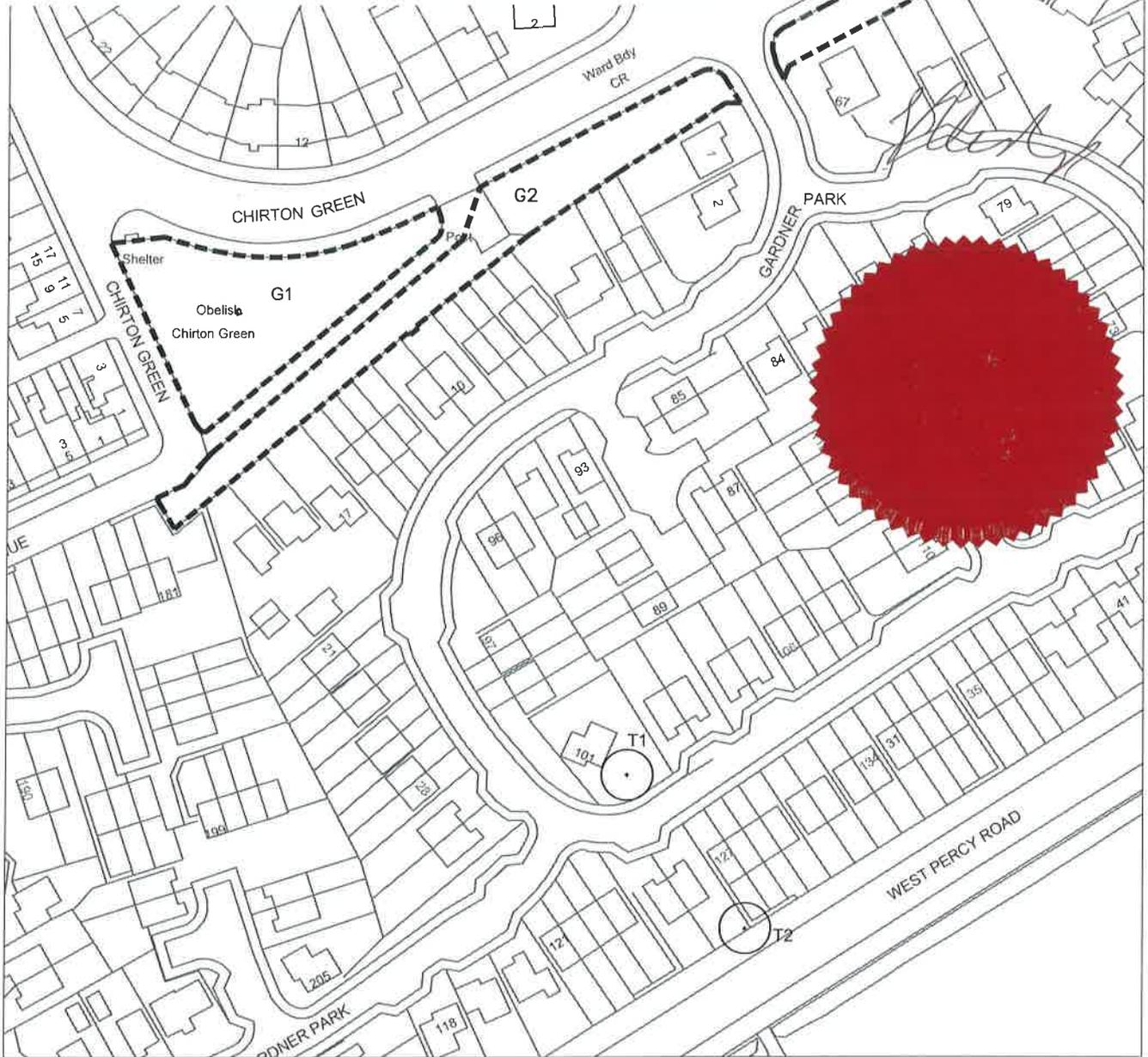
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Dated this 7th day of February 2018

The Common Seal of the
Council of the Borough of North Tyneside
was affixed to this order in the presence of:

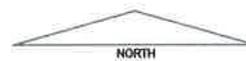
Chair of the Council

Authorised Signatory



N.T.S.

