



North Tyneside Council

Planning Committee

10 November 2017

To be held on **21 November 2017** 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 31 October 2017.	3

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5.	Planning officer reports	6
	To give consideration to the planning applications contained in the above report relating to:	
5.1	17/01146/FUL Visitors Centre, St Mary's Island, St Mary's Island Access Road, Whitley Bay (St. Mary's Ward)	11
5.2	17/01145/LBC Visitors Centre, St Mary's Island, St Mary's Island Access Road, Whitley Bay (St. Mary's Ward)	56
5.3	17/01224/REM Field North of 45 Sunholme Drive, Wallsend (Northumberland Ward)	74
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5.5	16/01201/FUL Land South of Earsdon Road, Shiremoor (St. Mary's Ward)	125
5.6	17/01425/FUL New Winning Tavern, Church Bank, Wallsend (Wallsend Ward)	144
5.7	17/01256/FULH 27 The Oval, Benton (Benton Ward)	170
6	Woodlands, North Shields Tree Preservation Order 2017 (Preston Ward)	196

Members of the Planning Committee:

Councillor Anne Arkle	Councillor Frank Lott (Chair)
Councillor Brian Burdis	Councillor Wendy Lott
Councillor Sandra Graham	Councillor Gary Madden
Councillor Muriel Green	Councillor Paul Mason
Councillor Ed Hodson	Councillor David McMeekan (Deputy Chair)
Councillor John Hunter	

Planning Committee

31 October 2017

Present: Councillor F Lott (Chair)
Councillors A Arkle, B Burdis, M A Green,
E Hodson, S Graham John Hunter,
W Lott, D McMeekan, G Madden and P Mason

PQ26/10/17 Apologies

There were no apologies for absence.

PQ27/10/17 Substitute Members

There were no substitute members appointed.

PQ28/10/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ29/10/17 Minutes

Resolved that the minutes of the meeting held on 10 October 2017 be confirmed as a correct record and signed by the Chair.

PQ30/10/17 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:	17/00452/FUL	Ward:	Tynemouth
Application Type:	full planning application		
Location:	14 – 16 Northumberland Square, North Shields		
Proposal:	Demolition of redundant office extensions at the rear of 13-16 Northumberland Square into 10no self contained apartments and 2no dwelling houses including repair and refurbishment. Erection of 14no dwellings and 3no apartments to the 'gap site' bordered by Albion Road and Upper Camden Street with associated parking.		
Applicant:	Mr Fergus Mitchell		

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

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

- a) the proposed improved vehicular access to the site;
- b) the impact of the development in terms of the loss of existing public car parking spaces;
- c) the impact of the development on the character and appearance of Northumberland Square Conservation Area; and
- d) the sound measures required to mitigate the impact of noise from an adjacent public house.

Decision

Application approved, subject to the conditions set out in the planning officer's report and addendum, as the development would bring significant regeneration benefits to the town centre and conservation area and it was considered to be acceptable in terms its impact on existing land uses, the residential amenity of future occupants, the character and appearance of the area and highway safety in accordance with the relevant policies contained within 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.

Application No:	17/01114/FUL	Ward:	Wallsend
Application Type:	Full planning application		
Location:	Capstan Park, Hadrian Road, Wallsend		
Proposal:	Proposed use of land for external B8 storage, including siting and operation self storage containers and open area for storage of items including but not limited to caravans motorhomes, boats, trailered vehicles and trailers.		
Applicant:	Dove Marine Ltd		

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

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

- a) the extent to which the applicants could increase the number of storage containers on the site if the planning application were granted; and
- b) the potential for the site to be developed for housing in accordance with its allocation within the Local Plan, which would not be prejudiced by the granting of this planning application.

Decision

Application approved, subject to the conditions set out in the planning officer's report, as the development was considered to be acceptable in terms of its 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 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.

PLANNING COMMITTEE

Date: 21 November 2017

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.

5.1	17/01146/FUL	St Marys
	Visitors Centre St Marys Island St Marys Island Access Road Whitley Bay Tyne And Wear NE26 4RS	
	Speaking rights requested -Sally Bennett	
5.2	17/01145/LBC	St Marys
	Visitors Centre St Marys Island St Marys Island Access Road Whitley Bay Tyne And Wear NE26 4RS	
5.3	17/01224/REM	Northumberland
	Field North Of 45 Sunholme Drive Wallsend Tyne And Wear	
5.4	17/01197/FUL	Camperdown
	Land East Of 16 Front Street Annitsford NORTHUMBERLAND	
5.5	16/01201/FUL	St Marys
	Land South Of Earsdon Road Shiremoor NEWCASTLE UPON TYNE	
5.6	17/01425/FUL	Wallsend
	New Winning Tavern Church Bank Wallsend Tyne And Wear NE28 7LE	
5.7	17/01256/FULH	Benton
	27 The Oval Benton NEWCASTLE UPON TYNE NE12 9PP	

Item No: 5.1
Application No: 17/01146/FUL **Author:** Julia Dawson
Date valid: 1 August 2017 **☎:** 0191 643 6314
Target decision date: 21 November 2017 **Ward:** St Marys

Application type: full planning application

Location: Visitors Centre, St Marys Island, St Marys Island Access Road, Whitley Bay, Tyne And Wear

Proposal: Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway

ADDITIONAL AND AMENDED DRAWINGS AND INFORMATION UPLOADED TO APPLICATION on 17/10/2017:

Environmental Statement (updated Oct 2017); Responses to Planning Application Consultation Responses; Revised Causeway Arrangement and Sections; Indicative Construction Programme; Viewing Deck Management Plan; Volunteer Profiles; Habitat Creation Plan, and; updated HRA and Non Technical Summary.

Applicant: North Tyneside Council, FAO Mr Chris Bishop Quadrant East Silverlink North Cobalt Business Park North Tyneside NE27 0BY

Agent: Beaumont Brown Architects LLP, FAO Mr David Brown The Old Brewery Castle Eden TS27 4SU

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are set out below:

- Principle of development;
- Impact on the character and appearance of the conservation area;
- Impact on amenity;
- Ecological impact;
- Highways impact and
- Other matters including impact on ground conditions, archaeology and flooding.

1.2 Members need to consider whether the proposed development is acceptable having regard to the issues above.

2.0 Description of the Site

2.1 The site comprises a Lighthouse, Visitors Centre, causeway and former Keepers Cottage located on St Mary's Island in Whitley Bay. The site is part of a larger Site of Special Scientific Interest (SSSI) and is within the Northumbria Coast Special Protection Area (SPA) and Ramsar site, which is of international importance.

2.2 The site is a 'sensitive area' as defined by Regulation 2 Part (1) of the 2017 EIA Regulations. The site is located within a site of European and National Importance for its migratory and wintering bird interest, namely the Northumbria Coast SPA and

Northumberland Shore SSSI. The other ecological designations located on or in the

vicinity of the application site include:

- St. Mary's Island Local Nature Reserve (LNR);
- St. Mary's Island Voluntary Marine Nature Reserve (vMNR);
- Northumbria Coast Ramsar Site;
- Tynemouth to Seaton Sluice Geological SSSI; and
- Coquet to St. Mary's Marine Conservation Zone (MCZ).

2.3 The site is situated within St. Mary's Conservation Area (consisting of the whole island) which was designated in November 1974 due to the fact that the site is particularly prominent and a visible part of coastline.

2.4 St Mary's Island Lighthouse, Keepers' Cottages, Compound Walls and the adjacent residential dwelling known as 'The Cottage' (the Former Fisherman's Cottage which does not form part of the application site), are all Grade II Listed buildings.

2.5 The island and causeway are shown to lie in Flood Zone 3 on the Environment Agency's flood maps, and are at the greatest risk of tidal flooding.

2.6 'The Cottage' is a detached private residential dwelling with associated garden area located to the south west of the Visitor Centre.

3.0 Description of the Proposal

3.1 The proposal relates to an application for planning permission for the following works:

- Refurbishment of the lighthouse;
- Refurbishment and internal re-planning of the visitor centre;
- Partial demolition of the visitor centre entrance;
- Construction of a two storey extension in place of demolished visitor centre entrance (with roof top viewing platform);
- Construction of a single storey extension to visitor centre east elevation (with roof top viewing platform);
- Construction of ancillary external storage and plant rooms; and
- Renewal of the causeway.

3.2 The following documents have been submitted in support of the application:

- Environmental Statement and appendices, incl. Shadow Habitat Regulations Assessment;
- Non Technical Summary;
- Response to Planning Consultations;
- Archaeological Desk Based Assessment;
- Noise Impact Assessment;
- Extended Phase 1 Habitat and Bat Survey Report.

4.0 Relevant Planning History

4.1 16/01703/EIASCO: Request for EIA Scoping Opinion to restore Lighthouse, Visitors Centre and former Keepers Cottage. Scoping opinion given 24.11.2016

4.2 17/00809/EIASCO - Request for EIA Scoping Opinion to restore Lighthouse, Visitors Centre and former Keepers Cottage – Scoping opinion given 27.06.2017

4.3 17/01145/LBC - Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway – Pending Decision

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)

6.3 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations')

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 are set out below:

- Principle of development;
- Impact on the character and appearance of the conservation area;
- Impact on amenity;
- Ecological impact;
- Highways impact; and
- Other matters including impact on archaeology and flooding.

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

8.0 Principle of Development

8.1 The National Planning Policy Framework states that there is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay. Paragraph 18 of NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity.

8.2 Paragraph 19 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 economic growth.

8.3 NPPF paragraph 105 states “In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes”. The NPPF goes on to say that LPA’s should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. Coast Change Management Areas should be identified

8.4 NPPF paragraph 108 states “Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions where necessary to reduce the risk to people and the development”.

8.5 Policy S1.4 ‘General Development Principles of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence

based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.6 Policy AS8.15 'The Coastal Sub Area' states that within the Coastal Priority Investment and Regeneration Area, as shown on the Policies Map:

- b. Proposals which extend the range and provision of tourist and visitor attractions and accommodation, including leisure, entertainment and cultural facilities and activities including water based recreation will be promoted.
- c. Integrate growth and development at the Coast with the protection and enhancement of the built and natural environment, in particular the area's heritage assets at Tynemouth, Cullercoats, Whitley Bay and St. Mary's Island and the protected nature conservation sites of the Northumbria Coast SPA/Ramsar site, Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI.

8.7 Policy AS8.17 'Visitor Attractions and Activities at the Coast' states that the following proposals and activities have been noted as particular opportunities at the coast that could enhance its role for tourism over the life of the plan:

- b. St. Mary's Headland - new visitor facilities.
- c. St. Mary's Lighthouse and visitor centre refurbishment.

8.8 One of the objectives set out within the Local Plan is explore and identify opportunities for regeneration and investment across the Borough. One of the early examples of regeneration priorities within North Tyneside, as set out in objective 6, is to provide new facilities and improved public realm to develop the tourism and visitor offer whilst safeguarding the natural landscape and wildlife habitat and conserving the historic environment at St Mary's Lighthouse.

8.9 The applicant has advised that the proposed development seeks to improve the facilities that are available to visitors and users of St. Mary's Lighthouse with specific emphasis on providing improved learning/education and display space to accommodate school groups, and upgrades to the causeway to enable safer access to the island. It will comprise refurbishment and repairs to the existing lighthouse and visitor centre with a single storey east extension; two storey extension either side of the existing link building; upgrades to the causeway; and upgrading of boundary railings and re-decoration of existing boundary walls.

8.10 There has been significant objection to the proposed works, most notably to the ecological impact of the proposed viewing platforms and the causeway works. These concerns are noted and will be addressed later on within this report. Whilst the level of objection is noted, it is also worthy of note that a considerable number of objectors have stated that they support the principle of refurbishment and repairs to the lighthouse and visitor centre.

8.11 The scheme to improve facilities at St Mary's Lighthouse and Visitor Centre has long been a priority of the Council. Members must determine whether the principle of the proposed works is acceptable. Officer advice is that the principle is in accordance with local plan policies AS8.15, AS8.17 and S1.4 and the NPPF.

9.0 Design and Layout and Impact on Character and Appearance of the Conservation Area

9.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

9.2 Paragraph 131 of NPPF advises that in determining application, local planning authorities should amongst other matters take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

9.3 Paragraph 132 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

9.4 Paragraph 134 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal including securing its optimum viable use.

9.5 Local Plan Policy S6.5 'Heritage Assets' seeks to pro-actively preserve, promote and enhance its heritage assets.

9.6 Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect their setting will be permitted where they sustain, conserve and where appropriate enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

9.7 Policy S1.4 'General Development Principles' states that proposals should have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment.

9.8 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.

9.9 Policy DM6.2 'Extending Existing Buildings' states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design.

9.10 Supplementary Planning Document LDD11 'Design Quality' provides design advice on development .

9.11 The St. Mary's Island Conservation Area Character Appraisal April 2010 is also a material consideration.

9.12 Objections have been received in respect of the proposed development on the character and appearance of the Conservation Area and the impact on the visual amenity of the Lighthouse and the Island as a whole. These objections are noted. There has also been a small amount of support expressed for the design and appearance of the proposed extensions.

9.13 The Local Planning Authority has obtained independent comments from a Conservation Specialist in respect of the proposed works. She has advised that the existing buildings and structures contribute towards the historic, aesthetic, communal and architectural significance of the buildings and the surrounding site and that the proposals to repair, alter and extend the existing former keepers' cottages, lighthouse and surrounding boundary walls and bird hide would result in an element of harm to the significance of the designated heritage assets.

9.14 However, the proposed conservation of the existing historic built structures, reversing later, inappropriate repairs and alterations, reinstatement of historic features and continued reuse of the existing designated heritage assets providing public access, would preserve and enhance the existing designated heritage assets for future generations. As such, she does not consider that the proposed works would result in substantial harm to the historic character, appearance, setting or significance of the designated heritage assets, including the surrounding conservation area.

9.15 Historic England have advised that they welcome the Council's move to carry out repair and restoration of the lighthouse, cottages and walls, which will rectify the harm done in recent years through the use of inappropriate materials and unsympathetic alterations, which has caused deterioration of their condition and diminished their appearance. They have stated that this will not only enhance the significance of the grade II listed complex, but will help support the building's present use as a visitor attraction. Historic England have also commented on the proposed new extensions stating that 'glass-box' approach helps minimise the visual impact and should allow the original elevation to remain legible, whilst the use of white render akin to that used across the site is entirely appropriate in this instance and should help it sit more comfortably with the extant structure.

9.16 Historic England have noted that the character and appearance of the building will be affected by the proposals, but they have acknowledged the efforts that have been made to keep this to a minimum. They recognise the public benefits that will be secured through conservation and continued use as a visitor attraction, which in this instance outweighs the harm. Consequently, the proposal satisfies the requirements of paragraph 131 of the NPPF by sustaining and enhancing the significance of the assets through a use consistent with their conservation, and by celebrating and reinforcing the 'positive contribution that the conservation of heritage assets can make to sustainable communities'.

9.17 Members need to determine whether the proposed development is acceptable in terms of its design and its impact on the character and appearance of St Mary's Island Conservation Area. Officer advice is that, with regard to all of the above, the proposed development is in accordance with the local plan policies set out and the NPPF and will not result in significant harm or detriment

to the character and appearance of the conservation area or the Grade II listed buildings.

10.0 Impact on Amenity

10.1 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.

10.2 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. 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.

10.3 Policy S1.4 General Development Principles states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

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

10.4 Policy DM6.1 'Design of Development' states that development should provide a good standard of amenity for existing and future residents and users of buildings and spaces.

10.6 Concerns have been raised by the occupants of the adjacent residential dwelling with regard to the potential detrimental impact on their amenity as a result of the proposed construction hours (6am to 9pm seven days a week), interruption/prevention of access to their home during causeway and main construction works, noise from construction, increased noise, and disruption and loss of privacy and security as a result of the viewing platform and the proximity to their home. They have also stated that the noise assessment is flawed. These concerns are noted. The Cottage is identified as a receptor of moderate sensitivity in the Environmental Statement, which identifies the principal source of construction noise to be from the causeway improvement works and sets out proposed mitigation measures to address noise.

10.7 The Council's Environmental Health Officer has considered the submitted noise impact and has advised that the impact of additional activities (anticipated increase in footfall, and increase in parties/wedding parties/people spending time outside on the viewing decks) have not been assessed in relation to the occupants of the residential cottage. She also has concerns about the use of the viewing decks with ancillary music and the monitoring sheets for staff/volunteers

involved in the management of the viewing decks, advising that behaviour is notoriously difficult to control and by the time the control measures are in place, the noise event has already caused disturbance. She also shares the concerns with regard to the extent of the proposed construction hours. All of these concerns are noted.

10.8 With regard to the impact on the amenity of the residents of the island, this is clearly a very important material planning consideration. The applicant is fully aware of this issue and has been in direct contact with the applicant to arrange a meeting to discuss and address these matters. The applicant is very keen to maintain an open dialogue with the residents so that they can work together going forwards.

10.9 It is considered that with appropriate control over the various issues raised, via conditions, the impact of the proposed development on the amenity of the residents can be kept to an acceptable level. It is not appropriate to give a blanket approval for works to take place at the hours suggested as it would cause an adverse impact. However, it is recommended that a condition is attached to any approval to require a full programme of works (including timings/days/nature of works etc) to be submitted to the LPA prior to any works commencing on site. On submission of this the LPA will formally consult with the residents for their comments and work closely with the applicant and resident to ensure that acceptable working hours and impacts are agreed.

10.11 A condition will require a full management plan for the viewing decks to be submitted to the LPA prior to their first use. Again, the LPA will consult with the residents and work closely with the applicant to ensure that agreement is reached. The viewing decks will not be used as an entertainment area and there will be no live music taking place on these. It is suggested that a revised noise assessment could deal with the issues raised regarding where the noise readings were taken (i.e. the garden area of The Cottage, rather than the dwelling itself), and include any required mitigation measures.

10.12 An addendum will be provided to the Planning Committee to advise of the outcome of the meeting, which is due to take place shortly between the residents and the applicant.

10.13 Members must determine whether the proposed use is acceptable in terms of its impact on the amenity of surrounding residents. Officer advice is that, subject to conditions to control the operation of the site and viewing decks that it would not result in any significant harm in this respect. This would accord with policies S1.4 and DM6.1 of the Local Plan and the NPPF.

11.0 Ecological Impact

11.1 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, 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 national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

The following wildlife sites should be given the same protection as European sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites;²⁶ and
- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

11.2 Policy S5.4 'Biodiversity and Geodiversity' states that 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.

11.3 Policy DM5.5 'Managing effects on Biodiversity and Geodiversity states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,

c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

11.4 Policy DM5.5 further states that proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,

e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,

f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

11.7 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.

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

11.9 Expert advice will be sought on such proposals and, if necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of 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).

11.10 Approximately 416 objections, including a petition, have been submitted. The main concerns relate to the ecological impact of the proposed causeway works and the proposed viewing platforms. Specifically, with regard to increased crossing times, and visual and noise disturbance to local wildlife, with particular reference to seals and birds.

11.11 In response to the original consultation on the application, objections were received from Natural England, the Council's Biodiversity Officer, the Northumberland Wildlife Trust, the RSPB, St Mary's Island Seal Watch, and the North Tyneside Green Party along with various local and non-local groups with an interest in the planning application. In response the applicant submitted additional and revised information consisting of an updated Environmental Statement (updated Oct 2017); Responses to Planning Application Consultation Responses; Revised Causeway Arrangement and Sections; Indicative Construction Programme; Viewing Deck Management Plan; Volunteer Profiles; Habitat Creation Plan, and; updated HRA and Non Technical Summary. The 'Responses to Planning Application Consultation Responses' were a direct response to the many questions raised within the objections.

11.12 The revised information also included amendments to the causeway works. The applicant has confirmed that this will now involve breaking out the middle 30m of causeway, enabling the new slab to be laid at the existing causeway level for the central 5m with a slope to the proposed causeway levels at either end. The applicant has confirmed that this will result in the time that the central section of causeway is submerged will remain the same as existing. Therefore the times when the island can be accessed will remain the same.

11.13 The applicant has also confirmed that rather than resulting in an uncontrolled amount of visitors to the island, they consider that more of the people who do visit will make use of the lighthouse and facilities as a result of the improvements. The contained viewing area along with publicity, interpretation and education will provide additional incentive for visitors not to visit the rocky shore and will therefore reduce disturbance. Access to the viewing platforms will be free, encouraging visitors to use them rather than to use the site in an uncontrolled fashion, thus helping to minimise disturbance to wildlife.

11.14 The applicant has also advised that they are devising a Viewing Deck Management Plan in consultation with Natural England and the Council's Biodiversity Officer. This will set out a management protocol for allowing visitors to access the decks, monitoring of wildlife and measures to be undertaken should any wildlife disturbance arise. The viewing decks will not be used if there are insufficient volunteers to undertake the necessary management and monitoring roles.

11.15 A significant number of objections have been received in response to the revised/additional information with many objectors stating that the revisions do not address the issues originally raised. St Mary's Seal Watch have also retained their strong objection to the viewing decks as currently designed and have queried the works to the causeway.

11.16 However, the statutory consultee, Natural England, has advised that they now have no objection to the proposed development, subject to appropriate mitigation being secured by condition. The RSPB, Northumberland Wildlife Trust and the Council's Biodiversity Officer have also now offered their support to the revised proposals. The Cornwall Seal Group Research Trust has also offered their support.

11.17 Members must determine whether the proposed development is acceptable in terms of its ecological impact on this internationally important site and whether it is in accordance with the policies set out above.

12.0 Impact on the Highway

12.1 The National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives. The guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

12.3 The Council's adopted parking standards are set out in LDD12.

12.4 A small amount of concern has been raised by local residents with regard to whether the access road can accommodate increased traffic. This is noted.

12.5 The Council's Highway Network Manager has raised no objections to the proposed development, noting that the existing access and parking remain unchanged and that the site is situated away from the adopted highway.

12.6 Members must determine whether the proposal is acceptable in terms of its impact on the highway. It is the advice of Officers that the proposal is acceptable on highway grounds subject to the suggested conditions.

13.0 Archaeology

13.1 National Planning Policy Framework (NPPF) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to its significance.

13.2 Policy DM6.7 'Archaeological Heritage' states that 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.

13.3 Local Plan Policy S6.5 'Heritage Assets' seeks to pro-actively preserve, promote and enhance its heritage assets.

13.4 Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect their setting will be permitted where they sustain, conserve and where appropriate enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

13.5 St. Mary's Island is a site of archaeological interest, and the applicant has submitted a desk based archaeological assessment as part of the application. The Tyne and Wear Archaeology Officer has offered her full support of the proposed works and provided detailed comments and conditions which should be attached to the planning permission.

13.6 Members must determine whether the proposed development is acceptable in terms of its archaeological impact. Officer advice is that the proposed development is acceptable, subject to the suggested conditions, and it is therefore in accordance the NPPF and local plan policy DM6.7.

14.0 Flooding

14.0 The National Planning Policy Framework 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.

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

14.2 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.

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

14.4 Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

14.5 The application site is located within Flood Zone 3, which the Environment Agency identifies as being at the highest risk of flooding. A Flood Risk Assessment (FRA) was submitted as part of the application, which sets out that surface water from the island will be directed towards existing drainage outlets into the sea.

14.6 The Environment Agency has raised no objection to the proposed development and the Council, as Local Lead Flood Authority, has been consulted and raises no objections subject to a condition to control the details of a surface water management scheme.

14.7 Subject to this condition it is considered that the proposal would accord with the flooding advice in NPPF.

15.0 Financial Considerations

15.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

15.2 Economically there would be benefits in terms of the provision of jobs via the employment of staff at the site and during the construction phase. Socially, the proposal will provide improved tourism and educational facilities to the benefit of all visitors.

16.0 Conclusion

16.1 Members must determine whether the proposed development is acceptable in terms of its ecological and archaeological impacts, impacts on visual amenity and the character and appearance of the conservation area and listed buildings, and the impact on residential amenity and the highway network.

16.2 Officer advice is that, subject to conditions, it is considered that the development is acceptable. The proposal accords with the advice in NPPF and relevant local plan policies as set out within this report.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application Form 01.08.2017
- Application Site 117344/8013, 25.07.2017
- Conceptual Arrangement, 119922/9003 Rev.B, 05.10.17
- Sections, 119922/9005 Rev.A, 05.10.17

- Topographical Survey, 27.01.17
 - Proposed Plans, S1, 27.01.2017
 - Proposed North & West Elevations, S2, 27.01.17
 - Proposed South & East Elevations, S3, 27.01.17
 - Proposed Sections, S4, 21.07.2017
 - Proposed Site Plan, S5, 21.07.2017
 - Heritage Statement June 2017
 - Outline Schedule of Work 01.08.2017
 - Non Technical Summary, doc no.D/I/D/117344/502, October 2017
 - Environmental Statement (including appendices), D/I/D/117344/501 October 2017
 - Shadow Habitat Regulations Assessment, ECN16 136, 16 October 2017
 - Non Technical Summary October 2017
 - Response to Planning Consultations (17.10.17)
 - Archaeological Desk Based Assessment
 - Noise Impact Assessment, April 2017 (Surface Property)
 - Extended Phase 1 Habitat and Bat Survey Report, ECN16 136, May 2017
- 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. Prior to the commencement of the approved works, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- samples of all materials and finishes proposed for use;
- large scale details of all proposed fenestration;
- building recording, in particular the existing paraffin storage chambers;
- precise details of all proposed plumbing, wiring, data and drainage runs.

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

Reason: To ensure that works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policy DM6.6.

4. No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

5. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided 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, in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

6. 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 policies S6.5, DM6.6, DM6.7.

7. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 5 and 6 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, in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

8. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

9. The design of an interpretation panel or panels relating to the archaeological and historic interest of St. Mary's Island shall be submitted to and agreed in writing by the Local Planning Authority. The archaeological components will be written by a professional archaeologist. The approved interpretation panel(s) shall be installed on site at an agreed location and within an agreed timescale and thereafter retained.

Reason: To enhance public understanding of the site and to support appropriate interpretation and promotion of the heritage assets in accordance with Local Plan policies Policy S6.5 and AS8.15.

10. All mitigation measures set out in the Environmental Statement and the shadow Habitats Regulations Assessment (sHRA) shall be fully implemented as part of the scheme. Specifically, measures in the following sections of these reports: Section 11 ('Mitigation, Compensation and Enhancement') and Section

15 ('Mitigation & Monitoring') of the Environmental Statement. Section 3.5.4, Table 8 and Section 6 (Operational Monitoring) of the sHRA.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

11. Prior to the commencement of any demolition or construction works a full programme of works shall be submitted to and approved in writing by the Local Planning Authority. This shall provide full details of the schedule of works, including time, days and specific activities. Thereafter, the works shall on be carried out in accordance with the approved details.

Reason: In order to minimise impact on residential amenity in accordance with policy S1.4 of the North Tyneside Local Plan 2017.

12. Prior to commencement of the use of the viewing decks, a Management Plan will be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England and the RSPB). The management plan shall include a timeframe to ensure that all measures in the plan can be adequately addressed and monitored over an appropriate time, and shall include the closure of the viewing decks during the overwintering period (October - March inclusive) and 2 hours either side of high water in perpetuity and phased opening during subsequent months limiting the number of visitors on the platforms. Thereafter the viewing decks shall only be operated in full accordance with the approved details.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

13. Prior to the end of 2018 the results and data from the monitoring programme and education scheme, referred to in Appendix 11.4 of the Environmental Statement, shall be submitted to and approved in writing by the Local Planning Authority. The data and results, which shall also details any subsequent reiterations of the viewing deck management plan, will be shared with Natural England. Thereafter, the viewing deck will only be operated in accordance with the approved details.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

14. A Protected Species Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall only be operated in full accordance with the approved details.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

17. Prior to commencement of the development and throughout its lifetime, a Public Spaces Protection Order that requires dogs to remain on leads shall be in place.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

18. Prior to commencement of the use of the approved development details of additional interpretative material to be installed at the mainland end of the causeway shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter it will be installed in accordance with the approved details.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

19. The following works shall not take place during the sensitive overwintering period (October to March inclusive):

- All main external construction works.
- Causeway works.
- External works to the lighthouse and extension buildings.

Reason: To prevent noise and visual disturbance to interest features of the Northumbria Coast SPA in accordance with Local Plan policies S5.4, DM5.5 and DM5.6.

20. Prior to commencement of the approved development a construction environmental management plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority. This shall detail a range of measures to protect habitats, designated sites and species associated with the site and will include detailed measures to prevent pollution measures and procedures to address pollution if it occurs.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

21. A suitably qualified Ecological Clerk of Works (ECoW) will be appointed and available throughout the main construction period. Their role will include the following which will mitigate for the potential impacts of the proposal to the interest features of Northumbria Coast SPA and grey seals:

- Attendance at regular programming meetings where potential requirements for direct supervision of works may be required. During such meetings tides for the week will be reviewed and potential risks to seal haul outs identified.

- Reviewing and redirecting or delaying works start in liaison with contractors as appropriate where significant disturbance to seals, feeding or roosting birds is possible (e.g. during high tide works may need to be restricted 2 hours either side of high tide due to presence of roosting birds, or works at low tide may be restricted).

- Ensure works run to agreed programme with regard to seasonal restrictions. This will include order of works whereby causeway operations will commence at the mainland (furthest from seal haul outs - reducing adverse effects on these species during peak haul out periods in May).

- Monitoring of bird / seal reactions to construction operations
- Advise on and supervise habitat creation works at the causeway edges
- A Causeway Habitat Creation Plan has been collated to mitigate for the small scale habitat loss as a result of the causeway improvement works. This mitigation will aim to enhance the areas of intertidal habitat immediately adjacent to the proposed causeway structure.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

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

commencing.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

23. Wheel Wash

SIT008 *

24. Notwithstanding the details submitted, the development shall not be occupied until details of maintenance of the surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of surface water management in accordance with policy DM5.15 of the Local Plan 2017

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

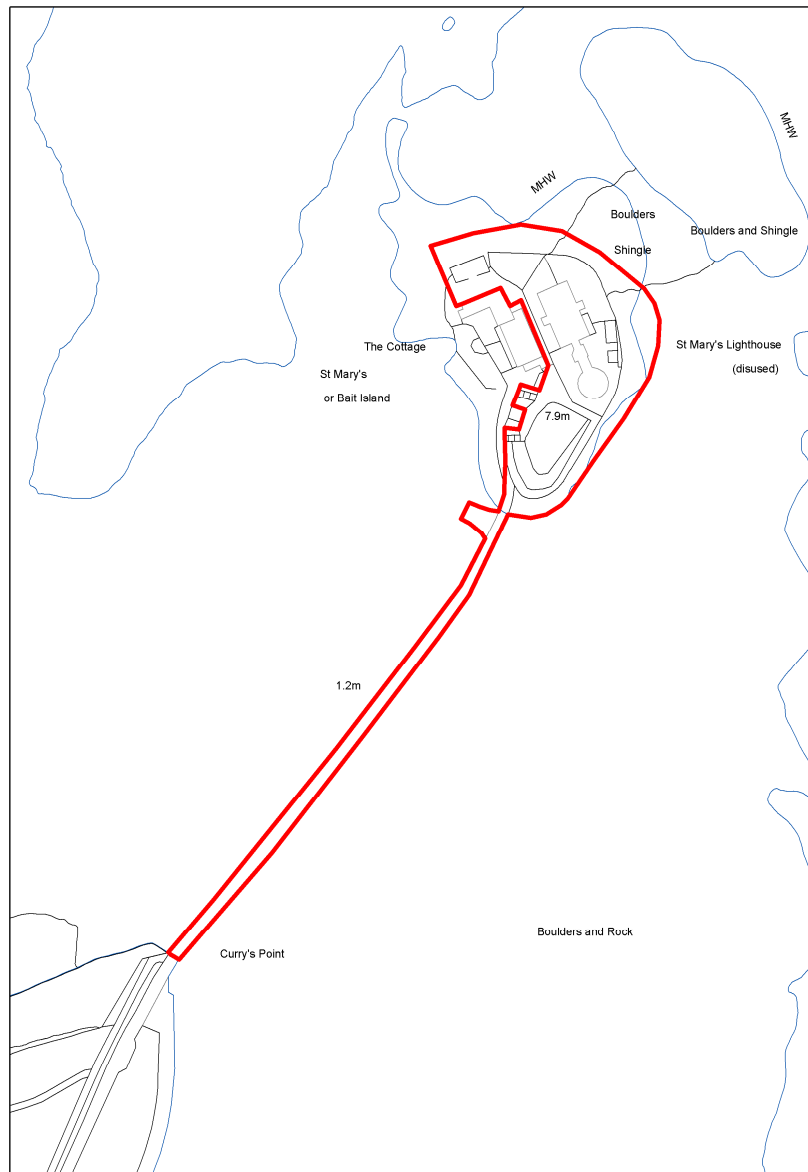
The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord 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

Building Regulations Required (I03)
Highway Inspection before dvlpt (I46)

It is recommended that any surface which is submerged at high tide is painted with marine grade paint. This is particularly important where external walls are partially submerged during spring tides. It is also recommended that any arising or leachate created during the works (e.g. jet washing walls prior to cleaning, or during dust dampening activities) is collected and disposed of appropriately offsite and not allowed to run freely into the island drainage system, or on to intertidal area. During jet washing, the run off may include fragments of old paint. Therefore, the applicant should seek to ensure that the fragments of old paint are not discharged straight into the marine environment.

Best practice biosecurity measures should be followed to reduce the risk of spreading invasive non-native species. The principles of 'check, clean, dry' should be applied when working in the marine environment. Additionally, any sightings of invasive non-native species (if known) should be reported to the Marine Biological Association <http://www.mba.ac.uk/recording>.



Application reference: 17/01146/FUL

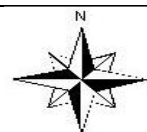
Location: Visitors Centre, St Marys Island, St Marys Island Access Road, Whitley Bay

Proposal: Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway

Not to scale

Date: 09.11.2017

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Appendix 1 – 17/01146/FUL Item 1

Consultations/representations

1.0 Representations

1.1 415 objections and 7 letters of support have been submitted. These are summarised below:

1.2 Objections (main issues raised and summarised):

- Negative impact on seal population and wildlife advice should be sought from Wildlife experts with regard to modernisation plans.
- Viewing platforms will be out of character.
- Increase in causeway height will be detrimental to the island as a result of increased visitors and detrimental impact on ecology due to the longer crossing times.
- Proposals will result in significant disturbance to seals and wildlife.
- Revised plans do not allay fears for safety and well being of area's wildlife.
- The purpose of a nature reserve is to allow wildlife to live in peace. Having a platform which allows people to have such a close visible proximity to the seals and birds is detrimental to their lives.
- Proposal will detract from natural beauty of the area.
- Access road will not cope with increase in traffic.
- Proposal will only increase the pressure on the seal population and eventually lead to it abandoning the island completely.
- Building work will scare wildlife away.
- Concerns about the effect of raising the causeway to the rest of the flora and fauna found on the island.
- Viewing platforms should be designed to screen the public and minimise disturbance.
- The two viewing platforms (as submitted for planning) will result in an increase in visual and audible disturbance to the wildlife through the presence of visitors using the, open top glass viewing platforms.
- There is no evidence that North Tyneside Council has considered designing the viewing platforms in a way that will reduce the increased noise levels and visual disturbances that the viewing platforms will cause.
- It is claimed within the ES "that it is likely that the seals will habituate to a degree to the increased visitor presence atop of the platforms as ... [they] become accustomed to their presence". There is no evidence to support this.
- Proposed repairs and improvements to the causeway will result in a height increase which has not been specified. Any height increase means that the island will be accessible for longer periods, reducing the time that wildlife will be able to use their habitat undisturbed. This increase in footfall will result in a further increase in disturbance levels and a reduction in the conservational value of the island.
- Mitigation measures proposed within the Environmental Statement are inadequate and will not prevent an increase in disturbances to the wildlife because;
- The ES fails to address the full scale of the existing problems of wildlife disturbance levels on St. Mary's Island.

- Mitigation measures regarding restricting access to the viewing platforms are unclear and North Tyneside Councils need to generate revenue is unlikely to fit with restricting access to the viewing platforms and could be a conflict of interest.
- Mitigation measures refer to resources that North Tyneside Council does not have i.e. warden/volunteer wardens.
- Information, advice and wildlife protection is already offered by St. Mary's Seal Watch and signs by North Tyneside Council. There are no details as to what is to be offered beyond that already in place that will deter visitors using of site where disturbance occurs.
- There is inadequate detail as to exactly what mitigation will be implemented or how it will be managed.
- There is inadequate detail as to how the effectiveness of the mitigation will be monitored and what will be done if disturbance to the wildlife increases.
- This is a nature reserve, not an amusement attraction.
- Concerns regarding impact on the residential amenity of the occupants of The Cottage.
- Little point in regeneration that has so many negative impacts on a SSSI site
- Viewing platforms favour economic benefit over ecological integrity.
- 'Intelligent glass' available to support such structures - ORNILUX type, should be used.
- Harm to existing visual impact of the lighthouse.

1.3 Support:

- Development is long over due. It will enhance the area give much better service to visitors and attract more interest in whole area.
- With the other development in Whitley Bay we will after many years of neglect be a great place to live or visit.
- a great idea to develop the area of st Mary's lighthouse and to make it more visitor attractive.
- This much loved landmark is overdue an update. Hopefully these planned works will enhance this great place and keep it an enjoyable place for generations to come.
- Proposal will provide a more robust amenity allowing for more education around the environment there, and how it can be protected.
- Viewing platform will enable visitors to view the wildlife on the island in a controlled and safe manner, both for them and the wildlife.
- Due to the proposed development visitors will be more contained and have better vantage points so that they impose less on wildlife.
- Development would seem to give visitors the perfect vantage point to view the natural surroundings in a controlled manner.
- Development will ensure that wildlife thrives for decades to come. It will also engender a respect of nature for those who visit.

2.0 External Consultees

2.1 Historic England (original comments following initial public consultation)

2.2 The small group of grade II listed buildings that huddle together on St Mary's Island are one of the region's most celebrated sights, the subject of many an artist and a fondly admired local landmark. They were built in the late-19th century to provide greater safety for those at sea and this improvement in turn facilitated the expansion of north-east trade and industries. The lighthouse is particularly striking, both functional and beautiful, but it is the completeness and

coherence of the group - made up of keepers' cottages and compound walls, and the adjacent fisherman's cottage - and its dramatic setting that deepens its historic and aesthetic interest.

2.3 With this in mind, I welcome the Council's move to carry out repair and restoration of the lighthouse, cottages and walls. They have suffered in recent years through the use of inappropriate materials and unsympathetic alterations, which has caused deterioration of their condition and diminished their appearance. This work aims to rectify this and so will not only enhance their significance as a grade II listed complex but will help support the building's present use as a visitor attraction. There has been much alteration internally in the cottages, primarily as a result of their redundancy and then conversion to a visitor attraction some years prior to listing, so there is more scope to accommodate changes here but the proposal aims to retain and reveal what historic features do survive and that is to be encouraged.

2.4 The more delicate aspect of the proposal is the proposed extensions to the cottages. The cottages were split north-south and so we have the relatively unusual situation of the building's east and west elevations both being front elevations; this is evident on historic maps and by the presence of a porch on both elevations. An extension to the east elevation will make this distinction and the original form of the building more difficult to read and affect the modest, domestic character of the buildings; the same can be said of the new link block and internal viewing area. The 'glass-box' approach helps minimise the visual impact though and should allow the elevation to remain legible, whilst the use of white render akin to that used across the site is entirely appropriate in this instance and should help it sit more comfortably with the extant structures. The only potential issue with using glass so prolifically in the new additions is the potential for diffusion of light around the site; the use of and importance of light is clearly fundamental to the character and history of the lighthouse and so this will have to be carefully managed so as not to draw attention away from the historic assets.

