



North Tyneside Council

Planning Committee

11 January 2019

To be held on **Tuesday 22 January 2019** 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 18 December 2018.	3

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5. Planning officer reports

	To give consideration to the planning applications contained in the above report relating to:	14
5.1	18/01458/FUL Preston Towers, Preston Road, North Shields (Preston Ward)	19
5.2	18/01468/FUL Land West of Units 8D to 8F Alder Road, West Chirton Industrial Estate, North Shields (Collingwood Ward)	49
5.3	18/01525/FUL Hadrian Park Community Primary School, Wallsend (Battle Hill Ward)	70

Members of the Planning Committee:

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

Planning Committee

18 December 2018

Present: Councillor F Lott (Chair)
Councillors J M Allan, G Madden, T Brady,
M A Green, John Hunter, D McMeekan,
J O'Shea and L Spillard.

PQ37/12/18 Apologies

Apologies for absence were received from Councillors S Graham, P Mason and M Reynolds.

PQ38/12/18 Substitute Members

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

Councillor J O'Shea for Councillor S Graham.

PQ39/12/18 Declarations of Interest and Dispensations

Councillor J M Allan declared a non-registerable personal interest in planning application 18/01462/FUL , Amberley Playing Fields, Garth Twenty One, Killingworth because he had a previous involvement with the Killingworth Young People's Club leading to the clubhouse, the James Allan Centre, being named after him and his son was currently manager/coach of a football team associated with the club. Councillor Allan withdrew from meeting during consideration of the application and took no part in the deliberations or decision making.

PQ40/12/18 Minutes

Resolved that the minutes of the meeting held on 27 November 2018 be confirmed as a correct record and signed by the Chair.

PQ41/12/18 Planning Officer's Reports

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

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

Application No: 18/00081/OUT Ward: Killingworth
Application Type: Outline planning application
Location: Scaffold Hill Farm, Whitley Road, Benton, NE12 9ST
Proposal: Outline application for up to 38 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments.
Applicant: The Northumberland Estate

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

In accordance with the Committee's speaking rights scheme Mr Keith Page of 17 St. Cuthberts Way, Holystone was permitted to address the Committee. Mr Page submitted a plan and photographs to explain that when the original planning application for the Scaffold Hill development had been approved the intention had been to install a pedestrian crossing on the Holystone by-pass at the location of a public right of way. This crossing had not been installed and he was concerned for the safety of pedestrians, cyclists and horse riders crossing the road at this location. Mr Page referred to the width of the central reservation, the speed of vehicles and visibility in the area to illustrate his concerns. He also highlighted the concerns expressed by the British Horse Society and Northumbria Police. Mr Page asked that by way of an additional condition the applicants should be required to install a pedestrian crossing with fencing at the location prior to the commencement of the proposed development. Mr Page also objected to the undergrounding of overhead power cables.

Mr John Wyatt of WYG addressed the Committee to respond to Mr Page on behalf of the applicants. Mr Wyatt endorsed the report of the planning officers which reflected the hard work undertaken to formulate an application which was acceptable in planning terms. He described how the application complied with the Local Plan in terms of the allocation of the site for housing, the positive visual impact of the proposal particularly when located next to the Rising Sun Country Park, the provision of allotments, the character, appearance and design of the development and its impact on the highways network.

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

- a) the benefits of undergrounding the overhead power cables from applicant's perspective;
- b) how the applicant would address the objection from Northern Powergrid to the undergrounding;
- c) the impact of requiring the applicants to install an additional pedestrian crossing on the Holystone by-pass as a condition of permitting the development in terms of cost and viability;
- d) the location and nature of the existing pedestrian crossings on the Holystone by-pass;
- e) the impact of an additional pedestrian crossing on the flow of traffic;
- f) the impact of the development on the risk of flooding in the area and the proposed condition requiring the applicant to demonstrate that the development would not increase the flood risk prior to its occupation;
- g) the representations received from Newcastle Airport requesting restrictions on the type of landscaping to minimise the risk of bird strikes and the possible negative impact of such restrictions on the wider ecology in the area;

- h) the proposed condition requiring the applicant to carry out intrusive site investigations to safeguard against coal mining features and hazards;
- i) the number of units currently being constructed on the Scaffold Hill site by virtue of previous permissions (460) and the impact of increasing the number by a further 38.

Decision

Application refused on the grounds that:

1. The proposed development would have a detrimental impact on road safety due to the lack of suitable crossing points on the A191, contrary to the advice in NPPF and Policy DM7.4 of the North Tyneside Local Plan 2017.
2. The proposed development is harmful to biodiversity in the area, contrary to Policy DM5.5 of the North Tyneside Local Plan 2017.
3. The proposed development would result in an overdevelopment of the site, having regard to the housing construction to the north of the application site, contrary to Policy DM6.1 of the North Tyneside Local Plan 2017.
4. The additional houses would have a detrimental impact in terms of flood risk to the local area, contrary to Policy DM5.12 of the North Tyneside Local Plan 2017.

Application No:	18/01462/FUL	Ward: Killingworth
Application Type:	Full planning application	
Location:	Amberley Playing Fields, Garth Twenty One, Killingworth	
Proposal:	Creation of new Artificial Grass Pitch (AGP), installation of new 4.5m high ball stop fencing and entrance gates to AGP perimeter, installation of new 2.0m high and 1.2m high pitch perimeter barrier and entrance gates within AGP enclosure, installation of new 2.5m high acoustic barrier along the Southern AGP perimeter, installation of new hard standing areas, installation of new floodlight system, installation of new maintenance equipment store located within AGP enclosure, relocation of portable goals storage compound, formation of grass mounds around the football ground.	
Applicant:	North Tyneside Council	

(Having declared a non-registerable personal interest Councillor J M Allan withdrew from the meeting during consideration of this application and took no part in the deliberations or decision making.)

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

In accordance with the Committee's speaking rights scheme Mr Jonathan Ord of 4 The Croft, Killingworth was permitted to address the Committee. Mr Ord was also speaking on behalf of Miss and Mrs Rutherford of 5 The Croft. Mr Ord had no objections to the improvement to the pitch which he acknowledged would be beneficial to young people in the area. However he hoped a number of issues could be addressed in considering the application. He queried whether the Council or the Killingworth Young Peoples Club (KYPC) would be responsible for the management and operation of the facility. He was concerned about the inadequate barrier between his property and the sports pitch, the increased usage of the pitch from 2 days to 7 days per week and the omission of a no whistle policy. Mr Ord also described how users of the playing field parked inconsiderately in the area and how there had been incidents of anti-social behaviour associated with use of the field and club.

Paul Youlden, the Council's Senior Manager: Sport and Leisure, addressed the Committee to respond to Mr Ord's comments. Mr Youlden explained that at present there were no artificial grass pitches in the north west of the borough. The proposed facility would be used by a range of sports and schools and it had the support of a number of sporting organisations. The KYPC had recently appointed new trustees who had contacted neighbouring residents regarding the proposal. A person would be employed to manage the site and deal with residents concerns. Mr Youlden commented on how the application satisfied the planning requirements in terms of its hours of operation, its impact on highway safety and its design.

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

- a) the location, nature and capacity of car parking facilities within the playing fields;
- b) access to the site via public transport, cycling and walking;
- c) further proposals, to be subject to a separate planning application, to improve the clubhouse, car parking and cycle storage on site; and
- d) the range of enforcement powers available to the Police and Council to address the parking issues in and around Garth Twenty One.

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 impact on open space, the wildlife corridor, trees and shrubs, residential amenity, drainage, ground stability, car parking and access in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's Local Plan 2017.

Application No:	18/01555/OUT	Ward:	Northumberland
Application Type:	Outline planning application		
Location:	Land Adjacent to 87 Sunholme Drive, Wallsend		
Proposal:	Single detached 3 bed house with garage and onsite parking. (Resubmission)		
Applicant:	Shenstone Properties		

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

In accordance with the Committee's speaking rights scheme Mr Simon King of 58 Sunholme Drive was permitted to address the Committee. Mr King was also speaking on behalf of Mrs Elliot of 87 Sunholme Drive. Mr King objected to the proposed development because the site was the only area of open space on which local children could play, the addition of more housing would worsen the car parking issues in the street and he believed that the property would be at risk of flooding from the stream to rear of the site.

The applicant's agent had been invited to attend the meeting to respond to Mr King's comments but he was unable to attend.

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

- a) the status of the site as an informal open space which was not formally designated for any purpose in the Local Plan but which had previously been subject to a Section 38 highways adoption agreement; and
- b) the indicative plans which showed that an appropriate level of car parking could be provided within the site.

Decision

Application refused on the grounds that:

1. The application site occupies a prominent position within an existing residential estate. The proposed development would result in an overdevelopment of this site to the detriment of the surrounding area, including parking provision. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).
2. The proposed development would result in the loss of a play area and open space to the detriment of the function of the surrounding area. As such the proposed development is contrary to policies DM4.5 and DM6.1 of the North Tyneside Council Local Plan (2017).
3. The proposed development by virtue of its layout and siting would result in an unacceptable impact on the character and appearance of the immediate surrounding area. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).
4. The proposed development by virtue of its layout and siting would result in an unacceptable impact upon the residential amenity of existing properties. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).