NORTH TYNESIDE COUNCIL
CHIRTON GREEN, NORTH SHIELDS, TYNE AND WEAR
TREE PRESERVATION ORDER 2018



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Phil Scott
Head of Environment, Housing and Leisure
Quadrant East
The Silverlink
Cobalt Business Park
North Tyneside
NE27 0BY

Scale 1:1250

9 Garden Park
North Shields
NE29 0EA

Dear Sir/Madam,

I would like to register an objection about the Tree Preservation Order. I am not objecting to all the trees being protected just the three trees on the boundary of my house 2 Ash and one Sycamore. They have become a safety hazard this has become more worrying with the high winds we have been experiencing. However nos 7 8 9 and 10 are affected by these trees we are all over sixty with one ninety year old who had two large branches fall into her garden, I am unable to hang out washing or use my garden for the year round hobby we are getting off the trees I have to sweep up leaves every day and as time goes on the trees are causing more problems. I would be grateful if you would give this some consideration.



[REDACTED]
11 Gardner Park
North Shields
Tyne & Wear
NE29 0EA

6th October 2017

Democratic Services
3rd Floor left
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Re: Chirton Green, North Shields Tree Preservation Order 2017

Dear Sir

We are writing to object to the tree preservation at Chirton Green North Shields specifically map reference G2 (which I have enclosed a copy of your map).

Two of these trees are growing in close proximity to the rear of our property. Our concern is that one of the trees is dying and rotting and is at risk of causing injury to a person or damaging our property.

Due to the threat to public and personal injury we are in the process of contacting our insurance company with regard to putting any liability for damage to the council as the lack of maintenance to these trees is an accident waiting to happen.

This order is on a provisional basis remaining in force for 6 months, we need you to consider that this is the winter months where high winds and adverse weather conditions will exacerbate any weakness in the trees therefore increasing the probability of damage or personal injury.

We look forward to your early response.

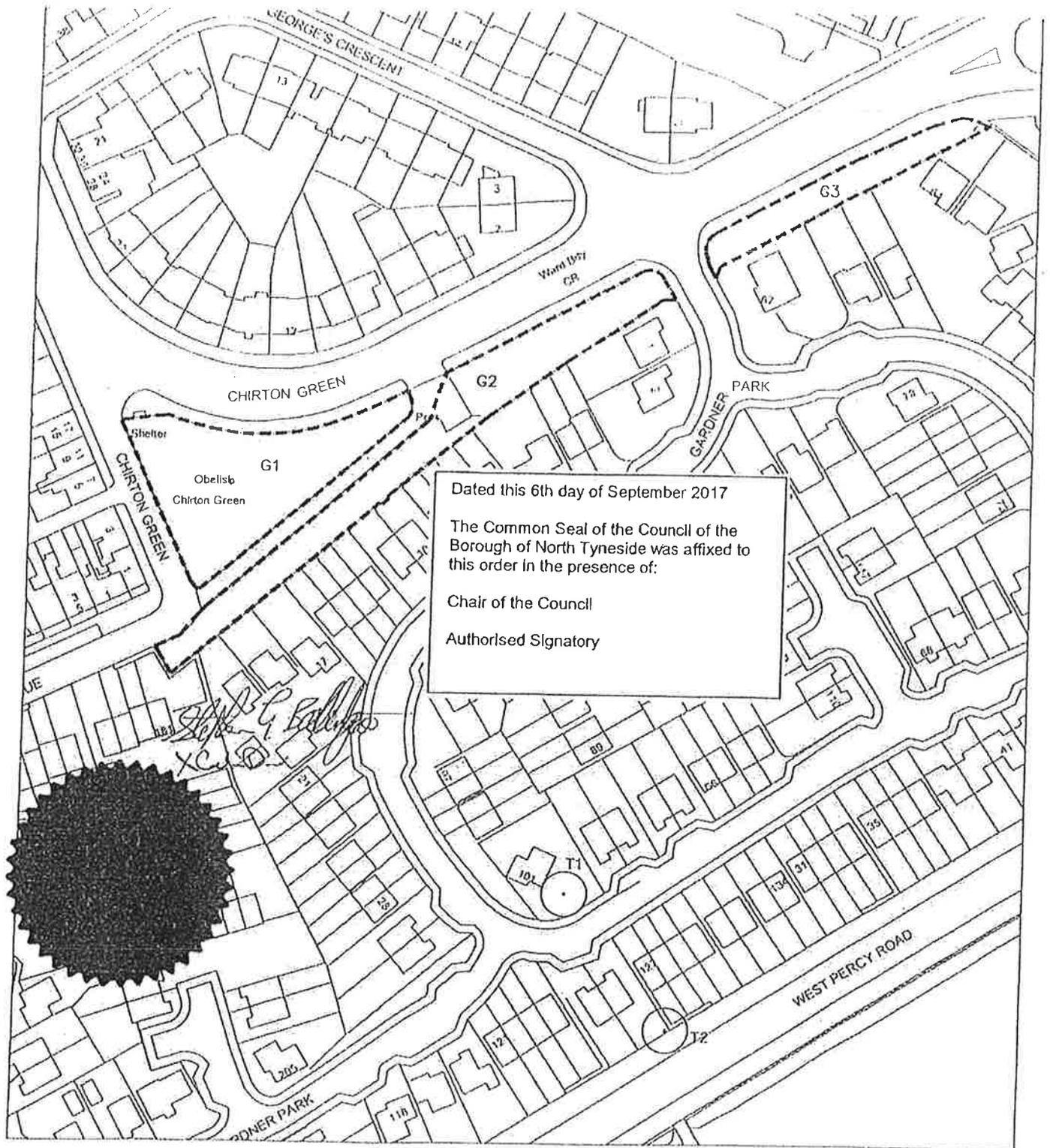
Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]