2.5 When considering any proposal that affects a listed building, the local planning authority must take account of the statutory requirement to pay special regard to the desirability of preserving a listed building, its setting and any features of special interest (s.16, Planning (Listed Building and Conservation Areas) Act 1990). This desirability to preserve is also embedded in the Government's National Planning Policy Framework (NPPF) which asks for great weight to be given to an asset's conservation and clear and convincing justification for any harm (para.132). It goes on to state that when a proposal will result in harm to the significance of an asset, that harm should be weighed against the public benefits of the proposal (para.134). The character and appearance of the building will be affected by the proposals but I acknowledge the efforts that have been made to keep this to a minimum and recognise the public benefits that will be secured through conservation and continued use as a visitor attraction, which in this instance outweighs the harm. Consequently, the proposal also satisfies the requirements of paragraph 131 by sustaining and enhancing the significance of the assets through a use consistent with their conservation, and by celebrating and reinforcing the 'positive contribution that the conservation of heritage assets can make to sustainable communities'.

2.6 I support the council's efforts to conserve, revitalise and capitalise on this wonderful asset and accept that viability issues may warrant extensions to improve its sustainability as a visitor attraction. The site's continued popularity with schools, weddings and events even in their current condition is testament to its appeal and the locals' interest in seeing the buildings protected and used; this proposal will support this use and the conservation of the assets and so from a heritage perspective is a welcome and positive step forward in ensuring the future of the site. There are some aspects of the application that will require more detail (particularly in relation to the schedule of works, materials and finishes) and so I ask that these are appropriately conditioned and agreed in consultation with your conservation advisers.

2.7 Recommendation

Historic England has no objection to the applications on heritage grounds as we consider that they meet the requirements of the NPPF, in particular paragraph number 131.

2.8 Tyne and Wear Archaeology Officer

2.9 I am very supportive of this project. The archaeological desk based assessment of Feb 2017 has been submitted. The archaeological evaluation report of August 2017 also needs to be submitted.

2.10 Archaeological Background:

2.11 St. Mary's Island is of archaeological interest because there was supposedly a medieval chapel here (established some time after 1090), dedicated to St. Helen. Other antiquarian sources, such as Mackenzie and Dent 1825, report that the chapel was dedicated to St. Mary. Indeed the first edition OS map of 1858 and subsequent editions label the site 'supposed site of St. Mary's Chapel'.

2.12 We know that the chapel had a burial ground because in 1603, according to parish records, a resident of Hartley was buried in the churchyard. When foundations were being dug for the Square and Compass Inn (formed by the extension to one of the Fisherman's Cottages) in 1861, human bones and large stones were said to have been found. Further human bones were said to have been found when the lighthouse keepers' cottages were built in 1899. Three fragments of human bone which were found during construction works in the 1980s have been examined by an osteologist. They were all found to be femur fragments. One fragment belonged to an individual of between 15 and 20 years of age.

2.13 Parson and White 1828 refer to a hermitage which pre-dated the foundation of the chapel. Whilst there is no evidence as yet to support this claim, it is plausible that there could have been some form of early medieval religious association on St. Mary's Island.

2.14 The ruins of the medieval chapel were visible until the mid-nineteenth century. The earliest surviving structures on the island are the mid-nineteenth century Fisherman's Cottages on the west side.

2.15 The lighthouse was built between 1896 and 1898. In 1899 the lighthouse keepers' cottages were built to the north. A sandstone revetment wall was built to encircle the houses and lighthouse. There is a World War One rangefinder on the east side of the island. The present bird hide on the east side of the lighthouse was built as a degaussing station, used to demagnetise ships and protect them from mines laid offshore during the Second World War. On the west side of the island, there is a Second World War pillbox. All of these historic features are important, and contribute to the historic development of St. Mary's Island, linking it to religion, the fishing industry, maritime navigation and 20th century defence.

2.16 In table 7.5 in the Environmental Statement, the list of non-designated heritage assets should have included the medieval chapel (HER 773) and burial ground (HER 774), which are the most important archaeological sites on St. Mary's Island. The chapel and burial ground are discussed in the text in the ES however.

2.17 Archaeological evaluation work carried out to date:

2.18 The structural engineers needed to carry out ground investigations in order to reveal the foundations of the existing buildings, and to ascertain the make-up of the ground, in order to advise the design and depth of foundations for the proposed extensions. Given the potential for finding remains of the medieval chapel or its churchyard, I advised that the work was carried out by archaeologists under the supervision of the structural engineers.

2.19 Four trenches were excavated to a depth of 1.2m:

Trench 1 recorded the top of the brick vaulted rainwater storage tanks, which were constructed at the same time as the lighthouse keepers' cottages. These are historically interesting in their own right.

2.20 In trench 4, part of an oval-shaped grave cut was cut into the sandy clay at a depth of 1.2m. The grave was orientated west-east (typical of Christian burial practice). The skull was visible at the west end. The remains have been left in-situ.

2.21 Archaeological Implications of the proposed development:

2.22 Human remains could be found, particularly west of the lighthouse. The new southern extension in particular, set to be built on the site of the existing main entrance could disturb human remains. The proposed east extension and the proposed western wall may also encounter remains.

2.23 The evaluation proved that on the east side of the island, ground levels have been substantially raised. This suggests that archaeological deposits could survive undisturbed beneath the later make-up layers. The proposed two storey extension at the north-east corner of the lighthouse keepers' cottages may thus disturb archaeological remains.

2.24 All ground works on the island have the potential to disturb archaeological or human remains, depending on their depth.

2.25 Archaeological work required (can be conditioned):

1. Archaeological building recording of the lighthouse and keepers cottages/visitor centre, the bird hide and the water tanks
2. Archaeological excavation of foundations for the proposed extensions, storage plant room and any other excavations which could reach depths at which human and archaeological remain may be found.
3. Archaeological watching brief during creation of new path, exposing of water tanks, drainage renewal, excavations for ramps and steps and any other shallow excavations.
4. Heritage interpretation on site must include archaeology (the text should be written by the appointed project archaeologist and approved by myself). I would like to see interpretation board(s) to explain the archaeological background of the island and what the historic buildings and the WW1 rangefinder are. The island has links to religion, the fishing industry, maritime navigation and 20th century defence. I am aware that Redman Design are working on the interpretation design.

2.26 Information required in order for me to write a specification for the archaeological work:

- 1 Where is the site compound going and will this require ground disturbance?
- 2 What is the depth of the foundations for the extensions and what type of foundation will these be?
- 3 What depth of ground disturbance is required for the new path?
- 4 I presume that ground levels will not be lowered in order to replace the paved areas within the boundary walls?
- 5 What ground disturbance is required to re-align the raised planting areas?
None?
- 6 What depth of ground disturbance will be required for the renewal of drainage?
Is this going to be on the line of the existing? What is the methodology for this?
- 7 Will the air source heat pump require underground pipes or cables?
- 8 How will the water tanks be backfilled and how can archaeological recording fit into that process?
- 9 Are any other new utilities required?

2.27 Archaeological Building Recording Condition

No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.28 Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided 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, in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.29 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, DM6.6, DM6.7

2.30 Archaeological Post Excavation and Watching Brief Report Condition

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions () 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, in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.31 Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7.

2.32 Heritage Interpretation Condition

The design of an interpretation panel or panels relating to the archaeological and historic interest of St. Mary's Island shall be submitted to and agreed in writing by the Local Planning Authority. The archaeological components will be written by a professional archaeologist. The approved interpretation panel(s) shall be installed on site at an agreed location and within an agreed timescale and thereafter retained.

Reason: To enhance public understanding of the site and to support appropriate interpretation and promotion of the heritage assets in accordance with Local Plan Policy S6.5 and AS8.15.

2.33 I can provide a specification for the archaeological work when required.

2.34 Natural England (comments following reconsultation 18.10.17)

2.35 No objection – subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA)
- damage or destroy the interest features for which Northumberland Shore Site of Special Scientific Interest has been notified.

2.36 In order to mitigate these adverse effects and make the development acceptable, the mitigation measures proposed in the Environmental Statement and Shadow Habitats Regulations Assessment are required.

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

2.38 Natural England's advice on other natural environment issues is set out below.

2.39 Further advice on mitigation

- The main external construction works that are likely to cause noise and visual disturbance to interest features of Northumbria Coast SPA, will be timed outside of the sensitive overwintering period (October – March inclusive), which includes construction works to the causeway and external work to the lighthouse and extension buildings. This will also include order of works whereby causeway operations will commence at the mainland (furthest from seal haul outs – reducing adverse effects on these species during peak haul out periods in May). In addition, shrink wrap around the lighthouse and cottages, and the absence of exterior lighting will reduce visual disturbance.
- A construction environmental management plan (CEMP) will be prepared to detail a range of measures to protect habitats, designated sites and species associated with the site. This will include detailed measure to prevent pollution measures and procedures to address pollution if it occurs.
- A suitably qualified Ecological Clerk of Works (ECoW) will be appointed and available throughout the main construction period. Their role will include the following which will mitigate for the potential impacts of the proposal to the interest features of Northumbria Coast SPA and grey seals:
 - Attendance at regular programming meetings where potential requirements for direct supervision of works may be required. During such meetings tides for the week will be reviewed and potential risks to seal haul outs identified.
 - Reviewing and redirecting or delaying works start in liaison with contractors as appropriate where significant disturbance to seals, feeding or roosting birds is possible (e.g. during high tide works may need to be restricted 2 hours either side of high tide due to presence of roosting birds, or works at low tide may be restricted).
 - Ensure works run to agreed programme with regard to seasonal restrictions. This will include order of works whereby causeway operations will commence at the mainland (furthest from seal haul outs – reducing adverse effects on these species during peak haul out periods in May).
 - Monitoring of bird / seal reactions to construction operations

- Advise on and supervise habitat creation works at the causeway edges
- A Causeway Habitat Creation Plan has been collated to mitigate for the small scale habitat loss as a result of the causeway improvement works. This mitigation will aim to enhance the areas of intertidal habitat immediately adjacent to the proposed causeway structure.
- The viewing deck management plan details mitigation to prevent visual and noise disturbance during lighthouse operation, to the interest features of Northumbria Coast SPA and the grey seals hauled out on the island. This includes the closure of the viewing decks during the overwintering period (October – March inclusive) and 2 hours either side of high water in perpetuity and phased opening during subsequent months limiting the number of visitors on the platforms. A monitoring programme to assess the potential impacts to the birds and seals has been included in the management plan, as well as an education scheme which aims to raise awareness of the protected species on the site encouraging visitors to stay within the lighthouse compound. At the end of the year, the monitoring data and results will be shared with Natural England, as well as any subsequent reiterations of the viewing deck management plan.
- A Protected Species Mitigation Strategy will be prepared and conditioned as part of a pre-commencement planning condition.
- Additional interpretative material at the mainland end of the causeway will be installed.
- We note that a Public Spaces Protection Order that requires dogs to remain on leads has been in place from 20 October 2017.

2.40 If all mitigation measures are implemented in full, then we concur with the conclusion of the shadow Habitats Regulations Assessment of no likely significant effects on European designated sites alone and in combination.

2.41 Northumberland Wildlife Trust (comments following reconsultation 18.10.17)

2.42 We can confirm we do not object to the revised proposals (subject to the provision of the mitigation detailed), welcoming the additional detail provided including site monitoring with appropriate analysis and site operator response.

2.43 We would still strongly urge the applicant to ensure mitigation:

- a) Formally monitors, records and respond to bird and seal disturbance events on the rocky shore to the east of the lighthouse (using a protocol that should be described in the visitor management plan).
- b) Assesses of the potential impacts of the causeway redesign on adjacent interest features of the Coquet to St Mary's Marine Conservation Zone and the created boulder habitat adjacent to the causeway.

2.44 St Marys Island Seal Watch (summarised comments in response to re-consultation 18.10.17)

2.45 SMSW remains concerned as to the impact of this development upon the wildlife. It is the opinion of SMSW that;

- The application fails to provide adequate justification for or benefit of the two new open top viewing platforms as designed.
- The application fails to show that any appropriate avoidance measures through design (for viewing platforms) has been applied.
- The application fails to provide adequate mitigation measures to ensure no net loss in biodiversity as a result of increased footfall upon the island itself.

- The amended causeway repair plans are inconsistent with drawings still showing a 250mm increase in height to the causeway and 97.22% of the causeway to be increased in height.
 - Viewing platforms, as designed, will have a harmful impact on wildlife as a result of their use and subsequent disturbance. Avoidance of adverse impacts on habitats and species as a direct or indirect result of development must always be the first consideration.
 - Disturbance is likely to render the viewing platforms virtually or totally unusable throughout seal haul out season or see unacceptable levels of wildlife disturbance occurring. We must therefore ask in what way are the viewing platforms, as currently designed, suitable wildlife viewing area?
 - It is possible to improve the viewing and learning opportunities within the existing facilities without the addition of two new open top viewing platforms.
 - The management plan is an unacceptable and inadequate compromise. The applicant states that the viewing decks will only be operated when either a trained member of staff or volunteer is available to supervise. What guarantee will there be that this will be the case in two/five/ten years?
- There is inadequate detail as to what the training will encompass or who will provide and oversee the training strategy? As stated an insufficient level of understanding of wildlife disturbance will be devastating for both birds and seals.
- The application fails to explain what alternative designs were considered and rejected and there is no evidence that the recommended mitigation hierarchy of AVOIDANCE – MITIGATION – OFFSETTING has been implemented for the viewing platforms. It is therefore our belief that no alternative design that would minimise the ecological impact has been considered.
 - Viewing platforms will not have the desired effect of reducing footfall on the rocky area of the island to any significant level and will only add an additional disturbance source so far unmeasured.
 - Reference to restricting access to the sensitive areas of the site has been removed (without explanation) from the Environmental Statement, Habitats Regulation Assessment and Non-Technical Summary.
 - The proposed works are not directly connected with, or necessary to, site management for nature conservation (HRA paragraph 3.6). In order to justify their potential impact, the viewing platforms should offer a hitherto unavailable opportunity. As visitors already have the opportunity to view the surrounds, from the lighthouse tower, from inside the hide or over the lighthouse perimeter wall free of charge there is no evidence it will offer any real benefit. If there is *any* likelihood of increased disturbance, stress, risk of injury and site abandonment resulting from the use of the viewing platforms how can they be justified?
 - The application shows an insufficient understanding of the impact of disturbance upon birds and seals. Any flight response to human presence by birds and seals can be taken as evidence of disturbance.
 - The opportunities for seals to maintain their essential functions can be restricted by disturbance through noise and visual disturbance due to the presence of people.
 - The applicant has failed to provide evidence of which scoring system will be adopted to identify the intensity of the reaction for seals and birds. To imply that it is only when there is no wildlife to be seen that there has been a significant impact shows a lack of understanding and in no way indicative of an environment conducive to the animals' health or wellbeing.

- Where the applicant states the majority of wildlife present, how would the majority of wildlife present be quantified?
- Would each sub group of seals be considered independently?
- How would the wellbeing of an individual animal be measured?
- The applicant states "The viewing decks will be closed to access if it is shown that intolerable significant disturbance occurs." How will intolerable be measured?
- Increase in footfall to the island and visits to the lighthouse/visitor centre facility will likely result in an increase in disturbance events to the wildlife. No data is available on any prediction of increased footfall on the island which may occur as a result of the project. Increases in visitors refer only to an increase in visitation to the lighthouse/ visitor centre facility itself (ES Oct 2017 paragraph 11.133).
- Why have previous mitigation measures been removed (increased warden presence and increased interpretation to deter use of intertidal areas by casual visitors during peak winter bird and seal haul out season) and what level of success is expected of the new mitigation measures and to what extent mitigation measure success can be guaranteed?
- The whole causeway will be less covered due to the height increase across its total span for longer periods and therefore reduce the duration that the causeway is flooded which will increase accessibility and encourage visitors to wade through. It is of our opinion that leaving merely a 5m section at existing levels will be inadequate in preventing an increase in footfall to the island. The only way to ensure no reduction in the duration the causeway is flooded is to fully remove the causeway and rebuild a new one at the existing level.

2.46 RSPB (comments following reconsultation 18.10.17)

2.47 Thank you very much for re-consulting the RSPB regarding the above detailed proposed development. We previously commented on this proposal in our letter dated 14th September 2017. We have also had the opportunity to attend a useful meeting regarding the proposals.

2.48 We have had the opportunity to review the documents submitted in support of the planning application, in particular:

- Updated Environmental Statement (Oct.17)
- Causeway arrangement – revised drawing
- Causeway sections – revised drawing
- Environmental Statement appendix 6.1 Indicative construction programme
- Environmental Statement appendix 11.3 HRA updated
- Environmental Statement appendix 11.4 Viewing Deck Management Plan
- Environmental Statement appendix 11.5 Volunteer profiles
- Environmental Statement appendix 11.6 Habitat creation plan

2.49 The RSPB notes and welcomes the additional documents supplied. These documents go some way to addressing our concerns, however we have the following comments to make.

2.50 Viewing Deck Management Plan (VDMP)

2.51 The RSPB have concerns over the implementation of the VDMP and seek reassurances that it will be adhered to throughout the lifetime use of the lighthouse viewing platforms and also that any amendments in the future will ensure the avoidance of disturbance to the SPA features. Furthermore,

assurances are sought that recruitment and training of volunteers to undertake these roles (specified in the role profiles) is practicable.

2.52 The definition of significant disturbance to wildlife in the VDMP will need careful consideration and the RSPB would welcome the opportunity to feed into this.

2.53 We consider that the viewing platforms should remain closed during the wintering period (October to March) unless there is robust evidence to support otherwise.

2.54 It is essential to have a baseline of bird usage/current disturbance levels of the site prior to construction to enable meaningful monitoring of the impacts of the development on the SPA. Furthermore, with regards to the monitoring we suggest that the species of bird also needs to be recorded (not just bird), particularly where it concerns a interest/notified feature of the SSSI and/or SPA.

2.55 Habitat Creation Management Plan

The RSPB would like confirmation that the impact on the intertidal boulder communities has been considered; how changes in flow dynamic and introduction of additional rock type may impact upon these. It is noted that there is anecdotal evidence to suggest that such habitat creation can favour non-native invasive species and, as such, careful monitoring and good biosecurity measure protocol is suggested.

2.56 Additional comments

We welcome the proposed use of a Public Spaces Protection Order, however, would encourage the implementation of a volunteer warden to assist in reducing the likelihood of disturbance from walkers on the rocky shore, as was proposed in the original Environmental Statement.

2.57 The RSPB understands that the changes to the causeway design will not result in a reduction in the time the causeway is covered by the tide (and thus reduce the amount of time that the island is inaccessible). Although we note that have been amendments to the design it is unclear within the documents that this is the case.

2.58 Environment Agency (comments following reconsultation 18.10.17))

2.59 We have NO OBJECTIONS to the revised application. However, we have the following advice/comments to offer:

2.60 Marine grade paint – Advice to LPA/Applicant

It is recommended that any surface which is submerged at high tide is painted with marine grade paint. This is particularly important where external walls are partially submerged during spring tides. It is also recommended that any arising or leachate created during the works (e.g. jet washing walls prior to cleaning, or during dust dampening activities) is collected and disposed of appropriately offsite and not allowed to run freely into the island drainage system, or on to intertidal area. During jet washing, the run off may include fragments of old paint. Therefore, the applicant should seek to ensure that the fragments of old paint are not discharged straight into the marine environment.

2.61 Biosecurity – Advice to Applicant

Best practice biosecurity measures should be followed to reduce the risk of spreading invasive non-native species. The principles of 'check, clean, dry' should be applied when working in the marine environment. Additionally, any sightings of invasive non-native species (if known) should be reported to the Marine Biological Association <http://www.mba.ac.uk/recording>.

2.61 Marine Management Organisation

2.62 No site specific comments provided in relation to the application site or proposed development.

2.63 Friends of the Earth (North Tyneside) (summarised) comments following original consultation)

2.64 The plans, while acknowledging the importance and sensitivity of the site, seems to place higher value on increasing visitor numbers than mitigating potential disturbance to a nature reserve. This demonstrates that striking a balance between managing a visitor attraction and a nature reserve has become a detriment to the latter. We note Natural England's concerns (letter 4/9/17) and RSPB's concerns (letter 17/9/17) and look to an appropriate response.

2.65 During the 2016 breeding season, more Grey Seal pups were born on the Farne Islands (2295) than any other year since 1971, (Northumberland Coastal Wildlife 2016-published by Natural History Society of Northumbria) and the success of that site surely influences the numbers using St Mary's Island as a haul-out. To successfully manage the public/wildlife "interface" is far from easy and starting with a blank sheet of paper would probably elicit a different plan than an evolving one i.e., access to the rocky area would probably be completely stopped if one was starting from scratch. We have concerns, therefore, as to how the mitigation measures proposed, will actually work in practice. Given that the perimeter wall to the north of the bird hide, and the area by the railings will remain for public access, it is suggested that the viewing platforms may be unnecessary.

2.66 It is not explained as to why the causeway needs raising, nor as to by how much. The new concrete slab has a minimum thickness of 250mm and after "scouring out" the old concrete, would add less than 250m to the height. There is reference to 850mm on one side of the causeway. Any reduction in the time the causeway is covered will impact on the time roosting birds on the island at high tide are disturbance free.

2.67 While the building works are scheduled to take place to avoid disturbance to the wintering shorebird population, working over the summer coincides with the main period of use by the Grey Seals.

2.68 Using the example of the wintering flock of Golden Plover, it is acknowledged that the flock tolerates human disturbance in the sense that the flock returns each year and remains till the following spring. What is not clear is how much other potential sites in the area are degraded to the point that St Mary's remains a good but not excellent site. Within any tidal cycle, there is energy expending anthropogenic disturbance, and it is suggested that now is the

time to initiate a Dog Control Order for the relevant foreshore and within the SSSI. This would also benefit Sanderling, Dunlin, Ringed Plover and Redshank in the north bay, and Curlew, Turnstone, Purple Sandpiper and Oystercatcher on the rocky areas.

2.69 We urge you respectfully to take note of our comments, maintain the currently excellent relationship with partners in the voluntary and environmental sector and make the recommended adjustments.

2.70 Cornwall Seal Group Research Trust (CSGRT) (summarised comments following re-consultation 18.10.17)

2.71 SUPPORT subject to design amendments in line with the statement below.

2.72 Visitors need to be able to see and enjoy grey seals and have access to quality interpretation about them in order to be engaged with the conservation of this species. Visitor centres delivering this, whilst at the same time minimising any impacts on the seals themselves, are to be encouraged.

2.73 Cornwall Seal Group Research Trust (CSGRT) support the development plans for St Mary's Lighthouse provided that best practice guidance is an integral part of the plans and seals are given priority in planning decisions being a key attraction for visitors that will ensure the centre's viability. Additionally, construction work disturbance on seals will need to be minimised by flexibly scheduling work during season/s with least seal occupancy and in areas so seals are further away from the works.

2.74 Atlantic grey seals are our globally rare species, so have become a major tourist attraction in the UK, particularly at hot spots like St Marys, where seals predictably and routinely haul out of the sea to rest and digest on highly accessible rocks. Grey seals are highly lucrative to the financial economy, bringing tourists into the area and supporting income generation for many local businesses. This makes establishing and following best practice guidelines essential for the sustainability of grey seal sites such as this and for the long term economic success of the local community.

2.75 Grey seals best practice advice:

- designing all viewing areas to avoid seals seeing, hearing and smelling people
- providing flexible viewing and access zones depending on the position of the seals
- unless screened, ensuring people remain between 50m (WISE) to 100m (RYA Green Marine Wildlife Guide) plus from the rocks where seals are hauled to ensure seals can rest without raised vigilance levels or stress
- encouraging all visitors remain quiet and still while observing seals
- limiting access points and access to rocks used by seals
- providing visitors with quality information about grey seals, outlining best practise and appealing to them to help minimise disturbance of seals and our other amazing and precious marine wildlife
- remote control viewing cameras in the visitor centre to get close up views of seals without disturbance
- funding a seal ranger to lead and advise on all seal related matters and coordinate volunteer monitoring

2.76 The viability and success of the centre will also depend on what happens on the seaward side of the haul out, so mitigation is required here too:

- from the seaward side having a 'no access' buffer zone for vessels
- ensuring vessels make slow, no wake approaches and depart in a similar manner
- from the sea using side on, as opposed to direct approaches (forwards or backwards)
- limiting the time spent observing seals - not longer than 15 minutes
- no use of loud halers or tannoys
- working together to adjust practice when several boats are present
- strongly discouraging the feeding of seals to avoid litigation if someone gets injured and to respect the harbour authority's stance on the matter
- have a drone 'no fly' zone

2.77 North Tyneside Borough Green Party

2.78 The proposed restoration and improvement of St Mary's Lighthouse and Former Keeper's Cottage is welcomed by the North Tyneside Borough Green Party and we support the Heritage Lottery Bid for £2.1m for the project.

2.79 However we join other concerned groups and individuals to ask the following of North Tyneside Council and its developers in this project:

1. That the design of the viewing platform be looked at again and modified to make it fit for purpose by either:

- (a) Most preferred option - enclosing the viewing platform so that wildlife is protected from noise and visual disturbance, ideally using intelligent glass (this would have the added benefit of saving energy by using passive solar heat) or
- (b) At the very least, raising the glass balcony wall to minimise sound and visual disturbance

2. That NTC provides more detail as to how mitigation measures will be monitored, in order to ensure that the wildlife is not endangered and /or driven away from an already fragile environment

3. That further details are given to how much extra height will be a result proposed repairs and improvement to the causeway. This will increase footfall and will mean that the island will be accessible for longer periods, thereby reducing the time that wildlife can be undisturbed on the island

4. That NTC recognises its responsibility to St Mary's Island as a Nature Reserve and looks after it as such. It is a valuable irreplaceable part of our coastline, a landmark, an iconic image; we are in danger of losing its natural value in the desire to make more revenue from it.

2.79 If North Tyneside Council can answer these requests and any other issues satisfactorily, we believe that there will be far more support from concerned residents and groups, including North Tyneside Borough Green Party.

3.0 Internal Consultees

3.1 Conservation (original comments)

3.2 Introduction:

3.3 The existing visitors centre and lighthouse form part of a group of grade II buildings clustered together on St Mary's Island. The buildings were constructed circa late 19th Century with the aim of providing safety for sea traffic and facilitating the growth of trade etc. within the surrounding area. The buildings clearly illustrate the former function of the site, with former keepers' cottages, light house, boundary walls and adjacent cottage. The cohesive nature of the site, together with its enduring design and form, contribute towards the historic, aesthetic, communal and architectural significance.

3.4 The proposal involves repair and restoration of the existing lighthouse, adjacent keeper's cottages and surrounding walls, together with extensions to the former cottages, associated with the visitors centre facilities, in addition to the construction of external storage and plant rooms and renewal of the existing access causeway.

3.5 The proposals should be considered in relation to primary legislation, in particular sections 16 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, National Planning Policy Framework, in particular paragraphs 131, 132, 133 and 134, together with the Local Planning Authorities own policies and guidance documents.

3.6 Analysis:

3.7 As identified above the existing buildings and structures, by virtue of their design, form, purpose and continuing cohesive nature, contribute towards the historic, aesthetic, communal and architectural significance of the buildings and the surrounding site.

3.8 Externally, whilst the overall form of both the former keeper's cottages and lighthouse are retained together with their site boundary walls, numerous repairs and alterations have been undertaken historically that have resulted in deterioration to the fabric and appearance of the designated heritage assets. The proposed repair works as identified within the submitted plans and schedule of works, will assist in rectifying previous inappropriate repair works etc. (including paint applications) together with preserving the buildings and structures for future generations.

3.9 Internally a number of alterations have taken place within both the lighthouse and the adjacent keepers cottages. The original optic to the lighthouse was historically removed when the lighthouse was automated, together with adaptations internally to the existing historic staircase, associated with safety improvements and introduction of cabling etc. Within the former keepers' cottages, numerous alterations have historically taken place in association with the changing use of the buildings and their subsequent reuse as a visitors centre etc. These alterations were undertaken prior to listing of the properties.

3.10 The proposed internal alterations within the former keepers' cottages retain the overall plan form of the former residential cottages, with room layouts remaining clearly readable, in addition any proposed alterations are relatively

reversible in nature and as such could be removed should requirements change in future. Alterations internally to the former keepers' cottages also include removal of later, inappropriate materials (including false ceilings, plaster etc.), infilling of the former coal chutes with glazed units, introduction of new toilet facilities at basement, ground and first floor levels improving accessibility, introduction of an internal platform lift and step lift to improve accessibility, replacement of existing, non-original windows with windows of an appropriate design to match those historically present and removal of a later link structure between the former keepers' cottages and lighthouse. Given the extent of historic alteration present internally within the properties and the introduction of later inappropriate materials, the proposed reinstatement of historically appropriate detailing, materials and finishes, together with improved visitor accessibility and facilities as identified would be considered appropriate. The above proposals, it is considered, would assist in enhancing the character, appearance and significance of the designated heritage assets and as such would be considered appropriate.

3.11 Within the lighthouse a variety of internal alterations are proposed, including infilling of the former paraffin storage chambers below the existing floor structure to support the proposed reconstruction of the original optic at ground floor level, removal of later alterations to the existing historic staircase, together with introduction of additional staircase uprights to enhance the safety of the staircase, whilst ensuring the structure is fit for purpose. Redundant wiring is also proposed for removal, together with introduction of new wiring and associated conduit where required. Redecoration of the existing internal fabric is also proposed. The proposed repair, redecoration and alteration to the existing internal fabric and structure would be considered acceptable. The removal of later, visually intrusive Perspex etc. to the existing staircase would be welcomed, together with the introduction of additional staircase uprights and improvements to the existing hand rail.

3.12 The proposed reconstruction of the original optic to the lighthouse, internally at ground floor level would be welcomed. The reintroduction of this feature would, it is considered, assist in enhancing the character and readability of the historical development of the building. Whilst the proposed infilling of the existing, historic paraffin storage chambers would result in an alteration to the historic construction, it is suggested that a condition is attached requesting building recording of these elements. The above proposals, it is considered would assist in preserving and enhancing the character, appearance and significance of the designated heritage asset.

3.13 Externally the existing fabric is proposed for repair and redecoration, with later, inappropriate material and paint applications removed and new breathable applications and materials introduced. The existing roof structure to the former keepers' cottages is proposed for removal and replacement with appropriate quality slates to match those historically present. The existing roof structure appears to have been re-slatted at some point in its past, with some signs of disrepair evident. The proposed removal and reinstatement of the existing roof covering, together with the introduction of insulation and new historically appropriate natural slates would be considered acceptable. It is suggested that a condition is attached requesting samples of all materials proposed for use. Other

external alterations proposed include the introduction of new surfacing treatments, repair and redecoration of existing boundary walls and gates, removal of later oil storage tanks, introduction of a single storey structure (located on the site of the former oil tanks) to accommodate an air source heat pump and plant equipment, introduction of a bin storage area, replacement of existing drainage runs externally where required and repair of the existing bird hide structure.

3.14 The proposed construction of a single storey, flat roofed structure, located on the site of the existing oil storage tanks, together with the introduction of air source heat pumps and associated plant, would, it is considered, not result in significant harm to the setting of the adjacent heritage assets. The reuse of the existing site of the oil storage tanks, together with the sites position and proposed building design, form and appearance would assist in ensuring that the structure reads as a later addition to the site complex, whilst the use of a flat roof and materials proposed, would ensure that the structure remains relatively visually recessive. The proposed structure, it is considered, would not result in a significant detrimental impact upon the character, appearance or significance of the adjacent and surrounding designated heritage assets. It is suggested that a condition is attached requesting samples of all materials proposed.

3.15 Two extensions are proposed to the eastern and southern elevations incorporating external curved access stairs to first floor viewing decks. To the eastern elevation a single storey glazed extension is proposed, together with first floor viewing deck and associated external curved access staircase. A glazed floor insert is proposed to cover the existing basement light well within this location, to provide borrowed light within the basement. The proposed use of a glazed extension within this location would be considered acceptable. The use of a light weight glazed structure would ensure that the proposed extension is clearly readable as a new, visually subservient addition, whilst enabling the existing external elevation of the keepers' cottages to remain clearly readable.

3.16 To the southern elevation a single storey extension, with first floor viewing deck and associated external curved access staircase is also proposed. To the western elevation this extension would feature a recessed feature window, with rendered wall finish, reflecting that present to the existing historic keepers cottages and lighthouse. A glazed insert is proposed between the existing keepers' cottage elevation and the proposed extension. This proposal would be considered acceptable and assists in enhancing the readability of the historical development of the properties. To the eastern elevation this extension would feature a covered display/learning space, with sliding partitions incorporated, with a link structure of reduced width adjoining the existing lighthouse. The proposed reuse of the existing access points between the keepers' cottages and lighthouse would be considered appropriate. At first floor level the incorporation of a covered glazed structure to provide a viewing space, together with the adjacent glazed balustrade to the external viewing deck would assist in ensuring the additions are clearly read as later additions, whilst being relatively reversible in nature.

3.17 Conclusion:

3.18 Taking into account the above assessment, it is considered that the above proposals to repair, alter and extend the existing former keepers' cottages,

lighthouse and surrounding boundary walls and bird hide would result in an element of harm to the significance of the designated heritage assets. However, the proposed conservation of the existing historic built structures, reversing later, inappropriate repairs and alterations, reinstatement of historic features and continued reuse of the existing designated heritage assets providing public access, would preserve and enhance the existing designated heritage assets for future generations.

3.19 Given the above assessment, the proposals would, it is considered, not result in substantial harm to the historic character, appearance, setting or significance of the designated heritage assets (including the surrounding conservation area) and as such should be considered in relation to paragraph 134 of the NPPF.

3.20 It is suggested that conditions are attached requesting:

- samples of all materials and finishes proposed for use;
- large scale details of all proposed fenestration;
- building recording, in particular the existing paraffin storage chambers;
- precise details of all proposed plumbing, wiring, data and drainage runs.

3.21 Highway Network Manager (comments following reconsultation 18.10.17)

3.22 This application is for the refurbishment of the lighthouse, refurbishment and internal re-planning of the visitor centre, partial demolition of the visitor centre entrance, construction of a single storey extension to the visitor centre east elevation, construction of a two storey extension in place of the demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway. Access and parking remain unchanged and the site is situated away from the adopted highway. Conditional approval is recommended.

3.23 Conditions:

SIT07 - Construction Management

SIT08 - Wheel Wash

3.24 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

3.25 Biodiversity Officer (comments following reconsultation 18.10.17)

3.26 The Shadow Habitats Regulations Assessment (sHRA) submitted as supporting information for the application concluded that without appropriate mitigation, the scheme would have an adverse effect on the integrity of the Northumbria Coast SPA and would also impact the Northumberland Shore SSSI. Additional information has been submitted in support of the application in relation to these mitigation measures and these are outlined in the Environmental Statement and Shadow Habitat regulations Assessment. These measures were updated and additional information provided following discussions with Natural England, RSPB and North Tyneside Council.

3.27 Additional supporting information includes the following:-

- Habitat Creation Plan – this sets out additional details of the causeway habitat mitigation for impacts to and loss of a small area of intertidal habitat as a result of the new causeway
- Viewing Deck Management Plan – this sets out detailed measures regarding the restriction of visitors using the viewing decks at key times of the year to minimise impacts on bird species and seals as well as the monitoring of this resource.
- Indicative Construction Plan – this sets out timings of works associated with the scheme.
- Causeway Arrangement and Sections Plans – provide details on the causeway design and profiles/cross sections.
- Updated sHRA and Environmental Statement documents – provide details of the measures required to mitigate the impacts of the scheme.

3.28 Subject to the mitigation measures set out in the Environmental Statement and shadow Habitats Regulations Assessment (sHRA) being secured and the mitigation advised by Natural England being conditioned, I have no objection to the scheme.

3.28 Conditions:

1. All mitigation measures set out in the Environmental Statement and the shadow Habitats Regulations Assessment (sHRA) will be fully implemented as part of the scheme. Specifically, measures in the following sections of these reports:-Section 11 ('Mitigation, Compensation and Enhancement') and Section 15 ('Mitigation & Monitoring') of the Environmental Statement. Section 3.5.4, Table 8 and Section 6 (Operational Monitoring) of the sHRA.

2. All mitigation measures and conditions set out by Natural England will be conditioned as part of the application and fully implemented as part of the scheme. These include the following:-

- The main external construction works that are likely to cause noise and visual disturbance to interest features of Northumbria Coast SPA, will be timed outside of the sensitive overwintering period (October – March inclusive), which includes construction works to the causeway and external work to the lighthouse and extension buildings. This will also include order of works whereby causeway operations will commence at the mainland (furthest from seal haul outs – reducing adverse effects on these species during peak haul out periods in May). In addition, shrink wrap around the lighthouse and cottages, and the absence of exterior lighting will reduce visual disturbance.
- A construction environmental management plan (CEMP) will be prepared to detail a range of measures to protect habitats, designated sites and species associated with the site. This will include detailed measures to prevent pollution and procedures to address pollution if it occurs.
- A suitably qualified Ecological Clerk of Works (ECoW) will be appointed and available throughout the main construction period. Their role will include the following which will mitigate for the potential impacts of the proposal to the interest features of Northumbria Coast SPA and grey seals:

- Attendance at regular programming meetings where potential requirements for direct supervision of works may be required. During such meetings tides for the week will be reviewed and potential risks to seal haul outs identified.
 - Reviewing and redirecting or delaying works start in liaison with contractors as appropriate where significant disturbance to seals, feeding or roosting birds is possible (e.g. during high tide works may need to be restricted 2 hours either side of high tide due to presence of roosting birds, or works at low tide may be restricted)
 - Ensure works run to agreed programme with regard to seasonal restrictions. This will include order of works whereby causeway operations will commence at the mainland (furthest from seal haul outs – reducing adverse effects on these species during peak haul out periods in May).
 - Monitoring of bird / seal reactions to construction operations
 - Advise on and supervise habitat creation works at the causeway edges
 - A Causeway Habitat Creation Plan has been collated to mitigate for the small scale habitat loss as a result of the causeway improvement works. This mitigation will aim to enhance the areas of intertidal habitat immediately adjacent to the proposed causeway structure.
 - The viewing deck management plan details mitigation to prevent visual and noise disturbance during lighthouse operation, to the interest features of Northumbria Coast SPA and the grey seals hauled out on the island. This includes the closure of the viewing decks during the overwintering period (October – March inclusive) and 2 hours either side of high water in perpetuity and phased opening during subsequent months limiting the number of visitors on the platforms. A monitoring programme to assess the potential impacts to the birds and seals has been included in the management plan, as well as an education scheme which aims to raise awareness of the protected species on the site encouraging visitors to stay within the lighthouse compound. At the end of the year, the monitoring data and results will be shared with Natural England, as well as any subsequent reiterations of the viewing deck management plan.
 - A Protected Species Mitigation Strategy will be prepared and conditioned as part of a pre-commencement planning condition.
 - Additional interpretative material at the mainland end of the causeway will be installed.
 - A Public Spaces Protection Order that requires dogs to remain on leads will be in place from 20 October 2017.
3. Any works associated with the scheme on the mainland (e.g site working areas) will be restricted to the car park area/hardstanding areas to avoid any impacts on the adjacent Local Nature Reserve (LNR) and Local Wildlife Site (LWS). Details of any works associated with this area (including access arrangements, site cabins, working areas etc) must be submitted to the Local Authority for approval prior to development commencing.
4. The Viewing Deck Management Plan will be submitted for approval by Natural England and the Local Authority prior to any development commencing. A timeframe for the plan will also be agreed to ensure the measures in the Plan can be adequately assessed and monitored over an appropriate time period.
5. No vegetation removal will take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing.

3.29 Local Lead Flood Authority

3.30 A Flood Risk Assessment (FRA) was submitted as part of the application, which sets out that surface water from the island will be directed towards existing drainage outlets into the sea. Conditional approval is recommended.

3.31 Condition: Notwithstanding the details submitted, the development shall not be occupied until details of maintenance of the surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of surface water management

3.32 Environmental Health (Pollution)

3.33 The proposal concerns the demolition and rebuilding of parts of the existing buildings on St Mary's Island, along with the construction of viewing platforms and lining of the causeway. The existing buildings are used as an education/visitors centre, a small shop, a function room, the lighthouse, and there is a private dwelling, which I understand is occupied. The island is accessed by a manmade causeway which is flooded by the sea twice daily.