Application No:	18/00104/OUT	Ward:	Killingworth
Application Type:	Outline planning application		
Location:	Land East of 9 Laurel End, Forest Hall		
Proposal:	Outline application for the residential development of 25 dwellings with associated roads, parking, landscaping, drainage and open space (with all matters reserved).		
Applicant:	Banks Property Ltd		

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

The Committee also received a presentation showing the projected traffic flows in 2032 at the junction proposed to be constructed (in accordance with the Killingworth Moor Masterplan) on Great Lime Road to provide access to a new strategic highway from Great Lime Road to Killingworth Lane.

Following the presentation the Committee asked questions of officers and made comments when members gave particular consideration to:

- a) a requirement on the applicants that the development be served by adoptable estate roads and the effect of a proposed amendment to the relevant condition allowing the applicants to provide a private road where agreed with the local planning authority. Members expressed their concerns that where private roads are provided these often lead to complaints from residents to the Council regarding their poor condition;

- b) the representations received from Newcastle Airport requesting restrictions on the nature of landscaping to minimise the risk of bird strikes and the possible negative impact of such restrictions on the wider ecology in the area;
- c) the opportunity to control the timing of landscaping works and mitigate the risk of flooding as part of any reserved matters application; and
- d) the rationale for directing Section 106 contributions to the Rising Sub Countryside Centre rather than other local facilities.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application following the completion of a Deed of Variation of the original legal agreement made under Section 106 of the Town and Country Planning Act 1990 to secure the following contributions:

- a) 25% affordable housing;
- b) £87,500 for primary education for Ivy Road primary school to provide the required resources to meet the needs of the additional primary aged pupils;
- c) £57,000 for secondary education to provide the required resources to meet the needs of the additional secondary aged pupils at Longbenton High School;
- d) Education and skills (employment): 1 apprentice per 30 dwellings as outlined in the current SPD or as an alternative £7,000 which will be used to deliver employability intervention;
- e) £4875 for greenspace due to increased footfall to the Rising Sun Country Park which is within walking and cycling distance of the proposed development. It would be to assist with the ongoing maintenance due to the increased footfall. There is a need to maintain the areas leading to and around the areas of open water these areas.
- f) £5725 for parks. The increase in footfall to the Rising Sun Country Park will increase general wear and tear to the infrastructure within the Countryside Centre. There is a need for footpath surface improvements for the footpath leading from the west of the car park area, in addition the wildlife area requires footpath reconstruction as the current construction is insufficient. Planting could also be improved to provide natural barriers, enclosure.
- g) £9000 for equipped area for play / multi use games area. The increase in footfall to the Rising Sun Country Park will increase general wear and tear to the play equipment infrastructure within the Countryside Centre. The toddler's area is popular and well used in the Countryside Centre, this area and associated equipment /planting is in need of a refresh.
- h) £80,000 for road improvements to Great Lime Road; and
- i) £12,987for pedestrian cycle links.

(The Committee indicated that they were minded to approve the application, subject to the conditions set out in the planning officer's report and addendum, as the development was considered to be acceptable in terms of the principal of residential development and its impact on amenity, the character of the area, biodiversity and on highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's Local Plan 2017.)

(Councillor L Spillard left the meeting at this point.)

Application No: 18/00300/FUL Ward: Riverside
 Application Type: Full planning application
 Location: 26-37 Clive Street, North Shields, NE29 6LD
 Proposal: Demolition of the former North East Rubber Company factory buildings and construction of three residential apartment blocks, comprising of 49no one and two bedroom apartments and 1no two bedroom townhouse and associated parking provision.
 Applicant: J C Quay Limited.

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

The Committee asked questions of officers and made comments when it gave particular consideration to:

- a) provision within the proposals for public access to the riverside;
- b) whether the application complied with the standards of accessibility and internal space set out in policy DM4.9 of the Local Plan; and
- c) the design of the proposed apartment blocks.

Decision

Application refused on the grounds that the proposal is considered to be contrary to Local Plan Policy DM6.1 "Design of Development" as it does not demonstrate high and consistent design standards and is not of a quality which would enhance the character and appearance of the Fish Quay and New Quay Conservation Areas and surrounding heritage assets, as it lacks innovation in its design, does not take advantage of the opportunity to enhance the significance of this area, presenting a bland frontage to Clive Street and does not have a positive relationship with neighbouring properties.

(Councillor G Madden left the meeting at this point.)

Application No: 18/01559/FUL Ward: Valley
 Application Type: Full planning application
 Location: Land North of Holystone Roundabout, Earsdon Road, Shiremoor.
 Proposal: Erection of Units for retail (Class A1) and gym (Class D2) uses, with associated parking, servicing provision and landscaping.
 (Resubmission)
 Applicant: Northumberland Estates

The Committee gave consideration to a report of the planning officer in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application following the completion of a Deed of Variation of the original legal agreement made under Section 106 of the Town and Country Planning Act 1990 to secure the following contributions:

- a) a financial contribution to cover the cost of the provision of three Toucan crossings in order to provide and improve sustainable links to the application site; and

- b) a Travel Plan Bond in order to ensure that targets set out within the Travel Plan are implemented and adhered to.

The Head of Law and Governance and the Head of Environment and Leisure be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the provision and improvement of sustainable links to the application site.

(The Committee indicated that it was minded to approve this application, subject to the conditions set out in the planning officers report, and any subsequent amendments, omissions or additional conditions considered necessary, as the proposed development was considered to be acceptable in terms of the principle of development, its design, its impact on the character and appearance of the area, neighbouring residential amenity, biodiversity, landscaping and highway safety in accordance with the relevant policies contained with the Council's Local Plan 2017 and the National Planning Policy Framework.)

Application No:	17/01466/FUL	Ward:	Whitley Bay
Application Type:	Full planning application		
Location:	Hush Lounge, 20-24 South Parade, Whitley Bay, NE26 2RG		
Proposal:	Change of use and conversion of three storey buildings to provide 10no quality residential apartments with associated external alterations and rear roof extension.		
Applicant:	Mr & Mrs Jonas & Sheindy Kaufman & Feldman		

The Committee gave consideration to a report of the planning officer in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs.

The Committee asked questions of officers and made comments when it gave particular consideration to the proposed car parking provision on site and the benefits of returning a vacant building back into use.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application subject to:

- a) the conditions set out in the planning officer's report and the amendment to, addition or omission of any conditions considered necessary; and
- b) the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £6,000 for a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

(The Committee indicated that it was minded to approve the application subject to the conditions set out in the planning officer's report as the proposed development was considered to be acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants and on highway safety in accordance with the relevant policies contained within the Council's Local Plan 2017 and the National Planning Policy Framework.)

Application No: 17/01777/FUL Ward: Whitley Bay
 Application Type: Full planning application
 Location: 26-32 South Parade, Whitley Bay, NE26 2RQ
 Proposal: Change of use and conversion of three storey buildings to provide 12no quality residential apartments with associated external alterations and rear roof extension.
 Applicant: Bewick Properties

The Committee gave consideration to a report of the planning officer in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs.

The Committee asked questions of officers and made comments when it gave particular consideration to:

- a) the applicant's viability assessment and the Council's appraisal of the assessment which demonstrated that if the development was to be viable there was no scope for affordable housing or any further financial contributions to be secured from a legal agreement under Section 106 of the Town and Country Planning Act 1990; and
- b) the limited powers available to the Council to restrict the use of the apartments as holiday or short term lets.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application subject to:

- a) the conditions set out in the planning officer's report and any amendments, additions or omissions of any other conditions considered necessary; and
- b) the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £7,200 for a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

(The Committee indicated that it was minded to approve the application, subject to the conditions set out in the planning officer's report, as the proposed development was considered to be acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants and on highway safety in accordance with the relevant policies contained within the Council's Local Plan 2017 and the National Planning Policy Framework.)

Application No: 18/01159/FUL Ward: Weetslade
 Application Type: Full planning application
 Location: S and B EPS, Warehouse West of 2 Grieves Row, Dudley
 Proposal: Erection of two buildings connected to existing buildings with link corridors, erection of a substation and roof modification to existing building. Reorganisation of internal traffic movements to direct HGV to roundabout access.
 Applicant: Mr Darren Smith

The Committee gave consideration to a report of the planning officer in relation to the application, together with an addendum to the report which had been circulated to 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.

The Committee asked questions of officers and made comments when it gave particular consideration to:

- a) the impact of approving the application in terms of the designation of the land for housing within the Council's Local Plan 2017;
- b) the proposed hours of operation; and
- c) the condition of the southern access to the site from the mini roundabout opposite the entrance to Meadowbank.