Cc



NORTH TYNESIDE COUNCIL
 CHIRTON GREEN, NORTH SHIELDS, TYNE AND WEAR

TREE PRESERVATION ORDER 2017

North

Phil Scoll
 Head of Environment, Housing and Leisure
 Quanchant East
 The Silverlink
 Cobalt Business Park
 North Tyneside
 NE27 0BY

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Scale 1:1250

NITC

From: [REDACTED]
Sent: 02 October 2017 15:00
To: Democratic Support
Cc: [REDACTED]
Subject: Tree Preservation Order - Objection [Scanned]

Dear Sir/Madam,

With reference to your letter dated 07 Sept 17 regarding the preservation order on trees on Chirton Green, North Shields, Tyne & Wear. I live at No. 10 Gardner Park, North Shields, Tyne & Wear, where the trees are situated, there are two very large trees (a sycamore and an ash) which are on my fence line and growing towards and above my property.

The trees are now causing significant problems with sap running down the rear of my property and onto my patio making it extremely slippery. Both my 2-year-old grandson and I have slipped and fallen due to this in recent weeks. In addition to this, I have falling debris from the trees all year round and in the Autumn the leaves falling block the guttering on my house which has resulted in the property flooding on two occasions.

The most concerning issue; however, is the large branches that fall into my garden; again, both my grandson and I have had glancing blows and near misses from these, meaning my back garden is unusable due to the risk of injury.

I do not have an issue with any other trees on Chirton Green, but feel that a risk assessment and consideration on how these two trees are affecting my physical and mental health be considered.

Following a recent review of these trees by both a registered tree surgeon and a representative of the Council. At least one of the trees was found to have evidence of being rotten. The extent of which is unclear but falls in line with the amount and size of the branches falling. The tree surgeon expressed significant concern and believes this could be a risk to life; especially to my grandson and I given my ill health and his age/size.

The situation is exacerbated by the extreme weather we have seen in recent times most recently demonstrated by the high winds.

These trees; in my opinion, specifically relating to the two trees mentioned previously, they do not offer any significant public interest and the approval of a tree preservation order will only serve to make the upkeep of them more difficult for the land owner and cause additional suffering and delays for me as well as increasing the risk of injury.


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