3.34 I have taken note of the noise report submitted. The noise generated by the air source heat pumps has been assessed and has found to be acceptable. However, there is an anticipated increase in footfall, and increase in parties/weddings. There will also be an increase in visitors spending time outside on the proposed viewing decks. The impact of these activities have not been assessed in relation to the occupants of the residential cottage. I also have concerns about the use of the viewing decks with ancillary music.

3.35 The number and activities of individuals on the viewing decks is proposed to be controlled by staff and/or volunteers. I have seen the monitoring sheet to be completed. Unfortunately behaviour is notoriously difficult to control and by the time the control measures are in place, the noise event has already caused disturbance.

3.36 I note that the foul drainage is by septic tank with a discharge consent to the sea regulated by the Environment Agency. There is an anticipated increase in footfall to the island, but there is no mention of any study to ensure the drainage system has the capacity to cope with the potential increase in effluent.

3.37 I have concerns over the proposed construction times and the impact on the nearby residents. I appreciate the exceptional conditions for this application given the twice daily high tide restricting work, but am not minded to extend the construction times as the conditions should have been factored into the job specification.

3.38 Conditions:

HOU05 All demolition work should take place between the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 14:00 Saturday with no working on Sundays or bank Holidays.

HOU04 All construction should take place between the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 14:00 Saturday with no working on Sundays or bank Holidays.

HOU02 The use of the viewing decks shall be restricted to 09:00 - 21:00 on any day.

There shall be no live or amplified music played on the viewing decks.

3.39 Landscape Architect

3.40 Additional information and amended drawings have been submitted with a Environmental Statement (dated Oct 2017). The supporting EIA report has been undertaken as required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations') which provides guidance and a statutory framework for producing an EIA for works proposed on land above Mean Low Water Springs (MLWS), and the Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 ('the Marine Works EIA Regulations') which provides the same for any development below Mean High Water Springs (MHWS) which requires an EIA. The aim of EIA is to determine if the project will have any significant effects on the environment.

3.41 The report assesses the potential effect of the proposed development on the landscape character and key receptors have been identified within the approximate 5km study area. The effects for both the short term (construction) and long term are identified. Section 8.86 of the report states *'During construction there will be a direct effect on the landscape; this will be associated with the construction activity at the causeway and renovations and extensions at the lighthouse and former Keepers' Cottages over an anticipated 1 year time period. The direct impacts on the landscape and visual amenity will consist of:*

- Site compound on the mainland headland car park;
- Potential storage/stockpiling of materials on areas of hardstanding on the island itself;
- Increase in vehicular traffic within the site;
- Construction vehicles across the causeway;
- Demolition and construction of the causeway, impacting the immediate rocky foreshore;
- Potential temporary lighting; and
- External scaffolding, including scaffolding to the lighthouse

3.42 The report further assesses the potential effect of the proposed development on the visual amenity of receptors identified within the approximate 5km study area through a series of 8 no. viewpoints. A summary of the effects upon the viewpoint receptors for during construction (short term, temporary) and operational (long term, permanent) is provided. Section 8.97 of the report confirms that *'Generally it is considered that upon completion there will be minor changes in views, mostly experienced from receptors within 2km of the site, however, there will no significant effects on visual receptors arising from the proposals'*. However it is anticipated that during year 1 (construction period) the visual impacts would be related to the scaffolding surrounding the lighthouse tower, construction of the two storey extension to the former Keepers' Cottages and the site compound located to the west of the lighthouse will be significant but

are temporary and the visual effects reduce in time. The potential visual effects on other receptors to other areas after completion (long term) are confirmed as negligible with some instance where there will be no change or slight.

3.43 Overall and in the long term, it is considered that there will be no significant effects on landscape receptors arising from the proposals and on completion there will be no significant effects on visual receptors arising from the proposals. In terms of the information provided, I would agree with the conclusion provided (section 8.125) and that the assessment has sufficiently considered the potential effects of the proposals on key landscape/townscape and visual receptors, including both the short and long term direct and indirect effects. It is considered that there will be no significant residual effects arising from the proposals and potential beneficial visual effects due to the renovation works and on this basis I would have no further comment to make.

Item No: 5.2
Application No: 17/01145/LBC
Author: Julia Dawson
Date valid: 1 August 2017
Target decision date: 26 September 2017
☎: 0191 643 6314
Ward: St Marys

Application type: listed building consent

Location: Visitors Centre, St Marys Island, St Marys Island Access Road, Whitley Bay, Tyne And Wear

Proposal: Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway

Applicant: North Tyneside Council, FAO Mr Chris Bishop Quadrant East Silverlink North Cobalt Business Park North Tyneside NE27 0BY

Agent: Beaumont Brown Architects LLP, FAO Mr David Brown The Old Brewery Castle Eden TS27 4SU

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues are set out below:

- The impact of the proposed works on the character and appearance of the Grade II Listed Buildings.

1.2 Members need to consider whether the proposed development is acceptable having regard to the issue above.

2.0 Description of the Site

2.1 The site comprises a Lighthouse, Visitors Centre, causeway and former Keepers Cottage located on St Mary's Island in Whitley Bay. St Mary's Island Lighthouse, Keepers' Cottages, and Compound Walls are all Grade II Listed buildings. The Former Fishermans' Cottage, now known as 'The Cottage' and in use as a private residential dwelling, is located to the south west of the Visitors Centre and is also a Grade II Listed building.

2.2 The Listing description for the Lighthouse, Keepers' Cottages, and Compound Walls is as follows:

2.3 The lighthouse is of brick with cement render with a metal roof and the lighthouse keepers' cottages are of Heworth sandstone with slate coverings.

2.4 A white painted tower, 126ft tall with scattered fenestration; all window frames are timber casement replacements. The storm panes of the lantern room have diagonal astragals with hand holds, and there is a domed metal roof surmounted by a weather vane; a gallery with a metal balustrade and decorative finials encircles the lamp room. The Trinity House Coat of Arms is displayed on the west side. The single storey range linking the lighthouse to the keepers' cottages is a modern replacement.

2.5 The lighthouse keepers' cottage is a substantial stone building, now painted white, of two storeys and four bays with prominent quoins. It has a hipped roof of slate with four tall brick chimney stacks. The west elevation has three ground floor windows with an entrance porch occupying bay three, and four windows on the first floor, the left end blocked. Windows and doors have quoined surrounds and all windows are fitted with modern casements. A single storey flat roofed bay with a single window is appended to the south gable end. The east elevation mirrors that of the west.

3.0 Description of the Proposal

3.1 The proposal relates to an application for listed building consent for the following works:

- Refurbishment of the lighthouse;
- Refurbishment and internal re-planning of the visitor centre;
- Partial demolition of the visitor centre entrance;
- Construction of a two storey extension in place of demolished visitor centre entrance (with roof top viewing platform);
- Construction of a single storey extension to visitor centre east elevation (with roof top viewing platform);
- Construction of ancillary external storage and plant rooms; and
- Renewal of the causeway.

3.2 The applicant has submitted a Heritage Statement in support of the application.

4.0 Relevant Planning History

4.1 16/01703/EIASCO: Request for EIA Scoping Opinion to restore Lighthouse, Visitors Centre and former Keepers Cottage. Scoping opinion given 24.11.2016

4.2 17/00809/EIASCO - Request for EIA Scoping Opinion to restore Lighthouse, Visitors Centre and former Keepers Cottage – Scoping opinion given 27.06.2017

4.3 17/01146/FUL - Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway – Pending Decision

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)

6.3 Planning (Listed Buildings and Conservation Areas) Act 1990

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 issue in this case is the impact of the proposed works in the character and appearance of the Grade II Listed Building.

8.0 Character and Appearance

8.1 Paragraph 131 of NPPF advises that in determining application, local planning authorities should amongst other matters take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

8.2 Paragraph 132 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

8.3 Paragraph 134 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal including securing its optimum viable use.

8.4 Local Plan Policy S6.5 'Heritage Assets' seeks to pro-actively preserve, promote and enhance its heritage assets.

8.5 Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect their setting will be permitted where they sustain, conserve and where appropriate enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

8.6 Policy DM6.7 'Archaeological Heritage' states that 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.

8.7 Policy AS8.15 'The Coastal Sub Area' states that within the Coastal Priority Investment and Regeneration Area, as shown on the Policies Map:

- b. Proposals which extend the range and provision of tourist and visitor attractions and accommodation, including leisure, entertainment and cultural facilities and activities including water based recreation will be promoted.
- c. Integrate growth and development at the Coast with the protection and enhancement of the built and natural environment, in particular the area's heritage assets at Tynemouth, Cullercoats, Whitley Bay and St. Mary's Island and the protected nature conservation sites of the Northumbria Coast SPA/Ramsar site, Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI.

8.8 Policy AS8.17 'Visitor Attractions and Activities at the Coast' states that the following proposals and activities have been noted as particular opportunities at the coast that could enhance its role for tourism over the life of the plan:

- b. St. Mary's Headland - new visitor facilities.
- c. St. Mary's Lighthouse and visitor centre refurbishment.

8.9 One of the objectives set out within the Local Plan is explore and identify opportunities for regeneration and investment across the Borough. One of the early examples of regeneration priorities within North Tyneside, as set out in objective 6, is to provide new facilities and improved public realm to develop the tourism and visitor offer whilst safeguarding the natural landscape and wildlife habitat and conserving the historic environment at St Mary's Lighthouse.

8.10 The Local Planning Authority has obtained independent comments from a Conservation Specialist in respect of the proposed works. She has advised that the existing buildings and structures contribute towards the historic, aesthetic, communal and architectural significance of the buildings and the surrounding site and that the proposals to repair, alter and extend the existing former keepers' cottages, lighthouse and surrounding boundary walls and bird hide would result in an element of harm to the significance of the designated heritage assets.

8.11 However, the proposed conservation of the existing historic built structures, reversing later, inappropriate repairs and alterations, reinstatement of historic features and continued reuse of the existing designated heritage assets providing public access, would preserve and enhance the existing designated heritage assets for future generations. As such, she does not consider that the proposed works would result in substantial harm to the historic character, appearance, setting or significance of the designated heritage assets (including the surrounding conservation area).

8.12 The Tyne and Wear Archaeology Officer has also offered her full support of the proposed works and provided detailed comments and conditions which should be attached to the Listed Building Consent notice.

8.13 Historic England have advised that they welcome the Council's move to carry out repair and restoration of the lighthouse, cottages and walls, which will rectify the harm done in recent years through the use of inappropriate materials and unsympathetic alterations, which has caused deterioration of their condition and diminished their appearance. They have stated that this will not only enhance the significance of the grade II listed complex, but will help support the building's present use as a visitor attraction. Historic England have also commented on the proposed new extensions stating that 'glass-box' approach helps minimise the visual impact and should allow the original elevation to remain legible, whilst the use of white render akin to that used across the site is entirely appropriate in this instance and should help it sit more comfortably with the extant structure.

8.14 Historic England have noted that the character and appearance of the building will be affected by the proposals, but they have acknowledged the efforts that have been made to keep this to a minimum. They recognise the public benefits that will be secured through conservation and continued use as a visitor attraction, which in this instance outweighs the harm. Consequently, the proposal satisfies the requirements of paragraph 131 of the NPPF by sustaining and enhancing the significance of the assets through a use consistent with their conservation, and by celebrating and reinforcing the 'positive contribution that the conservation of heritage assets can make to sustainable communities'.

8.15 The proposed works are also in keeping with the objectives of both policies AS8.15 and AS8.17 in that they will provide new and improved facilities at this site as specified in each of the policies.

8.16 Consultation responses have also been received from Natural England, the Northumberland Wildlife Trust, St Marys Island Seal Watch and three representations have been received from members of the public. However, none of the comments relate to the impact of the proposed works on the listed building, which is all that can be considered by this application. Other material planning considerations will be considered separately via planning application 17/01146/FUL.

9.0 Conclusion

9.1 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance of the heritage assets (Grade II Listed Buildings). Officer advice is that the proposed works are acceptable for the reasons set out within this report and are therefore in accordance with the advice in NPPF and policies S6.5, DM6.6, AS8.15, AS8.17 of the Local Plan. It is therefore recommended that listed building consent is granted subject to conditions.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application Form 01.08.2017
- Application Site 117344/8013, 25.07.2017
- Proposed Plans, S1, 27.01.2017
- Proposed North & West Elevations, S2, 27.01.17
- Proposed South & East Elevations, S3, 27.01.17
- Proposed Sections, S4, 21.07.2017
- Proposed Site Plan, S5, 21.07.2017
- Heritage Statement June 2017
- Outline Schedule of Work 01.08.2017
- Non Technical Summary, doc no.D/I/D/117344/502, October 2017

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

2. Standard Time Limit 3 yr LBldg Consent MAN07 *

3. Prior to the commencement of the approved works, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- samples of all materials and finishes proposed for use;
- large scale details of all proposed fenestration;
- building recording, in particular the existing paraffin storage chambers;
- precise details of all proposed plumbing, wiring, data and drainage runs.

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

Reason: To ensure that works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policy DM6.6.

4. No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

5. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided 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, in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

6. 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 policies S6.5, DM6.6, DM6.7.

7. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 5 and 6 has been submitted to and approved in writing by the Local Planning Authority.

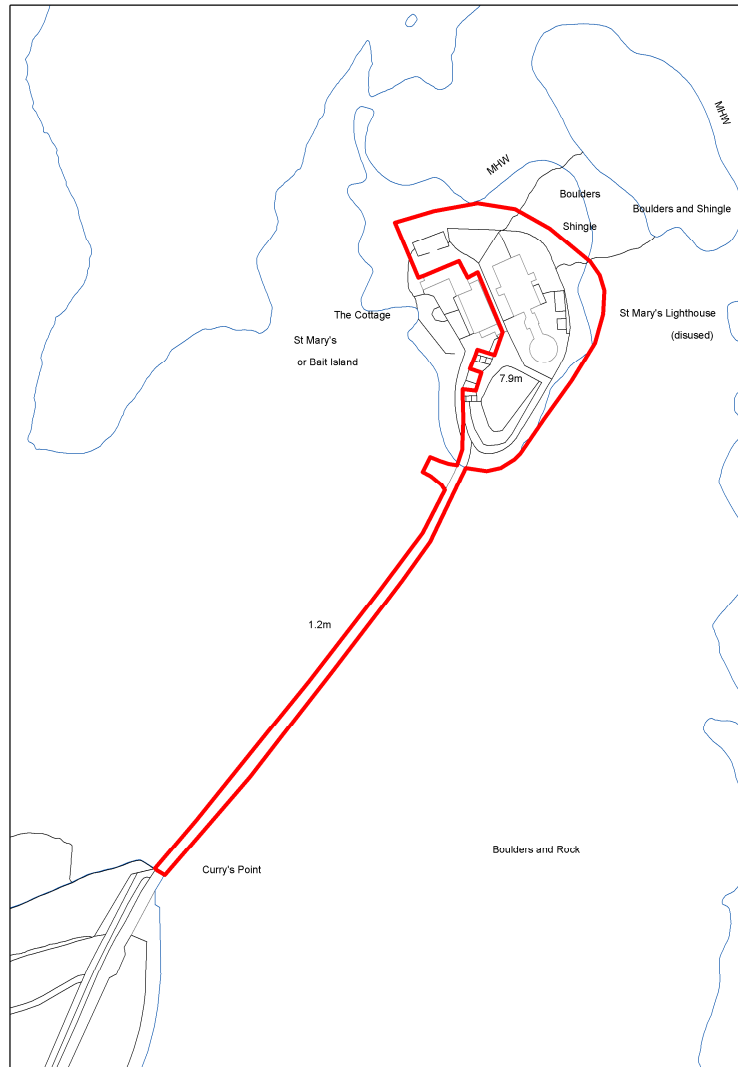
Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5,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

8. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

9. The design of an interpretation panel or panels relating to the archaeological and historic interest of St. Mary's Island shall be submitted to and agreed in writing by the Local Planning Authority. The archaeological components will be written by a professional archaeologist. The approved interpretation panel(s) shall be installed on site at an agreed location and within an agreed timescale and thereafter retained.

Reason: To enhance public understanding of the site and to support appropriate interpretation and promotion of the heritage assets in accordance with Local Plan policies Policy S6.5 and AS8.15.



Application reference: 17/01145/LBC

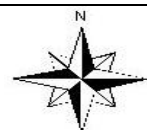
Location: Visitors Centre, St Marys Island, Whitley Bay

Proposal: Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway

Not to scale

Date: 09.11.2017

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Appendix 1 – 17/01145/LBC Item 2

Consultations/representations

1.0 Representations

1.1 Three representations have been received. All three object to the ecological impact of the proposed development (this will be considered separately via planning application 17/01146/FUL), one also offers support for the improvement and refurbishment of the buildings to improve teaching and visitor facilities, in order to further the enjoyment of and respect for the wildlife that uses the landscape.

2.0 External Consultees

2.1 Historic England

2.2 The small group of grade II listed buildings that huddle together on St Mary's Island are one of the region's most celebrated sights, the subject of many an artist and a fondly admired local landmark. They were built in the late-19th century to provide greater safety for those at sea and this improvement in turn facilitated the expansion of north-east trade and industries. The lighthouse is particularly striking, both functional and beautiful, but it is the completeness and coherence of the group - made up of keepers' cottages and compound walls, and the adjacent fisherman's cottage - and its dramatic setting that deepens its historic and aesthetic interest.

2.3 With this in mind, I welcome the Council's move to carry out repair and restoration of the lighthouse, cottages and walls. They have suffered in recent years through the use of inappropriate materials and unsympathetic alterations, which has caused deterioration of their condition and diminished their appearance. This work aims to rectify this and so will not only enhance their significance as a grade II listed complex but will help support the building's present use as a visitor attraction. There has been much alteration internally in the cottages, primarily as a result of their redundancy and then conversion to a visitor attraction some years prior to listing, so there is more scope to accommodate changes here but the proposal aims to retain and reveal what historic features do survive and that is to be encouraged.

2.4 The more delicate aspect of the proposal is the proposed extensions to the cottages. The cottages were split north-south and so we have the relatively unusual situation of the building's east and west elevations both being front elevations; this is evident on historic maps and by the presence of a porch on both elevations. An extension to the east elevation will make this distinction and the original form of the building more difficult to read and affect the modest, domestic character of the buildings; the same can be said of the new link block and internal viewing area. The 'glass-box' approach helps minimise the visual impact though and should allow the elevation to remain legible, whilst the use of white render akin to that used across the site is entirely appropriate in this instance and should help it sit more comfortably with the extant structures. The only potential issue with using glass so prolifically in the new additions is the potential for diffusion of light around the site; the use of and importance of light is clearly fundamental to the character and history of the lighthouse and so this will

have to be carefully managed so as not to draw attention away from the historic assets.

2.5 When considering any proposal that affects a listed building, the local planning authority must take account of the statutory requirement to pay special regard to the desirability of preserving a listed building, its setting and any features of special interest (s.16, Planning (Listed Building and Conservation Areas) Act 1990). This desirability to preserve is also embedded in the Government's National Planning Policy Framework (NPPF) which asks for great weight to be given to an asset's conservation and clear and convincing justification for any harm (para.132). It goes on to state that when a proposal will result in harm to the significance of an asset, that harm should be weighed against the public benefits of the proposal (para.134). The character and appearance of the building will be affected by the proposals but I acknowledge the efforts that have been made to keep this to a minimum and recognise the public benefits that will be secured through conservation and continued use as a visitor attraction, which in this instance outweighs the harm. Consequently, the proposal also satisfies the requirements of paragraph 131 by sustaining and enhancing the significance of the assets through a use consistent with their conservation, and by celebrating and reinforcing the 'positive contribution that the conservation of heritage assets can make to sustainable communities'.

2.6 I support the council's efforts to conserve, revitalise and capitalise on this wonderful asset and accept that viability issues may warrant extensions to improve its sustainability as a visitor attraction. The site's continued popularity with schools, weddings and events even in their current condition is testament to its appeal and the locals' interest in seeing the buildings protected and used; this proposal will support this use and the conservation of the assets and so from a heritage perspective is a welcome and positive step forward in ensuring the future of the site. There are some aspects of the application that will require more detail (particularly in relation to the schedule of works, materials and finishes) and so I ask that these are appropriately conditioned and agreed in consultation with your conservation advisers.

2.7 Recommendation

Historic England has no objection to the applications on heritage grounds as we consider that they meet the requirements of the NPPF, in particular paragraph number 131.

3.0 Tyne and Wear Archaeology Officer

3.1 I am very supportive of this project. The archaeological desk based assessment of Feb 2017 has been submitted. The archaeological evaluation report of August 2017 also needs to be submitted.

3.2 Archaeological Background:

3.3 St. Mary's Island is of archaeological interest because there was supposedly a medieval chapel here (established some time after 1090), dedicated to St. Helen. Other antiquarian sources, such as Mackenzie and Dent 1825, report that the chapel was dedicated to St. Mary. Indeed the first edition OS map of 1858 and subsequent editions label the site 'supposed site of St. Mary's Chapel'.

3.4 We know that the chapel had a burial ground because in 1603, according to parish records, a resident of Hartley was buried in the churchyard. When foundations were being dug for the Square and Compass Inn (formed by the extension to one of the Fisherman's Cottages) in 1861, human bones and large stones were said to have been found. Further human bones were said to have been found when the lighthouse keepers' cottages were built in 1899. Three fragments of human bone which were found during construction works in the 1980s have been examined by an osteologist. They were all found to be femur fragments. One fragment belonged to an individual of between 15 and 20 years of age.

3.5 Parson and White 1828 refer to a hermitage which pre-dated the foundation of the chapel. Whilst there is no evidence as yet to support this claim, it is plausible that there could have been some form of early medieval religious association on St. Mary's Island.

3.6 The ruins of the medieval chapel were visible until the mid-nineteenth century. The earliest surviving structures on the island are the mid-nineteenth century Fisherman's Cottages on the west side.

3.7 The lighthouse was built between 1896 and 1898. In 1899 the lighthouse keepers' cottages were built to the north. A sandstone revetment wall was built to encircle the houses and lighthouse. There is a World War One rangefinder on the east side of the island. The present bird hide on the east side of the lighthouse was built as a degaussing station, used to demagnetise ships and protect them from mines laid offshore during the Second World War. On the west side of the island, there is a Second World War pillbox. All of these historic features are important, and contribute to the historic development of St. Mary's Island, linking it to religion, the fishing industry, maritime navigation and 20th century defence.

3.8 In table 7.5 in the Environmental Statement, the list of non-designated heritage assets should have included the medieval chapel (HER 773) and burial ground (HER 774), which are the most important archaeological sites on St. Mary's Island. The chapel and burial ground are discussed in the text in the ES however.

3.9 Archaeological evaluation work carried out to date:

3.10 The structural engineers needed to carry out ground investigations in order to reveal the foundations of the existing buildings, and to ascertain the make-up of the ground, in order to advise the design and depth of foundations for the proposed extensions. Given the potential for finding remains of the medieval chapel or its churchyard, I advised that the work was carried out by archaeologists under the supervision of the structural engineers.

3.11 Four trenches were excavated to a depth of 1.2m:
Trench 1 recorded the top of the brick vaulted rainwater storage tanks, which were constructed at the same time as the lighthouse keepers' cottages. These are historically interesting in their own right.

3.12 In trench 4, part of an oval-shaped grave cut was cut into the sandy clay at a depth of 1.2m. The grave was orientated west-east (typical of Christian burial practice). The skull was visible at the west end. The remains have been left in-situ.

3.13 Archaeological Implications of the proposed development:

3.14 Human remains could be found, particularly west of the lighthouse. The new southern extension in particular, set to be built on the site of the existing main entrance could disturb human remains. The proposed east extension and the proposed western wall may also encounter remains.

3.15 The evaluation proved that on the east side of the island, ground levels have been substantially raised. This suggests that archaeological deposits could survive undisturbed beneath the later make-up layers. The proposed two storey extension at the north-east corner of the lighthouse keepers' cottages may thus disturb archaeological remains.

3.16 All ground works on the island have the potential to disturb archaeological or human remains, depending on their depth.

3.17 Archaeological work required (can be conditioned):

1. Archaeological building recording of the lighthouse and keepers cottages/visitor centre, the bird hide and the water tanks
2. Archaeological excavation of foundations for the proposed extensions, storage plant room and any other excavations which could reach depths at which human and archaeological remain may be found.
3. Archaeological watching brief during creation of new path, exposing of water tanks, drainage renewal, excavations for ramps and steps and any other shallow excavations.
4. Heritage interpretation on site must include archaeology (the text should be written by the appointed project archaeologist and approved by myself). I would like to see interpretation board(s) to explain the archaeological background of the island and what the historic buildings and the WW1 rangefinder are. The island has links to religion, the fishing industry, maritime navigation and 20th century defence. I am aware that Redman Design are working on the interpretation design.

3.18 Information required in order for me to write a specification for the archaeological work:

- 1 Where is the site compound going and will this require ground disturbance?
- 2 What is the depth of the foundations for the extensions and what type of foundation will these be?
- 3 What depth of ground disturbance is required for the new path?
- 4 I presume that ground levels will not be lowered in order to replace the paved areas within the boundary walls?
- 5 What ground disturbance is required to re-align the raised planting areas?
None?
- 6 What depth of ground disturbance will be required for the renewal of drainage?
Is this going to be on the line of the existing? What is the methodology for this?
- 7 Will the air source heat pump require underground pipes or cables?

8 How will the water tanks be backfilled and how can archaeological recording fit into that process?

9 Are any other new utilities required?

3.19 Archaeological Building Recording Condition

No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

3.20 Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided 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, in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

3.21 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, DM6.6, DM6.7

3.22 Archaeological Post Excavation and Watching Brief Report Condition

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions () 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, in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

3.23 Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7.

3.24 Heritage Interpretation Condition

The design of an interpretation panel or panels relating to the archaeological and historic interest of St. Mary's Island shall be submitted to and agreed in writing by the Local Planning Authority. The archaeological components will be written by a professional archaeologist. The approved interpretation panel(s) shall be installed on site at an agreed location and within an agreed timescale and thereafter retained.

Reason: To enhance public understanding of the site and to support appropriate interpretation and promotion of the heritage assets in accordance with Local Plan Policy S6.5 and AS8.15.

3.25 I can provide a specification for the archaeological work when required.

4.0 Natural England

4.1 No objection – subject to appropriate mitigation being secured.

5.0 Northumberland Wildlife Trust

5.1 We can confirm we do not object to the revised proposals (subject to the provision of the mitigation detailed), welcoming the additional detail provided including site monitoring with appropriate analysis and site operator response.

6.0 St Marys Island Seal Watch

6.1 Revised/additional information does not address original concerns raised in relation to the ecological impact (summarised for planning application 17/01146/FUL). Officer comment - the issues raised do not refer to the impact of the proposed development on the Listed Building or make any reference to this at all.

7.0 Internal Consultees

7.1 Conservation

7.2 Introduction:

7.3 The existing visitors centre and lighthouse form part of a group of grade II buildings clustered together on St Mary's Island. The buildings were constructed circa late 19th Century with the aim of providing safety for sea traffic and facilitating the growth of trade etc. within the surrounding area. The buildings clearly illustrate the former function of the site, with former keepers' cottages, light house, boundary walls and adjacent cottage. The cohesive nature of the site, together with its enduring design and form, contribute towards the historic, aesthetic, communal and architectural significance.

7.4 The proposal involves repair and restoration of the existing lighthouse, adjacent keeper's cottages and surrounding walls, together with extensions to the former cottages, associated with the visitors centre facilities, in addition to the construction of external storage and plant rooms and renewal of the existing access causeway.

7.5 The proposals should be considered in relation to primary legislation, in particular sections 16 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, National Planning Policy Framework, in particular paragraphs 131, 132, 133 and 134, together with the Local Planning Authorities own policies and guidance documents.

7.6 Analysis:

7.7 As identified above the existing buildings and structures, by virtue of their design, form, purpose and continuing cohesive nature, contribute towards the historic, aesthetic, communal and architectural significance of the buildings and the surrounding site.

7.8 Externally, whilst the overall form of both the former keeper's cottages and lighthouse are retained together with their site boundary walls, numerous repairs and alterations have been undertaken historically that have resulted in deterioration to the fabric and appearance of the designated heritage assets. The proposed repair works as identified within the submitted plans and schedule of works, will assist in rectifying previous inappropriate repair works etc. (including paint applications) together with preserving the buildings and structures for future generations.

7.9 Internally a number of alterations have taken place within both the lighthouse and the adjacent keepers cottages. The original optic to the lighthouse was historically removed when the lighthouse was automated, together with adaptations internally to the existing historic staircase, associated with safety improvements and introduction of cabling etc. Within the former keepers' cottages, numerous alterations have historically taken place in association with the changing use of the buildings and their subsequent reuse as a visitors centre etc. These alterations were undertaken prior to listing of the properties.

7.10 The proposed internal alterations within the former keepers' cottages retain the overall plan form of the former residential cottages, with room layouts remaining clearly readable, in addition any proposed alterations are relatively reversible in nature and as such could be removed should requirements change in future. Alterations internally to the former keepers' cottages also include removal of later, inappropriate materials (including false ceilings, plaster etc.), infilling of the former coal chutes with glazed units, introduction of new toilet facilities at basement, ground and first floor levels improving accessibility, introduction of an internal platform lift and step lift to improve accessibility, replacement of existing, non-original windows with windows of an appropriate design to match those historically present and removal of a later link structure between the former keepers' cottages and lighthouse. Given the extent of historic alteration present internally within the properties and the introduction of later inappropriate materials, the proposed reinstatement of historically appropriate detailing, materials and finishes, together with improved visitor accessibility and

facilities as identified would be considered appropriate. The above proposals, it is considered, would assist in enhancing the character, appearance and significance of the designated heritage assets and as such would be considered appropriate.

7.11 Within the lighthouse a variety of internal alterations are proposed, including infilling of the former paraffin storage chambers below the existing floor structure to support the proposed reconstruction of the original optic at ground floor level, removal of later alterations to the existing historic staircase, together with introduction of additional staircase uprights to enhance the safety of the staircase, whilst ensuring the structure is fit for purpose. Redundant wiring is also proposed for removal, together with introduction of new wiring and associated conduit where required. Redecoration of the existing internal fabric is also proposed. The proposed repair, redecoration and alteration to the existing internal fabric and structure would be considered acceptable. The removal of later, visually intrusive Perspex etc. to the existing staircase would be welcomed, together with the introduction of additional staircase uprights and improvements to the existing hand rail.

7.12 The proposed reconstruction of the original optic to the lighthouse, internally at ground floor level would be welcomed. The reintroduction of this feature would, it is considered, assist in enhancing the character and readability of the historical development of the building. Whilst the proposed infilling of the existing, historic paraffin storage chambers would result in an alteration to the historic construction, it is suggested that a condition is attached requesting building recording of these elements. The above proposals, it is considered would assist in preserving and enhancing the character, appearance and significance of the designated heritage asset.

7.13 Externally the existing fabric is proposed for repair and redecoration, with later, inappropriate material and paint applications removed and new breathable applications and materials introduced. The existing roof structure to the former keepers' cottages is proposed for removal and replacement with appropriate quality slates to match those historically present. The existing roof structure appears to have been re-slatted at some point in its past, with some signs of disrepair evident. The proposed removal and reinstatement of the existing roof covering, together with the introduction of insulation and new historically appropriate natural slates would be considered acceptable. It is suggested that a condition is attached requesting samples of all materials proposed for use. Other external alterations proposed include the introduction of new surfacing treatments, repair and redecoration of existing boundary walls and gates, removal of later oil storage tanks, introduction of a single storey structure (located on the site of the former oil tanks) to accommodate an air source heat pump and plant equipment, introduction of a bin storage area, replacement of existing drainage runs externally where required and repair of the existing bird hide structure.

7.14 The proposed construction of a single storey, flat roofed structure, located on the site of the existing oil storage tanks, together with the introduction of air source heat pumps and associated plant, would, it is considered, not result in significant harm to the setting of the adjacent heritage assets. The reuse of the

existing site of the oil storage tanks, together with the sites position and proposed building design, form and appearance would assist in ensuring that the structure reads as a later addition to the site complex, whilst the use of a flat roof and materials proposed, would ensure that the structure remains relatively visually recessive. The proposed structure, it is considered, would not result in a significant detrimental impact upon the character, appearance or significance of the adjacent and surrounding designated heritage assets. It is suggested that a condition is attached requesting samples of all materials proposed.

7.15 Two extensions are proposed to the eastern and southern elevations incorporating external curved access stairs to first floor viewing decks. To the eastern elevation a single storey glazed extension is proposed, together with first floor viewing deck and associated external curved access staircase. A glazed floor insert is proposed to cover the existing basement light well within this location, to provide borrowed light within the basement. The proposed use of a glazed extension within this location would be considered acceptable. The use of a light weight glazed structure would ensure that the proposed extension is clearly readable as a new, visually subservient addition, whilst enabling the existing external elevation of the keepers' cottages to remain clearly readable.

7.16 To the southern elevation a single storey extension, with first floor viewing deck and associated external curved access staircase is also proposed. To the western elevation this extension would feature a recessed feature window, with rendered wall finish, reflecting that present to the existing historic keepers cottages and lighthouse. A glazed insert is proposed between the existing keepers' cottage elevation and the proposed extension. This proposal would be considered acceptable and assists in enhancing the readability of the historical development of the properties. To the eastern elevation this extension would feature a covered display/learning space, with sliding partitions incorporated, with a link structure of reduced width adjoining the existing lighthouse. The proposed reuse of the existing access points between the keepers' cottages and lighthouse would be considered appropriate. At first floor level the incorporation of a covered glazed structure to provide a viewing space, together with the adjacent glazed balustrade to the external viewing deck would assist in ensuring the additions are clearly read as later additions, whilst being relatively reversible in nature.

7.17 Conclusion:

7.18 Taking into account the above assessment, it is considered that the above proposals to repair, alter and extend the existing former keepers' cottages, lighthouse and surrounding boundary walls and bird hide would result in an element of harm to the significance of the designated heritage assets. However, the proposed conservation of the existing historic built structures, reversing later, inappropriate repairs and alterations, reinstatement of historic features and continued reuse of the existing designated heritage assets providing public access, would preserve and enhance the existing designated heritage assets for future generations.

7.19 Given the above assessment, the proposals would, it is considered, not result in substantial harm to the historic character, appearance, setting or significance of the designated heritage assets (including the surrounding

conservation area) and as such should be considered in relation to paragraph 134 of the NPPF.

7.20 It is suggested that conditions are attached requesting:

- samples of all materials and finishes proposed for use;
- large scale details of all proposed fenestration;
- building recording, in particular the existing paraffin storage chambers;
- precise details of all proposed plumbing, wiring, data and drainage runs.

8.0 Highway Network Manager

8.1 This application is for the refurbishment of the lighthouse, refurbishment & internal re-planning of the visitor centre, partial demolition of the visitor centre entrance, construction of a single storey extension to the visitor centre east elevation, construction of a two storey extension in place of the demolished visitor centre entrance, construction of ancillary external storage & plant rooms and renewal of causeway. Access and parking remain unchanged and the site is situated away from the adopted highway. Conditional approval is recommended.

8.2 Conditions:

SIT07 - Construction Management

SIT08 - Wheel Wash

8.3 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

Item No: 5.3
Application No: 17/01224/REM
Author: Maxine Ingram
Date valid: 1 September 2017
Target decision date: 1 December 2017
☎: 0191 643 6322
Ward: Northumberland

Application type: approval of reserved matters

Location: Field North Of, 45 Sunholme Drive, Wallsend, Tyne And Wear,

Proposal: Reserved matters for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Amended site plan received 6.10.17, drainage and highway plans received 16.10.17).
Discharge of conditions for Phase B (Part 1) only: 12 (gas), 13 (gas), 14 (contaminated land), 20 (refuse storage), 26 (pollution prevention), 36 (bus stop), 38 (cycle storage), 39 (multi user links), 41 (traffic calming), 42 (surface water disposal), 43 (foul disposal) of 12/02025/FUL.

Applicant: Persimmon Homes, Mr Richard Holland 2 Esh Plaza Sir Bobby Robsons Way Newcastle Upon Tyne NE13 9BA

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.1 The main issues for Members to consider in this case are whether the reserve matters, for part of Phase B (Part 1), relating to the layout, scale, appearance and landscaping for outline planning permission 12/02025/FUL are acceptable.

2.0 Description of the Site

2.1 The application site forms part of a wider residential development that was allowed at appeal on 15 December 2014. This part of the site forms the next phase of this approved development. The current land use is vacant former agricultural farm land which has formed an ancillary part of the site compound and ground working area associated with Phase A. To the east of the site there will be a landscape buffer, this landscaping is associated with Phase A of the development and it is currently being planted. Beyond this area of landscaping is a public right of way (PROW) and the Rising Sun Country Park (RSCP) which is designated as a Local Wildlife Site (LWS) and a Site of Local Conservation Importance (SLCI). The Sustainable Urban Drainage System (SUDs) is located to the south of the site. To the west of the site is the committed development (Phase A). To the north of the site is further vacant agricultural land with outline consent. To the south of the site are existing residential properties.

3.0 Description of the Proposed Development

3.1 In 2014, a hybrid application was allowed at appeal. This application granted consent for a full application for 225 dwellings and outline consent for 425 dwellings, including approximately 718 sqm of commercial space.

3.2 This reserved matters application seeks full consent for all matters reserved under condition 2 of the hybrid consent for Phase B (part 1). A total of 130 dwellings are proposed, including 25% affordable housing.

3.3 In support of the application the following reports/documents have been submitted:

- Planning Statement and Affordable Housing Statement
- Design and Access Statement
- Economic Statement

Documents submitted with the original planning permission:

- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy Rev B
- Ground Investigation Report (December 2013) and Addendum
- Transport Assessment

3.4 The following house types are proposed:

- 14no. Callerton (4 bed)
- 4 no. Laurel (4 bed)
- 12no. Horton (3 bed)
- 12no. Polwarth (4 bed)
- 6no. Roseden (4 bed)
- 25no. Kirkley (3 bed)
- 31no. Seaton (2 bed)
- 5no. Clayowrth (4 bed)
- 6no. Glamis (5 bed)
- 15no. Prestwick (3 bed)

3.5 Of the 130 dwellings, 33 dwellings would be affordable:

- 19no. Affordable Rented Tenure Units (16no. 2 bed terrace, 2no. 3 bed semi detached and 1no. 3 bed detached)
- 14no. Discounted Market Value Units (7no. 2 bed terrace and 7no. 3 bed terrace)

3.6 Members are advised that the affordable housing scheme will need to be submitted as a requirement of the signed S106 Agreement attached to planning application 12/02025/FUL.

3.7 The applicant has submitted information as part of the current application, which is intended to discharge the following conditions for Phase B (part 1), which were attached to the hybrid consent:

Condition 2: details of the reserved matters for each phase

Condition 3: reserved matters to be submitted for each phase not later than seven years of the date of the decision notice

Condition 4: the development relating to the outline shall be carried out in accordance with plans OF/A-OF/C.
Condition 6: the development hereby permitted shall include no more than 650 dwellings.
Condition 12: gas
Condition 13: gas
Condition 14: contaminated land
Condition 20: refuse
Condition 26: pollution prevention
Condition 36: bus stop
Condition 38: cycle storage
Condition 39: multi user links
Condition 41: traffic calming
Condition 42: disposal of surface water
Condition 43: disposal of foul sewage

4.0 Relevant Planning History

12/02025/FUL - Hybrid application comprising: Outline planning permission with all matters reserved: Development of 18.976ha for residential uses capable of accommodating approximately 425 dwellings and approximately 400sqm of A1 retail use, 318sqm of D1 health centre use and associated car parking. Full planning permission: Erection of 225 dwellings, construction of a 3 arm roundabout at the roundabout at the A186 (Station Road) and provision of associated open space, landscaping and SUDs and strategic open space. EIA Development – Refused 24.10.2013 . Allowed at appeal 15.12.2014.

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)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider in this case are whether the reserved matters relating to the layout, scale, appearance and landscaping for Phase B (Part 1) of the outline planning permission 12/02025/FUL are acceptable.