Decision

Application approved subject to the conditions set out in the planning officers report and addendum as the proposed development was considered to be acceptable in terms of the principle of the development, its impact on the character and appearance of the area, residential amenity, highway safety, ground conditions and flooding in accordance with the relevant policies contained within the Council's Local Plan 2017 and the National Planning Policy Framework.

(Councillor J O'Shea left the meeting at this point.)

Application No:	18/00899/FUL	Ward:	Weetslade
Application Type:	Full planning application		
Location:	Auto Parc, Sandy Lane, North Gosforth, NE3 5HE		
Proposal:	Reconfiguration of 3no. existing industrial units to accommodate showrooms, including extending Block G. Construction of additional unit to accommodate showroom. Demolition of existing cafe and construction of a showroom. Re-configuration of roadways and parking lots within the site.		
Applicant:	Tyneside Autoparc Ltd		

The Committee gave consideration to a report of the planning officer in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs.

The Committee asked questions of officers and made comments when it gave particular consideration to:

- a) the proposed condition requiring the applicant to submit for approval details of external lighting;
- b) the impact of the development on landscaping and protected trees located to the south of the site; and
- c) the relationship between the proposed development and other related developments previously permitted and now under construction on the site.

Decision

Application approved, subject to the conditions set out in the planning officers report, as the proposed development was considered to be acceptable in terms of its impact on residential amenity, its impact on the character and appearance of the area, highway safety, biodiversity, trees, ground conditions and flooding in accordance with the relevant policies contained within the Council's Local Plan 2017 and the National Planning Policy Framework.

PQ42/12/18 5 Bygate, Whitley Bay Tree Preservation Order 2018

The Council had received notification of the intention to fell a single beech tree at 5 Bygate, Monkseaton, which was located within the Monkseaton Conservation Area. Using powers contained within the Town and Country Planning Act 1990 the proposal had been assessed and the Head of Environment, Housing and Leisure had decided to make a Tree Preservation Order (TPO) to protect the tree because the tree made a significant contribution to the amenity value of the area, being in a prominent position, visible from Bygate Road and St Georges Crescent and within Monkseaton Conservation Area.

The Order was made and served on affected residents on 4 October 2018. The Order had to be confirmed by 4 April 2019 otherwise the Order would lapse and the tree would no longer be protected.

Two letters of objection had been received to confirmation of the Order. One from the occupiers of 5 Bygate and one from the occupiers of the adjoining property, 4 St Georges Crescent. The grounds of objection were in relation to damage being caused by the tree to boundary walls and a driveway, excessive shading to 4 St Georges Crescent, concern at the overall height and spread of the tree. The objectors argued that the tree was of little value to the amenity to the area and its loss would be compensated by the growth of other large shrubs and trees at the location.

The Council's Head of Environment, Housing and Leisure advised the Committee that the proposed works to remove the tree would be contrary to the policies in the Council's Local Plan 2017 which aimed to protect trees within the borough and preserve, promote and enhance the overall character of the conservation area. The tree was in reasonable condition with no visible indications that it was dying, diseased or dangerous. The displacement of the boundary wall appeared to be caused by pressure from tree roots and the buttress of the tree. However, no detail or information had been submitted to establish if the wall could be repaired whilst retaining the tree. There was some displacement of the brickwork to the driveway but not sufficient to cause any obvious trip hazards. Trees were not usually felled because they were reducing light levels into properties unless it had been demonstrated there was a severe restriction. Similarly a tree would not be removed because it was considered to be too big or tall for its surroundings. The size of the tree could be managed by pruning. Confirming the Order would not prevent any necessary tree work from being carried out but would 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 tree.

Decision

The 5 Bygate Road, Whitley Bay Tree Preservation Order 2018 be confirmed without modification as the beech tree at 5 Bygate, Monkseaton makes a significant contribution to the amenity value of the area, being in a prominent position, visible from Bygate Road and St Georges Crescent and within Monkseaton Conservation Area and its removal would not be contrary to Local Plan Policies DM5.9, S6.5 and DM6.6. Confirmation of the 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.

PLANNING COMMITTEE

Date: 22 January 2019

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

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

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

Interests of the whole community

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

All applications should be determined on their respective planning merits.

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

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

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

Planning Considerations

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

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

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

Briefly, material planning considerations include:-

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

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

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

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

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

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

Officers' Advice

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

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

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

When refusing permission:

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

When granting permission:

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

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

Lobbying of Planning Committee Members

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

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

Lobbying of Other Members

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

Lobbying

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

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

**PLANNING APPLICATION REPORTS
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- 5.3 18/01525/FUL Battle Hill**
- Hadrian Park Community Primary School Addington Drive
Wallsend Tyne And Wear NE28 9RT**

Item No: 5.1
Application No: 18/01458/FUL Author: Rebecca Andison
Date valid: 6 November 2018 ☎: 0191 643 6321
Target: 5 February 2019 Ward: Preston
decision date:

Application type: full planning application

Location: Preston Towers, Preston Road, North Shields, Tyne And Wear, NE29 9JU

Proposal: Change of use of existing Preston Towers from Nursing home (C2) into 4no 3 bedroom houses and 6no 2 bedroom apartments, together with parking and new access from Preston Road. Installation of timber windows

Applicant: Preston Towers Limited, Wellington Chambers 61 Saville Street North Shields Tyne And Wear

Agent: Curve Chartered Architects, Mr Gavin Knox 3 Orchard Terrace Rowlands Gill NE39 1EG

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact upon neighbours living conditions with particular regard to outlook and privacy;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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 Preston Towers, a former residential care home located within Preston Park Conservation Area. The building dates from 1875 and is included on the Local Register. When constructed Preston Towers included a lodge at the entrance gates to the south east, and a carriage house and a stable block to the north. These buildings are still in situ, but have now been converted into independent residential units. The original building was extended in the 1980's when a large extension was built on the north side of the property.

2.2 On the south side of Preston Towers are extensive grounds, dominated by mature trees along the south, east and west boundaries. The main entrance is in the south elevation of the building and faces what was originally the main drive. Trees within the site are protected by the Woodlands, North Shields TPO.

2.3 To the west of the application site are Pearey House and Clementhorpe, two large detached properties set in extensive grounds. Pearey House is a welfare centre for the visually impaired and Clementhorpe is a single dwelling. Immediately to the west of the site are six residential properties within Preston Towers Apartments.

2.4 Access to the site is from Preston Road to the east where there are two existing access points. One is located adjacent to the northern boundary and is shared with The Stables and Coach Cottage. The other is to the south and is shared with The Lodge.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to convert the existing building into 4no 3-bedroom residential dwellings and 6no 2-bedroom apartments.

3.2 Internal alterations are proposed to convert the existing property into residential use. Four houses are proposed within the south and east parts of the building, with six apartments to the north and west. The houses would be largely within the original building with the flats in the modern extensions. The apartments and 1no dwelling would be served by the existing access point from Preston Road adjacent to the northern boundary of the site. A new access from Preston Road is proposed to serve the other 3no dwellings and The Lodge. The existing access to The Lodge would be closed.

3.3 It is proposed to reinstate metal railings along the western boundary of the site and replacement timber windows throughout the property.

4.0 Relevant Planning History

88/01328/FUL - Change of use to 50 resident care home, alter to 6 private flats, alter garage/stable block to two 2 bedroom cottages, Garages, 6 units and 2 units, modification to site roads – Permitted 27.09.1988

88/02072/FUL - Residential care home for the elderly – Permitted 01.02.1989

17/01689/FUL - Change of Use of Existing Preston Towers, from Nursing Home (Class C2) to 4no houses (Class C3) and 6no apartments (Class C3). Development of 4no new detached houses (Class C3). Construction of new access from unadopted road to the south of the site - Refused 27.11.2018

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (July 2018)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact upon neighbours living conditions with particular regard to outlook and privacy;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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

8.0 Principle of the Proposed Development

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

8.2 In relation to housing, NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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

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

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

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

8.7 The Local Plan specifically allocates sites to meet the overall housing needs. Members are advised that the site, subject of this application, is not allocated for housing in the Local Plan.

8.8 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

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

8.9 The development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and point (a) of Policy DM4.5. Issues relating to the impact of this scheme upon local amenities and existing land uses are discussed later in this report

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

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 67 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 March 2018 5-year Housing Land Supply Summary identifies the total potential 5-year housing land supply in the borough at 5,276 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.4 year supply of housing land). It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.4 year supply of housing land. Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing.

10.0 Design and Impact on Heritage Assets

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

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

10.3 In respect of designated heritage assets the NPPF states that 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

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

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

10.7 At paragraph 200 of the NPPF it states:

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

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

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

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

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

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

10.11 The Council has produced an SPD on Design Quality, it states that the Council will encourage innovation in the design and layout, and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

10.12 The Local Register of Buildings and Parks SPD was adopted in 2018. It notes that Preston Towers was built in accordance with the principle of having the properties set back in the building plot, creating a strong building line and open space to the south. The SPD advises that proposals for alterations to Local Register Buildings should respect the architectural quality, character and interest of the building and will be determined on their ability to do so. It notes that a building may require alteration in order to help with maintenance, preservation or viability, but expects alterations works to remain sympathetic and to be of high quality.