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

8.0 Preliminary Matters

8.1 The principle of building up to 650 residential dwellings on this site was allowed at appeal on the 15.12.2014. This consent granted a full permission for 225 residential dwellings and outline planning permission for up to 425 residential dwellings. Therefore, the principle of residential development has already been firmly established.

9.0 Layout, including access

9.1 The National Planning Policy Framework (NPPF) states 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 and that permission should be refused for development of poor design.

9.2 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.

9.3 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.

9.4 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.

9.5 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.'

9.6 Policy S1.4 of the North Tyneside Local Plan 2017 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.

- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

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

9.8 Policy DM6.1 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 positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.9 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

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

9.11 LDD12 Transport and Highways SPD set out the parking standards for new development.

9.12 The application site forms the southern part of Phase B (Part 1) as approved under the hybrid approval in 2014. The site is directly accessed from the internal primary loop road formed as part of Phase A and a secondary access to the south east corner of Phase A.

9.13 The layout of the development is similar to the indicative site layout submitted as part of the hybrid application (12/02025/FUL). The Design Officer has advised that the detailed design of the application is consistent with the design principles set out in the outline application and the first phase of development.

9.14 This phase of development lies adjacent to the wetland and open space area to the east of the site. The proposed dwellings are positioned to create an outward facing development, parts of which overlook the Sustainable Urban Drainage System (SUDs) and the eastern landscape buffer. The applicant has identified this area as a rural edge. Units are outward facing over this area. However, it is the view of the Design Officer that the height and density of some of the house types does not reflect and contribute towards creating a rural edge. For example, units 257-260 and 263-266 are three storey terrace houses. This issue has been raised with the applicant and they have advised that albeit these units are three storeys they are not dissimilar in height to some of the two storey properties. Furthermore, these particular plots are set back from the front building lines of the adjacent detached plots. This set back would assist in softening their appearance in the context of the wider street scene, providing a suitable transition to the open space. The Design Officers comments regarding the location of meter boxes is noted. It is the view of officers, that in this case, this is not considered to be reasonable or necessary.

9.15 The Manager for Environmental Health has been consulted. She has advised that the proposed dwellings will be screened by the first phase of the development and therefore screened from road traffic noise. Therefore, she has raised no objections to the proposed development. She has recommended conditions to address construction dusts and hours of operation.

9.16 The Highway Network Manager has advised that the parking layout and access is in accordance with current standards. Cycle parking and refuse storage is also provided for each dwelling and the site has good links with public transport and local services. He has recommended approval of the application subject to the recommended conditions. The Public Rights of Way (PROW) officer has recommended approval.

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

9.18 Policy DM5.14 'Surface Water Run off' of the Local Plan states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

9.19 Policy DM5.15 'Sustainable Drainage' states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

9.20 The Council's Local Lead Flood Authority (LLFA) has been consulted. He has advised that a Flood Risk Assessment (FRA) was submitted as part of the

hybrid application (12/02025/FUL). This phase of development compliments the original drainage strategy and approval is recommended.

9.21 Northumbrian Water has been consulted. They have raised no objections to this phase of the development.

9.22 Members need to consider whether the layout of the proposed development is acceptable. It is officer that the proposed layout is acceptable.

10.0 Scale

10.1 The NPPF states that local planning policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. It also seeks to secure high quality design for new development.

10.2 Policy DM6.1 'Design of Development' states that designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context

and the surrounding area. Amongst other criteria proposals are expected to demonstrate (a) a design responsive to landscape features, topography, site orientation and existing buildings, and (b) a positive relationship to neighbouring buildings and spaces.

10.3 LDD11 'Design Quality' states that the scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting within the wider environment.

10.4 The Design Officer has advised that the detailed design of the application is consistent with the design principles set out in the outline application and the first phase of development. The development includes a variety of scales (two storeys to three storeys) which seeks to form a unique and contemporary character for this part of North Tyneside. This scale is consistent with the adjacent Phase A.

10.5 Members need to determine whether the proposed scale is acceptable and whether it would accords with the NPPF, policy DM6.1 and LDD11 'Design Quality' and weight this in their decision.

11.0 Appearance

11.1 LDD11 'Design Quality' provides guidance on the design of buildings and spaces in North Tyneside. It states that the Council will encourage innovation on the design and layout provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated.

11.2 The Design Officer has advised that the detailed design of the application is consistent with the design principles set out in the outline application and the first phase of development. The appearance of the dwellings creates a unique and contemporary environment. A range of house types, design features (dormers, balconies and Juliette balconies), corner turning units and a variety of materials are used to create this street scene.

11.3 Members need to determine whether the proposed appearance is acceptable and whether it accords with policy DM6.1 and LDD11 'Design Quality' and weight this in their decision. Conditions are recommended to secure the final surface materials for the dwellings and boundary treatments.

12.0 Landscaping

12.1 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

12.2 Policy DM5.9 'Trees, Woodland and Hedgerows' states that 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.

12.3 Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states that all development proposals should:

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

12. 4 Policy DM5.7 'Wildlife Corridors' states that 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.

12.5 The ecology issues were considered as part of the hybrid application. Phase B (Part 1) borders the wetland area and the landscaping buffer to be provided along the eastern edge of the development. Members are advised that the SUDs and landscaping to the south and east boundaries of the site were secured as part of Phase A. The SUDs is now in situ and planting to the eastern and southern boundaries has commenced. Natural England has been consulted. They have raised no objections to this reserved matters application.

12.6 The Council's Landscape Architect has advised that the proposed landscape to the internal areas of the development provide a high level of

planting variation. The planting of new trees is proposed along the new access road and to public spaces.

12.7 The landscape plans have been amended as some of the suggested trees (Lime and Oak) for the small garden areas have the potential to grow very large. The applicant has confirmed that the Lime trees will be provided in the larger areas of public open space. On this basis, the Council's Landscape Architect considers the internal landscaping plans to be acceptable.

12.8 Members need to consider whether the proposed landscaping would be acceptable and in accordance with policy DM5.9 and weight this in their decision.

13.0 Other Matters

13.1 Outstanding Conditions

13.2 The Contaminated Land Officer has considered the information submitted in respect of conditions 12 (gas investigation), 13 (gas investigation) and 14 (contaminated land). She has advised that the conditions relating to gas investigation can be discharged. She has advised that for Phase B (Part 1) there is no requirement for a contaminated land condition.

13.3 The Highways Network Manager has considered the information submitted in respect of condition 20 (refuse). The submitted site plan shows the location of bin collection points only. This plan does not identify the location of bin storage within the curtilage of each dwelling. It is therefore suggested that this condition cannot be discharged as further details are required.

13.4 The LLFA Officer has considered the information submitted in respect of condition 26 (pollution prevention measures). The information submitted to discharge condition 26 is considered to be acceptable. It is therefore suggested that this condition is partially discharged.

13.5 The Highways Network Manager has considered the information submitted in respect of condition 36 (bus stop). The submitted site layout identifies the location of the bus stop to be provided adjacent to the new central public open space. This provides access within the 400m walking distances (maximum 290m). However, no details have been provided for its implementation or any necessary lining and signage and therefore the LPA is unable to discharge this condition at this time.

13.6 The Highways Network Manager has considered the information submitted in respect of condition 38 (cycle storage). The submitted site plan shows the location of the cycle storage within the curtilage of each dwelling. This plan does not identify the location of bin storage within the curtilage of each dwelling. It is therefore suggested that this condition is partially discharged.

13.7 The PROW Officer has considered the information submitted in respect of condition 39 (multi-user links). This reserved matters application abuts the already approved landscaping to the south and east which provides all required information in relation to access routes (formal and informal).

13.7 The Highways Network Manager has considered the information submitted for condition 41 (traffic calming). As shown in the submission raised table details and alternative materials are used throughout the layout to enforce a natural 20mph speed limit. These will be constructed to an adoptable standard as agreed for Phase A. Further information is required to satisfy the requirements of this condition therefore the Highways Network Manager is unable to discharge this condition at this time.

13.8 The LLFA Officer has considered the information submitted for condition 42 (disposal of surface water). The submitted drainage layout and engineering design provides full details of how the site will drain. The site benefits from drainage into the now constructed SUDs area to the south which restricts outflow to the prior agreed rate. It is therefore suggested that this condition is partially discharged.

13.9 NWL has considered the information submitted for Condition 43 (disposal of foul sewage) The submitted drainage layout and engineering design provides full details of how the site will drain. It is therefore suggested that this condition is partially discharged.

14. 0 Conclusion

14.1 The principle of residential development on this site has been firmly established by the previous planning application. The application relates to those details still to be approved. Officer advice is that the layout, scale, appearance and landscaping are acceptable. Members need to decide whether they consider that these reserved matters are acceptable.

14.2 The current application addresses several conditions which were attached to the outline planning permission. The remainder of the conditions attached to the outline planning permission remain valid and will have to be complied with as any development is progressed. It is therefore not necessary to repeat conditions which are already in place (i.e. hours of construction, levels, compliance with Flood Risk Assessment). Conditions set out below address issues arising from the consideration of the reserve matters submission.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Ordnance Survey Plan Dwg No. 157/A/LP/001
- Overall site plan Dwg No. 157/A/OSP/001
- Phase 2 Architectural layout Dwg No. 157/A/GA/003 Rev A
- Outline detailed plan Dwg No. 175/A/GA/101 Rev B
- Phasing plan 175/A/GA/101 Rev B

- Planting plan Sheet 1 of 5 Dwg No. 5759-93-P2-01 Rev B
- Planting plan Sheet 2 of 5 Dwg No. 5759-93-P2-02 Rev B
- Planting plan Sheet 3 of 5 Dwg No. 5759-93-P2-03 Rev B

- Planting plan Sheet 4 of 5 Dwg No. 5759-93-P2-04 Rev B
- Planting plan Sheet 5 of 5 Dwg No. 5759-93-P2-05 Rev B

Housetypes
 Callerton CAL/CONT/01 (x2)
 Clayworth CLW/CONT/02
 Glamis GLA/CONT/01
 Horton HOR/CONT/01 (x2)
 Kirkley KIR/CONT/01, 02 and 03
 Laurel CY-WD01
 Polwarth POL/CONT/03 and 04
 Roseden RDS/CONT/01 and 02
 Seaton SEA/ELEVS/01, SEA/PLA/01, SEA/ELEVS/02, SEA/PLA/02,
 SEA/ELEVS/03, SEA/PLA/03
 Prestwick GF-WD10

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

2. Condition 3 of hybrid planning permission 12/02025/FUL required an application for the approval of the reserved matters for each to be made not later than seven years from the date of this permission, and shall begin not later than two years from the date of the approval of the last reserved matters to be approved. The application for reserve matters was made on 15.08.2017 and therefore this condition is partially discharged.

3. Construction Method Statement - Major SIT007 *

4. Wheel Wash SIT008 *

5. Within six months of the granting of planning permission, the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 9 and 10 of 12/02025/FUL 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 archaeological interest. The investigation is required to ensure that the archaeological remains on the site are recorded, in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

6. Within one year of the granting of planning permission, a report detailing the results of the archaeological fieldwork undertaken shall be produced in a form suitable for publication in a suitable and agreed journal and shall be submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

7. The landscaping agreed pursuant to condition 1 of this approval shall be planted in accordance with a timetable that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any part of the development to be constructed above damp proof course level. Thereafter, the landscaping shall be planted in full accordance with this agreed timetable. Any trees or plants which, within a period of five years from the completion of this part 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 regard to policy DM5.9 of the North Tyneside Local Plan (2017).

8. Notwithstanding Condition 1, prior to the commencement of any development above damp proof course level details of the samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

9. Notwithstanding Condition 1, prior to the commencement of any development above damp proof course level details of the boundary treatments shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

10. Condition 2 of hybrid planning permission 12/02025/FUL requires details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for phases B, C and D to be submitted to and approved in writing by the local planning authority before the development of that phase and the development to be carried out as approved. The details of the reserved matters were agreed by Planning Committee on 21 November 2017 and therefore this condition is partially discharged in relation to Phase B (Part 1) only.

11. Condition 12 of hybrid planning permission 12/02025/FUL requires details to protect against the possibility of landfill gas migration from the nearby former landfill site. These details are included in the accompanying Site Investigation, Gas monitoring and remediation strategies submitted with this planning application. This condition is now partially discharged in relation to Phase B (Part 1) only.

12. Condition 13 of hybrid planning permission 12/02025/FUL requires an investigation to test for the presence of gas emissions from underground. These details are included in the accompanying Site Investigation, Gas monitoring and remediation strategies submitted with this planning application. This condition is now partially discharged in relation to Phase B (Part 1) only.
13. Condition 14 of hybrid planning permission 12/02025/FUL requires a contamination investigation to be carried out. These details are included in the accompanying Site Investigation, Gas monitoring and remediation strategies submitted with this planning application. The Contaminated Land Officer has advised there is no requirement for this condition to be imposed on this phase of development. This condition is now partially discharged in relation to Phase B (Part 1) only.
14. Condition 20 of hybrid planning permission 12/02025/FUL requires, in each phase, details of the facilities to be provided for the storage of refuse to be provided at the premises. The details required to discharge this condition have not been full provided. Therefore this condition cannot be discharged in relation to Phase B (Part 1) only.
15. Condition 26 of hybrid planning permission 12/02025/FUL requires, in each phase, details of pollution prevention measures to prevent contamination of watercourses or land. The details provided satisfy the requirements of this condition. This condition can be partially discharged in relation to Phase B (Part 1) only.
16. Condition 36 of hybrid planning permission 12/02025/FUL requires, in each phase, a scheme of bus stops, associated lining and signage and a timetable for its implementation. The details provided do not satisfy the requirements of this condition. This condition cannot be discharged in relation to Phase B (Part 1) only.
17. Condition 38 of hybrid planning permission 12/02025/FUL requires, in each phase, details of the cycle storage to be provided. The details have been provided on Dwg No. 157/A/GA/003 Rev A. This condition is now partially discharged in relation to Phase B (Part 1) only.
18. Condition 39 of hybrid planning permission 12/02025/FUL requires, in each phase, details of the multi user links and footpaths to the surrounding public rights of way network and the Rising Sun Country Park are to be provided. This reserved matters application abuts the already approved landscaping to the south and east which provides all required information in relation to access routes (formal and informal). No further routes are proposed as part of this submission. This condition is now partially discharged in relation to Phase B (Part 1) only.
19. Condition 41 of hybrid planning permission 12/02025/FUL requires, in each phase, details of the traffic calming measures and a timetable for their implementation. The details submitted do not satisfy the requirements of this condition. This condition cannot be discharged in relation to Phase B (Part 1) only.

20. Condition 42 of hybrid planning permission 12/02025/FUL requires, in each phase, details of the disposal of surface water to be provided. The submitted drainage layout and engineering design provides full details of how the site will drain. The site benefits from drainage into the now constructed Sustainable Urban Drainage System (SUDs). This condition is now partially discharged in relation to Phase B (Part 1) only.

21. Condition 43 of hybrid planning permission 12/02025/FUL requires, in each phase, details of the disposal of foul sewage to be provided. The submitted drainage layout and engineering design provides full details of how the site will drain. This condition is now partially discharged in relation to Phase B (Part 1) only.

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)

Consent to Display Advertisement Reqd (I04)

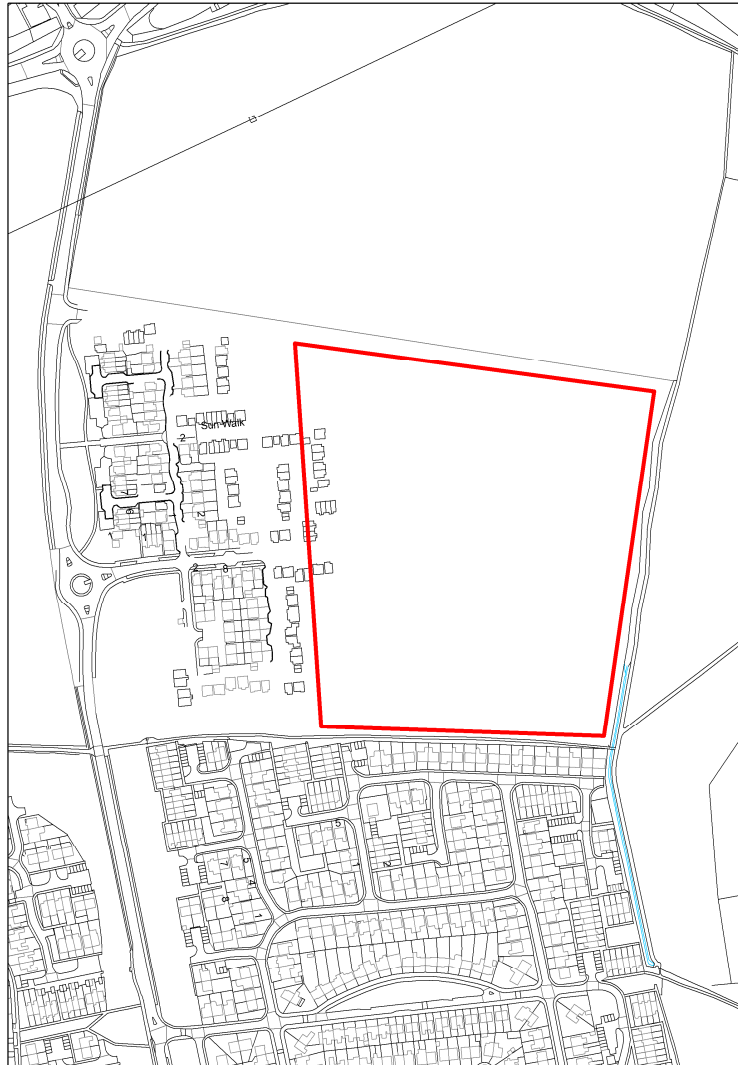
Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

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 Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer shall contact the 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.



Application reference: 17/01224/REM

Location: Field North Of, 45 Sunholme Drive, Wallsend, Tyne And Wear

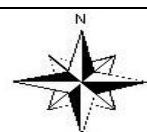
Proposal: Reserved matters for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Amended site plan received 6.10.17, drainage and highway plans received 16.10.17).

Discharge of conditions for Phase B (Part 1) only: 12 (gas), 13 (gas), 14 (contaminated land), 20 (refuse storage), 26 (pollution prevention), 36 (bus stop), 38 (cycle storage), 39 (multi user links), 41 (traffic calming), 42 (surface water disposal), 43 (foul disposal) of 12/02025/FUL.

Not to scale

Date: 09.11.2017

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**Appendix 1 – 17/01224/REM
Item 3**

Consultations/representations

1.0 Internal Consultees

1.1 Landscape Architect

1.2 Based on the new information provided by Persimmons regarding the planting of the lime trees to the open spaces, the landscape plans for the internal areas are acceptable.

1.3 Initial comments

1.4 The proposed landscape to the internal areas of the development provide a high level of planting variation. The planting of new trees is proposed along the new access roads and to public spaces. No trees are proposed to the rear gardens.

1.5 Some of the trees proposed (lime and oak) have the potential to grow very large and may not be suitable for the small garden spaces and should only be planted where space allows. If foundations have been designed to accommodate future growth of such large growing trees then this would be acceptable. Can this be confirmed otherwise the trees should be changed for smaller growing species.

1.6 Public Rights of Way Officer

1.7 This is a reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL.

1.8 Connectivity into the surrounding Public Right of Way network was agreed in principle at the outline stage and subject to conditions for details of these routes, approval is recommended.

1.9 Recommendation – Approval

1.10 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 Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer shall contact the 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.

1.11 Local Lead Flood Authority (LLFA)

1.12 This is a reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL.

1.13 A Flood Risk Assessment (FRA) was submitted as part of the original application. This phase of development compliments the original drainage strategy and conditional approval is recommended.

1.14 Recommendation - Approval

1.15 Contaminated Land Officer

1.16 I have read the Sunholme Farm, Land Adjacent to Station Road, Wallsend - Hazardous Ground Gas Risk Assessment Addendum Report and I agree with the conclusions that:

1.17 As can be seen from the results, Methane (CH₄) was only recorded within BH12 on the first visit, up to 0.5% v/v. When considering the response zone of this borehole, it can be seen that potential lightly organic shallow deposits may be responsible for the source of methane, as the introduction of oxygen during the installation process may have caused initial degradation of these materials.

1.18 However, as can be seen from the subsequent visits, this does not appear to be a continuous generation source of Methane and has not been recorded on subsequent visits. Similarly, low concentrations of Carbon Dioxide (CO₂) have been recorded up to a maximum level of 3.6% v/v, with reduced oxygen (O₂) concentrations (minimum 11.8% v/v - during the first visit), and again this appears to be attributable to slightly organic deposits within some of the boreholes only during the first visit.

There were no other significantly elevated CO₂ or reduced O₂ concentrations recorded on subsequent visits.

1.19 Slightly positive flow rates were also only recorded on the first visit. Consequently, it can be seen that the ground gases recorded are not indicative of any landfill gases or mine gases from onsite, offsite or below ground sources.

1.20 Based on this assessment Conditions relating to gas can be discharged.

1.21 I have reviewed the geoenvironmental report and note that there is no land contamination issues with the site. Confirmation has been received from the applicant that no materials is to be imported and that materials are to be removed off site during later phases.

1.22 Taking the above information into account there is no need for a condition relating to contaminated land to be applied.

1.23 Design Officer

1.24 The site forms the next phase of development of Station Road East. The detailed design of the application is consistent with the design principles set out in the outline application and the first phase of development.

1.25 This phase of development is adjacent to the wetland and open space area to the east of the site where a rural edge is identified on the plans. Units are outward facing over this area. The height and density of some of the house types does not reflect and contribute towards creating a rural edge. For example, units 257-260 and 263-266 are 3 storey terrace houses. A lower density should be looked at in this area with 2 storey houses in order to provide a softer edge and suitable transition to the open space.

1.26 Some elevations and floor plans are not correct such the Polworth and Glamis. Utility meters are shown to be located on prominent side elevations facing the public realm. In these locations utility meters should be either ground mounted or located on the least visible elevation. This is an issue that has been identified in the first phase of the development and should not be repeated in this application.

1.27 Overall, subject to the amendments above, the scheme is well designed and is supported.

1.28 Recommended conditions include:

- No development shall take place until a schedule of samples of all materials (including surface materials) has been submitted to the LPA and approved.
- No meter boxes shall be installed unless approved by the LPA.

1.29 Manager for Environmental Health (Pollution)

1.30 This application is for an area of the site that will be screened by the first phase of the development and therefore screened from road traffic noise.

1.31 I therefore have no objection in principle to this application but would recommend conditions to address construction dusts and hours of operation.

1.32 Highways Network Manager

1.33 This is a reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL. A hybrid application was granted permission on appeal in 2014 (12/02025/FUL). This application is for Phase II of the development. Another hybrid application was minded to grant (subject to completion of the legal agreement) earlier this year on the west side of Station Road (16/01885/FUL).

1.34 A Transport Assessment (TA) was included as part of the previous applications that assessed the local highway network and was tested in the councils Micro-simulation Transport Model. The following off site highway improvements will be carried out as part of the two previous applications:

- Toucan crossing on the A191 to the east of Proctor & Gamble connecting into existing routes
- Connection & enhancements to the continuous shared footway/cycle way on southern side of A191 (Whitley Road)
- Upgrade of existing northbound bus stop on A186 Station Road North to include bus cage & 3-bay shelter.

- Provision of pedestrian refuge on A186 Station Road to the north of the secondary access
- New roundabout junctions to the site accesses
- Provision of Toucan crossing on A186 Station Road between the two site accesses
- Provision of bus lay-bys with 3-bay shelters on A186 Station Road between the two site accesses.
- Provision of Pegasus crossing on A186 Station Road to the south of the site
- Traffic signals at the junction of Hotspur Road
- Localised widening at the junction of Mullen Road & Wiltshire Drive
- Improvements to the junction with the A1058 Coast Road
- Improvements to junction of A186 Station Road & A191 Whitley Road roundabout
- Provision of 2.0-3.0m shared pedestrian/cycle way from the southern boundary of the site along A186 Station Road North and A191 Whitley Road to the Asda superstore.
- Improved multiuser links to the surrounding Public Right of Way Network and the Rising Sun Country Park.

1.35 In addition and following Section 106 contributions were secured:

- £275,000 for future improvements to the A191 corridor between the junctions of Tyne View Park & Four Lane Ends
- £175,000 for improved pedestrian/cycle links linking in to the existing Public Right of Way network including access to the Rising Country Park
- £15,000 to provide a new bridleway bridge on LB9
- £12,000 to provide new street lighting in the southeast corner of the site connecting the existing right of way over the proposed bridge
- £30,000 for improvements to connectivity for pedestrian/cycle routes between the southern end of the site to Redesdale School
- £12,000 per annum for Travel Plan delivery & monitoring for the duration of construction and two years post occupation of the development. The payment for the first five years (£60,000) shall be paid on commencement of development; further payments of £12,000 per year shall be paid each year thereafter until completion of the development and for two years post completion.
- £132,000 Travel Plan Bond

1.36 The principle of development has already been tested at appeal for the outline permission, approval is recommended with additional conditions to cover the construction phase & to enhance the Public Right of Way network.

1.37 Recommendation - Conditional Approval

1.38 Conditions:

- SIT07 - Construction Method Statement (Major)
- SIT08 - Wheel wash

1.39 The Highways Network Manager, in consultation with relevant Consultees, has confirmed that the following conditions attached to the outline permission (Phase B Part 1 only) can be discharged: 26, 38, 39 and 42. He has confirmed that the following conditions attached to the outline permission (Phase B Part 1 only) cannot be discharged 20, 36 and 41.

2.0 Representations

2.1 One letter of objection has been received. This objection is set out below:

I seriously request that the Council consider making sure that these houses are really required. From last check the houses that have been built aren't even sold yet. Where are the children living in that estate going to attend school as there are only 2 local ones and they are both full. The roads around this estate are already very busy and it takes a long time to get from the Sunholme Drive roundabout to the Coast Road. Plus we need to consider the Rising Sun and pedestrian access. It seems very much like the council are more interested in the money they will make from this than the people who live here or will live here.

3.0 External Consultees

3.1 Northumbrian Water

3.2 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

3.3 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

3.4 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*". In this document it states that foul flows of 35l/sec will discharge to the existing combined sewer at manhole 0404, whilst a restricted greenfield surface water discharge rate of 46l/sec will discharge to the existing surface water sewer at manhole 9306 where connection to the watercourse is not viable.

3.5 We would therefore request that the *Flood Risk Assessment* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

3.6 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.

3.7 Highways England

3.8 No objection.

3.9 Coal Authority

3.10 The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that

there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

3.11 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.

3.12 Tyne and Wear Archaeology Officer

3.13 The archaeological excavation on this site is completed, however as per my email of 31st May 2017 (16/00481/COND), we have yet to receive the final archive report of the results (we have the preliminary post-excavation assessment) and the results will require formal publication in an archaeological journal.

3.14 I therefore recommend that the following conditions are imposed on the reserved matters application:

Archaeological Post Excavation Report Condition

Within six months of the granting of planning permission, the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 9 and 10 of 12/02025/FUL 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 archaeological interest. The investigation is required to ensure that the archaeological remains on the site are recorded, in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Publication Report Condition

Within one year of the granting of planning permission, a report detailing the results of the archaeological fieldwork undertaken shall be produced in a form suitable for publication in a suitable and agreed journal and shall be submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3.15 Natural England

3.16 Natural England currently has no comment to make on the reserved matters.

3.17 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the

Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Item No: 5.4
Application No: 17/01197/FUL
Author: Maxine Ingram
Date valid: 7 September 2017
Target decision date: 7 December 2017
☎: 0191 643 6322
Ward: Camperdown

Application type: full planning application

Location: Land East Of, 16 Front Street, Annitsford, NORTHUMBERLAND,

Proposal: Development of 10 dwellings on land to the east of Front Street, Annitsford

Applicant: W Hedley & Sons, West Lane Farm Backworth NE27 0BG

Agent: Strutt & Parker LLP, Miss Jo Evans 1-3 Oldgate Morpeth NE61 1PY
United Kingdom

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues in this case are:

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on ecology;
- Other issues.

2.0 Description of the Site

2.1 The site to which this application relates consists of a field with unimproved grasslands to its perimeter, measuring approximately 0.5 hectares. This parcel of land is situated between the B1505 (Front Street) and a dual carriageway (A189). The site is not level and lies at a lower land level than the adjacent dual carriageway, which is separated, in parts, by an earth embankment and landscaping (tree belt). There is no boundary along the western edge of this site.

2.2 To the south of the site is an area of grass land. Members are advised that planning permission has been granted for the construction of 13 residential dwellings on this land (Ref: 15/00701/FUL). This residential development was granted prior to the adoption of the Local Plan (2017) at a time when the Council did not have a five year housing land supply.

2.3 Beyond the public highway to the west are residential properties and a Fish and Chip shop.

2.4 The site is designated as open space and a wildlife corridor within the Local Plan (2017). The applicant has advised that the site has never had a community function and has been in agricultural use.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 10 residential dwellings with associated parking and landscaping. Vehicular access to the site will be from Front Street (B1505). An area of open space will be provided to the northern part of the site.

3.2 The proposed development will provide the following types of housing:

- Units 1-4: 2 bed semi detached;
- Units 5-7: 3 bed detached; and
- Units 8-10: 4 bed detached.

3.3 The following supporting documents have been submitted:

- Design and Access Statement
- Coal Mining Risk Assessment
- Preliminary Ecological Assessment Report

4.0 Relevant Planning History

4.1 Application site

None

4.2 Land to the south of the application site

15/00701/FUL - Construction of 13 detached dwellings with garages, construction of new access road and associated works - 27.08.2015

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 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:

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;

- Impact on ecology;
- 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 Local Plan Strategic Policies

S1.2 Spatial Strategy for Health and Well-being

The wellbeing and health of communities will be maintained and improved by:

- Working in partnership with the health authorities to improve the health and well-being of North Tyneside's residents.
- Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
 - Creating an inclusive built and natural environment.
 - Promoting and facilitating active and healthy lifestyles, in particular walking and cycling.
 - Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
 - Providing good access for all to health and social care facilities.
 - Promoting access for all to green spaces, sports facilities, play and recreation opportunities.
- Promoting allotments and gardens for exercise, recreation and for healthy locally produced food.
- Controlling the location of, and access to, unhealthy eating outlets.

7.4 S1.4 General Development Principles

Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- Contribute to the mitigation of the likely effects of climate change, , taking full account of flood risk, water supply and demand and where appropriate coastal change.
- Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- Make the most effective and efficient use of available land.
- Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

7.5 S4.1 Strategic Housing

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.

In doing so, this will reflect the following key priorities of:

- a. Providing enough new homes to meet current and future need and ensuring the Borough maintains a rolling five year supply of deliverable housing land;
- b. Delivering a distribution of new housing that is sustainable, taking account of the economic, social and environmental impacts of development and infrastructure requirements;
- c. The delivery of brownfield land, whilst taking into consideration the viability of land for development;
- d. Providing accommodation that is affordable for all sectors of the local community;
- e. Improving existing residential areas and bringing empty homes back into residential use;
- f. Delivering a range and type of housing that is currently under-provided for in the Borough, in order to meet identified shortfalls in need;
- g. Ensuring the delivery of specialist stock to meet specific needs such as larger housing, and extra care facilities;
- h. Promoting good management of Houses in Multiple Occupation including encouraging landlords to work with the Council through specific improvement schemes and initiatives;
- i. Offering opportunities for self-build schemes, including the identification of parcels of land on larger housing sites; and,
- j. Ensuring that there remains a choice and variety of viable housing sites, capable of meeting a range of housing needs.

9.0 Principle of development

9.1 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means where the development plan is absent, silent or relevant policies are out of date, granting permission for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies indicate that development should be restricted.

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

9.3 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 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 a persistent under delivery, the buffer should be increased by 20%.

9.4 NPPF goes on to say that the local planning authorities should plan for a mix of housing based on current and future demographic trends.

9.5 DM1.3 Presumption in Favour of Sustainable Development

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 – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted.

9.6 S4.3 Distribution of Housing Development Sites

The sites allocated for housing development are identified on the Policies Map, including those identified for both housing and mixed use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8,838 homes, assessed as being deliverable and developable over the plan period to 2032.

Indicative mapping identifying potential access arrangements and possible areas of open space have been prepared for a selected range of sites where additional guidance could benefit future delivery. Planning applications related to those sites should have regard to these indicative plans. Additional policy for the strategic allocations at Murton and Killingworth Moor should be considered to inform the preparation of detailed wide masterplans and applications for development.

9.7 Members are advised that the site, subject of this application, is not allocated for housing in the Local Plan (2017). The site is designated as open space.

9.8 Loss of Open Space

Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on 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.

9.9 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.

9.10 DM5.3 Green Space Provision and Standards

Within North Tyneside, accessible green space will be protected and enhances 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.

9.11 The application site is designated as open space within the Council's Local Plan. The applicant has stated in their Design and Access Statement that "the site has never had a community function and has been in agricultural use by the owners....although we feel that the land has been mistakenly designated as green space, given that the land has not been available to be utilised by the public, it is suggested that in addition to the proposed dwellings on the land, the northern part of the site is laid out with soft landscaping to create and facilitate use as public open space. The provision of high quality green space will have significant advantages for the community in terms of recreation and amenity, as oppose to the current mis-designation of a small parcel of agricultural land providing no green space benefits to the public".

9.12 The site is located in the North West Villages Sub Area. Therefore Policy AS8.24 is relevant to this application. This policy states:

Within the North West Villages Sub Area, as shown on the Proposals Map:

- a.The availability of good public transport and active travel options are encouraged and supported. To ensure the community can reach the excellent services and facilities within the area, good access throughout the North West is as important as access beyond.
- b.Image and identity will be improved through good signage and interpretation, and high quality, well-maintained public realm.
- c.North Tyneside Council will work proactively with owners of vacant sites to bring them back into suitable, beneficial use.

9.12 Members are advised that this area of open space has been identified as being of medium quality and low value with unlimited access. Members need to determine whether the principle of a residential development on land designated

as open space is acceptable. It is officer advice that the principle of the development does not accord with local planning policy.

10.0 North Tyneside 5-Year Housing Land Supply

10.1 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.

10.2 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 December 2016 SHLAA Addendum identifies the total potential 5-year housing land supply in the borough at 5,174 new homes. This total includes delivery from sites yet to gain planning permission. This potential supply represents a surplus against the Local Plan requirement, or a 5.56 year supply of housing land.

10.3 It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan. The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.56 year supply of housing land.

10.4 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.

10.5 Members need to consider whether the benefit of a small contribution towards a deliverable five year housing land supply outweighs the loss of open space. It is officer advice that this benefit does not outweigh the loss of open space.

11.0 Impact on character and appearance of the site and the surrounding area

11.1 Paragraph 56 of NPPF 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 positively to making places better for people.

11.2 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.

11.3 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.

11.4 The Council has produced an SPD on design quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

11.5 The proposed development would be set back from the adjacent highway, Front Street (B1505). The proposed two storey dwellings would be laid out with a linear, book ended cul-de-sac arrangement. This design creates an outward facing development onto Front Street and the cul-de-sac. Small pockets of open space are provided between the cul-de-sac turning heads and the A189. A larger area of open space is to be provided to the most northern part of the site. Soft landscaping is proposed to the western boundary to soften the visual impact of the proposed development when viewed from Front Street.

11.6 The applicant has advised that the proposed dwellings have been designed to avoid extraneous extensions and additions to the shape of buildings, in order to mimic the aesthetic of traditional properties. The properties will be constructed using a combination of red brick, stained timber and cement render in a variety of coloured finishes. The boundary treatments would consist of black painted metal railings and close boarded timber fencing.

11.7 The applicant has advised that the dwellings have been positioned to ensure that the root protection zones of existing trees to the east are unaffected.

11.8 The Design Officer has been consulted. He considers that the design and layout of the units responds well to the site and the street scene. The units have a contemporary design appearance which will fit comfortably within the context of the site. He considers that to the north of units 1-4 and to the south of units 9-10 that there should be some planting. He considers that this is required to soften the edges of the development to assist in screening any large stretches of close

boarded fencing. He also considers that landscaping should be provided to the side of unit 10 to detract from a blank ground floor side elevation. Members, should they be minded to approve the application, are advised that this additional landscaping could be secured through a landscape condition. His further comments regarding the siting of refuse bins, alarm boxes etc. could be secured via a condition.

11.9 The Council's Landscape Architect has been consulted. She has advised that there are existing solitary and groupings of trees, which are an important asset, within the context of the local community in and around the perimeter of the proposed site, which will need protection during the course of the works. Subject to the imposition of their suggested conditions, Members are advised that the impact on these trees could be adequately mitigated.

11.10 Members need to consider whether the overall design concept and layout are appropriate and comply with current policy. Officer advice is that the scheme can be comfortably accommodated within the site without a significant adverse impact on the character and appearance of the area. It is officer advice the full application is of an appropriate design and appearance and would result in an acceptable impact on the amenity of existing residents and future occupants. As such the proposed development complies with both national and local planning policy.

12.0 Impact upon future occupants and existing occupants

12.1 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.

12.2 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.

Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.

12.3 The Manager for Environmental Health (Pollution) has been consulted. Members are advised that she has raised concerns with regards to road traffic noise from the adjacent A189 affecting the proposed residential development.

12.4 The applicant has submitted a noise report that has assessed potential noise from the road traffic. The Manager for Environmental Health has advised that noise monitoring was carried out free-field, and she has assumed that monitoring was reflective of ground level noise and not for first floor height. The noise monitoring confirmed that the daytime noise exposure is high, in the region of 65.7 dB LAeq for daytime, and 49.6 dB LAeq at night. Members are advised that the applicant has recommended a 2m high acoustic barrier to attenuate noise from the road. As the height of the A189 varies from the north to the south of the site, it is the view of the Manager for Environmental Health that this acoustic barrier will afford limited mitigation for rear gardens. Towards the south the site slopes so that the A189 is slightly elevated. It is not clear from the information provided if the site will be raised so that it will be level with the A189. She has requested that clarification on the topography of the site is sought to establish whether the acoustic screening to be provided is adequate. This is to ensure that noise levels in gardens are screened so that the World Health Organisation community noise guidance for outdoor amenity are achieved and the noise levels are below 55 dB LAeq, as this is the level for the onset of serious annoyance. Close boarded fencing will not be considered adequate in ensuring the long term integrity of the acoustic screening. The acoustic screening design must consist of either double boarded fencing or overlapped panels.

12.5 The Manager for Environmental Health has advised that the application site is adjacent to a first priority location for noise action planning under the Environmental Noise Directive, as given in the Implementation of Round 1 for Noise Action Plans for transport related noise. The purpose of the NPPF is that the planning system should contribute to and enhance the natural environment by preventing it from being affected by unacceptable levels of noise pollution. She has advised that if planning consent is to be given to a new housing development it will result in the development being exposed to an area already identified as a first priority area for action to reduce noise exposure levels from the A189 road source. This may potentially result in the first priority area being extended to encompass the development at the next round of noise mapping as required under the Environmental Noise Directive. She has advised that it is important to ensure appropriate mitigation measures are incorporated into the design to protect residential amenity from road traffic noise.

12.6 Members are advised that the habitable bedrooms at first floor level with line of sight to the A189 will be exposed to high noise levels at night. The Manager for Environmental Health has advised that if residents choose to have their windows open they will be subject to sleep disturbance and this will have a significant adverse effect on health and quality of life. Residents will have no choice but to keep the windows closed. Mechanical ventilation will be necessary to provide adequate ventilation to habitable rooms without the need for opening windows.

12.7 Members are advised that the Manager for Environmental Health has raised concerns regarding the impact on the amenity of future occupants from road traffic noise. However, in their comments they have suggested conditions, which implies that appropriate mitigation could be secured to address their concerns regarding road traffic noise.

12.8 Members need to consider whether the proposal would avoid having an adverse impact upon future occupants' living conditions in accordance with NPPF and local planning policy DM5.19 and weight this in their decision. Officer advice is that, based on the advice received from the Manager for Environmental Health and their suggested conditions, the impact on the amenity of existing and future occupants is acceptable.

13.0 Highways

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

13.2 Paragraph 30 of NPPF refers to a reduction in greenhouse gas emissions.

13.3 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.

13.4 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.

13.5 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).

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

13.7 A single point of access to the site is provided from Front Street. Parking has been provided in accordance with the standards set out in LDD12 and the highway layout meets current standards in terms of turning areas, pedestrian access and general layout.

13.8 The Highways Network Manager has been consulted. He has recommended conditional approval.

13.9 Members need to consider whether sufficient access and parking would be provided and whether the proposal would accord with the advice in NPPF, policy DM7.4 and LDD12 and weight this in their decision. It is officer advice that the development meets with the requirements of national and local planning policies.

14.0 Biodiversity

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

14.2 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.

14.3 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.

14.4 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.

14.5 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.

14.6 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.

14.7 The applicant has submitted a Preliminary Ecological Assessment Report. This report has been assessed by the Council's Biodiversity Officer.

14.8 The site is designated as wildlife corridor in the Local Plan (2017). The site consists of predominantly arable land with native tree and scrub around the boundaries of the site.

14.9 Members are advised that the proposed development would result in the loss of the majority of the arable land which is of low ecological value but would retain trees and scrub within and around the site boundaries. Along the western verge of the site, a wildflower meadow area was identified along the bankside as part of the Preliminary Ecological Appraisal (PEA). The Biodiversity Officer has advised that this should be retained as part of the scheme and further landscaping should include native trees and shrubs.

14.10 The site is within 500m of a known great crested newt (GCN) breeding pond (Annitsford Pond) and whilst there is a low risk of GCN being present on site due to distance from the pond and the presence of the B1505 (Front Street), works on site should be undertaken to a GCN working method statement to address any potential residual impacts.

14.11 Subject to the imposition of conditions to secure appropriate mitigation, the Biodiversity Officer has raised no objections to the proposed development.

14.12 Members need to determine whether the development results in significant harm to biodiversity. It is officer advice that the development would not have a harmful impact on local biodiversity and the natural environment.

15.0 Other issues

15.1 Flooding

15.2 NPPF states that when determining planning applications, LPA's 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 (FRA) following the sequential test.

15.3 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.

15.4 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.

15.5 DM5.14 Surface Water Run off

Applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

15.6 DM5.15 Sustainable Drainage

Applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

The following destinations must be considered for surface water management in order of preference:

- a. Discharge into the ground*;
- b. Discharge to a surface water body;
- c. Discharge to a surface water sewer; or,
- d. Discharge to a combined sewer.

Only in exceptional circumstances, where a Flood Risk Assessment, local site conditions, and/or engineering report show that sustainable drainage systems will not be feasible will the discharge of rainwater direct to a watercourse, surface water drain or to a combined sewer be considered.

Where SuDS are provided, arrangements must be put in place for their whole lifetime management and maintenance.

Where appropriate, SuDS should be designed and located to improve biodiversity, the landscape, water quality and local amenity.

* Deep drainage structures are not suitable in the Borough due to actively managed mine water levels and raising groundwater levels.

15.6 The applicant has advised within the Design and Access Statement that over sized pipes would be installed underneath the shared surface road. The exact details of these pipes are to be calculated by a planning condition to provide this flow rate is no greater than Greenfield runoff.

15.7 The Local Lead Flood Authority (LLFA) has been consulted. In order for him to fully assess the impacts of this proposal a Flood Risk Assessment (FRA) and Drainage Strategy are required. This information has been requested from the applicant but it has not been submitted. On this basis, he has recommended refusal.

15.8 Northumbrian Water has been consulted. They have advised that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. They have recommended conditional approval.

15.9 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that insufficient information has been provided to demonstrate that the proposed development is acceptable in terms of flood risk and drainage.

15.10 Contamination

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

15.12 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.

15.13 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.

15.14 The Contaminated Land Officer has been consulted. She raises no objection to the development subject to conditions.

15.15 The Coal Authority has been consulted and has raised no objections.

15.16 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 imposition of the suggested conditions, the proposed development accords with both national and local planning policy.

16.0 S106 Contributions

16.1 NPPF states that pursuing development requires careful attention to viability. To ensure viability, the cost 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 the normal costs of development and mitigation, provide competitive returns to a willing land owner and a willing developer to enable development to be deliverable.

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

16.3 The Council's adopted SPD on Planning Obligations LDD8 states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality environment where people choose to live, work, learn and play.

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

16.5 S7.1 General Infrastructure and Funding

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

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

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

Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,

b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable.

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

16.6 DM7.2 Development Viability

The Council is committed to enabling 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.

In these circumstances the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;
- b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

16.7 DM7.5 Employment and Skills

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

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

To deal with the impacts that arise from this development on existing infrastructure, contribution towards health, education and community provisions are being sought as part of this application. These contributions will ensure that the development will not have an unacceptable impact on local infrastructure provision.

16.8 No contributions have been sought from the Consultees as result of the S106 Contribution exercise.

16.9 No affordable housing is being sought as the development is only for 10 residential units.

17.0 Financial Considerations

17.1 The proposal involves the creation of 10 dwellings. The Government pays New Homes Bonus to local authorities to assist them with costs associated with housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

17.2 As the system currently stands, for North Tyneside, for the new increase in dwellings built in 2016/17, the Council will receive funding for the six years from 2018/19. However, the Secretary of State has confirmed that in 2017/18 New Homes Bonus payments will be made for five rather than six years and that the payment period will be reduced again for the years 2018/19.

17.3 In addition, the units will bring in revenue as a result of Council tax.

17.4 Officers have given weight, amongst all other material considerations, to the benefit accrued to the Council as a result of the monies received from central government.

18.0 Conclusions

18.1 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.

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

18.3 The application site is designated as open space and a wildlife corridor 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 the highway network, ecology, the impact on the amenity of future occupants, contaminated and unstable land issues and its overall design and appearance. However, the applicant has not demonstrated that the development is acceptable in terms of its impact on flood risk and drainage. Furthermore, the development of this land would result in the loss of an area of designated open space.

18.4 Refusal is therefore recommended.

RECOMMENDATION: Application Refused

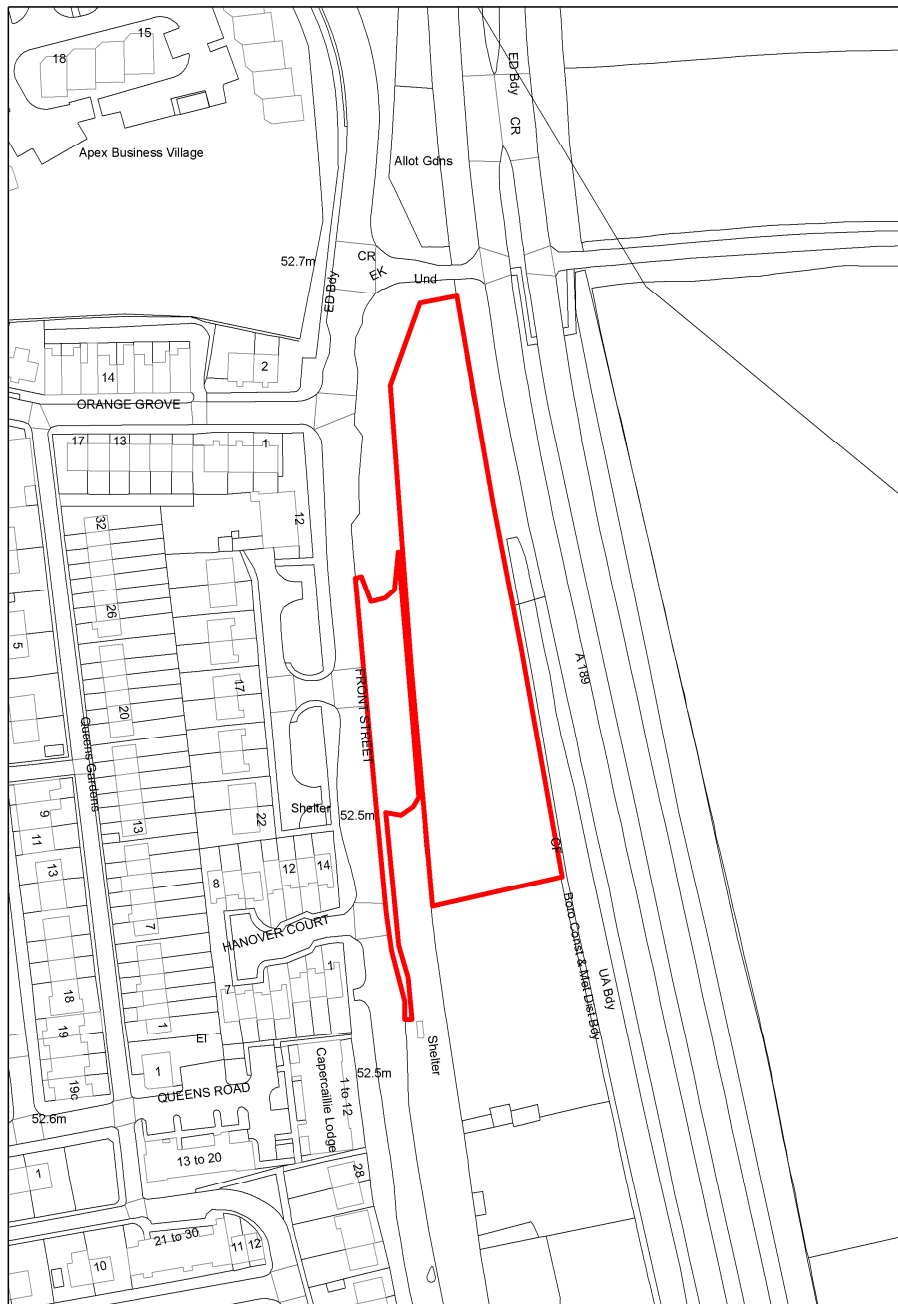
Conditions/Reasons

1. The proposed development would result in the loss of open space which is contrary to the site's designation in the Local Plan. As such the proposed development is contrary to Policies DM5.2 and DM5.3 of the North Tyneside Local Plan (2017) and NPPF.

2. The applicant has provided insufficient information to demonstrate that the development is acceptable in terms of its impact on flood risk and drainage. In the absence of sufficient information, the impact of the development cannot be fully assessed. As such the proposed development is contrary to Policies DM5.12, DM5.13, DM5.14, DM5.15 of the North Tyneside Local Plan (2017) and NPPF.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.



Application reference: 17/01197/FUL

Location: Land East Of, 16 Front Street, Annitsford, NORTHUMBERLAND

Proposal: Development of 10 dwellings on land to the east of Front Street, Annitsford

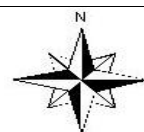
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Date: 09.11.2017

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Appendix 1 – 17/01197/FUL
Item 4

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for the development of 10 dwellings on land to the east of Front Street, Annitsford.

1.3 Parking has been provided in accordance with the standards set out in LDD12 and the highway layout meets current standards in terms of turning areas, pedestrian access and general layout.

1.4 For the above reasons outlined above and on balance we recommend that the application be approved subject to conditions.

1.5 Recommendation - Conditional Approval

1.6 The applicant will be required to enter into a Section 278 Agreement for the following works:

New access
Upgrade of footpaths fronting site
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

Conditions:

ACC11 - New Access: Access prior to Occ
ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 43m by 0.6m)
ACC25 - Turning Areas: Before Occ
PAR04 - Veh: Parking, Garaging before Occ
REF01 - Refuse Storage: Detail, Provide Before Occ
SIT07 - Construction Method Statement (Major)
SIT08 - Wheel wash

No development shall commence until a revised scheme to provide a turning area for a refuse vehicle has been submitted to and approved in writing by the Local Planning Authority. This turning area shall be laid out in accordance with the approved plans and retained thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

Informatives:

- I05 - Contact ERH: Construct Highway Access
- I07 - Contact ERH: Footpath/Bridleway X's Site
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

The 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.

1.7 Local Lead Flood Authority

1.8 This application is for the development of 10 dwellings on land to the east of Front Street, Annitsford. In order to determine the application a Flood Risk Assessment (FRA) and Drainage Strategy will be required, however none have been submitted and for these reasons the application should be refused permission. The applicant should also be made aware that when they carry out a FRA and drainage strategy, they will not be able to connect into the adjacent highway drain as this is a council asset.

1.9 Recommendation - Refusal

1.10 Manager for Environmental Health (Pollution)

1.11 I have concerns with regard to road traffic noise from the adjacent A189 affecting the proposed residential development. The site is open agricultural land located adjacent to Front Street, Annitsford and the A189.

1.12 I have viewed the noise report that has assessed potential noise arising from the road traffic. Noise monitoring was carried out free-field, and it is assumed that monitoring was reflective of ground level noise and not for first floor height. Monitoring was carried out during daytime and for 1 hour during the night period to establish the noise exposure for the development site. The noise monitoring confirmed that the daytime noise exposure is high, in the region of 65.7 dB LAeq for daytime, and 49.6 dB LAeq at night. A 2 m high acoustic barrier has been recommended which will afford limited mitigation for rear gardens to attenuate noise from the road, as the height of the A189 varies from the north to the south of the site. Towards the south the site slopes so that the A189 is slightly elevated. It is not clear from the information provided if the site will be raised so that it will be level with the A189. I would require clarification on the topography of the site to ensure that the height of the acoustic screening provided is adequate. This is to ensure that noise levels in gardens are screened so that the World Health Organisation community noise guidance for outdoor amenity are achieved and the noise levels are below 55 dB LAeq, as this is the level for the onset of serious annoyance. Close boarded fencing will not be considered adequate in ensuring the long term integrity of the acoustic screening. The acoustic screening design must consist of either double boarded fencing or overlapped panels.

1.13 The proposed development site is adjacent to a first priority location for noise action planning under the Environmental Noise Directive, as given in the Implementation of Round 1 for Noise Action Plans for transport related noise. The purpose of the NPPF is that the planning system should contribute to and enhance the natural environment by preventing it from being affected by unacceptable levels of noise pollution. It is clear that if planning consent is to be given to a new housing development it will result in the development being exposed to an area already identified as a first priority area for action to reduce noise exposure levels from the A189 road source. This may potential result in the first priority area being extended to encompass the development at the next round of noise mapping as required under the Environmental Noise Directive. It is therefore important to ensure appropriate mitigation measures are incorporated into the design to protect residential amenity from road traffic noise.

1.14 Habitable bedrooms at first floor level with line of sight to the A189 will be exposed to high noise levels at night, if residents choose to have their windows open they will be subject to sleep disturbance and this will have a significant adverse effect on health and quality of life. Residents will have no choice but to keep the windows closed. Mechanical ventilation will be necessary to provide adequate ventilation to habitable rooms without the need for opening windows.

1.15 If planning consent is to be given I would recommend the following:

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 17-15-511, 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.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Prior to occupation, details of the acoustic screening to be provided to the eastern boundary of the development must be submitted and implemented on approval of the local Planning Authority to attenuate noise from the A189. The height of the acoustic screening must be a minimum height of 2m above ground level of the A189 to achieve the external noise levels specified within noise report reference 17-15-511.

HOU04
SIT03

1.16 Design

1.17 The design and layout of the units respond well to the site and the street scene. The units have a contemporary design appearance which will fit comfortably within the context.

1.18 The location of waste bins is not currently shown on the site plan for all units which should be designed as part of the layout.

1.19 To the north of units 1 – 4 and to the south of units 9 – 10 there should be a hedge or woodland edge. This is required to soften the edges of the development and avoid stretches of close boarded fencing. Landscaping should also be included to the side of plot 10 to detract from a blank ground floor side elevation. The requirements above can be addressed by condition of a landscape plan.

1.20 Recommended conditions include:

- Landscape plan should be submitted which includes planting to the edges of the site.
- No development shall take place until a schedule of samples of all materials has been submitted to the LPA and approved.
- 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 the location and design of waste storage should be submitted to the LPA and approved.

1.21 Landscape Architect

1.22 The main application area is a strip of unimproved grassland between Front Street (east) and the A189 trunk road. The (A189) road has an elevated aspect running along the adjacent (east) boundary of the site, which incorporates a short embankment area within the curtilage of the highway formation. The embankment area hosts a number of both solitary and avenue groupings of semi-mature trees along its length. There are also sporadic groupings and solitary trees in and around the (north and south) boundary of the site area.

1.23 The main residential settlement of Annitsford is located immediately to the west of the application site and large tracts of open aspect agricultural land to the east. The immediate area is serviced by the (above) local road system, which link to the A19 and the wider area.

1.24 There are existing solitary and groupings of trees, which are an important asset, within the context of the local community in and around the perimeter of the proposed site, which will need protection during the course of the works.

1.25 The applicant should provide (on condition) an Arboricultural Impact Assessment (AIA), by an appropriate professional, which should contain a survey of all existing trees and shrubs and also immediately adjacent trees and shrubs (on other land), which may be affected by the proposed construction works. The assessment should be submitted prior to the works on site commencing and also contain a Method Statement (MS) detailing how the construction methods will safeguard the essential root systems of adjacent trees and their canopies and trunk areas.

1.26 A detailed Landscape Design element should be considered (on condition) in terms of the disturbance and/or clearance works, in relation to the landscape development of the new facility and its adjacent area(s). This may consist of contributing additional elements to the existing tree structure* of the area/or its attendant hedgerow and shrub elements and a landscape plan should be submitted to this end concerning the external areas.

* Landscape proposal and species should complement the development and existing landscape in terms of species type and eventual scale.

1.27 The applicant should consider a submission (on condition) including a plan detailing a dimensioned line, which shows the extent of any protective fencing works necessary in relation to the existing landscape structure. This should not only protect the tree and shrub roots within the applicant's working area but also trees and shrubs existing in adjacent and/or adjoining areas. The applicant's contractor should also record these protection measures and how they would be executed and maintained, and also a strategy for carrying them out in a potential Construction Works Method Statement (MS).

1.28 Any potential 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.

1.29 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.

1.30 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).

1.31 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.

1.32 Ecology Officer

1.33 The above application is for the development of 10 dwellings on land to the east of Front Street. The area of land is within a designated wildlife corridor and consists predominantly of arable land with native tree and scrub around the boundaries of the site.

1.34 The scheme will result in the loss of the majority of the arable land which is of low ecological value but will retain trees and scrub within and around the site boundaries.

1.35 Along the western verge of the site, a wildflower meadow area was identified along the bankside as part of the Preliminary Ecological Appraisal (PEA) and this should be retained as part of the scheme.

1.36 The site is within 500m of a known great crested newt (GCN) breeding pond (Annitsford Pond) and whilst there is a low risk of GCN being present on site due to distance from the pond and the presence of the B1505 (Front Street), works on site should be undertaken to a GCN working method statement to address any potential residual impacts.

1.37 A fully detailed landscape scheme should also be submitted that should include native trees and shrubs as part of the scheme.

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

- A detailed landscape plan for the scheme must be submitted to the Local Authority for approval prior to development commencing. Planting should include a range of native trees and shrubs for biodiversity.

- Existing tree and scrub planting around the site boundaries must be retained and adequately protected during all construction works. Details of tree protection measures to be submitted to the Local Authority for approval prior to development commencing.

- A pre-construction checking survey for badger will be undertaken prior to development commencing and submitted to the Local Authority prior to development along with an appropriate mitigation strategy (where required).

- Site clearance and construction works will be undertaken to an appropriate Amphibian Working Method Statement. Details to be submitted to the Local Authority for approval prior to development commencing.

- 4no. bird nesting boxes to be provided in suitable locations within the development. Details of nest boxes and locations to be submitted to the Local Authority for approval prior to development commencing.

- 2no. bat boxes/features to be provided in suitable locations within the development. Details of bat features and locations to be submitted to the Local Authority for approval prior to development commencing.

- Vegetation removal will not take place during the bird nesting season (March-August inclusive) unless a survey by a suitable qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing.

1.39 Contaminated Land Officer

1.40 The following should be attached to the application:

GAS 06

CON 01

2.0 Representations

2.1 None

3.0 External Consultees

3.1 The Coal Authority

3.2 The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

3.3 The Coal Authority Response: Material Consideration

3.4 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

3.5 The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth.

3.6 The planning application is supported by a Coal Mining Risk Assessment Report, dated September 2017 and prepared by FWS Consultants Ltd. This report has been informed by an appropriate range of sources of information including; BGS maps, coal seams plans and a Coal Mining Report.

3.7 Having reviewed the available coal mining and geological information the authors of the Coal Mining Risk Assessment are able to conclude that in their professional opinions the risk to the site of unrecorded coal mine workings is low and no stabilisation measures are necessary in this respect.

3.8 The Coal Authority Recommendation to the LPA

3.9 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

3.10 Northumbrian Water

3.11 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

3.12 Having assessed the proposed development against the context outlined above we have the following comments to make:

3.13 The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

3.14 How To Satisfy The Condition

3.15 The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

3.16 If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

3.17 Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

3.18 Police Architectural Liaison Officer

3.19 I have looked at the Design and Access statement, and other attached documents and also looked at the crime and incidents reported to police for this area. In my opinion I consider this to be a LOW crime risk area at this time.

3.20 It is a bit disappointing but not unusual for there to be no mention of security either for the site in general or for the individual units. If I had been asked prior to submission of this application I would have advised that the scheme be built to the Police approved security scheme Secured by Design (SBD) in an effort to ensure that crime prevention could be considered and that the opportunities for crime to be committed are reduced.

Item No: 5.5
Application No: 16/01201/FUL
Date valid: 20 April 2017
Target decision date: 20 July 2017
Author: Julia Dawson
☎: 0191 643 6314
Ward: St Marys

Application type: full planning application

Location: Land South Of, Earsdon Road, Shiremoor, NEWCASTLE UPON TYNE,

Proposal: Proposed use of land for car boot fair Sundays and Bank Holidays. Mid March - 31st October. Provide one metal container (temporary) to house toilets (to be removed outside the above dates). (ADDITIONAL INFORMATION UPLOADED 09.10.2017 - Soils Investigation Report and Appendices)

Applicant: Nobles Promotions Ltd, FAO Mr John Noble 22 Beech Court Langley Park Durham DH7 9XL

Agent: Mr Neale Richardson, Tyre Spot House Drum Road Chester-le-Street Durham DH3 2AF

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issue is whether the proposed use of the site as a car boot fair is acceptable and the impact that this would have upon the site and the surrounding area having regard to the:

- Principle of development
- Impact on amenity
- Impact on wildlife corridor and landscape features
- Impact on highways
- Other matters including impact on ground conditions and archaeology

1.2 Members need to consider whether the proposed use of the site is acceptable having regard to the issues above.

2.0 Description of the Site

2.1 The site to which the application relates is a triangular shaped area of agricultural land located to the south east of the A186 in Shiremoor. The land is bordered along its northern boundary by the A186 and to the immediate southern/western/eastern boundaries by open agricultural land. Beyond this to

the east is the residential area of Wellfield. On the opposite side of the A186, to the north, is Earsdon Village, and beyond the fields to the south west are residential properties in Shiremoor. The site itself is positioned approximately 1.5m below the level of the grass verge and public footpath adjacent to the A186, and is enclosed along the remaining boundaries by hedgerows.

2.2 The site is located within a contaminated land buffer zone (historic fill site), a high risk Coal Authority referral area, a site of archaeological importance and a designated Wildlife Corridor and the Green Belt (Local Plan 2017).

3.0 Description of the Proposed Development

3.1 The proposal relates to a change of use of the land to allow for car boot fairs to be held on Sundays and Bank Holidays between mid March and 31st October each year. One metal container will be positioned on the land (to store portaloos), but this will be removed outside these dates.

4.0 Relevant Planning History

4.1 84/00338/FUL - Restoration of waste land to agricultural use – Approved 06.03.1984

4.2 13/00017/FUL – Proposed change of use to operate car boot fair. Between end of March and end of October (Sundays and Bank Holidays) including the erection of one metal container to house toilet facilities – Withdrawn 14.02.2013

4.3 Adjoining land to south/south west:

16/00964/FUL - Formation of a drainage earth mound to retain run-off surface water in heavy rainwater flooding events. Associated works comprising of the regrading of an existing ditch and the installation of a piped drainage section through the earth mound connecting into the ditch – Approved 23.08.2016

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)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues in this case are

- Principle of development;

- Impact on amenity
- Impact on wildlife corridor and landscaping
- Impact on highways
- Other issues including ground conditions and archaeology.

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

8.0 Principle of Development

8.1 The NPPF sets out the overarching roles that the planning system ought to play and sets out core land-use planning principles which should underpin both plan-making and decision-taking. These 12 principles are that planning should (amongst other matters) encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions.

8.2 The application site is within the Green Belt. One of the 12 core planning principles is to protect the Green Belt. Paragraph 79 of NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

8.3 Paragraph 80 of NPPF states that the Green Belt serves five purposes;

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.4 Paragraph 87 of NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances, and paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, except where amongst other matters, the redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

8.5 Policy S1.5 'The Green Belt' of the Local Plan states that the Green Belt;

a. Checks the unrestricted spread of the built-up area of North Tyneside.

b. Prevents the merging of the following settlements:

- Killingworth with Wideopen Dudley/Annitsford and Seghill;
- Seaton Burn and Dudley with Cramlington;
- Shiremoor/Backworth with Seghill and Seaton Delaval/Holywell;
- Shiremoor with Wellfield/Earsdon; and,
- Whitley Bay with Seaton Delaval/Holywell and Seaton Sluice.

c. Maintains the separate character of:

- Seaton Burn;

- Wideopen/ Brunswick Green;
- Dudley/Annitsford; and,
- Earsdon.

- c. Assists in the regeneration of the older parts of the urban area.
- d. Safeguards the Borough's countryside from further encroachment and maintains openness.

8.6 DM1.6 'Positive uses within the Green Belt' states that proposals that are not inappropriate to the Green Belt, particularly those offering increased or enhanced access to the open countryside and that provide opportunities for beneficial use as a biodiversity resource, will be supported where they preserve the openness of the Green Belt and will not harm the objectives of the designation. The Council will not permit additional development where it considers that the cumulative impact of these would be detrimental to the objectives of the Green Belt.

8.7 Policy S1.4 'General Development Principles of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

8.8 The applicant has advised that they have successfully operated a car boot fair for over 24 years on land located approximately 500 metres away. This land was sold and the applicant therefore sought an alternative nearby site on which to operate the car boot fair. The applicant has stated that they have trialled the operation several times at the site without major problems. One objection has been received from a local resident who does not consider that the application site is appropriate for the proposed use, and that a brownfield site would be more suitable for such a use. This objection is noted.

8.9 The application site is located within the designated Green Belt. The proposal does not seek to make any significant alterations to the land itself (i.e. there will be no construction of any permanent building or boundary treatment), albeit the existing accesses into the site will be improved and regularised via the

installation of a strip of hardstanding within either entrance point to enable vehicles to enter the parking area within the site. The parking area itself will be on the northern part of the site adjacent to the A186 and the stalls will be set up in the southern half of the site. The existing post and wire fence will separate the two areas and pedestrian access to the southern part of the site will be gained via the existing gap in the centre of the fence. A temporary container will be located along the south western boundary of the site, within the area which will contain the stalls. The container will house the temporary toilets, will be green in colour and will be removed during the winter months when the car boot fair is not in operation.

8.10 Given the nature of the proposed works it is considered the proposals would not have an adverse impact on the openness or permanence of the Green Belt. The proposed works would not significantly affect the open nature of the land and would not cause significant visual intrusion.

8.11 The proposal will enable a business, which has operated within this area for over 24 years, to continue to operate. The proposed use of the land is an alternative use (to agriculture), which will take place for approximately eight months per year. This is in accordance with the core principles of the NPPF, which encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions. The granting of planning permission in this case will also enable the car boot fair operation to be regularised and for the Local Planning Authority to ensure that its impacts are appropriately controlled and mitigated, i.e. car parking and access, which has been raised as a concern by a local resident.

8.12 Members must determine whether the principle of the proposal is acceptable. Officer advice is that the proposed use will preserve the openness of the Green Belt and will not harm the objectives of the Green Belt designation. This is in accordance with advice in the NPPF and Local Plan policies S1.4, S1.5, and DM1.6.

9.0 Impact on Amenity

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. 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.

9.3 Policy S1.4 General Development Principles states that proposals for development will be considered favourably where it can be demonstrated that

they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

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

9.4 Policy DM6.1 'Design of Development' states that development should provide a good standard of amenity for existing and future residents and users of buildings and spaces.

9.5 Concerns have been raised by a local resident with regard to a detrimental impact on the amenity of residents in Earsdon as a result of people attending the car boot fair leaving waste and verbally abusing residents who have challenged them. These concerns are noted. However, the car boot fair itself is to be held on land located on the opposite side of the A186 to Earsdon Village. The applicant has made provision for removal of the waste from within the site and has advised that whilst stall holders will be responsible for collection and removal of their own waste items, a dedicated team of litter pickers will operate both during and after the car boot fair has closed. All waste will be removed from the field. Any anti social behaviour which takes place outside, or inside, the application site should be reported to the police. The proposed container will be located adjacent to an existing hedgerow within the southern part of the site well away from any residents and will therefore not impact on amenity.

9.6 The Council's Environmental Health Officer has suggested conditions in order to control the hours at which the site is operational and to prevent the use of tannoy's, both of these are in order to protect the amenity of the occupants in the residential areas beyond the adjacent fields and A186.

9.7 Members must determine whether the proposed use is acceptable in terms of its impact on the amenity of surrounding residents. Officer advice is that, due to the location of the application site a significant distance from all surrounding residential properties and adjacent to a main road and open fields, and when taking into account the limited operating times/days of the proposed use, it is not considered that it will result in any significant harm in this respect. This is in accordance with policies S1.4 and DM6.1 of the Local Plan and the NPPF.

10.0 Impact on Wildlife Corridor and Landscape Features

10.1 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

10.2 Policy DM5.7 Wildlife Corridors states that 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.

10.3 Policy DM5.9 Trees, Woodland and Hedgerows states that 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.

10.4 The application is located within a designated wildlife corridor. It is agricultural land bounded by open fields. Mature hedges, and occasional trees, run along the site boundaries. The Council's Landscape Architect has advised that there is an area of species rich wetland/grassland habitat within the western corner of the site. He has raised no objection to the proposal but has suggested that a condition be attached to the grant of approval to ensure that the vehicular access does not impact on the wetland habitat or the hedgerows and trees, and that no site storage or parking of (plant) vehicles are to be located within the root protection areas of these. The Council's Biodiversity Officer has also raised no objections to the proposal, but has recommended that conditions be attached to ensure that the grass is mown to deter nesting birds during breeding season and also for a badger checking survey.

10.5 The Landscape Architect has also raised a concern that the existing location of the container on the site (adjacent to the post and wire fence) is visually intrusive to the landscape character. This point is noted. However, notwithstanding the existing location (this container has been there for several years and it is not clear that it is related to the proposed use), the proposed plan shows that the proposed container will be located adjacent to an existing hedgerow within the western boundary of the site. It will be colour treated in green to help it to assimilate with its surroundings and it will not be a permanent structure. On this basis, it is not considered that it will result in any significant harm to the landscape character or result in a visual intrusion.

10.6 Members must determine whether the proposal is acceptable in terms of its impact on the wildlife corridor and the existing landscape features. It is the advice of Officers that, subject to attachment of appropriate conditions to protect existing trees/hedgerows/habitat, the proposed works are acceptable the scheme is acceptable in these respects and is in accordance with policies DM5.7 and DM5.8 of the Local Plan and the objectives of the NPPF.

12.0 Impact on the Highway

12.1 The National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives. The guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

12.3 The Council's adopted parking standards are set out in LDD12.

12.4 Concerns have been raised by a local resident with regard to the impact of the proposed use on highway safety. These concerns are noted. However, the Council's Highway Network Manager has noted that as part of the application a Traffic Statement and Road Safety Audit have been submitted. The Traffic Statement examined the impact on the network and the Road Safety Audit identified improvements required to make the access and egress safer. He has advised that in order to make the proposal acceptable given its location on a major transport corridor, significant improvements are required for access; however these can be delivered by way of condition and a Section 278 Agreement. These can form part of the conditional approval.

12.5 Members must determine whether the proposal is acceptable in terms of its impact on the highway. It is the advice of Officers that the proposal is acceptable on highway grounds subject to the suggested conditions.

13.0 Ground conditions

13.1 Paragraph 120 of NPPF states 'To prevent unacceptable risks from pollution and land instability, planning policies and 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 of proposed development to adverse effects from 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 land owner'.

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

13.3 The application site is located within a high risk Coal Authority area and a contaminated land buffer zone. However, there will be no construction of buildings. The only ground works which will take place are the installation of two strips of hardstanding for access and a temporary container. The Coal Authority has been consulted and has not submitted any representations in response to the consultation.

13.4 The Council's Contaminated Land Officer has raised no objections, subject to the container being raised above ground level so that its floor is not in contact with the ground.

13.5 Members must determine whether the proposal is acceptable in terms of land stability and contamination. Officer advice is that the proposed development is acceptable in each of these regards.

14.0 Archaeology

14.1 National Planning Policy Framework (NPPF) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to its significance.

14.2 Policy DM6.7 'Archaeological Heritage' states that 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.

14.3 The proposed works will not result in any significant or intrusive ground works or the construction of any buildings on the site. As such, the proposal will not result in any disturbance to any archaeological remains, if there are any, below this site.

13.6 It is Officer advice that the proposal is in accordance with NPPF and policy DM6.7.

15.0 Financial Considerations

15.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

15.2 Economically there would be benefits in terms of the provision of jobs, both via the employment of staff at the site and via the use of site for the stall holders to sell goods to the public.

16.0 Conclusion

16.1 Members must determine whether the proposed use of the application site for a car boot fair with associated parking and a temporary container on Sundays and Bank Holidays between mid March and 31 October each year is acceptable.

16.2 Officer advice is that, subject to conditions, it is considered that the development is acceptable in terms of its impact on the Green Belt, residential amenity, the wildlife corridor and landscape, archaeology and highways. The proposal accords with the advice in NPPF and relevant local plan policies as set out within this report.

RECOMMENDATION: Application Permitted

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

- Left in only arrangement at site access
- Left out only arrangement at site egress
- Advance warning signs on A186 Earsdon Road
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

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 02.03.2016
- Site Location Plan, scale 1:1250, site outlined in red, 12.07.2016
- Site Plan, scale 1:500, 12.02.2012
- Design and Access Statement
- Soils Investigation Report, 2017/17056/A, 2.10.2017, Intersoil Ltd
- Appendices: Soils Investigations Report, 66767, 2.10.2017
- Analytical Test Report (supplementary report to report no.66767)

5.10.2017

- Transport Statement, 116450, September 2016

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. Prior to the first authorised use of the site as a car boot fair, and in accordance with the recommendation set out in the submitted Soil Investigations Report, the approved storage container shall be installed so that it is raised above the ground and the floor of the container shall not be in contact with the ground surface. Thereafter, whilst in situ, the storage container shall be elevated in this way.

Reason: In order to protecting the development from the possible effects of the contamination in accordance with Policy DM5.18 of the North Tyneside Local Plan 2017.

4. Altered Access Access Alt Prior to Occ ACC01 *

5

5. Turning Areas Before Occ ACC02 *vehicles

5

6. Wheel Wash SIT008 *

7. No development shall commence until a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays 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 before the development is occupied and retained thereafter

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.

8. No part of the development shall commence until a scheme including timescales for implementation for the following off site highway works 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:

- Left in only arrangement at site access
- Left out only arrangement at site egress
- Advance warning signs on A186 Earsdon Road
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

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

9. Prior to the commencement of the approved use a scheme to manage refuse collection, including identifying a suitable storage area for collection day shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied and retained thereafter.

Reason: In the interests of highway safety and amenity in accordance with policies DM7.4 and DM7.9 of the North Tyneside Local Plan 2017.

10. No development shall commence until a scheme for the prevention of mud and dust being displaced on the highway 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 and retained thereafter.

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

11. Prior to commencement of the approved development a scaled plan showing the line of demarcation between the vehicle access, pedestrian entry and movement areas within the site and car parking areas and the hedgerows and habitat areas shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the method of demarcation and shall show an appropriate stand off distance from these sensitive areas. The approved details shall be fully implemented prior to commencement of the approved use and retained thereafter.

Reason: In the interests of ecology and landscape protection in accordance with policies DM5.7 and DM5.9 of the North Tyneside Local Plan 2017.

12. No site storage, parking of (plant) vehicles, utilities or drainage are to be located within the root protection area of the habitat, hedgerows or tree(s) or other trees in the area or adjacent to the boundary of the proposed site area and all event activity should conform with BS5837: 2012 Trees in Relation to Construction-Recommendations in relation to protection of existing boundary trees and shrubs. 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: In the interests of ecology and landscape protection in accordance with policies DM5.7 and DM5.9 of the North Tyneside Local Plan 2017.

13. Prior to the commencement of the approved use a plan outlining areas to be regularly mown within the site shall be submitted to and approved in writing by the Local Planning Authority. This shall detail the timing and frequency of the cuts to the improved grassland areas within the site (excluding the wet grassland habitat areas and a 5m edge from the boundary hedgerows and site boundary) which will be regularly mown over the breeding bird nesting period (March-August) to deter ground nesting birds from using the site. The works will thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of ecology in accordance with policy DM5.7 of the North Tyneside Local Plan 2017.

14. Prior to commencement of the approved development a badger checking survey will be undertaken and the details of the survey, along with an appropriate Method Statement, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall only be carried out in accordance with the approved details.

Reason: In the interests of ecology in accordance with policy DM5.7 of the North Tyneside Local Plan 2017.

15. The site shall not be operational and there shall be no activity at the site outside of the hours of 07:30 and 16:00 on any day.

Reason: In order to protect the amenity of the occupants of dwellings within the residential areas to the north and east of the application in accordance with policy DM5.19 of the North Tyneside Local Plan 2017.

17. No sound reproduction equipment which is audible outside the curtilage of the application site shall be operated on the site.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

18. The container as shown on the Site Plan shall be removed from the site outside the months of March to October.

Reason: In the interests of preserving the openness of the Green Belt having regard to Policy DM1.6 of the North Tyneside Local Plan 2017.