10.13 The development of Preston Park commenced after John Fenwick sold the area of land to four local families to build four prestigious villas. The first of these, Clementhorpe, embraced the principle of the form of development we see today. A plan deposited in 1866 (when a conservatory was added) indicates a line of future buildings to the east of the Clementhorpe with the comment that the land in front of the houses should be covenanted to remain open forever. The building of Easby House (now Pearey House) and Preston Tower in the 1870s adhered to this principle. Lincluden, Clementhorpe, and Preston Tower were all designed by the prodigious local architect F R N Haswell. Of the three Haswell buildings in the conservation area, Preston Towers possibly sits at the top of the hierarchy, due to its easily seen positioning on Preston Road, its feature tower and its numerous outbuildings.

10.14 The Preston Park Conservation Area Character Appraisal was adopted in 2009. It refers to the area's unique layout stating that no other area within the borough has such a noticeably spacious layout, which is achieved here not only by the grounds of the properties but by the undeveloped space of Preston Park.

10.15 It goes on to describe how the presence of numerous trees within private gardens results in many of the properties being partially obscured, which encourages the visitor to explore further to view more of the buildings, and also creates an "exclusive" feeling to them.

10.16 The Character Statement notes that all of the properties were constructed as single-family dwellings but some have since been converted into flats. It states that should conversions continue it could begin to harm the character and appearance as a result of incremental changes to elevations, increased parking requirements and hard-standing. For these reasons it will be important to pay particular attention to controlling increases in the number of dwellings in this area.

10.17 The proposal is to convert Preston Towers into 10no residential properties, including the construction of a new access and the installation of replacement windows.

10.18 The existing building has been vacant since 2012 when the former care home closed. It has been subject to break-ins and theft of internal detailing and leadwork from the roof.

10.19 Preston Towers is arguably the most important building within the conservation area. The proposed conversion to houses and apartments would secure its restoration and future use. No external alterations are proposed to the building other than the installation of replacement timber framed windows. It is also proposed to install a bin store at the rear of the building and to reinstate railings along the western boundary of the site. It is considered that these changes would conserve and enhance the character and appearance of the conservation area and the architectural quality and interest of the Local Register Building.

10.20 It is therefore officer opinion that the proposal to convert Preston Towers into residential units is acceptable in terms of the impact on the character of the conservation area and Local Register Building.

11.0 Impact on Residential Amenity

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

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

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

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

11.5 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.6 Preston Towers is located approx. 4m from the gable elevation of Preston Tower Apartments. There are no windows in the gable of the apartments but there are windows in the west elevation of Preston Towers. These windows relate to apartments 6, 8 and 10. The main windows are affected are the bedrooms and bathroom. Outlook from the second bedroom would be affected by the proximity to the existing building but the main bedroom has an additional window in the north elevation. On balance the standard of amenity proved is considered to be acceptable. All other rooms within the building are considered to provide an acceptable standard of accommodation.

11.7 To the north of the application site are garages and a residential dwelling (Coach Cottage). Coach Cottage is located to the north east of Preston Towers and there would be no direct overlooking between windows.

11.8 In officer opinion the development is acceptable in terms of the impact on the living conditions of existing occupiers.

12.0 Car Parking and Access

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

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

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

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

12.5 The Council's adopted parking standards are set out in LDD12 'Transport and Highways'.

12.6 It is proposed to convert Preston Towers into 4no 3-bed dwellings and 6no 2-bed apartments. A total of 16no parking spaces are proposed. Six of these would be for dwellings 1, 2 and 3 and would be accessed via a new access from Preston Road. The other ten spaces would serve dwelling 4 and the 6no apartments. These would be accessed via the existing access adjacent to the northern boundary.

12.7 The Highway Network Manager has commented that parking has been provided to meet the needs of the development and recommends that the application should be approved.

12.8 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 Trees and Biodiversity

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

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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

13.4 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,

- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

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

13.6 Policy DM5.7 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.

13.7 The application site contains groups of mature trees along the south, east and west boundaries. The trees are protected by virtue of their location within the Preston Park Conservation Area and by the Woodlands, North Shields TPO 2017. The serving of a TPO reflects the importance of the trees and the significant contribution they make to the conservation area and streetscene.

13.8 The applicant has submitted a Shadow Habitats Regulation Assessment (sHRA), bat and barn owl report and an Arboricultural Impact Assessment.

13.9 The new access would be located where a diseased tree has been removed. This tree has been identified in the tree survey as a category U tree i.e. unsuitable for retention. To create the access it is proposed to construct a new section of wall which will also require the removal of 1 no category B tree (T20) and part of tree group 4.

13.10 The Landscape Architect has viewed the submitted information and provided comments. She notes that the proposal results in the loss of 1 no category B tree but considers that the loss of one tree is acceptable given that replacement tree planting to mitigate for this loss can be secured by a condition. She states that the impacts on the root protection areas of the trees adjacent to the new access will be minimal.

13.11 The Biodiversity Officer has also commented on the application. She notes that the Bat Survey has shown that the occasional bat may be present but considers that timing the building works to avoid the hibernation period will ensure that the development has minimal impact.

13.12 The development includes new native hedgerows within the site to divide the garden. The Biodiversity Officer considers that this would mitigate for the loss of T20 and part of Group 4.

13.13 The Shadow Habitat Regulations Assessment (sHRA) identifies a potential impact on the Northumbria Coast SPA, due to an increase in recreational use, and in particular dog walking at the coast, although given the small scale of the development; it advises that the potential for an adverse effect is limited. It recommends mitigation in the form of interpretation boards within the development site highlighting the proximity of Preston Park as a suitable area of green space, and the payment of a financial contribution to the Local Authority to aid in management of recreational use of the coast at Tynemouth.

13.14 The Biodiversity Officer has advised that the impact on the SPA could be mitigated through a financial contribution of £6,000 towards a coastal mitigation scheme. The developer has agreed to pay this contribution.

13.15 Natural England has been consulted and their comments will be reported to committee.

13.16 Members must consider whether the development is acceptable in terms of the impact on trees within the site, protected habitats and species. It is officer opinion that the impact is acceptable subject to the imposition of the conditions requested by the Landscape Architect and Biodiversity Officer and a financial contribution towards a coastal mitigation scheme.

14.0 Other Matters

14.1 Flooding

14.2 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

14.3 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.

14.4 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.

14.5 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.

14.6 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).

14.7 No alterations are proposed to the building footprint and the only additional hard surfacing is that created by the new access.

14.8 The Council as Local Lead Flood Authority has been consulted raises no objections to the application.

14.9 Northumbrian Water has advised that they have considered the application and have no comments.

14.10. It is officer opinion that the proposal would accord with the flooding advice in NPPF.

14.11 S106 Contributions

14.12 NPPF states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

14.13 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.

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

14.15 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.

14.16 The Council are seeking the following S106 contributions:

£1,950 towards ecology and biodiversity;

£25,000 towards primary education;

£2,500 towards training and employment;

£1,000 towards the provision of a refuse bin; and

£6,000 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

14.17 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

14.18 The applicant has confirmed that they are agreeable to the financial contributions requested. A CIL payment will also be required in respect of this development.

14.19 Local Financial Considerations

14.20 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).

14.21 The proposal involves the creation of 10no new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax.

14.22 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

14.23 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.

15.0 Conclusion

15.1 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.

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

15.3 The proposed development would bring significant benefits to the appearance of the Local Register Building and the character of the conservation area, would secure the future use of a vacant building and provide additional homes.

15.4 It is officer advice that, subject to no objections being raised by Natural England, the proposed development is acceptable in terms of its impact on residential amenity, designated heritage assets, trees, ecology and the highway network.

15.5 The development is considered to comply with relevant National and UDP policy and is therefore recommended for conditional approval subject to a S106 agreement to secure a financial contributions set out above.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate that they are minded to grant this application subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of a S106 Agreement to secure the following:

- A sum of £1,950 towards ecology and biodiversity;
- £25,000 towards primary education;
- £2,500 towards training and employment;
- £1,000 towards the provision of a refuse bin; and
- £6,000 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

Conditions/Reasons

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

Proposed site plan 02J

Proposed access Appendix A Rev.B

Tree protection plan Rev.A

Proposed ground and first floor plans C421.06 Rev.E

Proposed second, third floor and roof plans C421.07 Rev.C

Proposed elevations C421.08 Rev.A

Site location plan

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. | Refuse Storage Detail Provide Before Occ | REF00
1 | * |

5. Prior to occupation of the development a refuse collection management scheme must be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

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

6. No part of the development shall be occupied until an area has been laid out within the site for vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; site welfare facilities; loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. There shall be no cabins, storage of plant and materials or parking within the RPA of the retained trees as defined by the Tree Protection Plan. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees

(where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. No other part of the development shall be occupied until the means of access has been altered in accordance with the approved drawing.