19. The use hereby permitted shall only operate on Sundays and Bank Holidays from 1st March to 31st October.

Reason: In the interests of preserving the openness of the Green Belt having regard to Policy DM1.6 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

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

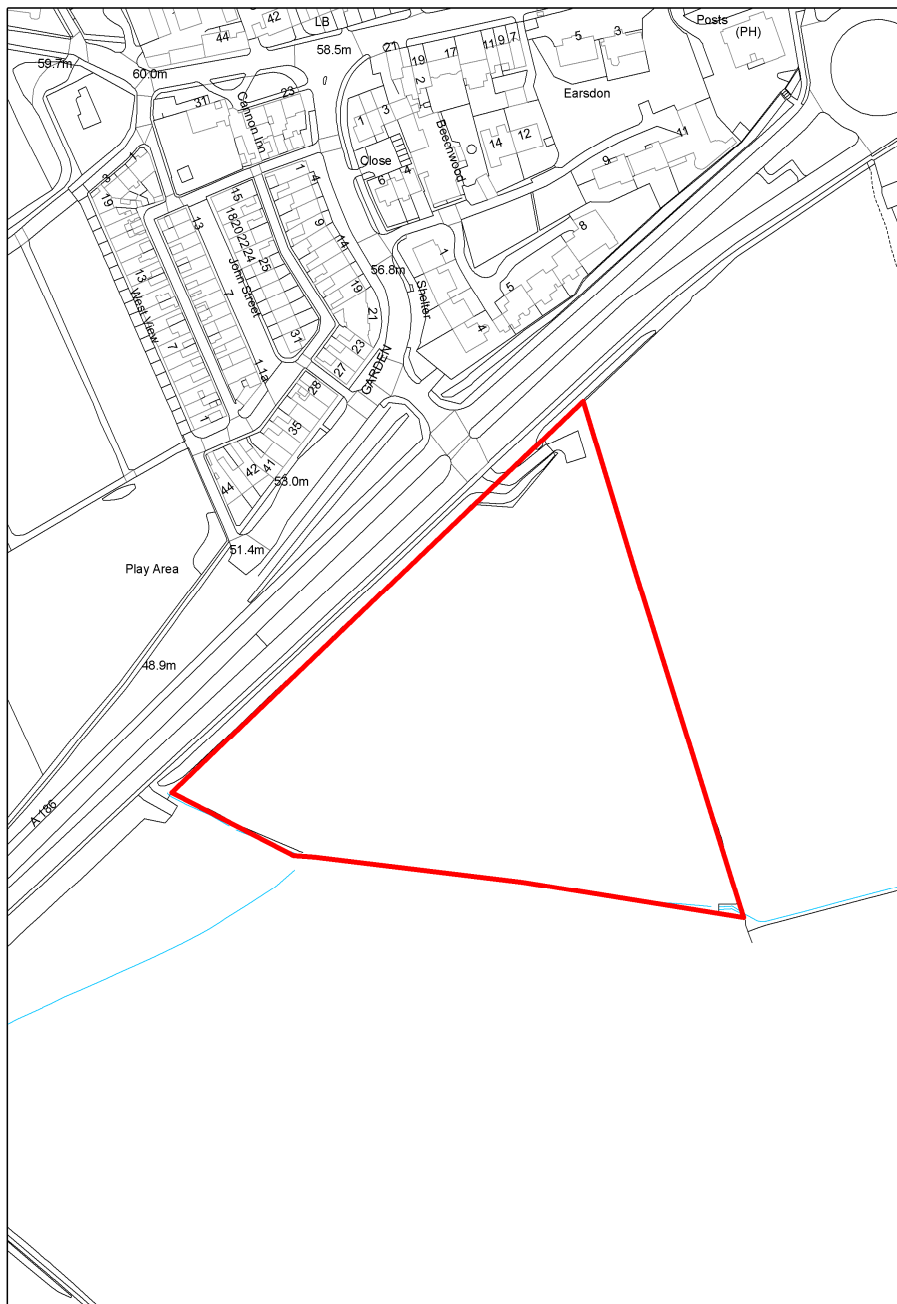
No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

Coal Mining Standing Advice (FUL,OUT) (I44)

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 Rights of Way Officer. Prior to the commencement of works and upon the completion of the development the developer shall contact the 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.



Application reference: 16/01201/FUL

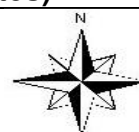
Location: Land South Of, Earsdon Road, Shiremoor, NEWCASTLE UPON TYNE

Proposal: Proposed use of land for car boot fair Sundays and Bank Holidays. Mid March - 31st October. Provide one metal container (temporary) to house toilets (to be removed outside the above dates).

Not to scale

Date: 09.11.2017

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Appendix 1 – 16/01201/FUL Item 5

Consultations/representations

1.0 Representations

1.1 One objection has been received from a resident of Earsdon Village. This is summarised below:

- I was advised from your offices in 2013 that an event could be held 14 times in a year before having to apply for planning permission. This event has exceeded the suggested number every year since, without any questions or intervention by Control.
- The dangers arising from traffic and the alleged control of same still exist, attendees paying no regard to the signs placed by Nobles and exceeding speed limits and right of way on the access roads from early morning onwards. I am surprised there have been no accidents.
- Attendees of the event are parking in the village of Earsdon without consideration to the residents. There are enough parking issues on a Sunday morning without this event. The applicant has placed cones in certain areas; however, this adds to the issues.
- Over the past few years residents have been subject to abuse if they approach individuals over the less than courteous parking or when they leave waste. Summer becomes a time of concern as we deal with these intrusions.
- If the applicant is given free reign to run their events, the quality of life to the local residents takes another dip. It is being rewarded for non compliance. I am sure The Borough has enough Brownfield sites that could house such an event with suitable parking and no disruption to locals to house the event if it has to be ran?

2.0 Internal Consultees

2.1 Highway Network Manager

2.2 This application is for the proposed use of land for a car boot fair Sundays & Bank Holidays - mid March to 31 October, provide one metal container (temporary) to house toilets (to be removed outside the above date).

2.3 As part of the application a Transport Statement (TS) & Road Safety Audit (RSA) have been submitted that assessed the development against the local highway network. The TS examined the impact on the network and the RSA identified improvements required to make the access & egress safer.

2.4 The site is accessed via the A186 Earsdon Road and in order to make the proposal acceptable given its location on a major transport corridor, significant improvements are required for access; however these can be delivered by way of condition and Section 278 Agreement. On balance, conditional approval is recommended.

2.5 Recommendation - Conditional Approval

2.6 The applicant will be required to enter into a Section 278 Agreement for the following works:

- Left in only arrangement at site access
- Left out only arrangement at site egress
- Advance warning signs on A186 Earsdon Road
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

2.7 Conditions:

ACC15 - Altered Access: Access Alt Prior To Occ

ACC25 - Turning Areas: Before Occ

SIT08 - Wheel wash

2.8 No development shall commence until a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays 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 before the development is occupied and retained thereafter

Reason: In the interests of highway safety.

2.9 No part of the development shall be occupied until a scheme for the following off site highway works has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved

- Left in only arrangement at site access
- Left out only arrangement at site egress
- Advance warning signs on A186 Earsdon Road
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

Reason: In the interests of highway safety.

2.10 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 and retained thereafter.

Reason: In the interests of highway safety.

2.11 No development shall commence until a scheme to for the prevention of mud and dust being displaced on the highway 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 and retained thereafter.

Reason: In the interests of highway safety.

2.12 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 dvlpt

2.13 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 Rights of Way Officer.

2.14 Prior to the commencement of works and upon the completion of the development the developer shall contact the 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.

3.0 Contaminated Land Officer

3.1 I have read the Intersoil Environmental Soils Investigation report which states:

3.2 Assuming the car boot sales continue at weekends and conditions remain largely as they are at present, it is difficult to foresee a situation where site users will be exposed to anything more than residual and low levels of contamination, which are not considered of concern. The site surface is fully ventilated and the ground compact. Little methane and low levels of carbon dioxide were recorded. The risk to health from elevated soil gas is considered very low. As an aside, a storage container is present within the site. As a precaution, the client should ensure that it is raised above the ground and that the floor of the container is not in contact with the ground surface.

3.3 Due to the elevated levels of carbon dioxide and depleted oxygen the container on site should be elevated as recommended in the report. With the container elevated I am satisfied that the site can be used for a car boot fair on Sundays and Bank Holidays.

4.0 Landscape Architect

4.1 There is a pocket of wetland/grassland habitat within the western corner of the site and (species rich) mature hedgerows containing occasional trees marking the perimeter of the site boundary. The site is entered from the A186, via a ramped (concrete) access and also a (level) gated entrance, further to the west. Both access points are linked via an internal vehicle track, which also navigates through the habitat area. The village of Earsdon is a designated Conservation Area to the north being divided from the site by the A186 Newcastle to Whitley Bay.

4.2 The applicant should consider marking out the extent of the vehicle and access areas (incorporating appropriate standoff distance) with an appropriate marker system so that the wetland habitat referred to above is not disturbed during vehicle and pedestrian entry and/or exit from the site. The vehicle track navigates through the habitat area and no deviation from the track should take

place so as to cause further disturbance of this environmentally sensitive area. The marker system should also detail, within the context of the parking areas, where this is going to be placed and the extent of the standoff distance in relation to the perimeter hedgerows and trees. The current position of the container within the surrounding open aspect countryside is likely to be visually intrusive to the landscape character and consideration should be given to a more appropriate position within the northern compartment of the site and/or behind the hedgerows adjacent to the A186.

4.3 Suggested conditions:

- A (dimensioned) plan showing the line of demarcation and its distance from both the hedgerows and habitat area is to be submitted for approval. The method of demarcation should also be submitted for consideration and include the location of the container to within the northern compartment of the site and/or behind the hedgerows adjacent to the A186.
- No site storage or parking of (plant) vehicles are to be located within the root protection area of the habitat, hedgerows or tree(s) or other trees in the area or adjacent to the boundary of the proposed site area.
- 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).
- All event activity should conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

5.0 Biodiversity Officer

5.1 The application site is proposed on agricultural land that supports mature hedgerow around the periphery of the site (mainly the northern and south-western boundaries) as well as a small watercourse along the south-west boundary on the south side of the mature native hedgerow. There is also some habitat (semi-improved grassland/wet habitat) in the western corner of the site next to the entrance area to the site. A small access track goes through this area which presumably will be the access for the proposed car boot fairs. The site is within a designated wildlife corridor.

5.2 Ideally, a Preliminary Ecological Appraisal (PEA) should have been undertaken on this land, as its nature (agricultural) means it may have the potential to support ground nesting birds as well as badger. However, the majority of the site looks to consist of improved closely mown grassland and if the site is regularly mown prior to and over the breeding bird nesting period (March-August), this should deter ground nesting birds from using the site. This should be made a condition of the application.

5.3 With regard to badger, whilst it is unlikely this species is using the site, due to the nature of disturbance on site and better quality habitat in the vicinity, a badger checking survey must be undertaken prior to the car boot fairs commencing in March and the results of this survey (in addition to a Method Statement if required) should be submitted to the Local Authority for consideration. This should also be made a condition of the application.

5.4 The mature hedgerows around the site boundaries and habitat in the north-western corner of the site need to be adequately protected whilst the car boot fairs are taking place. Vehicle access, pedestrian entry and movement within the site and car parking areas should be marked out on a plan with an appropriate stand off distance from the sensitive areas of the site (hedgerows and habitat), as set out by the Landscape Architect in his comments.

5.5 In addition to the suggested conditions to protect existing habitat, the following additional conditions should also be attached to the application:-

- Improved grassland areas within the site (excluding the wet grassland habitat areas and a 5m edge from the boundary hedgerows and site boundary) will be regularly mown over the breeding bird nesting period (March-August) to deter ground nesting birds from using the site. A plan outlining the areas to be regularly mown within the site and the timing and frequency of these cuts is to be submitted to the Local Authority for approval prior to development commencing.
- A badger checking survey will be undertaken prior to the scheme commencing and the details of this survey along with an appropriate Method Statement will be submitted to the Local Authority for approval prior to the scheme commencing.

6.0 Environmental Health (Pollution)

6.1 The submission relates to the use of a triangular piece of land for car boot sales on a Sunday and Bank Holiday. I have concerns in relation to vendors arriving early in an attempt to secure a superior trading position. I also have concerns over the use of any tannoys and the affect on local residents.

6.2 Suggested conditions:

- Activities in relation to the business, including setting up, shall be restricted to between 07:30 and 18:00 on any day.
- There shall be no tannoys used in relation to the business.

Item No: 5.6
Application No: 17/01425/FUL
Author: Rebecca Andison
Date valid: 26 September 2017
Target decision date: 26 December 2017
☎: 0191 643 6321
Ward: Wallsend

Application type: full planning application

Location: New Winning Tavern, Church Bank, Wallsend, Tyne And Wear, NE28 7LE

Proposal: Refurbishment and change of use from tavern and attached apartment, to create 10no apartments including two rear two storey extensions, with associated external landscaping works and parking

Applicant: Marine Buildings Ltd., Mr Austin Barnes Marine House Unit 1
Willington Quay Wallsend NE28 6SU

Agent: Design Lines Architects Ltd., Mr Steven Lines 19 John Street Cullercoats
North Shields NE30 4PJ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact upon neighbours living conditions with particular regard to outlook and privacy; and
- whether sufficient parking and access would be provided.

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

2.0 Description of the Site

2.1 The application relates to the New Winning Tavern, which is located on the north side of Church Bank, Wallsend.

2.2 The building was formerly occupied by a public house and landlord's flat but has been vacant for approximately 4 years. It is in a state of significant

deterioration, with boarded up windows and fire damage to the roof space. Dating from 1894, the imposing brick and stone building is included on the Local Register because of its historic significance.

2.3 There is a vehicle access point on the west side of the building, leading to a car park at the rear.

2.4 The site is located approximately 50m to the north east of the roundabout which marks the end of Wallsend High Street. Surrounding the site to the north and west are the playing fields and grounds of Burnside Business and Enterprise College and Hadrian Leisure Centre. To the north east is St Peter's Church and Conservation Area, and to the south/south east is a small commercial unit and a vehicle repair garage, with a predominantly residential area beyond.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to change the use of the building to 10no residential apartments, including two 2-storey rear extensions. 6no 2-bedroom and 4no 1-bedroom apartments are proposed.

3.2 To the rear of the building is an existing 2-storey offshoot and a single storey extension. It is proposed to construct a 2-storey extension to the rear of the existing offshoot, and to partially replace the single storey extension with a 2-storey extension.

3.3 New windows and doors are proposed, including the infilling of an existing doorway and the installation of additional window openings and Juliette balconies in the north east elevation.

3.4 The rear car park would be used to provide 13no parking spaces, a bin store and landscaping. It is proposed to use an overgrown garden on the north east side of the site to provide private gardens for two of the ground floor apartments.

4.0 Relevant Planning History

4.1 14/01578/FUL - Conversion of existing public house into 14no residential dwellings consisting of 5no one bedroom and 9no two bedroom apartments including a three storey flat roofed extension to the side and rear – Application withdrawn

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the character and appearance of the site and the surrounding area;
- the impact upon neighbours living conditions with particular regard to outlook and privacy; 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 the appendix to the report.

8.0 Principle of the Proposed Development

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It 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 re-using land that has been previously developed (brownfield land). However, this is not a prerequisite.

8.2 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.

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

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

8.5 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional

proposals will be considered positively in accordance with the principles for sustainable development.

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

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

8.7 The application site is located within the urban area, and is sited in close proximity to local amenities and public transport. The principle of residential development is considered to be acceptable subject to consideration of the following matters:

9.0 North Tyneside Council Housing Land Supply

9.1 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.

9.2 The most up to date assessment of housing land supply informed by the December 2016 SHLAA Addendum identifies the total potential 5-year housing land supply in the borough at 5,174 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 5.56 year supply of housing land).

9.3 It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan. The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.56 year supply of housing land. However, North Tyneside Council remains dependent upon approval of housing if it is to achieve the level of delivery anticipated and approval of this scheme would support overall achievement of our housing requirement.

10.0 Impact on 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.

10.2 In respect of designated heritage assets the NPPF states that in determining planning when determining the impact on the significance of a heritage asset great weight should be given to the assets 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.

10.3 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.4 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

10.5 At paragraph 137 of the NPPF it states:

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

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

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

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

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

h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

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

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

10.10 The Council has produced an SPD on Design Quality, it states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness generated. It also states that all new buildings should be proportioned to have well-balanced and attractive external appearance.

10.11 LDD 9 Local Register of Buildings and Parks SPD states that proposals for works affecting Locally Registered buildings should ensure that they respect the architectural quality, character and interest of the building by taking into account the design, appearance and architectural features of the building. The materials used should be appropriate to the age and style of the building.

10.12 The application site comprises a Locally Listed Building, which according to the NPPF is a non-designated heritage asset. It is located 50m from the boundary of St Peter's Conservation Area and the Grade II* listed St Peter's Church. The site is located on a busy highway at the entrance to Wallsend town centre.

10.13 The building has been vacant for over 4 years and is in a very poor state of repair. The windows and doors are boarded up and the roof space has been damaged by fire. Its current condition is harmful to the setting of the adjacent conservation area and listed building, and detracts from the streetscene.

10.14 The proposal would bring significant benefits to the building by securing its future use and restoring the external elevations. It would safeguard the heritage asset from further deterioration, while enhancing the setting of the nearby conservation area and listed building.

10.15 Notable benefits include the reinstatement of windows in the existing boarded openings, repainting the north east elevation and improvements to the building's curtilage.

10.16 It is proposed to construct a 2-storey extension to the rear of the existing rear offshoot. The proposed extension generally reflects the appearance of the existing offshoot, but the pitched roof would have a gable end rather than a hip.

The materials include brick to match the existing building, slate to the roof and an artstone water table. The north east elevation features a 2-storey bay window and Juliette balconies.

10.17 A second 2-storey extension is proposed in place of an existing single storey rear extension. The extension would have a steeply pitched slate covered roof and requires an existing gable projection to be removed from the roof.

10.18 The proposed extensions would not impact on the most significant front elevation of the building, and in officer opinion they are of an acceptable size and design.

10.19 Upvc windows with artstone heads and cills are proposed throughout the building. New windows in the main south east elevation would have decorative stone surrounds to match the existing building.

10.20 Timber windows would be more appropriate given the age and historic significance of the building, and in officer opinion the use of upvc windows would result in some harm to the heritage asset. However in accordance with the NPPF this harm must be balanced against the public benefits of the proposal. In this case the benefits of restoring the building and securing its future use are considered to be significant. In officer opinion these benefits outweigh the harm that would be caused through the use of upvc windows. A condition is recommended to control the detailed design of the windows in order to ensure that high quality windows with slim frames are provided.

10.21 The Landscape Architect has commented and notes that there are a number of trees and shrubs along the boundaries of the car park which make an important contribution to visual amenity. She advises that the trees are likely to require pruning to facilitate access for construction vehicles. She recommends that full details of any pruning works and an Arboricultural Impact Assessment should be submitted. A detailed landscape scheme and tree protection measures will also be required. These matters can be controlled by condition.

10.22 It is officer opinion that the development would enhance the Locally Listed Building and the setting of the nearby conservation area and listed building. It would also benefit the wider area by bringing a vacant, derelict site at the entrance to Wallsend town centre into use.

10.23 Members need to determine whether the proposed development would be acceptable in terms of its character and appearance upon the site and on the surrounding area. It is officer opinion that the impact would be acceptable.

11.0 Impact on Residential Amenities

11.1 NPPF paragraph 123 states 'Planning policies 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 new development, including through conditions; recognise that development will often create some noise and existing business wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in

nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason’.

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

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

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

11.5 The application site is located adjacent to the A193 and Burnside Business and Enterprise College. The closest existing residential properties are located approximately 35m to the south east, on the opposite site of Church Bank.

11.6 Given the separation distance between the application site and existing residential properties, it is not considered that the conversion of the existing building to residential use would have any adverse impact on adjacent occupiers.

11.7 The Manager of Environmental Health has commented and raises concern regarding the impact of traffic noise from the adjacent highway on the amenity of future residents. She notes that the submitted noise report has established that the noise exposure at the façade of the building is very high, and states that a good level of sound attenuation will be required to achieve acceptable internal noise levels. She advises that an alternative source of ventilation would be required for habitable rooms located at the front of the building to ensure residents do not have to resort to opening windows. She also recommends that a solid wall will be required to mitigate the impact of traffic noise on the two gardens.

11.8 It is officer opinion that the impact of noise on the amenity of future residents could be addressed through the impositions of conditions to control the glazing and ventilation details, and to address the impact of noise on the garden areas.

11.9 Room sizes within the development are considered to be acceptable, and the main habitable rooms are served by windows to provide acceptable standards of light and outlook.

11.10 Only two of the apartments would have private gardens and no communal outdoor amenity space is proposed. This is considered to be acceptable when taking into account that the site is within walking distance of a large area of public open space adjacent to Wallsend Burn, and that the development comprises 1 and 2-bed apartments, which are unlikely to be occupied by families.

11.11 Members need to consider whether the impact on the residential amenity of existing and future residents is acceptable. It is officer advice that impact on residential amenity is acceptable subject to the imposition of conditions as recommended by the Manager of Environmental Health.

12.0 Car Parking and Access

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

12.5 The Council's adopted parking standards are set out in LDD12 'Transport and Highways'.

12.6 The development contains 6no 2-bed units and 4no 1-bed units. 10no parking spaces and 3no visitor spaces are proposed.

12.7 The Highway Network Manager has provided comments. He notes that the level of parking complies with the maximum parking standards set out in LLD12, and that the car park would be accessed via the existing entrance. He recommends that the application should be approved subject to conditions to control the detailed parking layout, the refuse storage and collection details and requiring secure cycle parking.

12.8 Taking the above factors into account, in officer opinion the impact on the highway network is acceptable.

12.9 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and LDD12 and weight this in their decision.

13.0 Other Matters

13.1 Flooding

13.2 The National Planning Policy Framework 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.

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

13.4 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.

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

13.6 Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

13.7 The site is in Flood Zone 1 (the lowest risk of flooding), and the majority of the site is already covered by hard surfacing. It is proposed to retain and upgrade these areas, and provide a small amount of additional soft landscaping. Foul and surface water would discharge into the public sewage system, as existing.

13.8 Northumbrian Water has been consulted and raises no objections.

13.9 The Council as Local Lead Flood Authority has been consulted and raises no objections subject to a condition to control the details of a surface water management scheme.

13.10 Subject to this condition it is considered that the proposal would accord with the flooding advice in NPPF.

14.0 Biodiversity

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

14.1 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 in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity where possible, contribution to the Government's commitment to halt the overall decline in biodiversity.

14.2 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.

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

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

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

14.5 The applicant has submitted a bat survey which concludes that the site is of low value to bats. No roosting bats were found to be utilising the buildings, and only low levels of foraging activity (1-2 bats) were recorded during activity surveys of the surrounding habitat. The report suggests that a bat box could be installed on the northern extension to provide roosting opportunities for bats improve the biodiversity value of the site.

14.6 It is officer opinion that the impact on biodiversity is acceptable subject to the imposition of a condition requiring that a bat box is provided.

15.0 S106 Contributions

15.1 NPPF states that pursuing development requires careful attention to viability. To ensure viability, the costs of any requirements likely to be applied to developments 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 complete returns to a willing land owner and willing developer to enable the development to be deliverable.

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

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

15.3 The Council's adopted SPD on Planning Obligations LDD8 states that planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality environment where people, choose to live, work, learn and play.

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

15.5 Policy DM4.7 Affordable Housing of the Local Plan states that the Council will seek 25% of new homes to be affordable, on new housing developments of 11 or more dwellings and gross internal area of more than 1000m², taking into consideration specific site circumstances and economic viability.

15.6 According to Policy DM4.7, there is therefore no requirement for affordable housing to be provided on this site.

15.7 Consultations have been carried out with the relevant service providers and no S106 contributions have been sought.

16.0 Local Financial Considerations

16.1 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).

16.2 The proposal involves the creation of 10no new dwellings. The Government pays New Homes Bonus to local authorities to assist them in costs associated with housing growth and payments were first received in the financial year of 2011/12. These payments are based on net additions to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use and the provision of affordable homes. Granting planning permission for new dwellings therefore increased the amount of New Homes Bonus, which the Council will potentially receive.

16.3 As the system currently stands, for North Tyneside for the new increase in dwellings built 2016/17, the council will receive funding for six years. However, the Secretary of State has confirmed that in 2017/18 New Homes Bonus payments will be made for five rather than six years and that the payment period will be reduced again for the years 2018/19.

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

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

17.0 Conclusion

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

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

17.3 The proposed development would bring significant benefits to the character of the area, the Local Register Building and the setting of nearby designated heritage assets through the development of a derelict site and the provision of additional homes. The proposal is considered to be acceptable in terms of the impact upon neighbours, the character and appearance of the area, designated heritage assets and the highway network.

17.4 In conclusion, subject to conditions, it is recommended that planning permission should be granted.

RECOMMENDATION: Application Permitted

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

- Site plans 100 A1
- Elevations as proposed 1 of 2 105 A1
- Elevations as proposed 2 of 2 106 A1
- Floor plans as proposed 102 A1

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. | Restrict Hours No Construction Sun BH | HOU00
4 | * |
| 4. | Restrict Hours No Demolition Sun BH | HOU00
5 | * |
| 5. | Construction Method Statement - Minor | SIT006 | * |

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.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user having regard to policy DM7.4 of the North Tyneside Local Plan 2017.

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.

Reason: In the interests of highway safety having regard to policy DM7.4 of

the North Tyneside Council Local Plan (2017).

10. Notwithstanding Condition 1, prior to occupation of the development details of facilities to be provided for the storage of refuse at the premises and a refuse management scheme, to include a suitable storage area for collection day, must be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy DM7.9 of the North Tyneside Local Plan 2017.

11. Prior to construction of any part of the development hereby approved above ground level, a noise scheme to address road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include details of the window glazing, in accordance to noise report reference DL/NW/001, to be provided to habitable rooms in order to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A), and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines. Thereafter the noise scheme shall be implemented in accordance with the agreed details prior to occupation of the development

Reason: To safeguard the occupiers of development from any discomfort or loss of amenity in accordance with policy DM5.19 of the North Tyneside Local Plan 2017.

12. Prior to construction of any part of the development hereby approved above ground level, a ventilation scheme, to ensure an appropriate standard of ventilation with windows closed, must be submitted and approved in writing by the Local Planning Authority. Where the internal noise levels specified in BS8233 are not achievable, with windows open, due to the external noise environment, an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Thereafter the scheme shall be implemented in accordance with the agreed details prior to occupation of the development.

Reason: To ensure an appropriate standard of ventilation for new residents in accordance with policy DM5.19 of the North Tyneside Local Plan 2017.

13. Prior to occupation of the development a detailed scheme of noise mitigation for the private garden areas for the ground floor apartments must be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the noise levels from road traffic noise are below the WHO guidance level of 55 dB(A) for outside areas. Thereafter the scheme shall be implemented in accordance with the agreed details prior to occupation of the development

Reason: To ensure an appropriate standard of ventilation for new residents in accordance with policy DM5.19 of the North Tyneside Local Plan 2017.

14. Prior to the occupation of the development a fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with these agreed details. The agreed landscaping shall be planted in accordance with these details within the first planting and seeding seasons following the commencement of development. Any trees or plants which, 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 regard to policy DM5.9 of the North Tyneside Local Plan 2017.

15. No vegetation removal shall take place in the bird nesting season (March-August) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds and the results have been submitted to and approved in writing by the Local Planning Authority.

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

16. Prior to occupation of the development 1no Schwegler 2FE Wall-mounted Bat Shelter must installed on the north elevation of the development. Details of the location of the bat box must be first submitted to and agreed in writing by the Local Planning Authority.

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

17. Prior to the commencement of any site clearance works or development there shall be submitted to the Local Planning Authority for their approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chestnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread.

No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- a) There shall be no changes in ground levels;
- b) No materials or plant shall be stored;
- c) No buildings or temporary buildings shall be erected or stationed;
- d) No materials or waste shall be burnt;
- e) No drain runs or other trenches shall be dug or otherwise created,

without the prior written consent of the Local Planning Authority, and

f) In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

Reason: This information is required pre development to ensure that trees and hedges are adequately protected from damage from the start of development; having regard to policy DM5.9 of the North Tyneside Local Plan.

18. There shall be no site storage or parking of (plant) vehicles within the root protection area of any tree within the site or adjacent to the boundary of the site. No utilities or drainage should be located within the root protection areas of the 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).

Reason: To ensure that trees and hedges are adequately protected from damage; having regard to policy DM5.9 of the North Tyneside Local Plan.

19. Tree work to accord with BS3998 TPO00 *
2

20. Prior to the commencement of any site clearance works or development an Arboricultural Impact Assessment (AIA) must be submitted to and approved in writing by the Local Planning Authority. The AIA must include a survey of all existing trees and shrubs within the site and adjacent to the site boundaries, which may be affected by the construction works, details of any pruning work that is required and a method statement detailing how the construction methods will safeguard the essential root systems of adjacent trees and their canopies and trunk areas. Thereafter the development hereby permitted shall only be carried out in accordance with that scheme.

Reason: This information is required pre development to ensure that trees and hedges are adequately protected from damage from the start of development; having regard to policy DM5.9 of the North Tyneside Local Plan.

21. Notwithstanding Condition 1, prior to the construction of any dwelling above damp proof course a detailed scheme for the disposal of surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the details hereby approved have been constructed and thereafter permanently retained.

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

22. Contaminated Land Investigation Housing CON00 *
1

23. Gas protection measures for householder GAS00 *
5

24. Notwithstanding any indication of materials which may have been given in the application, prior to the construction of any part of the development hereby approved above ground level a schedule and/or samples materials and finishes for the development and all surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

25. Notwithstanding condition 1, prior to the occupation of any part of the development hereby approved details of all screen and boundary walls, fences and any other means of enclosure 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.

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 and DM6.6 of the North Tyneside Local Plan 2017.

26. All rooflights must be flush fitting and their design must be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter the development shall be carried out only in accordance with approved details.

Reason: To ensure a satisfactory appearance having regard to Policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

27. Notwithstanding the details shown on the approved plans prior to the construction of any part of the development hereby approved above ground level full details of the design and finish of all new windows and doors must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the windows must be set back within the reveal. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

28. Prior to the installation of any external features, including alarm boxes, metre boxes, flues and vents and satellite dishes, full details of their appearance and location must submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance having regard to Policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

29. No works shall commence on the building before a photographic survey of the building, including referenced plans, has been submitted to and approved in writing by the Local Planning Authority. The photographic survey shall show the nature, design and historical context of the walls, floors, ceilings, staircases and any historic features such as any pub fittings, cornices, doors, windows, window reveals, panelling, tiling, balustrading, dado rails and skirtings. The images should be taken at high quality and submitted as jpegs or tiffs on CD.

Reason: To ensure that an archive record is made of the historic building in accordance with paragraph 141 of the National Planning Policy Framework.

30. The development shall take place in accordance with the 'Mitigation and Compensation Strategy' section of the Bat Survey Report.

Reason: To ensure that local wildlife populations are protected in the

interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

31. Prior to occupation of the development 4no. bird boxes (hole nesting and open fronted) must be provided on appropriate trees within or immediately adjacent to the site. Details of the bird box specifications and their locations must be first submitted to and agreed in writing by the Local Planning Authority.

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

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)

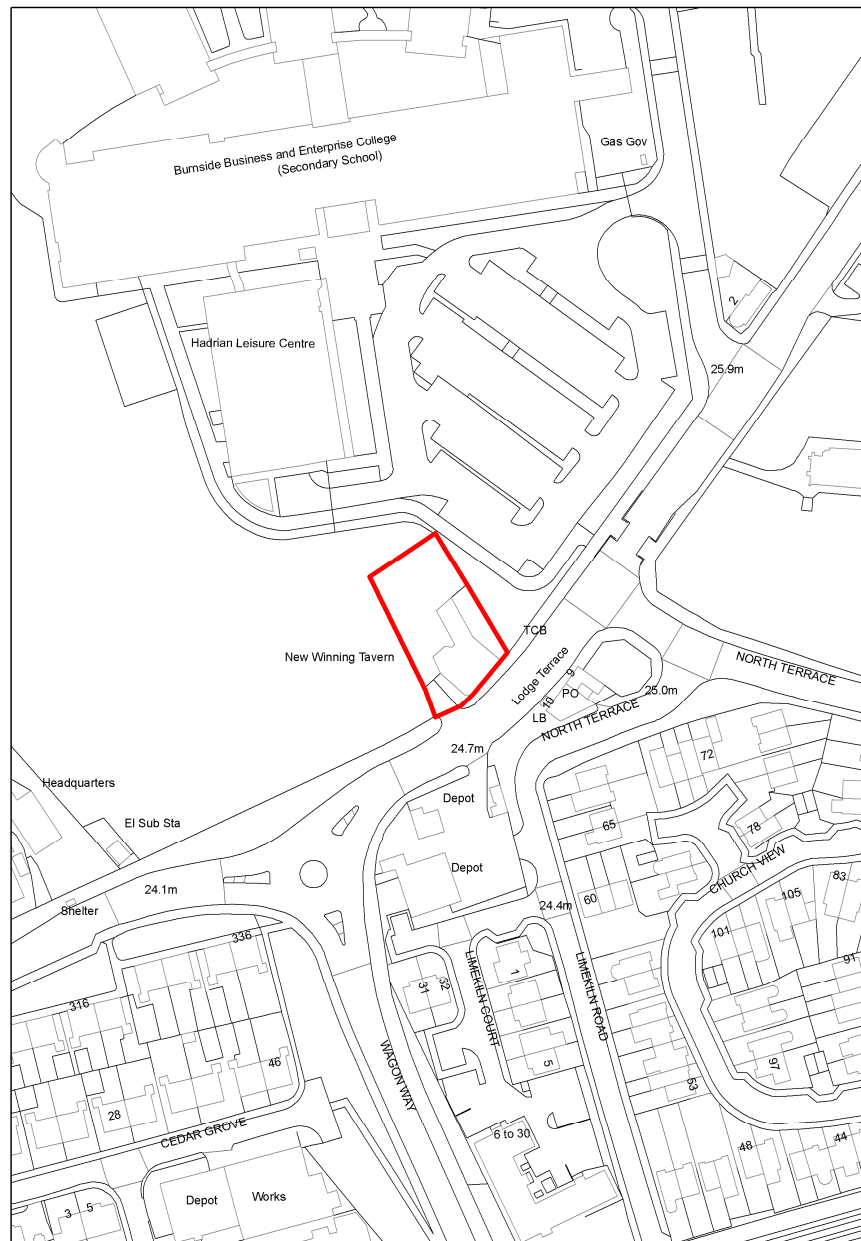
Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpmt (I46)

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.



Application reference: 17/01425/FUL

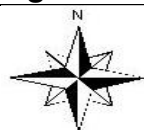
Location: New Winning Tavern, Church Bank, Wallsend, Tyne And Wear

Proposal: Refurbishment and change of use from tavern and attached apartment, to create 10no apartments including two rear two storey extensions, with associated external landscaping works and parking

Not to scale

Date: 09.11.2017

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Appendix 1 – 17/01425/FUL
Item 6

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the refurbishment and change of use from tavern and attached apartment to create 10 apartments including a rear two-storey extension with associated external landscaping works and parking. The site is accessed via the existing access and parking has been provided in accordance with current standards. For these reasons, conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

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

SIT06 - Construction Method Statement (Minor)

No development shall commence until a revised parking scheme showing parking bays minimum dimensions of 2.4m by 4.8m with 6.0m reversing distance has been submitted to and approved in writing by the Local Planning Authority. These bays shall thereafter be laid out in accordance with the approved plans.
Reason: In the interests of highway safety.

No development shall commence until a scheme for the provision of secure undercover cycle parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.
Reason: In the interests of highway safety.

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.

1.5 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

The 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.

1.6 Manager of Environmental Health (Pollution)

1.7 I have concerns with regard to road traffic noise from Church Bank road affecting the quality of life for residents of the proposed residential development.

1.8 I have viewed the noise report that has considered road traffic noise and established that the noise exposure at the facade of the proposed residential property is very high. The daytime assessment confirms that the 16 hour equivalent background noise level from road traffic noise is 73 dB LAeq and 69 dB LAeq. The night time assessment indicates that the noise levels from road traffic will be 5 dB less than the daytime level.

1.9 Defra guidance on Action Plans for the National Noise Maps, produced to meet the requirements of the Environmental Noise (England) Regulations 2006, states that exposure to high road traffic noise levels can result in having a significant adverse impact on health and quality of life. I have concerns that the proposed conversion of the existing public house to residential apartments is in an area with high road traffic noise exposure and will therefore require a good level of sound amelioration to achieve internal noise levels to meet the requirements of BS8233 for habitable rooms. Residents of the proposed apartments will not be able to leave windows open without being exposed to the high road traffic noise. An appropriate source of ventilation will need to be provided as indicated within the report, such as mechanical ventilation or whole building MVHR. This will be necessary to ensure residents do not have to resort to opening windows for those habitable rooms located to the front of the properties.

1.10 It is noted from the application layout plans that two garden areas are to be provided for the ground floor apartments. It is proposed to retain the existing 2.4m high boundary wall, but it is unclear what the wall structure is. It will be necessary for this wall to be a solid structure to mitigate road traffic noise for the outdoor amenity space to ensure the noise levels of <55 dB LAeq, specified within the world health organisation guidance for community noise level for outside space are met.

1.11 If planning consent is to be given the following conditions will be necessary:

Submit and implement on approval of the local Planning Authority a noise scheme providing details of the window glazing, in accordance to noise report reference DL/NW/001, to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, we expect that alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system must be provided that addresses

thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Submit and implement on approval of the Local Planning Authority a detailed scheme for the private garden areas for the ground floor apartments to ensure the noise levels from road traffic noise are below the WHO guidance level of 55 dB(A) for outside areas.

HOU04
SIT03

1.12 Landscape Architect

1.13 The application property and associated rear car-park area have a number of semi-mature trees and shrubs bordering and flanking its perimeter along the north and western perimeter of the parking area. This tree group also links with an avenue located to the rear of the footway adjacent to Wallsend High Street/Church Bank (A193) carriageway. The trees form a significant local grouping and landscape feature, which contribute to the landscape amenity value of the existing streetscape and surrounding public open space, residential housing and school facility. The trees and shrubs are also visible from many viewpoints and streets in and around the immediate and wider vicinity, and also form visual outliers to the larger mature tree group within the St Peters Conservation Area.

1.14 The trees occupying the perimeter areas of the site are likely to require pruning back, particularly at the vehicular entrance to the site, so as to facilitate access for construction vehicles. The trees have not been maintained for some time and the applicant should disclose the extent of their plans regarding the existing trees adjacent to the site boundary and any pruning works required of overhanging branches. We will require a survey and report of the extent of any proposed pruning works, affecting the existing trees and landscape integrity and also a protection measures strategy, if the application proves successful.

1.15 The applicant would be expected to provide an Arboricultural Impact Assessment (AIA), by an appropriate professional, which should contain a survey of all existing trees and shrubs and also immediately adjacent trees and shrubs (on other land), which may be affected by the proposed construction works. The assessment should be submitted prior to the works on site commencing and also contain a Method Statement (MS) detailing how the construction methods will safeguard the essential root systems of adjacent trees and their canopies and trunk areas.

1.16 A Landscape Design (LD) element should be considered in terms of the disturbance and/or clearance works, in relation to the landscape development of the new facility and its adjacent area(s). This may consist of contributing additional elements to the existing tree structure of the area/or its attendant hedgerow and shrub elements and a landscape plan should be submitted to this end concerning the external areas. The landscape proposal and species should

compliment the development and existing landscape in terms of species type and eventual scale.

1.17 The applicant should consider a submission including a plan detailing a dimensioned line, which shows the extent of any protective fencing works necessary in relation to the existing landscape structure. This should not only protect the tree and shrub roots within the applicant's working area but also trees and shrubs existing in adjacent and/or adjoining areas. The applicant's contractor should also record these protection measures and a strategy for carrying them out in a potential Construction Works Method Statement (MS).

1.18 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.

1.19 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.

1.20 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).

1.21 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.

1.22 Local Lead Flood Authority

1.23 This application is for the refurbishment and change of use from tavern and attached apartment to create 10 apartments including a rear two storey extension with associated external landscaping works and parking. Surface water will be dealt with by existing NWL infrastructure at agreed rates and conditional approval is recommended.

1.24 Recommendation - Conditional approval

1.25 Condition:

No development shall commence until details of a surface water management scheme have 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 surface water management

1.26 Manager of Environmental health (Land Contamination)

1.27 I note that the development is within 250m of an area of unknown filled ground to the west and an area of former mining to the south. Consideration should be given gas protection measures in the extension.

1.28 It has been stated that there will be private gardens to plots 1 and 2, and that these will be left to grass to allow the residents to develop themselves. To ensure any garden plots are suitable for end use the following should be attached:

CON 01

1.29 Biodiversity officer

1.30 The above scheme is situated within a wildlife corridor and involves renovation works and some demolition to the existing building as well as some scrub removal to accommodate the development.

1.31 The application has been supported by a Bat Survey Report due to the nature of the work (renovation and demolition) to the existing building. The surveys comprised a preliminary bat roost assessment of the site in August 2017, followed by two activity surveys (one dusk/emergence and one dawn) in August and September 2017 respectively. The report concludes after the dawn survey that there are no bats roosting within the building.

1.32 The 'Mitigation and Compensation Strategy' section of the document sets out the following measures to be implemented in order to minimise the ecological impacts of the proposals, including the risk of bats being adversely affected:-

Demolition works will proceed under several basic method statement points, to address the very low risk of bats being present:

Metal and plywood boarding around windows and doors will be 'soft-stripped' by hand prior to any development works

Should bats be found during the works, all works will cease immediately, and a Suitably Qualified Ecologist should be contacted for advice on how to proceed

1.33 The measures above should be conditioned as part of the application. In addition, the following mitigation measures should also be attached by way of condition:-

- An integrated bat box will be installed on the proposed extension to the northern section of the building, to provide roosting opportunities for bats. Details of the integrated bat box specification and its location to be submitted to the Local Authority for approval prior to development commencing.