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

10. Within 6 month(s) of the new/altered access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb/removing the existing bellmouth and reinstating the footway verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

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.

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

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

12. Prior to occupation of the development a parking management scheme must be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

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

13. The development shall be carried out in accordance with the Bat Method Statement set out in Section 2 of the Bat & Barn Owl Report 2018.

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

14. Within one month of the date of this permission a fully detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth).

Reason: To ensure that important features are protected and retained 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. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428:1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

16. Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Lighting on site during and post development must be low level and low lux and directed away from features of value to bats such as the trees to the south. Any external lights will be set on a motion detector and short timer and be positioned in such a way that they do not shine on any of the bat feeding areas.

Reason: To ensure that local wildlife populations are protected having regard to policies DM5.19 and DM5.5 of the North Tyneside Local Plan (2017) and the NPPF.

17. No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing. When undertaking works to the building, any nesting birds will be allowed access to the nest until the young have fledged.

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

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

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

19. Prior to the occupation of development 5no. bird boxes must be provided on suitable trees within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority prior to their installation.

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.

20. Prior to the occupation of development 2no. general purpose Schwegler 2f bat boxes must be provided on suitable trees within the site. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority prior to their installation.

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.

21. Prior to occupation of the development details of interpretation boards to be provided promoting the use of Preston Park for dog walking must be submitted to and approved in writing by the Local Authority. Details must include the specification and location of the interpretation boards and their installation dates. The boards shall be installed in accordance with the agreed details before the development is occupied.

Reason: To mitigate the impact of additional visitor numbers on the Northumberland Coast SPA and Northumberland Shore SSSI; in the interests of ecology, having regard to the NPPF and Policy DM5.5 and DM5.6 of the North Tyneside Local Plan.

22. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the construction of the development. Any trees, shrubs or hedgerows that are removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

23. Prior to commencement of development all retained trees within and adjacent to the site shall be protected by fencing in accordance with the details shown in the Tree Protection Plan (TPP) and Arboricultural Impact Assessment (AIA) submitted by All About Trees. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete and shall not be repositioned unless otherwise agreed in writing with the Local Planning Authority.

Reason: This is required prior to development commencing to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

24. The development shall be carried out in accordance with the submitted Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement submitted by All About Trees and within the guidelines

contained within BS5837:2012 and NJUG Volume 4. This includes (but not limited to) excavation of soil, excavation for foundations, drainage, the laying of or diversion of services, and any other works within the RPA's of retained trees, shall be dug by hand or using trenchless techniques as detailed in the Arboricultural Method Statement by All About Trees. The AMS is to form part of the contractors method statement regarding the proposed construction works.

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

25. Prior to the construction of the new access road a detailed method statement to include details of the installation of kerb edges, foundation construction for the retaining wall and other hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include a methodology and detailed assessment for root pruning, no dig construction methods and bridging over of tree roots if applicable, backfilling and methods to improve the rooting environment for retained trees on completion.

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

26. Tree work to accord with BS3998 TPO00 *
2

27. An arboricultural consultant shall be appointed to advise on tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection measures and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement by All About Trees (section 5). Written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction must be submitted and approved in writing by the Local Planning Authority prior to occupation of the development.

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

28. Prior to occupation of the development details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. 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 a satisfactory environment within the development having regard to Policy DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

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

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

Informatives

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

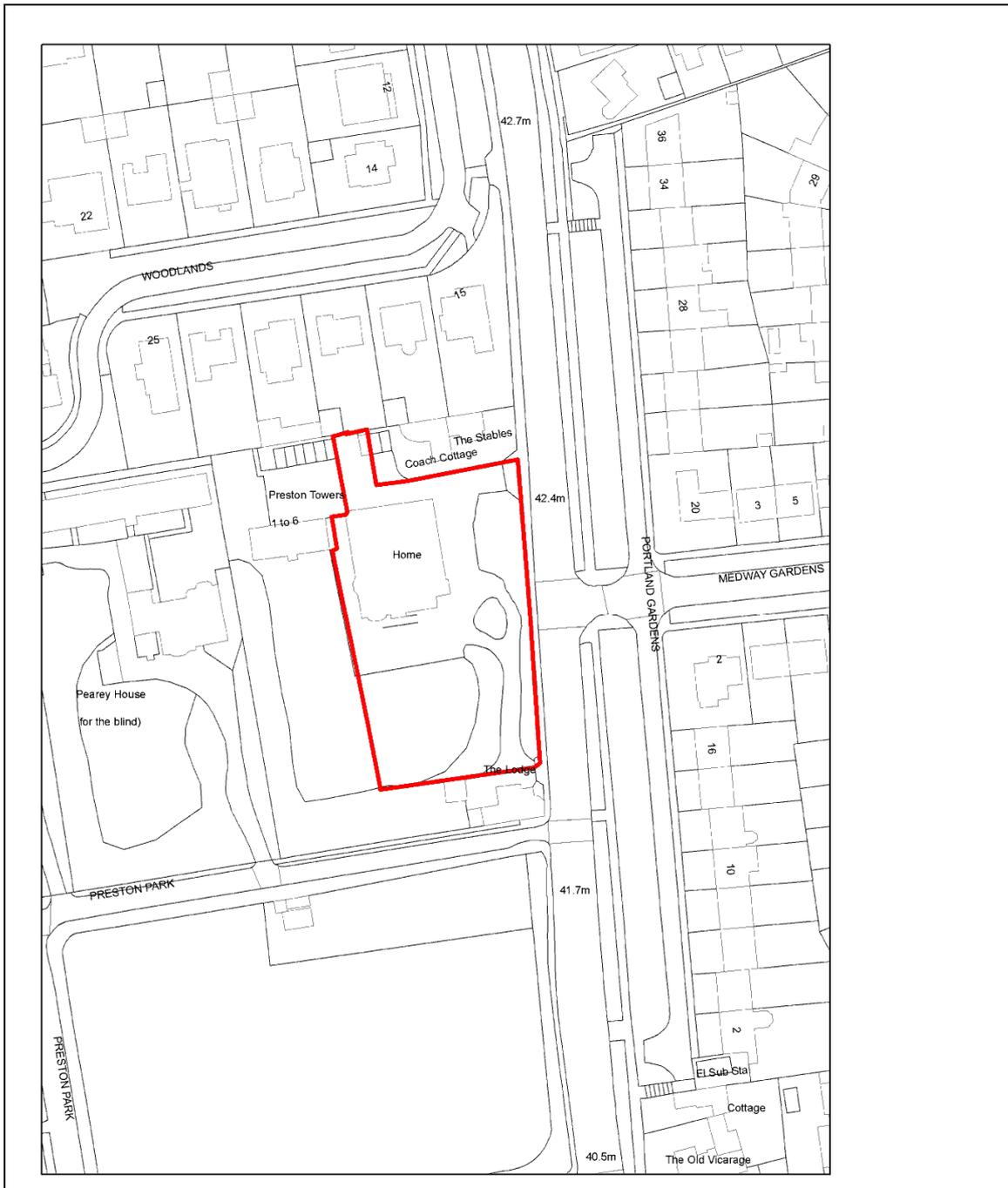
Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The 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.

The applicant is advised that any windows replaced on the ground floor should meet the specification stated in the police approved security scheme Secured by Design (SBD) in the 2016 Homes guide i.e. PAS 24: 2016. Advice regarding SBD can be found at www.securedbydesign.com or by contacting the Northumbria Police Architectural and Planning Liaison Officer at Force Headquarters, Ponteland, Newcastle upon Tyne, Tel. 01661-72555 Ext. 4297 or Ext. 4206.

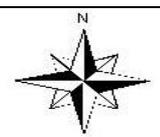
Section 106 - PAYEE (I49)



Application reference: 18/01458/FUL
Location: Preston Towers, Preston Road, North Shields, Tyne And Wear
Proposal: Change of use of existing Preston Towers from Nursing home (C2) into 4no 3 bedroom houses and 6no 2 bedroom apartments, together with parking and new access from Preston Road. Installation of timber windows

Not to scale
 Date: 10.01.2019

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**Appendix 1 – 18/01458/FUL
Item 1**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use of the existing Preston Towers from nursing home to 4 three bed houses and 6 two-bed apartments, together with parking and new access from Preston Road.

1.3 Parking has been provided to suit the needs of the development and the new access is considered to be acceptable. Suitable conditions for refuse collection & parking management are included.

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

1.5 Recommendation - Conditional Approval

1.6 Conditions:

ACC11 - New Access: Access prior to Occ

ACC15 - Altered Access Access Alt Prior to Occ

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

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

SIT06 - Construction Method Statement (Minor)

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

1.7 Informatives:

I05 - Contact ERH: Construct Highway Access

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.