- A detailed landscape plan will be submitted to the Local Authority for approval prior to development commencing and should include native trees/shrubs as part of the scheme to enhance the wildlife corridor and mitigate for the loss of scrub on site.

- 4no. bird boxes (hole nesting and open fronted) will be provided on appropriate trees within or immediately adjacent to the site. Details of the bird box specifications and their locations to be submitted to the Local Authority for approval prior to development commencing.

- All trees adjacent to the site will be adequately protected through appropriate tree protection measures. Details to be provided to the Local Authority for approval prior to development commencing.

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

2.0 Representations

2.1 1no letter of support has been received, and is set out below.

2.2 As a resident of a Wallsend with my home near to this derelict building I would fully support the redevelopment of this building. The proposal will ensure a historic building can be redeveloped and prevent further vandalism. The redevelopment will also improve this area as a whole. The recent fire in the building only goes to highlight the need for this work to be undertaken. Doing nothing can only pose risk to residents nearby and the building as a whole.

3.0 External Consultees

3.1 Northumbrian Water

3.2 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

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

3.4 County Archaeologist

3.5 Because this public house is on the Local List and the Historic Environment Record, I have previously asked for a photographic record before it is converted.

3.6 The applicant for the last scheme (14/01578/FUL) sent me a set of photographs in January 2015. These are not to archaeological standard. Some of the interior shots are blurred.

3.7 I would be grateful if you ask the present applicant to send in some additional photographs (saved as jpegs or tiffs), particularly of the interior room which retains a plaster cornice and fireplace.

Item No: 5.7
Application No: 17/01256/FULH
Author: Maxine Ingram
Date valid: 29 August 2017
Target decision date: 24 October 2017
☎: 0191 643 6322
Ward: Benton

Application type: Householder Full application

Location: 27 The Oval, Benton, NEWCASTLE UPON TYNE, NE12 9PP,

Proposal: Single storey and two storey extensions to the side and rear elevations including first floor balcony. Alterations to form flat roof with roof lights. Demolish existing garage and form enclosed parking area (Amended plans received 25.10.17)

Applicant: Mr Richard Hammond, C/o Agent 27 The Oval BENTON NE12 9PP

Agent: O' Sullivan Beare Partnership, Donal O'Sullivan 13 Greenfield Road
Brunton Park Gosforth Newcastle Upon Tyne NE3 5TN England

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main planning considerations for Members to consider are:

- The impact of the proposed development upon residential amenity;
- The impact of the proposed development upon the character and appearance of the conservation area;
- Any other issues.

2.0 Description of the Site

2.1 The site to which the application relates is a detached property located in an established residential area of Benton. It is located to the rear of a main row of properties on The Oval, mainly Nos. 19 -35 (odds only). It is noted that some of these neighbouring properties have existing single storey rear extensions. Based on aerial photographs these existing extensions are sited approximately 10m from the shared boundary with the application site. There is an existing detached garage and out building located to the south of the main dwelling. The detached garage forms part of the boundary with No. 29 The Oval. The outbuilding is located mainly to the rear of No. 27 The Oval. The property has previously been extended; resulting a variety of extensions, a variety of roof types and a differing window designs.

2.2 Vehicular and pedestrian access to the site is provided between Nos. 25 and No. 29 The Oval.

2.3 A large group of mature trees, some of which are protected, and vegetation is located to the east of the application site. Benton Quarry Park is located to the south of the application site.

2.4 The application site is located within the Benton Conservation Area.

3.0 Description of the Proposed Development

3.1 The development proposed is to construct single storey and two storey extensions, including a dormer window, balcony and Juliette balcony. The existing pitched roof over the kitchen would be removed and replaced with a flat roof, including a roof light. It is also proposed to demolish the existing garage and form an enclosed parking area.

3.2 Members are advised that the applicant has submitted an amended scheme to try and address some of the objections that have been raised. 3.3 A sunroom/dining room extension is proposed to the south east elevation. It would measure approximately 3.9m by approximately 6.5m. This part of the development would link to the existing kitchen. Windows and sliding doors are proposed to the south elevation. A first floor balcony is proposed over this part of the development. The existing bedroom (bedroom 2) would be extended to accommodate windows and patio doors to open onto the balcony. A pitched roof is proposed over this modification. The window serving bedroom 1 would be altered and a pitched roof would be proposed over this window.

3.4 An extension is proposed to the north west elevation, replacing the existing dining room. This part of the development would accommodate a flat roof and a pitched roof with a dormer window. A Juliette balcony is proposed to the north east elevation to serve bedroom 3. Bedroom 4 would be served by an additional window to the front elevation and the dormer window.

3.5 The storage area would be sited on the north west elevation. It would have a depth of approximately 7.3m. It would accommodate a pitched roof with two roof lights to its rear elevation.

3.6 The existing garage would be demolished. The existing wall adjacent to No. 29 The Oval would be reduced from 2.6m to 2.4m. The proposed parking area would be partly enclosed by a brick wall with piers and metal railings. The height of this boundary treatment would be 2.4m.

3.8 Roof lights are proposed to the main front and rear roof slope and the rear roof slope of the storage area.

4.0 Relevant Planning History

80/02403/FUL - To construct insulated pitched roof to lounge – Permitted
12.03.1981

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

5.2 Longbenton and Benton Conservation Area Character Appraisal (October 2007)

6.0 Government Policy

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

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

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

PLANNING OFFICERS REPORT

7.0 The main planning considerations for Members to consider are:

- The impact of the proposed development upon residential amenity;
- The impact of the proposed development upon the character and appearance of the conservation area;
- Any other issues.

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

8.0 Relevant Planning Policy

8.1 NPPF

8.2 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.

9.0 Local Plan (2017) - Policies

9.1 S1.4 General Development Principles

Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and

public transport, whilst making appropriate provision for new or additional infrastructure requirements.

9.2 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.

9.3 DM6.2 Extending Existing Buildings

Extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.

When assessing applications for extending buildings the Council will consider:

- a. Whether or not the property is affected by any designations or considered to be a heritage asset or within the setting of a heritage asset;
- b. The location of the extension in relation to the street scene;
- c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;
- d. The cumulative impact if the building has been previously extended;
- e. The effect that the extension will have on the existing property and whether it enhances the overall design; and
- f. The form, scale and layout of existing built structures near the site.

9.4 S6.5 Heritage Assets

North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.

- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.
- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.

9.5 DM6.6 Protection, Preservation and Enhancement of Heritage Assets

Proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

As appropriate, development will:

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

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

Heritage assets that are to be affected by development will require recording (including archaeological recording where relevant) before development commences.

Any heritage reports prepared as part of a development scheme will be submitted for inclusion on the Tyne and Wear Historic Environment Record (HER) and published where considered appropriate.

9.6 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.

9.7 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.

10.0 Supplementary Planning Documents (SPD's)

10.1 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

10.2 The Council's adopted parking standards are set out in LDD12.

11.0 Impact upon residential amenity

11.1 The objections received regarding the impact of the proposed development on residential amenity, including loss of privacy and overlooking are noted.

11.2 The existing garage would be demolished. The shared boundary wall would be reduced in height from 2.6m to 2.4m. The applicant has advised that this reduction in height is subject to agreement with the occupiers of No. 29 The Oval. The applicant has advised that the existing wall foundation will be checked and verified prior to any work being carried out and, if necessary, additional foundations will be laid to provide the necessary support for the new wall. Members are advised that Party Wall issues are not material planning considerations and will need to be resolved as a civil matter between the relevant parties. The remainder of the parking area will be enclosed by a brick wall with piers and railings. Members need to consider whether this part of the proposed development will significantly impact on the residential amenity of neighbouring properties when viewed from their rear garden areas, ground floor and first floor

windows. It is the view of officers that the impact on outlook and privacy will be acceptable.

11.3 The existing dining room is located to the rear of Nos. 23 and 25 The Oval. Based on the information submitted it is sited, at its closest point, approximately 2.6m from this shared boundary. The proposed extension to the north west elevation would replace an existing extension. The ground floor would not be sited any closer to neighbouring properties than the existing dining room. However, it is acknowledged that the first floor would be sited closer to neighbouring properties than the current arrangement. The submitted plan shows the increase in height of this extension in comparison to the existing dining room. The increase in height, from the ridge of the existing dining room, would be approximately 1.6m. Views of this part of the development would mainly be afforded from Nos. 19, 21, 23 and 25 The Oval, in particular their first floor windows. Members need to consider whether the impact of this part of the proposed development will significantly impact on the outlook of these neighbouring properties. It is the view of officers that the impact on outlook is considered to be acceptable.

11.4 It is noted that the proposed extension to the north west elevation would introduce a further first floor window to the front elevation and a dormer window to the side elevation. These windows would serve a bedroom. In order to prevent direct overlooking from the window to the front elevation into the rear gardens of Nos. 23 and 25 The Oval, it is considered that a condition could be imposed for this window to be obscure glazed. The proposed dormer window would afford views over the rear gardens of No. 19, 21 and 23 The Oval. Members need to consider whether the impact, in terms of overlooking, would be sufficient to sustain a decision to refuse. It is the view of officers, that this window would not afford direct views into these properties, but it would afford views over parts of their rear garden areas. On balance, officers considered the impact on overlooking and privacy to be acceptable.

11.5 The existing kitchen is sited approximately 5m from the shared boundary with No. 25 The Oval and approximately 8m from the shared boundary with No. 29 The Oval. Members are advised that the footprint of the kitchen would not be altered. The existing roof over the kitchen would be replaced with a flat roof. It is the view of officers that the loss of the pitched roof and replacement with a flat roof would result in less visual impact when viewed from neighbouring properties. The introduction of a roof light, by virtue of its siting, will not impact on the privacy of neighbouring properties. A new window is proposed to the south east elevation of the kitchen. Views from this window into neighbouring properties would be obscured by the proposed boundary treatment to the parking area.

11.6 The proposed sunroom/dining room with a first floor balcony would be sited on the south east elevation of the property. Views of the proposed sunroom/dining room from neighbouring properties ground floor windows would be restricted by the existing kitchen, existing and proposed boundary treatments. Views of the proposed first floor balcony would be afforded from neighbouring properties and views from this balcony over neighbouring garden areas would be afforded. Members are advised that a separation distance of approximately 14m-16m, from the nearest residential property, and the proposed balcony would

exist. Members need to determine whether this part of the proposed development is acceptable in terms of its impact on outlook and privacy. It is officer advice that it is.

11.7 The proposed storage area would be sited on the north west elevation of the property. The roof lights are proposed to the north east elevation. Views of this part of the proposed development would mainly be afforded from Nos. 19, 21, 23 and 25 The Oval. At its closest point, it would be sited approximately 1.3m from this shared boundary. The pitched roof would pull away from Nos.23 and No. 25 The Oval, which would assist in reducing its visual impact. Furthermore, views of this part of the proposed development from the ground floor windows/doors of neighbouring properties would be obscured by the existing boundary treatments. The existing boundary treatments would also reduce the views from the windows to be sited in the storage area into neighbouring properties. Members need to determine whether this part of the proposed development is acceptable in terms of its impact on outlook and privacy. It is officer advice that it is.

11.8 In terms of loss of light to neighbouring properties, Members need to determine whether the impact would be significantly greater than that at present. It is the view of officers, having regard, to the existing extensions that the impact on light is acceptable.

11.9 It is noted that the roof lights to the main rear roof slope are not shown on the proposed rear elevation. These roof lights are shown on the roof plan. It is not considered that the installation of roof lights would impact on the residential amenity of neighbouring properties given that these would be to the front and rear main roof slope and to the rear of the storage area.

11.10 The Juliette balcony will be located to the rear elevation. Therefore, it would not impact on the amenity of neighbouring properties.

11.11 Members need to determine whether the proposed development is considered to have an acceptable impact upon the residential amenity of neighbouring properties. It is officer advice that it is and that the proposed development accords with Policy DM6.2.

12.0 Impact on character and appearance

12.1 The objections received regarding the design of the proposed development are noted.

12.2 The adopted Longbenton and Benton Conservation Area Character Appraisal describes the historic importance and character of the conservation area and surrounding area and also indicates the predominant design, styles, layout and materials used within this area. It aims to ensure that any development proposals will be of the highest quality of design, should respect the character of the area, and should be constructed in appropriate traditional materials.

12.3 Conservation areas are particularly attractive and sensitive parts of the borough where the Council has particular responsibilities to ensure that the environmental character is preserved or enhanced.

12.4 The application site is located to the rear of main row of houses on The Oval (odds). Members are advised that the property has been subjected to a number of extensions, resulting a variety of roof types and window design. The applicant has advised that the aim of the proposed development is to rectify the overall effect of what have been a series of badly designed individual extensions.

12.5 The applicant has acknowledged that the existing extension to the north west elevation is of poor design quality, with a lean to roofscape which is totally foreign to that of the original building. This existing extension will be replaced with a two storey extension that would continue, in part, the roof design of the main property and accommodate a dormer window. The dormer window would be subservient to the main ridgeline of the property and its pitch would follow the pitch of the main roof. This part of the application site is visible from neighbouring properties and wider views from publicly accessible areas are restricted. Members are advised that this part of the proposed development would increase the built form in this location; the applicant has shown this increase on the proposed elevation. Members need to consider whether the design of this part of the proposed development is acceptable in terms of the impact on the appearance of the main dwelling and the character and appearance of this part of the conservation area. It is officer advice that it is.

12.6 Views of the application site can be afforded from the main highway serving The Oval. The main view from this direction would be of the existing kitchen. The applicant has proposed to remove the existing pitched roof and replace this with a new flat roof and rooflight. The applicant considers that this would go some way towards restoring the original character of the house frontage by make the front elevation less cluttered. Members need to consider whether this design approach is acceptable in terms of its impact upon the character and appearance of the conservation area. It is officer advice that it is.

12.7 Views of the proposed sunroom/dining room and balcony would be less visible from the surrounding public domain. It is accepted that this part of the proposed development adopts a more modern design approach. It is not uncommon for extensions within a conservation area to adopt an alternative design approach that provides a clear distinction between the main dwelling and the extension. Members need to consider whether this design approach, and the pitched roofs proposed over the windows serving bedrooms 1 and 2, is acceptable in terms of its impact upon the character and appearance of this part of the conservation area. It is officer advice that it is.

12.8 The proposed storage extension would be sited on the north west elevation. Views of this part of the proposed development would mainly be afforded from neighbouring properties and not wider publicly accessible areas. The design of this part of the proposed development is simple. Members need to consider whether this design approach is acceptable in terms of its impact upon the character and appearance of this part of the conservation area. It is officer advice that it is.

12.9 Members need to consider whether the loss of the existing garage is acceptable. It is officer advice that the loss of this existing flat roof structure is

acceptable. Views of the proposed parking area would be afforded from neighbouring properties, mainly first floor windows as well as from The Oval. Members need to consider whether the proposed boundary enclosure for the parking area is acceptable in terms of its impact upon the character and appearance of this part of the conservation area. It is officer advice that it is.

12.10 It is noted that there are a range of roof types and windows included within this development. However, this is not dissimilar to the array of existing roof types and window design. The applicant has advised that all new roof and wall materials will match the main dwelling. However, they have advised the new doors and windows would be UPVC (colour stone grey rather than white). The only exception will be the sliding doors to the sunroom which will be metal. Members need to determine whether these materials are acceptable. A condition is recommended to secure the details of the rooflights.

12.11 Members need to determine whether the proposed development is acceptable in terms of its design and its impact upon the character and appearance of this part of the conservation area. It is officer advice that the proposed development accords with policies DM6.1 and DM6.6.

13.0 Other Issues

13.1 Impact on trees

13.2 The objections received regarding the impact on trees are noted.

13.3 Members are advised that there is a group of mature trees very close to the north and east elevations of the house. The Council's Landscape Architect has been consulted. They have recommended conditional approval. Subject to the imposition of these conditions, Members need to consider whether the impact on these existing trees is acceptable. It is officer advice that subject to conditions the impact on the trees is acceptable.

13.4 Impact on parking provision

13.5 The objections received regarding the impact on parking provision and site access are noted.

13.6 The existing garage would be demolished and replaced with an open parking area.

13.7 The Highways Network Manager has been consulted. He has recommended conditional approval. Subject to the imposition of the suggested condition, Members need to determine whether the impact on parking provision is acceptable. It is officer advice that sufficient parking can be accommodated within the application site.

13.8 Impact on future occupants – land contamination

13.9 The Contaminated Land constraint for this site has been identified. A condition is recommended to secure a gas resistant barrier across the footprint of the development to prevent the ingress of land gases.

13.10 Points raised by objectors

13.11 It is noted that objections have been received regarding the use of the property, the intended use of the storage area and subsidence. Members are advised that the applicant has submitted a householder application for works to an existing dwelling (Use Class C3). There is no evidence to suggest that the use of the main dwelling would change as a result of the proposed development. If planning permission were to be granted and the use of the building were to change, then this would need to be investigated as a separate matter.

13.12 The applicant has advised that the proposed storage area is to be used for domestic use by the occupants of the dwelling and that no commercial activities will be carried out in this part of the development. The applicant has advised that the roof lights have been included solely to create a more pleasant internal environment. The applicant has confirmed that vehicles could access the space, but it is not intended to be a parking facility as the intended parking area is to be located to the front of the property.

13.13 The applicant has acknowledged that vehicular access to the site is via a narrow access road between two properties and manoeuvring of vehicles is difficult when arriving at the front of the host property. The existing garage is to be demolished to provide more manoeuvrability and facilitate more accessible parking arrangements. The applicant has advised that access for construction vehicles will be strictly monitored to ensure no damage occurs to any of the existing properties bounding the access road. The applicant does not consider that any subsidence will occur due to construction access, but it is suggested that a joint survey of the existing condition of walls bounding the access road is carried out prior to the main building work commencing on site. The applicant considers that photographic records should be kept for future residence. Members are advised that Party Wall issues, shared accesses and subsidence will need to be resolved as a civil matter between the relevant parties.

13.14 The issues raised regarding the inaccuracies on the application form (Part 8 and 12) are noted. The issue regarding parking has been considered within the recommendation report. The case officer has carried out a site visit so is aware that part of the site is visible from a highway. It is noted that the outbuilding that is located to the south of the existing garage is not identified on the site plan. However, it is the view of the case officer that the siting of this outbuilding does not impact on the assessment of the proposed development. Should any works take place to this structure that require planning permission will need to be considered as a separate matter.

14.0 Local Financial Considerations

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

15.0 Conclusion

15.1 In conclusion, Members need to consider whether the proposed development is acceptable in terms of its impact on residential amenity and its impact on the character and appearance of the conservation area.

14.2 It is the opinion of officers that the development would accord with relevant national and local planning policy and would therefore be acceptable.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application form, including materials.
- Ordnance Survey Plan (1:1250)
- Existing plans and elevations Dwg No. 01 Rev B
- Proposed plans Dwg No. 02 Rev F
- Proposed elevations, proposed roof and site plans Dwg No. 03 Rev D

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 any other details shown on the plans hereby approved, the window(s) and any other glazing to be inserted in the front elevation of bedroom 4 shall be fixed shut (without any opening mechanism) and glazed in obscure glass. The windows(s) shall thereafter be retained as such.

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

4. Notwithstanding Condition 1, prior to the commencement of any development on site an Arboricultural Impact Assessment (AIA), including a Method Statement (MS) detailing how the construction methods will safeguard the essential root systems of adjacent trees and their canopies and trunk areas and any necessary tree protection measures, shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall include a survey of all existing trees and shrubs and also immediately adjacent trees and shrubs (on other land), which may be affected by the proposed construction works. Thereafter, the development, including any tree protection measures which shall be installed and retained for the construction period, shall be carried out in accordance with these agreed details.

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

5. Any 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.

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

6. 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.

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

7. 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).

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

8. 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.

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

9. Gas protection measures for householder GAS00 *
5

10. The scheme for parking 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 and DM6.2 of the North Tyneside Local Plan (2017).

11. Notwithstanding the details submitted, prior to the installation of the roof lights details of their design and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the roof lights shall be installed and retained in accordance with these agreed details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.6 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

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

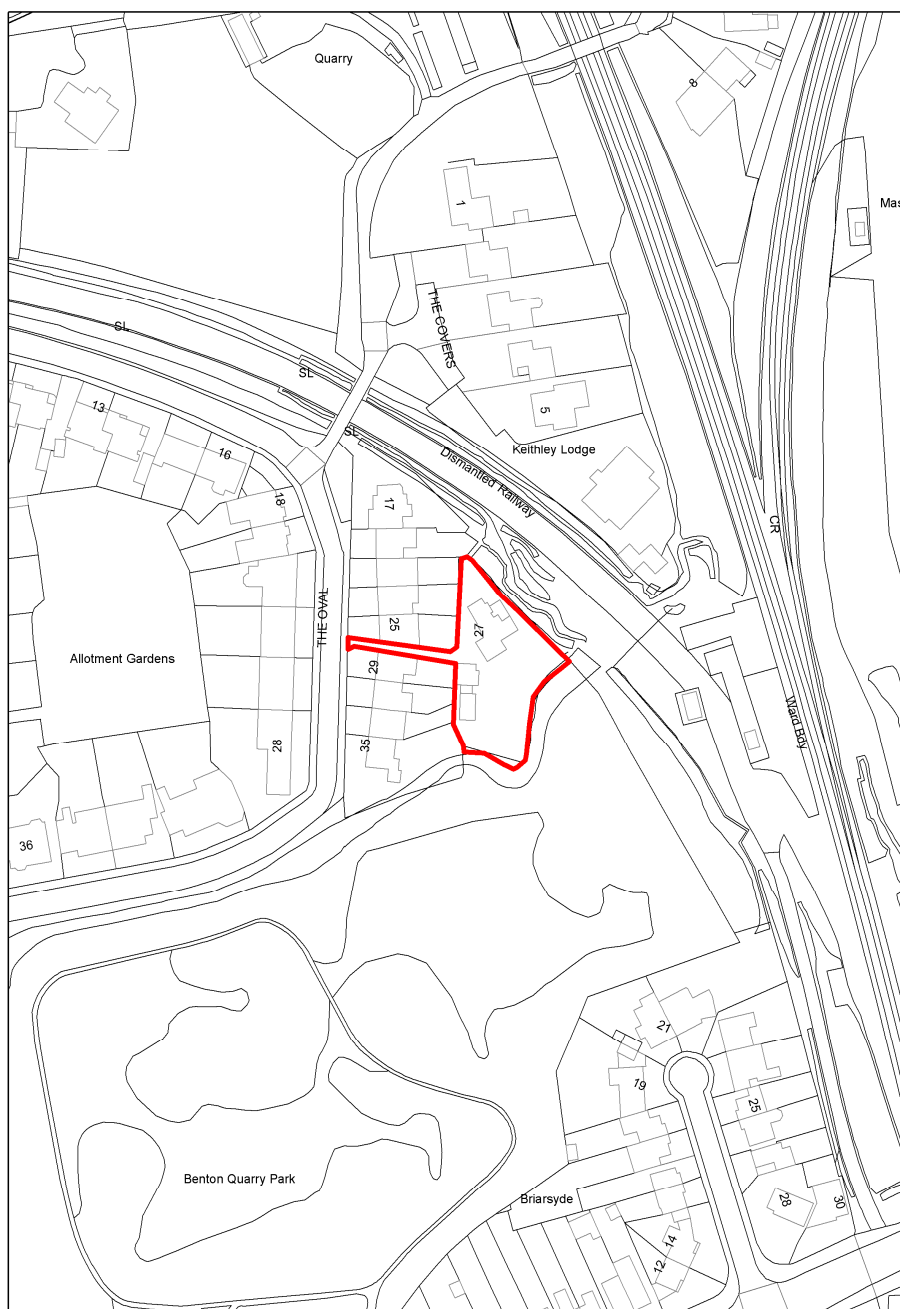
Advice All Works Within Applicants Land (I29)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Coal Mining Standing Advice (FUL,OUT) (I44)

Highway Inspection before dvlpt (I46)



Application reference: 17/01256/FULH

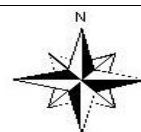
Location: 27 The Oval, Benton, NEWCASTLE UPON TYNE, NE12 9PP

Proposal: Single storey and two storey extensions to the side and rear elevations including first floor balcony. Alterations to form flat roof with roof lights. Demolish existing garage and form enclosed parking area (Amended plans received 25.10.17)

Not to scale

Date: 09.11.2017

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Number 0100016801



Appendix 1 – 17/01256/FULH
Item 7

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Janet Hunter has requested that this application is presented to Planning Committee for the following reasons:

- Loss of privacy and overlooking to neighbouring properties.
- A major part of the development will be concentrated in a small area of the site.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 Parking has been provided in accordance with current standards and access remains unchanged. Conditional approval is recommended.

2.3 Recommendation - Conditional Approval

2.4 Condition:

PAR04 - Veh: Parking, Garaging before Occ

2.5 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

2.6 Landscape Architect

2.7 Legislative Framework: Benton Conservation Area (March 2007)

2.8 The application refers to a detached property, which is set back from the existing alignment of semi-detached properties along The Oval and serviced via an access lane from the roadway. The property has a mature tree structure very close to the north and east elevations of the house, which forms part of the main tree structure of the surrounding area.

2.9 The general area is covered by local Conservation Area status, which seeks to preserve and protect the amenity value of the local tree cover and landscape features. The external area(s) of the property and adjacent properties contain trees that link together to collectively form the immediate and wider essential landscape tree structure of the Conservation Area.

2.10 For the reasons given above in terms of the Conservation Area status it would be preferable to retain as much significant tree cover in the area as possible.

2.11 The proposed development area(s) have mature trees growing close by, within the grounds of the property and outside the property line on other land. The tree groups will require protection of the canopy areas and root plates to facilitate the proposed development. The applicant should disclose the extent of

their plans regarding the existing trees and shrubs on site and the potential effects on the trees outside the boundary of the site.

2.12 The applicant should provide (on condition) an Arboricultural Impact Assessment (AIA), by an appropriate professional, which should contain a survey of all existing trees and shrubs and also immediately adjacent trees and shrubs (on other land), which may be affected by the proposed construction works. The assessment should be submitted prior to the works on site commencing and also contain a Method Statement (MS) detailing how the construction methods will safeguard the essential root systems of adjacent trees and their canopies and trunk areas.

2.13 In relation to any removed and/or disturbed landscape elements within the proposed development area a Landscape Design (LD) element should also be considered. This may consist of contributing additional elements to the existing tree structure* of the area/or hedgerow and shrub elements and a landscape plan should be submitted to this end concerning the external areas.

2.14 Landscape proposal and species should complement the development and existing landscape in terms of species type and eventual scale.

2.15 The applicant should consider a submission (on condition) including a plan detailing a dimensioned line, which shows the extent of any protective fencing works necessary in relation to the existing landscape structure. This should not only protect the tree and shrub roots within the applicant's working area but also trees and shrubs existing in adjacent and/or adjoining areas. The applicant's contractor should also record these protection measures and a strategy for carrying them out in a potential Construction Works Method Statement (MS).

2.16 Any 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.

2.17 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.

2.18 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).

2.19 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.

3.0 Representations

3.1 15 letters of objection have been received. These objections are summarised below:

-Para 2.1 of the Design & Access Statement states “the plot is sufficiently large to allow a significant amount of privacy between the two” i.e. No.27 and the rear of the main row of houses. The proposed extensions infringe on this privacy and are too close to the main row of houses.

-Para 4.1 of the Design & Access Statement states “the proposal is to rectify the overall effect of what have been a series of badly designed individual extensions, which have succeeded in obscuring and degrading the design quality of the original house”. The proposal does not appear to have regard to this and appears to be simply a number of extensions to increase the size of No.27.

-Para 4.2, 4.3 & 5.1 of the Design & Access Statement refers to “improve the appearance of the main front elevation”, “making the front elevation less cluttered” and “opening up the front elevation and give an improved perspective on the main house, which at present has a congested appearance”. The proposal appears to be the exact opposite i.e. making the front elevation less attractive, equally cluttered & more intrusive on the main row of houses overlooking No.27. Again, the proposal appears to be simply a number of extensions to increase the size of No.27, rather than enhancing the appearance of No.27.

-Para 4.5 of the Design & Access Statement states “the location of the balcony has been carefully chosen to eliminate any loss of privacy on the part of either the adjacent residents or the owner of No.27”. Referring to the Proposed Elevations + Site Plans, we accept there will not be a loss of privacy to No.21, but there will clearly be a loss to the privacy of No’s 23-35 (odd numbers only).

-Para 4.6 of the Design & Access Statement refers to the new storage space. Is this to replace the existing garage? Why is the large existing brick built storage space to the south of the garage not shown on the Proposed Elevations + Site Plans? Is the new storage space to be accessible to vehicles? We understand the applicant is a local businessman; is the new storage space to be used for the storage of domestic or commercial items?

-By placing the store extension to the side of the house this will most definitely adversely affect our residential visual amenity from our house and garden (as well as other neighbours). The current aspect is an open space with trees to the rear and side boundary of No.27. We have enjoyed this unspoilt open aspect from our family home for over twenty years while living at No.21. Please see the two photographs below taken from our living area and dining table. The overall character and appeal to our home has been that not only are we not overlooked by a residence to the rear of the property, but that we also enjoy this natural open aspect with a range of garden birds enhancing this unspoilt aspect. The fact that we live in a Conservation Area means planning should enhance and preserve the area and outlook of the neighbourhood which this extension will clearly be breaching.

-Para 6.1 of the Design and Access Statement refers to “harmonising of the front and side elevations” and “restore some order & continuity to the overall house design”. We fail to see how this applies to new storage space which is intrusive in volume and height as well as negatively affecting the overall aspect for a number of neighbouring properties. If the aim is to harmonise the design then it is difficult to understand why the new storage space roof (to the north of the site) is not a flat roof construction to match the new kitchen flat roof construction (to the south of the site). The new storage space has such an extensive floor area and an eaves height of circa 3 metres, plus circa 1.5 metres of additional roof height, it

cannot fail to have a significant impact on the aspect and character of our property and neighbourhood.

- Threats to subsidence (which has been serious in the area).

- The very serious disturbance to the functional workings of local residents and the neighbourhood in a conservation area.

- Behind these issues, residents urgently need to know the future use of the building which appears to be no longer residential. A prompt answer to this question would be very much appreciated.

- Para 1.1 of the Design and Access Statement states "The proposed works comprise alterations and extensions to ground floor and first floors to form additional general storage, living and bedroom accommodation. The existing garage is to be demolished."If "additional general storage" is to be created, why

- is the existing storage provided by the existing garage being demolished?

- Why is the original storage provided by the Dove Cote not included on the plans? What will be going there? Is it to be demolished? How will the outlook from the rear of No. 29 look? If it is being demolished, what will be in its place?

- By comparing the proposed front elevations with the existing front elevations it is clear how the outlook from neighbouring houses, will be dominated by the alterations to the first floor bedroom and the roof, resulting in neighbours seeing a large expanse of wall and roof within metres of their houses and gardens. No 29 The Oval, has their main habitable rooms, garden and a main bedroom facing No 27. Again the proposed alterations to the first floor and the roof will have a serious impact on their privacy in their daily life.

- The Oval is situated in a Conservation Area; we should be preserving and protecting residents' views of trees and the sky, enjoying the birds and feeling of space and nature. The proposed front elevations will have a detrimental effect on this for the immediate neighbours.

- Para 3.1 of the Design and Access Statement states "Vehicular access to the site is via a narrow access road between two houses."This is of particular concern to Nos. 25 and 29 in respect of the construction period for the following reasons:

- some shared access rights

- the large number of wide, heavy vehicles using this narrow access to the site

- the impact of the weight of so many heavy loads over an extended period of time in an area where land stability and subsidence has been a problem.

- Has the land stability of this 'narrow access road between two houses" where subsidence could threaten or damage the two neighbouring properties been considered and assessed? If so, are these reports available to residents? It is suggested that a joint survey of the existing condition of the walls bounding the access road is carried out prior to the main building working commencing on site. At whose expense?

- Whilst we understand and accept that noise and disruption to the neighbourhood are not in themselves reasons for an objection, we do feel that with regard to Nos. 25 and 29:

- the exceptionally narrow access to the site

- the exceptionally close proximity of heavy vehicles to the external walls of our living area and the foundations of our home

- the historical problems of subsidence

- With such an extensive building proposal which will undoubtedly be a lengthy process, the associated disruption to neighbours' quality of life during the construction period should be given serious consideration. There is currently

already a large crack in the wall of No 29 as a result of subsidence and the close proximity of heavy traffic over a period of time could well exacerbate and/or cause new cracks. This could have a knock on effect on the value of the property and the potential to sell the property at it's correct value as of now.

-Para 4.1 of the Design and Access Statement states "The proposal is to rectify the overall effect of what have been a series of badly designed individual extensions, which have succeeded in obscuring and degrading the design and quality of the original house." The proposal does not appear to have any regard to this in reality, and it appears that the proposal is simply a random number of extensions designed to increase the size of No 27 with little thought as to the final overall look of the house.

The existing house and site is very much in keeping with the neighbourhood and with Benton Conservation Area - the house was built by the original owners who also built The Oval properties. The house was designed to ensure privacy was afforded to both No 27 and the terrace of houses that back onto No 27. Careful consideration was given to all these factors in the initial build.

-The proposal appears to be the exact opposite i.e. Making the front elevation less attractive, equally cluttered and more intrusive on the main row of houses looking towards No 27. Again the proposal seems to be simply a number of extensions to increase the size of No 27 rather than enhancing its appearance.

-Para 4.5 of the Design and Access Statement states "The location of the balcony has been carefully chosen to eliminate any loss of privacy on the part of either the adjacent residents or the owner of No 27." The siting of the balcony, although to the rear of the side of the house, will be visible from the main bedroom of No 29, that overlooks the garden and the side elevation of No 27.

This could impact on privacy and disturbance - ie external noise from the balcony, in what is an extremely quiet residential area.

We note that there is no paragraph relating to the proposed addition of a first floor bedroom window on the front elevation. The location of the proposed bedroom window most certainly has not been carefully chosen to eliminate any loss of privacy on the part of adjacent residents and is not at the furthest available location from neighbouring properties'.

-Why, in the whole of this Statement, is there no reference to this first floor bedroom window or indeed the first floor alterations? The proposed first floor window will seriously affect privacy of houses backing onto this area, gardens and living areas including No. 29. However, there is no mention of this in the Design and Access Statement. (Compared to lengthy rationale in para 4.5 re location of balcony - another significant contradiction in the documents).

-Para 4.6 of the Design and Access Statement makes references to the new storage space: Is this to replace the existing garage? Why is the large brick building / storage space to the south of the garage not shown on the proposed elevations and site plans? Is the new storage space to be accessible to vehicles? Is the storage space to be used for the storage of domestic or commercial items? By building a store extension to the side of the house, this will undoubtedly adversely affect the residential visual amenity from several houses and gardens. The current aspect is an open space with trees to the rear and side boundary of No. 27 which is very much a feature of the Conservation Area. The overall character and appeal of our home has been that not only are we not closely overlooked by a residence to the rear of our property, but that we also enjoy a clear view of surrounding trees with a range wildlife that enhances this unspoilt aspect. Surely the fact that we live in a Conservation Area means that planning

should enhance and preserve the area and the outlook of the neighbourhood? It appears that the proposed extension breaches this. Why does the new 'storage area' need sky lights? For what purpose is this area to be used? Skylights suggest that it may be for office space, not storage, in which case this constitutes a change in the use of the property from residential to commercial.

-Para 5.1 of the Design and Access Statement states that "The existing garage is to be knocked down ... it is proposed to erect a new boundary wall". The existing garage provides privacy for No. 29. This will be lost if that area becomes 'opened up'.

The demolition of the garage will also impact on the garden of No. 29 as one garage wall forms their garden wall. What exactly will residents be looking at? What exactly is the proposed 'enhanced design quality'? How high is the proposed wall? It looks to be currently higher than the existing wall. Opening up the garage space for open car park space, effectively means that the view from the main back bedroom of No. 29 will be of a car park, rather than an enclosed space looking over to the trees.

-Why is an existing storage space / parking facility being demolished at the same time as additional storage space is to be created? Again, this appears somewhat contradictory.

-There will be mixed styles and mixed heights e.g. storage a space roof versus the flat kitchen roof.

-The new storage space will be intrusive in both volume and height in addition to having a negative affect on the overall aspect and character of several neighbouring properties.

-The proposal does not appear to be responsive to the site orientation and the existing buildings. The size and characteristics of the proposed front elevation are of particular concern due to: the extensive nature of the proposals; the close proximity to existing buildings i.e. residents' gardens, properties, habitable rooms; the effect upon the amenity of neighbouring occupiers who will undoubtedly suffer from a loss of light, outlook and privacy; the outlook from neighbouring houses will be dominated by the extensions within metres of their homes and gardens.

-We fail to see why the existing parking (which appears to be both sufficient and well integrated into the existing site) and existing storage facilities (garage, plus the further brick building to the south of the garage which is not on the site plans) needs to be demolished and then rebuilt in a different location.

-The documents re this proposal appear to have considered neither the existing parking facilities (double garage plus additional outside parking for 2 cars) nor the existing storage facilities and how these can be adapted or modified. Considering the surrounding area where subsidence has been a problem; the subsidence at No 29; the very narrow access between two houses (No 25 and No 29); the extent of the proposal and the inherent prolonged construction period during which time wide, heavy vehicles will be constantly accessing the site via the narrow access driveway; the close proximity of these heavy loads to these two houses and their living areas (and foundations); the shared access rights. We feel that this proposal poses a very real threat and danger to our property.

-We would also like to draw your attention to the fact that a trench the full length of the narrow access drive to No 27 has been dug without any notification or communication with the owners of No 29 and No 25. This is extremely concerning.

- Inaccuracies on the application form: Part 8 the proposed works will significantly affect existing car parking arrangements. The narrow access could well mean that works lorries and deliveries need to be made from the street, causing congestion and blocking residents own parking arrangements. Part 12 the site can be seen from both the public road and the public footpath of The Oval.
- The impact of the building work on the immediate local conservation area, specific residences and the wider community, cannot be underestimated.
- The second application only marginally affects the proposals and the group of residents directly affected have become quite angry at the process. This is a close knit community in which everybody knows everybody else and we enjoy each others company - a rare thing these days. There should be a case for developments (if really necessary) being on the south side of the house so that local residents on The Oval are not overlooked at all and I would urge the examination of that possibility.
- The amendments to the application are marginal that our concerns and objections have not changed. Some of our initial concerns have been increased. The amended proposal will have the same negative impact on the view and outlook from our property and will significantly impact on our privacy and quality of life.
- The proposals in no way improve on the outlook and disruption to residents that we outlined in our previous response to this application.
- If the applicant feels that extensions and alterations on such a large scale are necessary, why are they not being located on the south side of the site, as far away from residents and other properties as possible which would have as little impact as possible on the outlooks and views from our properties and gardens?
- The close community of neighbours in The Oval is quite exceptional and we feel we must emphasise the growing anger and anxiety amongst the residents that these proposals and the apparent disregard for neighbours of No 27 are creating.
- Amended proposals continue to infringe on the existing privacy.
- Amended proposed front elevations, particularly the first floor alterations and the additional bedroom window and altered gabled window/roof, are too close to the main row of houses and would mean that the gardens, especially of Nos. 23 and 25 are overlooked from a very close distance.
- The location of these alterations and extensions is too close to adjoining properties and will result in a loss of outlook, loss of light, loss of privacy, a detrimental effect on the quality of the daily life of residents both within their homes and habitable rooms and also from their gardens, an imposing mass of wall and roof just metres from residents properties.
- The proposal to provide more manoeuvrability and facilitate more accessible parking arrangements will come at a huge cost to other residents. The applicant will reap all the benefits and none of the costs of this proposal which will have a huge negative impact on the outlook for other residents of The Oval.
- The proposals will not improve the appearance and outlook from neighbouring properties; the result will be quite the opposite. Our outlook will be towards a property which is significantly bigger, more imposing and more intrusive than the existing one. The view from our habitable rooms and gardens will be dominated by more wall and brickwork, a higher wall, an additional window overlooking our properties, more, a mixture of roof heights and designs etc. We fail to see how this proposal has taken into consideration our previous concerns and objections.
- The amended statement clearly acknowledges that gardens are going to be visible from the balcony.