1.8 Local Lead Flood Officer

1.9 There will be no alterations to the existing building so there will be no increased flood risk from the proposed development. Approval is recommended.
Recommendation – Approval

1.10 Biodiversity Officer

1.11 The scheme involves the change of use of the existing Preston Towers nursing home into residential units along with parking and a new access from Preston Road. A number of reports have been submitted to assess the impacts of the scheme on biodiversity.

1.12 Protected Species - Bats

Information has been submitted regarding bats in relation to the renovation works on Preston Towers. The building was assessed as low/moderate risk due to the location and condition of the building and two emergence surveys were undertaken in August 2018. Previous emergence surveys have also been undertaken in 2014. The emergence surveys identified no emerging bats in 2018 though in 2014 surveys, two emerging Pipistrelle 45kHz bats were identified on the August survey. Foraging bats were present in both the 2014 and 2018 surveys and were often seen entering the site from the southeast. Both emergence surveys in 2018 indicated no emerging bats from the trees on site. Trees were inspected for bat roost potential and only T52 had reasonable bat roost potential with cavities and a woodpecker hole. This tree will be retained. No initial bat activity was noted from any tree apart from bat foraging above T52.

1.13 The survey concludes that the occasional bat may be present in any suitable crevice on the wall tops at any time of the year in small numbers. Timing of any building works to avoid the hibernation period will ensure that the development has as little negative affect on bat conservation status as possible. It is recommended that all works are undertaken in accordance with the Bat Method Statement in Section 2. No traces of barn owls were present in the building.

1.14 Arboricultural Impact Assessment

The Arboricultural Impact Assessment confirms that tree 20 (category B) and part of group 4 (Category C) will need to be removed to facilitate the construction of the new access onto the A192. The proposed plan indicates a planting scheme will be implemented to complement the proposed development and this includes new native hedgerows within the site, which would mitigate for the loss of tree 20 and part of group 4.

1.15 Habitat Regulations Assessment (HRA)

A shadow HRA has been submitted at the request of the Local Authority to allow the impacts of the scheme on the Northumbria Coast SPA (Special Protection Area) to be appropriately assessed under the Habitats Directive and to determine if there is the potential for a Likely Significant Effect (LSE) on the SPA.

1.16 Assessment of local green infrastructure suggests that the Preston Park area, immediately to the south of the development site, will provide suitable dog-walking space, with a series of footpaths running through an area of park land. This area is considered likely to provide suitable 'on-lead' walking routes in close proximity to the development site, up to around 500m in length. It is not however considered to provide suitable longer off-lead walking.

1.17 There is little alternative public greenspace within 400-500m of the proposed development site. Greenspace that is present is limited to Preston Cemetery and Tynemouth Golf Club with playing fields associated with North Shields Rugby Club and John Spence Community High School, all private sites that are unlikely to encourage access for dog walking. Given this, it is considered likely that the coast will form a destination for at least some dog walking activity. Longsands beach at Tynemouth is the most likely regular destination, lying approximately 5 minutes from the development site by car.

1.18 Given the above it is anticipated that without appropriate mitigation or compensation, there is potential that proposals will result in increased numbers of people with dogs accessing the coast and concludes that without appropriate targeted mitigation, there is potential for a minor increase in disturbance of the SPA cited species.

1.19 The following mitigation measures are proposed:-

- Interpretation boards will be provided within the development site highlighting the proximity of Preston Park as a suitable area of green space
- A financial contribution will be agreed with the local authority in the form of per unit funding towards a Coastal Mitigation Service.

1.20 I have no objection to this application subject to the conditions set out below being attached to the application. In addition, as set out above, a financial contribution will need to be agreed between the developer and the LPA to address the impacts on the Northumbria Coast SPA prior to the determination of the application.

1.21 Conditions

- All works to Preston Towers must be undertaken in accordance with the Bat Method

Statement set out in Section 2 of the Bat & Barn Owl Report 2018.

- A detailed landscape plan must be submitted to the Local Authority for approval within 4 weeks of works commencing on site.
- A lighting plan/strategy must be submitted to the Local Authority for approval prior to the installation of lighting on site. Lighting on site during and post development must be low level and low lux and directed away from features of value to bats such as the trees to the south. Any external lights will be set on a motion detector and short timer and be positioned in such a way that they do not shine on any of the bat feeding areas
- Any vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

- When undertaking works to the building, any nesting birds will be allowed access to the nest until the young have fledged.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- All retained trees on site must be adequately protected in accordance with BS5837:2012.
- 5no. bird boxes suitable for a range of species must be provided on suitable trees within the site. Details of bird box specifications, locations and installation dates must be submitted to the Local Authority within 4 weeks of works commencing on site.
- 2no. general purpose Schwegler 2f bat boxes must be provided on suitable trees within the site. Details of bat box specifications, locations and installation dates must be submitted to the Local Authority within 4 weeks of works commencing on site.
- Details of the interpretation to be provided promoting the use of Preston Park for dog walking must be submitted to the Local Authority for approval prior to the occupation of the site. Details must include the specification and location of the interpretation boards and their installation dates.

1.22 Landscape Architect

1.23 This application is for a change of use to the existing Preston Towers into 4no 3 bedroom houses and 6no 2 bedroom apartments, together with parking and new access from Preston Road. Installation of timber windows.

1.24 The detached property (Preston Towers) is set within Preston Park Conservation Area. Preston Towers is located in Preston Park conservation area, a small Conservation Area characterised by mainly detached Victorian villas set in large grounds or gardens set around a central open space of approximately 1 hectare in area. The properties and the large central space is characterised by mature trees. In the wider local setting, the collective tree canopies form a dense structure, linking with other groupings and solitary trees within the conservation area and the nearby Preston Cemetery.

1.25 The property has a south-facing aspect overlooking open grassed land, attenuated by mature stands of trees along the boundaries to the east, south and west. Several old tarmac access footpaths and hard standings incorporating slightly mounded grassed tree islands are located to the eastern side of the building. The general landscape character is wide open lawns incorporating areas of mature tree and shrub planting, however, some shrub planting has recently been cleared. The property is set back from Preston Road with pedestrian and vehicle access to the eastern boundary.

There are three main tree groups that visually delineate the extent of the land belonging to the Preston Towers, forming the east south and western collective boundary. The majority of the trees within the grounds of the property are covered and protected by a Tree Preservation Order, which recognise and protect their significant amenity value.

The proposals look to make alterations to the existing building with a new access position into the site from Preston Road. The development also looks to retain the open character of the setting and the retention of trees to the boundaries of the site. The intention is to divide the garden area into smaller garden

compartments by hedging. The new access road will be located where a diseased tree has been removed.

1.26 The collective grouping of mature trees and historic building is significant in terms of amenity both to the immediate area and wider setting of Preston Park and contribute to the character of the local area.

1.27 This proposal looks to retain the trees within the site with no immediate or future impacts on the trees. The location of the new access avoids damage to healthy trees with special construction techniques to minimise damage. There would also be improvements to the boundaries of the site. New railings to the western boundary adjoining Pearey House will be removed and replaced but mounted on the original wall.

1.28 Previous applications have raised concerns relating to the impact of the construction works associated with the new entrance from the A192 with regard to impacts on adjacent and retained trees. The proposed new access to the eastern boundary from the A192 has been positioned where an existing tree (T21) has already been removed. This tree has been identified in the tree survey as a category U tree i.e. unsuitable for retention. There will be a level change to this boundary in order to create the new access the site as it is proposed to construct a new section of wall which will return into the site and retain the land either side. This will require the removal of one category B tree (T20). The wall return to the entrance is just on the edge of the RPA of T18, T19, T22, T23 so impacts on tree roots should be minimal.

1.29 Overall, the proposed new access arrangement will result in the loss of one category B tree. However on balance, the impacts on the remaining trees within the site from the proposals are minimal and the loss of one tree is acceptable and replacement tree planting to mitigate for this loss can be conditioned. The proposal as presented offers an acceptable and sensitive design solution to a historical asset located in a conservation area.

1.30 This proposal meets the following policies, Policy DM 5.9 Trees, woodland and hedgerows, therefore the following conditions could be applied:

- No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
- Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan (TPP) and Arboricultural Impact Assessment (AIA) submitted by All About Trees unless otherwise agreed in writing by the Local Planning Authority. This shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No

operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

- All works to be carried out in accordance with the submitted Arboricultural Impact

Assessment, Tree Protection Plan and Arboricultural Method Statement submitted by All About Trees and within the guidelines contained within BS5837:2012 and NJUG Volume 4. This includes (but not limited to) excavation of soil, excavation for foundations, drainage, the laying of or diversion of services, and any other works within the RPA's of retained trees, shall be dug by hand or using trenchless techniques as detailed in the Arboricultural Method Statement by All About Trees. The AMS is to form part of the contractors method statement regarding the proposed construction works.

- A detailed method statement for the construction of the new access road, installation of kerb edges, details of the foundation construction for the retaining wall and other hard surfacing is to be submitted to and approved in writing by the Local Planning Authority. This is to include a methodology and detailed assessment for root pruning, no dig construction methods and bridging over of tree roots if applicable, backfilling and methods to improve the rooting environment for retained trees on completion.

- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

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

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

- All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428:1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

1.31 Heritage and Design

1.32 Preston Towers is an important building within the Conservation which is currently vacant. The proposal will bring this building back into use and safeguard its future. Parking is evenly distributed and should not overly dominate key views of the building. Waste storage is well located to the east of the building. The garden is proposed to be divided into smaller garden compartments by hedging. While there is no objection to this, the plans do not identify what units the amenity space is associated with. The site plan and proposed floor plans also do not match. An accurate set of plans should be provided. Subject to this the application is supported. The proposal respects the setting of Preston Towers and the reuse and refurbishment of the building will contribute towards the character and appearance of the area.

2.0 Representations

2.1 1 no objection has been received.

2.2 The concerns raised are summarised below:

- Adverse effect on wildlife.
- Affect character of conservation area.
- Affect setting of listed building.
- Impact on landscape.
- Inappropriate design.
- Inappropriate in special landscape area.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Loss of/damage to trees.
- None compliance with approved policy.
- Not in accordance with development plan.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Precedent will be set.
- Traffic congestion.
- Will result in visual intrusion.
- The use of a new road on to Preston Park would cause considerable noise and visual disturbance and be contrary to the character of the Preston Park conservation area.
- Vehicles and delivery lorries – noise and danger to residents.
- Any new access road on to Preston Park would be dangerous for visually impaired and dog walkers.
- The 4 detached houses are an over development

3.0 External Consultees

3.1 County Archaeologist

3.2 The site does not lie within the presumed extent of Preston medieval village and no archaeological features are known here. The house should be deemed to be a non-designated heritage asset (ref para 197 of the NPPF).

3.3 I have read the submitted archaeological building recording report. This report concludes that Preston Tower, a fine suburban villa, was designed by FRN Haswell, who also designed Lincluden and Clementhorpe on the north side of Preston Park, the former bank at 108 Howard Street and the Memorial Methodist Church on Albion Road.

3.4 The house is dated 1875. It was built for Edward Shotton, Steamship owner. The initials EMA S on the dated cartouche relate to Edward and his wife Mary Alice Shotton. During World War Two Preston Tower was used as the HQ by the 3rd Maritime Regiment Royal Artillery, which protected merchant vessels in the Tyne area. A marble memorial plaque was set up to the right of the steps to the front door by the War Memorials Association when Preston Tower was a nursing home. The plaque is temporarily back in the hands of the War Memorials Association, in safe storage. As discussed on pages 35-36 of the report, the plaque should be reinstated in the grounds of the house as part of the scheme. Could this be conditioned?

3.5 The interior retains some fine original features, which I trust are being retained in the scheme:

- Floor tiles in the corridor from the service door to main corridor
- Moulded plaster border to main ceiling panel in hall
- Cast iron panels of staircase balustrade
- Elaborately carved finials of stair newel posts
- Modillion cornice above fascia decorated with small rosettes
- Decorated bracket supporting the transverse beam
- Original joinery

3.6 No further archaeological work is required.

3.7 Coal Authority

3.8 There is no requirement for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted.

3.9 Northumbria Police

3.10 Having considered the application from a crime prevention point of view I can find no grounds on which to object, in fact it seems a timely intervention to prevent further problems on the building. I would however, recommend that any windows replaced on the ground floor meet the specification stated in the police approved security scheme Secured by Design (SBD) in the 2016 Homes guide i.e. PAS 24: 2016. This would go a long way to making the development a safe and secure environment for residents and visitors alike and would also meet the developers commitment to Approved Document Q (ADQ). Advice regarding SBD can be found at www.securedbydesign.com or by contacting myself on the details below.

Item No: 5.2
Application No: 18/01468/FUL Author: Rebecca Andison
Date valid: 19 October 2018 ☎: 0191 643 6321
Target decision date: 18 January 2019 Ward: Collingwood

Application type: full planning application

Location: Land West Of Units 8D To 8F, Alder Road, WEST CHIRTON INDUSTRIAL ESTATE NORTH, North Shields, Tyne And Wear

Proposal: 7no. new industrial units on a grassed area and hardstanding adjacent to existing industrial units (Block 8). Additional areas of hardstanding and car parking facilities.

Applicant: Helio Pact Limited, 21/ F Edinburgh Tower The Landmark 15 Queen's Road Central Hong Kong

Agent: Mosedale Gillatt Architects, East Lodge Jesmond Road Newcastle upon Tyne NE2 1NL

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the development is acceptable on this site;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact upon surrounding occupiers;
- the impact on trees and ecology; and
- whether sufficient parking and access would be provided.

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

2.0 Description of the Site

2.1 The application site is located within an established industrial estate and is occupied by existing industrial units, hard standing and grass. It is accessed via a gated entrance from Alder Road.

2.2 Beyond the western boundary of the site is a dense belt of trees and a public bridleway.

2.3 The site is allocated for employment use within the Local Plan.

3.0 Description of the Proposal.

3.1 Planning permission is sought to construct 7no industrial units.

3.2 The proposed units are located on an area of existing grass and hard standing adjacent to the western boundary of the site. Alterations are proposed to the existing parking arrangements to provide additional parking, including the demolition of the yard walls of the existing units.

4.0 Relevant Planning History

16/00846/FUL - Renewal of existing fencing and erection of new to the site boundary. Installation of new inward opening gates to car park entrance – Permitted 20.07.2016

5.0 Government Policy

5.1 National Planning Policy Framework (July 2018)

5.2 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 application. 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.

6.0 Development Plan

6.1 North Tyneside Local Plan 2017

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of the development is acceptable on this site;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact upon surrounding occupiers;
- the impact on trees and ecology; 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 proposal

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

Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.2 Policy S1.4 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.

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

8.4 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.5 Policy DM2.3 states that the Council will support proposals on employment land for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

8.6 Policy AS2.6 states that the Council will promote and support further development and investment in a range of B1, B2 and B8 employment activities across the A19(T) Economic Corridor, and the continued diversification of North Tyneside's economy through delivery of small, medium and large scale office developments.

8.7 The proposal is to develop a currently vacant part of the site to provide 7no new industrial units with additional parking. The site is allocated as available employment land by the Local Plan.

8.8 The proposal complies with the allocation of the site and would secure economic development in accordance with the NPPF. The principle of the proposal is therefore considered to be acceptable subject to consideration of the issues set out below.

9.0 Character and appearance

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

9.2 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.

9.3 The Design Quality SPD states that the Council will encourage innovation in design and layout provided that there the existing quality and character of the immediate and wider environment are respected and enhances and local distinctiveness in generated. It also states that all new buildings should be proportioned to have well-balanced and attractive external appearance.

9.4 The application site is located within an established industrial area. A public right of way runs along the western boundary but this is screened from the application site by trees.

9.5 The proposed units are in keeping with the size and appearance of the existing units in the eastern part of the site. They would be constructed from dark grey bricks and grey cladding, with roller shutter doors in the front elevation.

9.6 The proposal is in keeping with the industrial character of the surroundings, and the units are considered to be of an acceptable size and design.

9.7 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and surrounding area. It is officer opinion that the impact would be acceptable

10.0 Impact on surrounding occupiers

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

10.2 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.

10.3 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.

10.4 Properties within the immediate area are occupied by commercial/industrial uses. The closest residential properties are located over 500m to the east.

10.5 It is proposed to construct 7no light industrial units. The proposed hours of use are not specified.

10.6 The Manager of Environmental Health has been consulted. Her comments will be reported to Committee.

10.7 Members need to consider whether the development is compatible with surrounding land uses and whether there would be any adverse impact on the amenity of residential occupiers. Given the nature of the proposal and location of the site, it is officer opinion that subject to no objections being raised by the Manger of Environmental Health the impact is acceptable.

11.0 Impact on the highway network

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

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

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

11.4 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.

11.5 The proposal includes the reconfiguration of the existing access and parking layout. 73no parking spaces (including 4no disabled bays), 2no motor cycle spaces and 34no cycle parking spaces are proposed.

11.6 The Highway Network Manager has been consulted and raises no objections to the proposal. He advises that parking has been provided in accordance with current standards with an appropriate turning area within the site.

11.7 Taking the above factors into account, it is officer opinion the impact on the highway network is acceptable.

12.0 Ecology and Trees

12.1 The NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.

12.2 Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

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

12.4 Local Plan Policy S5.4 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.

12.5 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.

12.6 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.

12.7 Policy DM5.7 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.

12.8 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.

12.9 The site is located within a Wildlife Corridor and includes areas of trees along the western and northern boundaries. An Arboricultural Impact Assessment (AIA) and Extended Phase 1 Habitat Survey have been submitted in support of the application.

12.10 The construction of the building requires the removal of 9no trees which are located within Group 1. This is a semi-mature group which has been classified as B2. In addition access for contractors will be required within the root protection area east of Group 2 to enable construction of the buildings. The AIA recommends the installation of temporary ground protection within the root protection areas. The canopies of trees within Group 2 will also require pruning to clear the proposed building.