-The amended statement acknowledges that there is already an existing pitched roof building in the grounds of No. 27. Why is this building not being used for storage? Why is the proposed storage facility large enough for vehicles to access it? This clearly suggests that indeed vehicles will be accessing it. This access is very close to residents' gardens and will cause extra noise and disturbance. Similarly it is the phrase it is not intended to be a parking facility causes us similar alarm. Clearly this may well become a parking area, either for cars or other vehicles e.g. caravan. The use of skylights to the storage area will only benefit the residents of No. 27 as these proposals in no way create a more pleasant environment for the other residents of The Oval.

-Some of our neighbours have mature trees in their gardens (a holly tree and an ash tree for example) whose root systems will be damaged by these proposals. This is totally against the ethos of a Conservation Area. If these trees are damaged or lost, this will be yet another huge negative impact on the view outlook and quality of life of residents here. Like many of our neighbours, we have enjoyed this open aspect from our home for many years.

-In short, the residents of No 27 will not be adversely affected in any way by their proposals.

-They will not suffer any loss of privacy.

-They will not be subjected to any loss of view or outlook either from their habitable rooms or from their garden.

-They will not suffer from the impact of looking out on to a higher wall and additional window just metres from their habitable rooms and garden.

-They will not look out on to the additional storage facility just metres from their habitable rooms and garden.

-They will not lose any quality of life or be subjected to a prolonged period/long term noise and disruption during what will undoubtedly be a lengthy construction period; residents will be forced to live next door to a building site during this time.

-Residents will be subjected to the hugely negative impact on completion of the proposed project; some of these costs are as yet unknown such as potential increase in vehicles, vehicles accessing the storage facility, this area possible being used as a (long term) parking area.

-For the residents of No 27, their outlook will in no way be spoiled or compromised by the erection of a series of extensions and alterations, clearly visible with a few metres of their habitable rooms and garden.

-As residents of The Oval whose property is adjacent to No 27 we fail to see how "the proposed works will enhance the appearance of the existing house" (para 6.1). From both inside and outside our property, the proposed works will have the complete opposite effect.

-We would reiterate our initial comments and observations that the size and location of the proposed construction and alterations is totally at odds with the size of the site and other possible locations on the site at No 27. All of the proposals have been located in the smallest of the available spaces on the site, unnecessarily close to residents and adjacent properties whilst the extensive garden and plot of land offered by the site at No 27 has been "untouched". This reinforces our previous comments that the residents of No 27 will reap all the benefits and incur none of the costs of these proposals. We also have lovely gardens, views and outlooks which we would like to preserve and protect. All this is at risk because of these proposals: if extra storage is absolutely necessary, if additional living space and bedrooms are also necessary, could they not be located elsewhere on the substantial plot of land available thus supporting the

wording in the Design and Access Statement (para 4.5) “carefully chosen to eliminate any loss of privacy... on the part of adjacent residents...at the furthest possible location from neighbouring properties”.

- The extensions are still too close to the main row of houses and the revised window locations to the north-west corner of the property infringes further on the privacy of No's 17, 19 & 21.

- There is no continuity in the proposed design quality ie there is a mix of window designs to all elevations and a mix of roof designs ie flat, pitched and hipped. Further, the revised plans have an additional window next to the door on the north side of the new storage space and there is now a Juliet Balcony to Bedroom 3. The latter does not directly impact on neighbouring properties and suggests the applicant is open to utilising the east facing aspects of the site as part of the revised development proposals.

- The revised proposal states in Para 4.2 that “the new roof to this section of the house has been specifically designed to negate it's impact on neighbouring properties”. The revised roof design, including revised window placements, still has an impact on No's 23 & 25 and now has a greater impact on No's 17, 19 & 21 in terms being intrusive. The statement in the revised proposal is misleading.

- The revised proposal states that “in the sight line from the balcony is a pitched-roof outbuilding in the grounds of No.27 along with trees, bushes and a garden fence, which serve to protect the privacy of the gardens visible from the balcony”. By my calculations from the revised plans and knowledge of the site, the balcony will still overlook No's 23, 25, 29, 31 & 33, so this additional statement is misleading.

- Some of the questions have been answered in that the initial use of the new storage space is to be domestic, but the plans still do not show the large existing brick built storage space, which is misleading in terms of the requirement for the new storage space in the application. Further, we now know that vehicles can access the new storage space and while the response has been that there is no current intention for vehicles to be parked on this part of the site, there is no guarantee that this will continue into the future. Also, the statement in Para 4.6 that “skylights have been included solely to create a more pleasant internal environment” does nothing to address the overall impact of the design and size/height of the new storage space on neighbouring properties, particularly as we are told that the initial use is to be domestic. Our concerns are that with the proposed roof design, the roof space could be lofted and used for domestic (or commercial) purposes in the future. The proposed store remains hugely intrusive to the aspect of a number of neighbouring properties and to the overall aesthetic and natural haven, in the quiet corner plot on the site.

- The store has been moved back slightly but does nothing to address the impact on neighbouring properties. The overall floor area appears to be the same, with the same overall design i.e. intrusive in volume and height and adding no continuity to the overall house design, particularly the roof construction.

- The inclusion of the Juliet Balcony to Bedroom 3 suggests the applicant is open to utilising the east facing aspects of the site as part of the revised development proposals. On such a large site, there must be a workable solution that meets the needs of the applicant, utilises less visible parts of the site and therefore has less impact on all of the neighbouring properties within this Conservation Area i.e. developing to the rear/easterly side of the site.

- In relation to the proposed new storage space that is outlined in the plans to the north end of the property: this new structure will be directly behind our back

garden, and it will be in very close proximity to the boundary of our property. Although in the revised plans of the 26th October 2017 there have been some changes, this planned addition to the property will be very intrusive on our outlook and impact upon the natural light that our garden gets but primarily the outlook that we will have will be of a big brick structure. This proposal will create a new point of access to the property and will potentially generate noise and disruption to our peaceful use of the garden. It is not clear from the plans what is the purpose of this new storage area. What is the purpose of this storage area- is it to be used for a commercial purpose? The new design statement remains ambiguous in the intended use of this area it states that there is '.... no current intention for vehicles to be parked on this part of the site....' and with the plans indicating that the existing two vehicle garage will be demolished it only causes us concern.

-Our other concerns about this new storage remain the same to those we outlined in our original correspondence. It would appear from the plans that this new space would be substantial in size with a peaked/gable roof. This will have a very significant impact on our outlook from our kitchen and back garden which will be clearly visible from our kitchen and garden as well as from our first floor bedroom.

-We also note from the submitted plans with this application that there is no drawing outlining the significant storage facility which is already in situ to the south of the current garage at no 27. Why has this been omitted from the drawings?

-We currently enjoy an open and peaceful aspect to the rear of our property, and have greatly enjoyed it greatly for the 17 years that we have lived here. We are concerned that this aspect will be significantly disrupted.

-In relation to the proposed front aspect two storey extension: Our primary concern with this proposal is the first floor extension to the north west corner of the front elevation. The addition of a large window that is shown in the drawings will mean that we would be directly overlooked at the rear of our property, directly into our first floor bedroom and to our kitchen downstairs. This would be a gross invasion of our privacy. Again the revised plans do not address this issue - the window is smaller but it looks directly on to ours and our neighbours property, our concerns have not been addressed in this new plan. There is now an additional window outlined on the side elevation to the north west corner of the property in the revised plans, which has in fact increased the invasion of ours and our neighbours' privacy. The new roof line outlined creates a new discordant look to the front elevation and further undermines the line being put forward throughout in the design statement that the proposals will bring a unity to the property.

-With regard to the drawings illustrating a balcony to the first floor: We consider that this will be extremely intrusive to ourselves and to our neighbours at 25, 29, 31, 33 and 35. As a result our privacy will be significantly compromised both when we are in the garden and the living areas at the rear of our home. We note no significant change in the new proposals and feel that nothing has been done to address ours and our neighbours concerns for our privacy.

-We are strongly of the view that this proposed development is out of keeping with the special character of the Benton Conservation Area and will have an extremely adverse affect on our visual outlook, privacy and quality of life.

-No notification received on revised plans.

-The new additions are just random extensions that provide more space for No. 27. It seems that an extra window is now being put in place with an additional

balcony.

-We have not been contacted regarding the removal of an existing wall and the damage this would cause to our mature gardens. Lowering the wall and removing the garage ensures that will be looking out onto a car park from the rear rooms of the house and privacy in the rear bedroom would be severely compromised.

4.0 External Consultees

4.1 None

North Tyneside Council

Report to Planning Committee

Date: 21 November 2017

ITEM 6

Title: Woodlands, North Shields, Tyne and Wear Tree Preservation Order 2017

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 Woodlands, North Shields, Tyne and Wear Tree Preservation Order 2017 and confirm the Order with modifications.

1.3 Information

1.3.1 Trees within the area were previously subject of the Woodlands North Shields TPO 1981 but it has recently come to light that the order was not confirmed and therefore cannot be enforced. The Order now being considered seeks to rectify this and ensure the trees are protected.

1.4.1 3 letters of objection and 1 representations 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:

1.3.2 Objections from 26 Woodlands

- Damage to the guttering and gable of 26 Woodlands (the prevailing wind blows branches against the building).
- The trees cause damage to the street light and block light.
- The trees overhang the garden of 26 blocking natural light.
- The trees marked G4 need to be regularly cut back because of the above.

1.3.3 Objections from 11 Woodlands

- The tree is approximately 17m high, has a main trunk at ground level of 1m, which divides into 2 further trunks at about 1.5m and each of these divides into a further 2 trunks at about 2.5m. In essence this is 4 Sycamores in 1.
- My father applied to the council a number of times to have the TPO removed without success. The cost of tree surgeons doing work the council has allowed is becoming prohibitive.

- Security risk because of the cover the tree affords to would be criminals.
- Dampness to the stone property due to the total shade caused by T12.
- Damage caused to a drain and the surrounding brickwork by the root system.
- T12 stands within 2 metres of the eastern wall of 11 Woodlands. A pointing repair has recently had to be carried out due to cracking.
- The roof and guttering on the east side of 11 Woodlands has to be regularly cleared of moss due to the shade caused by the tree. This is not cheap.
- In the autumn the garden has at least a half metre blanket of leaves from T12.
- The living room and both bedrooms of 11 Woodlands are all dark due to the lack of sunlight caused by leaf cover.
- Risk of branches falling on to the property itself or anyone in the grounds or on the pavement beyond the boundary wall.
- We would be more than willing to plant 1 or more saplings as replacements.

1.3.4 Objection from Pearey House

Photographs have been provided of overhanging trees. The Manager of Pearey House states that the trees need to be maintained and questions whether the Order will make it harder for this to be done.

1.3.5 Representation from 28 Woodlands

The resident makes the following observations:

- In relation to G4 as defined on the Schedule, there are currently two silver birch trees and not three. A planning application reference 83/02049/TPO Fell Silver Birch, was made by the previous owner.
- In relation to G1, defined as 2no Silver Birch and 1no Sycamore trees, on the Schedule, we are unsure which tree is a Sycamore tree.

1.4 **Officers comments**

1.4.1 The Council's Landscape Architect has assessed the objections. Her comments are summarised below.

1.4.2 *Security risk* - the owner of 11 Woodlands is concerned about the security risk to the property due to the cover provided by the canopy of the tree. The tree does have a low crown which obscures full view of the eastern elevation and windows, however raising the crown to remove the lower branches would achieve a higher canopy and improve surveillance and general site security.

1.4.3 *Damp and leaves* - leaf fall is a natural and seasonal inconvenience and whilst troublesome it is not legally a nuisance and is not sufficient to allow the removal of the tree or withdraw the TPO. Crown raising or crown thinning would help reduce the issue of damp and moss growth by allowing increased light and air through the canopy, and carried out with regular clearance of the gutters will help prevent blockages to the guttering.

1.4.4 *Light* – it is not normally acceptable to fell trees because they are allegedly reducing light levels into properties unless it is demonstrated that a severe restriction has resulted. Remedial tree works such as crown thinning can relieve the situation but shade is not sufficient reason to allow the removal of the tree or the withdrawing of the TPO. Pruning works in accordance with good arboricultural practices will help improve lighting from street lighting columns.

1.4.5 *Drainage* - tree roots cannot enter an intact drain. Many drains can have a variety of defects such as displaced joints, and circumferential and longitudinal

cracking, regardless of the proximity of trees. The existence of roots within the drain does not indicate that a tree has caused the defect even if a root has grown through the crack. Provided the drains are maintained there is little capacity for damage to occur. Tree removal or the withdrawing of the TPO would not normally be considered for this reason.

- 1.4.6 *Damage* - if there is damage to the structure of the property by the roots of the tree, a structural engineers report must be submitted to prove actual damage. Quite often damage to property can be caused by cracked drainage and/or inadequate foundations, so clear evidence is required that the damage caused is due to the trees in order to require their removal. This information requirement is in line with current TPO guidance to ensure trees are not unnecessarily removed. Branches overhanging or touching properties can be pruned back in accordance with good arboricultural practices to provide clearance.
- 1.4.7 *Risk of branch failure* - 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 there are concerns regarding the tree's safety a tree surgeon should be employed to undertake an assessment of the trees and determine if there is any risk, and how the risk, if present, can be mitigated.
- 1.4.8 The trees are all mature specimens with a strong visual presence being seen from the public highways and footpaths. The collective tree group is a unique feature adding to the character of the area and has sufficient amenity value to warrant a Tree Protection Order.
- 1.4.9 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. The issues raised by No.'s 11 and 26 Woodlands and Peary House can be resolved by pruning works for which an application can be submitted. Confirming the TPO is the way to ensure the trees are not removed without good reason, or inappropriately pruned affecting its shape, health and long term retention. If the TPO is not confirmed, the trees could be removed and character and amenity of the area altered.
- 1.4.10 Turning to the comments made by 28 Woodlands regarding groups G1 and G4. The trees have been re-assessed by the Landscape Architect who has confirmed that G1 comprises 2no Silver Birch and 1no Sycamore trees as per the Schedule. Within G4 there are 2no silver birch trees not three as set out in the Schedule. It is therefore recommend that the Schedule is amended to show 2no Silver Birch within G1.
- 1.4.11 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 18 July 2017. A copy of this original Order is attached as Appendix 1.
- 1.4.12 The Order must be confirmed by 18 January 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 2 is recommended, with the modifications to the Schedule as set out in paragraph 1.4.10. 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. If the Order was confirmed then the owners of could apply to fell or carry out any pruning works to the tree.

1.7 Appendices:

Appendix 1 – Woodlands, North Shields, Tyne and Wear Tree Preservation Order 2017
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

**WOODLANDS, NORTH SHIELDS, TYNE AND WEAR
TREE PRESERVATION ORDER 2017**

SCHEDULE

The map referred to is at a scale of 1:500 and is based on the 1:1250 Ordnance Survey NZ3569 SW and NZ3569 NW. The area covered by the Order is Woodlands, North Shields.

The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne & Wear.

SPECIFICATION OF TREES

Trees specified individually
(Encircled in black on the map)

<i>Reference on the Map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore	The following trees are measured from the South-Eastern corner of No. 1 Woodlands. In a Westerly direction. 22.0m
T2	Sycamore	In a Southerly-Easterly direction. 7.0m
T3	Sycamore	The following trees are measured from the North-Eastern corner of No. 2 Woodlands. In a Northerly direction. 3.5m
T4	Sycamore	The following trees are measured from the South-Western corner of No. 11 Woodlands. In a South-Westerly direction. 19.7m
T5	Whitebeam	17.8m
	<i>Description</i>	<i>Situation</i>

<i>Reference on the Map</i>		
T6	Sycamore	In a South South-Westerly direction. 14.2m
T7	Sycamore	21.9m In a Southerly direction.
T8	Sycamore	22.3m
T9	Holly	25.8m In a South South-Easterly direction.
T10	Alder	19.1m In a South-Easterly direction.
T11	Sycamore	27.2m
T12	Sycamore	The following tree is measured from the South-East corner of No. 1 Woodlands. In a North-Easterly direction. 7.3m
T13	Lime	The following trees are measured from the South-East corner of No. 14 Woodlands. In a North-Easterly direction. 29.5m
T14	Lime	20.7m In an East North-Easterly direction.
T15	Lime	13.2m In an Easterly direction.
T16	Sycamore	8.3m
T17	Lime	12.0m
	<i>Description</i>	<i>Situation</i>

<i>Reference on the Map</i>		
T18	Horse Chestnut	In a South-Easterly direction. 11.8m
T19	Sycamore	In a South South-Easterly direction. 11.9m
T20	Beech	In a Southerly direction. 10.0m
T21	Sycamore	In a South-Westerly direction. 16.1m
T22	Sycamore	19.5m
T23	Sycamore	23.5m
T24	Sycamore	26.5m
T25	Sycamore	33.0m
T26	Ash	The following trees are measured from the South-West corner of No. 18 Woodlands. In a Southerly direction. 14.0m
T27	Sycamore	In a Southerly direction. 10.0m
T28	Sycamore	In a South South-Westerly direction. 12.0m
T29	Sycamore	In a South-Westerly direction. 12.0m
T30	Sycamore	18.0m
T31	Sycamore	23.5m
	<i>Description</i>	<i>Situation</i>

<i>Reference on the Map</i>		
T32	Sycamore	<p>The following trees are measured from the North-Eastern corner of No. 21 Woodlands.</p> <p>In a North-Westerly direction.</p> <p>24.5m</p> <p>12.5m</p> <p>In a Northerly direction.</p> <p>10.6m</p> <p>In a North-Easterly direction.</p> <p>19.0m</p>
T33	Sycamore	
T34	Sycamore	
T35	Sycamore	
T36	Sycamore	<p>The following trees are measured from the North-East corner of No. 15 Woodlands.</p> <p>In a North-Westerly direction.</p> <p>18.4m</p> <p>In a North-Easterly direction.</p> <p>6.5m</p> <p>In an Easterly direction.</p> <p>6.1m</p> <p>In a South Easterly direction</p> <p>Approximately 5.7m.</p> <p>Approximately 10.9m</p> <p>In a Northerly direction</p> <p>Approximately 7.0m</p>
T37	Sycamore	
T38	Sycamore	
T39	Acer sp	
T40	Acer sp	
T70	Cherry	
	<i>Description</i>	<i>Situation</i>

<i>Reference on the Map</i>		
T41	Sycamore	<p>The following trees are measured from the South-Eastern corner of No. 15 Woodlands.</p> <p>In a South South-Easterly direction.</p> <p>6.2m</p> <p>10.2m</p> <p>10.5m</p> <p>16.0m</p> <p>16.2m</p>
T42	Sycamore	
T43	Sycamore	
T44	Sycamore	
T45	Sycamore	
T46	Sycamore	<p>The following trees are measured from the South-Eastern corner of No. 17 Woodlands.</p> <p>In a Southerly direction.</p> <p>19.0m</p>
T47	Sycamore	<p>The following trees are measured from the South-Western corner of No. 22 Woodlands.</p> <p>In a South South-Westerly direction.</p> <p>21.8m</p> <p>22.5m</p> <p>19.1m</p> <p>17.5m</p> <p>15.5m</p> <p>12.0m</p> <p>10.8m</p>
T48	Sycamore	
T49	Sycamore	
T50	Sycamore	
T51	Sycamore	
T52	Beech	
T53	Sycamore	
	<i>Description</i>	<i>Situation</i>

<i>Reference on the Map</i>		
T54	Sycamore	<p>The following trees are measured from the South-Western corner of No. 22 Woodlands.</p> <p>In a southerly direction.</p> <p>7.7m</p>
T55	Sycamore	In a south-Westerly direction.
T56	Sycamore	6.0m
T57	Sycamore	5.7m
		4.2m
T58	Sycamore	<p>The following trees are measured from the North-Western corner of No. 22 Woodlands.</p> <p>In a South-Westerly direction.</p> <p>5.1m</p>
T59	Sycamore	In a North North-Westerly direction.
T60	Sycamore	13.5m
T61	Sycamore	15.5m
T62	Sycamore	16.3m
T63	Sycamore	20.3m
		20.5m
T64	Sycamore	<p>The following trees are measured from the South-Western corner of No. 2 Woodlands</p> <p>In a Southerly direction.</p> <p>14.0m</p>
T66	Sycamore	10.0m

<i>Reference on the Map</i>	<i>Description</i>	<i>Situation</i>
T65	Sycamore	In a South-Easterly direction. 10.5m
T67	Ash	8.5m In a South-Westerly direction.
T68	Sycamore	8.5m
T69	Ash	4.0m

GROUPS OF TREES

(within a broken black line on the map)

<i>Reference on the Map</i>	<i>Description</i>	<i>Situation</i>
G1	Group consisting of 2no Silver Birch and 1no Sycamore trees.	Extending for 12m in an Easterly direction from a point measured 15.5m in a North-Westerly direction from the North-Eastern corner of No. 28 Woodlands and 4m wide.
G2	Group consisting of 4no Alder, 3no Hawthorn, 2no Sycamore, 9no Rowan, 4no Whitebeam and 1no Beech trees.	Extending for 110 metres in a Westerly direction from a point measured 12.5m in a South-Easterly direction from the South-Eastern corner of No. 24 Woodlands, generally 4m wide and increasing to 18m wide at its Eastern end.
G3	Group consisting of 14no Sycamore, 4no Beech and 2no Whitebeam trees.	Extending for 80m in a North North-Westerly direction from a point measured 21 metres in a South-Easterly direction from the South-Eastern corner of No. 14 Woodlands and 18m wide.
G4	Group consisting of 3no Silver Birch trees.	Extending for approximately 11 metres in a Southerly direction from the South Eastern corner of No. 26 Woodlands.

TREES SPECIFIED WITH REFERENCE TO AN AREA

(defined by a dotted line on the map)

<i>Reference on the Map</i>	<i>Description</i>	<i>Situation</i>
A1	Consisting of Numerous Beech, Elm and Sycamore trees.	Situated to the South, East and West of Preston Tower Nurses Home, following the boundary walls. The area extends 30m inwards from the Southern boundary, 30m inwards from the Eastern boundary and 20m inwards from the Western boundary.

WOODLANDS

(within a continuous black line on the map)

<i>Reference on the Map</i>	<i>Description</i>	<i>Situation</i>
None		



2nd August 2017

Dear Mr Brown

Further to your correspondence regarding the Council placing a TPO on trees in Woodlands, North Shields,

I have enclosed photos of the problems our flats have with the trees overhanging our properties to highlight that even though the Council have placed a 6 month TPO on the trees they should still be maintained by the Council to stop damage and danger to our blind and visually impaired adults who occupy the flats.

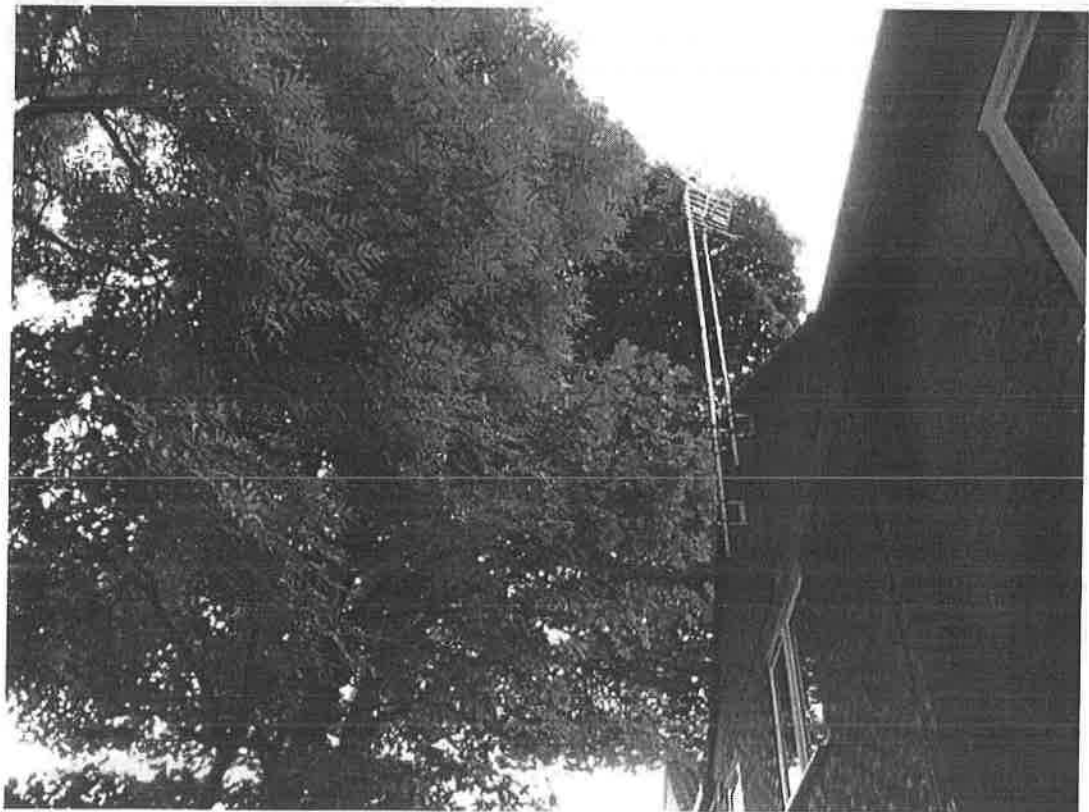
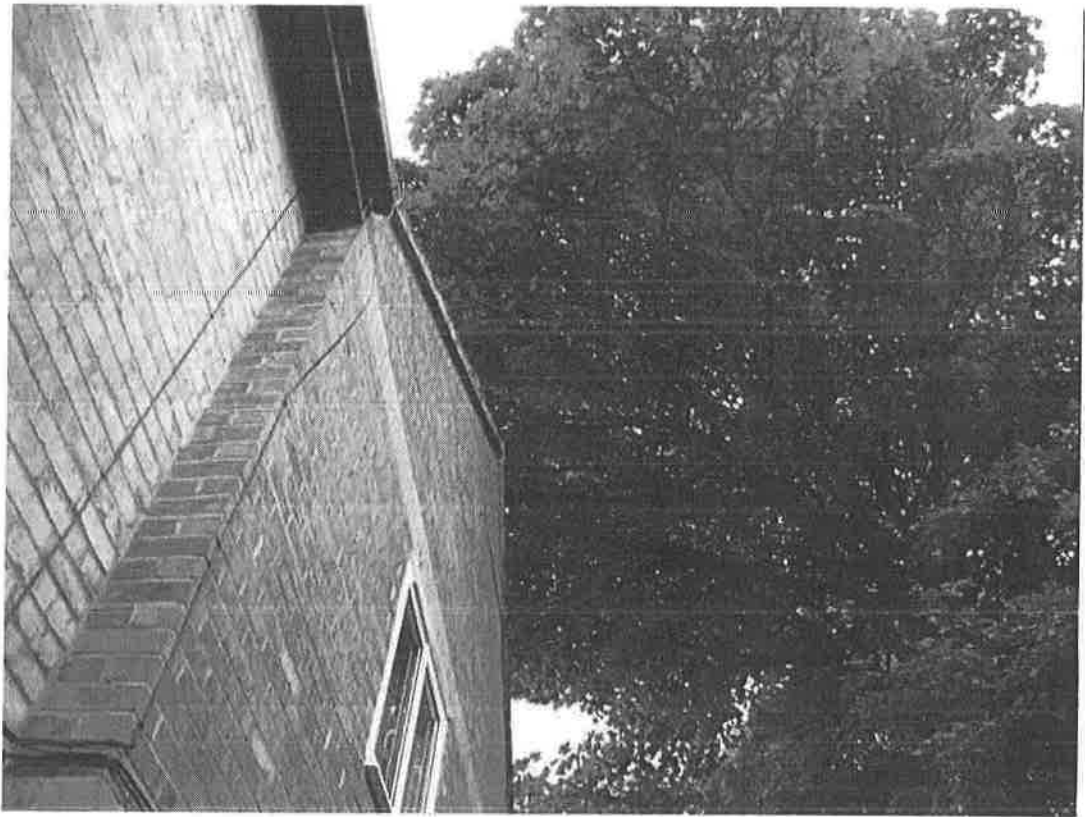
I have discussed this with environmental services who were looking into the matter for me but then received this letter on Monday 31st July?

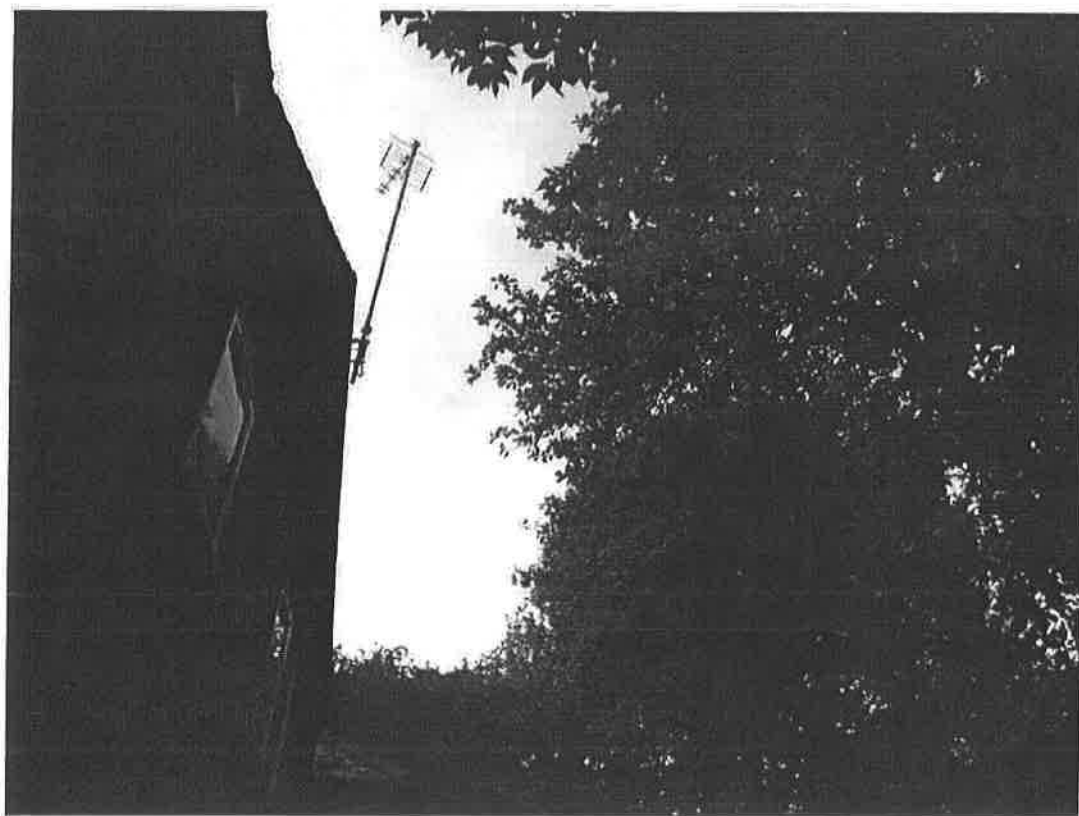
Will a TPO mean that it will make it even harder for us to get these trees cut back to a reasonable height and maintained each year as I feel they have been neglected and let to just grow.

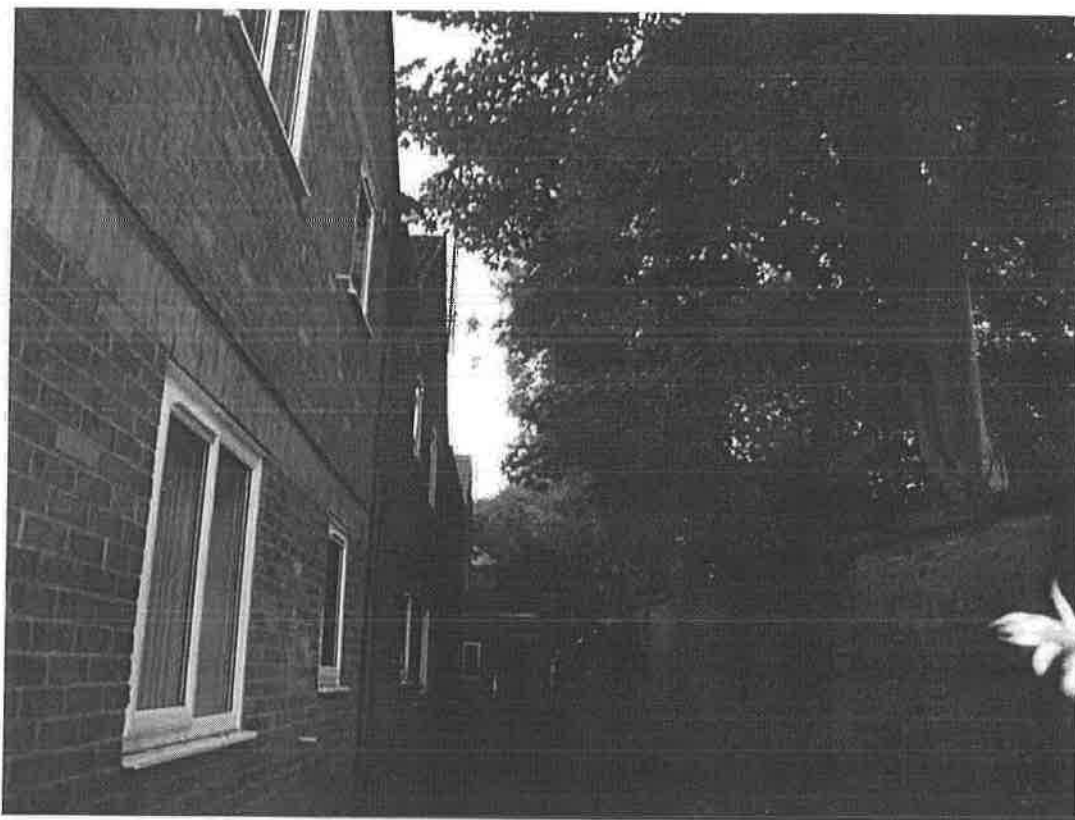
Yours sincerely

Mrs Helen Farrow
Centre Manager

Registered Charity Number 1160 007
Pearey House Centre, Preston Park, North Shields, NE29 9JR
www.peareyhouse.co.uk







Rebecca Andison Planning

Subject: FW: Objection- Woodlands North Shields Tree Preservation order [Scanned]

From: shooter adrian [REDACTED]
Sent: 06 August 2017 11:55
To: Dave Parkin; Democratic Support
Subject: Objection- Woodlands North Shields Tree Preservation order [Scanned]

I am objecting to the above order on the grounds that the trees marked G4 need to be regularly cut back because they

- Damage the guttering and gable of 26 Woodlands (the prevailing wind blows branches against the building)
- Damage the street light and block light
- Overhang the garden of 26 blocking natural light

The branches need to be cut back now for the above reasons.

Thanks

Adrian Shooter (resident 26 Woodlands)

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Rebecca Andison Planning

Subject: FW: FW: Sycamore tree at 11 Woodlands, North Shields [Scanned]

From: Anne Short [REDACTED]
Sent: 11 August 2017 15:47
To: Dave Parkin
Subject: Sycamore tree at 11 Woodlands, North Shields [Scanned]

In connection with the tree preservation order regarding all of Woodlands Estate North Shields I wish to object specifically to its enforcement concerning Sycamore T12 within the grounds of 11 Woodlands. T12 appears on page 2 of the council documentation I have received although the house number (no1) is an error. I understand the reason for the council's application is that the original documentation dating back to 1981 has been mislaid due to office relocation and hop the situation is resolved. As a family we used to live in an area which had more trees than houses which we felt very privileged to reside in. However since having 11 Woodlands purpose built in 1972 (T12 was about 3 metres high at that time) and despite numerous attempts by my father (now deceased) through the council to have the tree removed it remains to this day. I will therefore outline below my reasons for objecting to preservation order on said tree some 35 years on.

Overview of property:- The property is a genuine stone built (genuine stone sourced from a quarry in Northumberland) architect designed and there for unique structure built in 1972/73. It is a 2 bedroomed bungalow with a particularly high tiled roof and is currently occupied by my 89 year old mother. She and I (her son) share ownership of this property.

Overview of Sycamore T12:- T12 stands within the grounds of 11 Woodlands on the eastern side. It is approximately 17m high, has a main trunk at ground level of 1m which divides into 2 further trunks at about 1.5m and which each in turn divide into a further 2 trunks at about 2.5m. In essence this is 4 Sycamores in 1! My father applied to the council a number of times to have the TPO removed without success. The cost of tree surgeons doing work the council has in fact allowed is becoming prohibitive.

I would therefore like the council to remove (or not in fact replace) the TPO on Sycamore T12 for the following reasons.

1. My mother is constantly worried about the security risk re burglary etc. Because of the cover the tree affords to would be criminals.
2. Being a genuine stone property the eastern side is constantly damp due to the total shade caused by T12.
3. The main trunk stands within half a metre of a main drain and the surrounding brickwork to this drain has been destroyed by the root system.
4. T12 stands within 2metres of the main eastern wall of 11 Woodlands. Only recently has a pointing repair had to be done (due to cracking) of this eastern wall.

5. Again because of the shade the roof to the eastern side of 11 Woodlands has to be regularly cleared of all the moss as does the guttering. This is not cheap. In the autumn the garden itself has at least a half metre blanket of leaves from T12 and the gutters again require unblocking.
6. The living room and both bedrooms of 11 Woodlands are all dark due to the lack of sunlight caused by leaf cover. Those rooms should be bright and sunny especially in the mornings as they all face east. I am sure this also adds to the heating costs during the autumn winter and spring.
7. There is also the obvious risk of branches falling on to the property itself or worse still, anyone in the grounds of on the pavement beyond the boundary wall.

In conclusion we hope the council will take a sympathetic view regarding this appeal and would like to state that as a family we would be more than willing to plant 1 or more saplings of the council's recommendation within the grounds of 11 Woodlands should this application be successful.

Yours faithfully,

Graeme Short.

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Rebecca Andison Planning

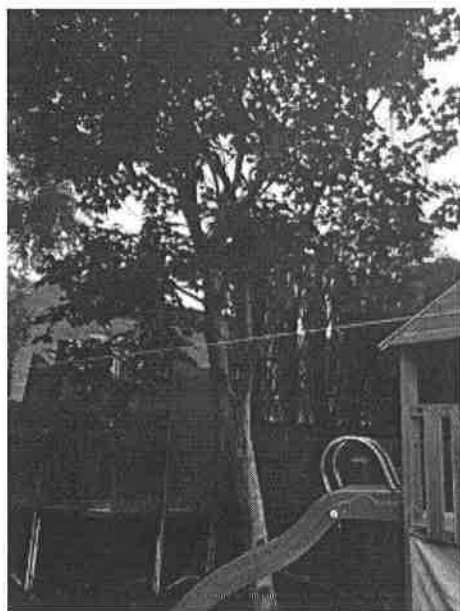
Subject: FW: Tree Preservation Order - 28 Woodlands, North Shields NE29 9JT [Scanned]

From: Laura Evans | Evans & Co [REDACTED]
Sent: 29 August 2017 22:33
To: Democratic Support
Subject: Tree Preservation Order - 28 Woodlands, North Shields NE29 9JT [Scanned]

To whom it may concern

We write further to your letter dated 26th July 2017 and would like to make the following comments -

1. In relation to G4 as defined on the Schedule, there is currently two silver birch trees and not three. A planning application reference 83/02049/TPO Fell Silver Birch, was made by the previous owner.
2. In relation to G1, defined as 2no Silver Birch and 1no Sycamore trees, on the Schedule, we are unsure which tree is a Sycamore tree and would be grateful for further clarification. I have attached a photograph for reference.



Kind regards

Mr and Mrs Evans
28 Woodlands
North Shields
NE29 9JT

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