12.11 The Extended phase 1 Survey states that the site is dominated by hard standing with amenity grassland to the west, north east and east. It advises that the site offers potential for nesting birds within scattered trees to the north and a hedgerow to the south-east, and that the adjacent row of trees may be used by bats as a commuting route. To mitigate the impact of the development it is recommended that lighting should be designed to prevent glare into the adjacent trees and that vegetation should be removed outside the bird nesting season. The report also recommends the inclusion of bird and bat boxes to enhance the

ecological value of the site. There are several ponds to the north-west of the site and several of these have been identified as having the potential to support great crested newt. A working method statement has been submitted to address any potential impact on great crested newt.

12.12 The proposal will result in the loss of grassland and 9no category B trees. The Landscape Architect has provided comments. She advises that information has been submitted to demonstrate that that there would be no adverse impact on the adjacent to trees within the waggon way to the west of the site. She states that replacement tree planting will be required to mitigate for the loss of 9no trees.

12.13 The Biodiversity Officer has also commented that the lighting strategy is acceptable given that light spill would be contained between the proposed and existing buildings. She states that planting will be required to mitigate for the loss of grassland and trees.

12.14 Subject to the imposition of the conditions recommended by the Landscape Architect and Biodiversity Officer to address the impact on trees and protected species, it is officer advice that the impact on trees and ecology is acceptable.

13.0 Other Issues

13.1 Flooding

13.2 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment

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 It is proposed to provide an attenuation tank for surface water and to divert the existing drainage within the site.

13.8 Northumbrian Water has been consulted and provided comments. They state that the planning application does not provide sufficient detail with regards to the management of foul and surface water, but recommend a condition to control these matters.

13.9 The Local Lead Flood Officer has commented. He states that the application contains very limited information regarding the surface water drainage proposals, but considers that these details can be dealt with by condition.

13.10 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that subject to a condition to control the foul and surface water drainage details, the proposed development accords with the relevant national and local planning policies.

13.11 Contamination

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

13.12 Policy DM5.18 of the Local Plan states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which shows that investigations have been carried and set out detailed measures to allow the development to go ahead safely and without adverse affect.

13.13 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

13.14 S106 Contributions

13.15 NPPF states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

13.16 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.

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

13.18 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.

13.19 The Council are seeking the following S106 contributions:
£2,000 towards the delivery, supply and installation of 2no refuse bins.
A contribution of £4,000 towards employment and training within the borough.

13.20 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

13.21 The applicant has confirmed that they are agreeable to the financial contributions requested.

13.22 Local Financial Considerations

13.23 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).

13.24 Economically there would be benefits in terms of the provision of jobs during the construction of the development and the applicant has advised the units would be able to accommodate approximately 35no workers.

14.0 Conclusion

14.1 The proposal is in keeping with the allocation of the site and would secure economic development in accordance with the NPPF. In officer opinion the principle of development is acceptable.

14.2 It is officer advice that the proposed development is acceptable in terms of its impact on nearby residents and businesses, on visual amenity, biodiversity and in respect of highway safety.

14.3 The development is considered to comply with relevant National and Local Plan policy and is therefore recommended for conditional approval subject a S106 agreement to secure a financial contributions towards employment/training and bins.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate that they are minded to grant this application subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of a S106 Agreement to secure the following:

- A sum of £2,000 towards the delivery, supply and installation of 2no bins
- A financial contribution of £4,000 towards the provision of employment and training within the borough.

Conditions/Reasons

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

- Site plan as proposed 962 AL (0) 100 Rev.F
- Site plan as proposed 962 AL (0) 101 Rev.C
- Proposed plans and elevations 962 AL (0) 102 Rev.E
- External elevations as proposed 962 AL (0) 103
- Site location plan 962 AE (0) 001 Rev.A
- Electrical services installation 1084 (63) 01 Rev.00
- Lighting layout 1084(63) 01 Rev.00
- External lighting layout 1084(63) 02 Rev.00

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. | Refuse Storage Detail Provide Before Occ | REF00 | * |
| | | 1 | |

5. No part of the development shall be occupied until an area has been laid out within the site for vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. Construction Method Statement - Major SIT007 *

8. Wheel Wash SIT008 *

9. The development shall not be occupied until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. Prior to occupation of the development, 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; having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

11. The development shall not be occupied until a Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met. The travel plan shall thereafter be implemented in accordance with the agreed details.

Reason: To encourage sustainable transport; having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

12. No development shall commence until details of a foul and surface water management scheme, including future maintenance details, has been submitted to and approved by in writing by the Local Planning Authority in consultation with Northumbria Water. The agreed scheme shall be implemented prior to occupation of the development and retained thereafter.

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

13. Gas Investigate no Development GAS006 *

14. Contaminated Land Investigation Housing CON001 *

15. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the development of the site commences. The landscape scheme shall include details and proposed timings of all new tree planting and ground preparation including the species and sizes for all new plant species. The scheme shall also include the provision of wildflower grassland areas or flowering shrubs to mitigate for the loss of grassland and a schedule of landscape maintenance for a minimum period of three years including details of the arrangements. Thereafter the development shall be carried out in accordance with the approved details.

Reason: This needs to be pre-commencement condition to ensure that important features are protected and retained to ensure a satisfactory standard of landscaping having regard to policies DM5.9, DM5.19 and DM5.5 of the North Tyneside Local Plan (2017).

16. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428:1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

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

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

18. All lighting on site shall be installed in accordance with the lighting details shown on Electrical services installation 1084 (63) 01 Rev.00, Lighting layout 1084(63) 01 Rev.00, External lighting layout 1084(63) 02 Rev.00 and the lighting data sheet.

Reason: To ensure that local wildlife populations are protected having regard to policies DM5.19 and DM5.5 of the North Tyneside Local Plan (2017) and the NPPF.

19. No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing. When undertaking works to the building, any nesting birds will be allowed access to the nest until the young have fledged.

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.

20. Prior to commencement of development all trees adjacent to the site along the waggonway shall be protected by fencing in accordance with BS5837:2012. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete and shall not be repositioned unless otherwise agreed in writing with the Local Planning Authority.

Reason: This is required prior to development commencing to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

21. Within 1 month of the completion of development 2no bat boxes and 2no bird boxes must be provided on buildings within the site or appropriate trees within or adjacent to the site. Details of bat and bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority prior to their installation.

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

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

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

Informatives

Building Regulations Required (I03)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Regard should be had to the police approved security scheme Secured by Design (SBD), in particular the SBD Commercial 2015.

Contact NWL Public Sewer Crossing Site (I11)

**Appendix 1 – 18/01468/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for 7 new industrial units on a grassed area & hard standing adjacent to existing industrial units (Block 8) with additional areas of hard standing and car parking facilities.

1.3 The site is accessed from the existing access on Alder Road. Parking has been provided in accordance with current standards along with replacement parking for the existing units and an appropriate turning area within the site. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

The development shall not be occupied until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety.

The development shall not be occupied until a scheme for the provision of secure undercover cycle storage for residential use 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: To comply with the Council's policy on cycle storage regarding residential dwellings.

The development shall not be occupied until a Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.6 Informatives:

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

146 - Highway Inspection before dvlpt

1.7 Local Lead Flood Authority

1.8 This application is for 7 new industrial units on a grassed area and hard standing adjacent to existing industrial units (Block 8) with additional areas of hard standing and car parking facilities. As the application does not include any details on the surface water drainage proposals other than noting that an attenuation tank will be required to attenuate surface water within the site it is difficult to assess the impact this development will potentially have on the local drainage network and whether the proposals will increase flood risk in the area. Nonetheless this can be dealt with by condition and conditional approval is recommended.

1.9 Recommendation - Conditional approval

1.10 Condition:

No development shall commence until details of a surface water management scheme in agreement with NWL and including future maintenance has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented prior to occupation and retained thereafter.

Reason: In the interests of surface water management.

1.11 Manager of Environmental Health (Contaminated Land)

1.12 The Site lies within a Coal Referral Area and the former Cramlington Wagonway bisects the site. The following must be attached:

Gas 006

Con 001

1.13 Landscape Architect

1.14 The site is located off Alder Road, West Chirton (North) Industrial Estate and is located adjacent to an area of dense tree planting alongside a former railway line (Cramlington Wagonway). This wagonway is within a wildlife corridor as defined by North Tyneside Local Plan. This application is for the construction of 7no. new industrial units on an area of open space and hardstanding adjacent to existing industrial units (Block 8). The application includes additional areas of hardstanding and car parking facilities.

1.15 An Arboricultural Impact Assessment has been carried out by Elliott Consultancy Ltd. A number of trees to the north within the site have been removed from this area in the past leaving a group of nine individual trees. There are two main tree groups: Group 1 is a semi-mature group containing Sycamore, Lime and Alder and classified as Category B2. Group 2 is a linear group of trees to the east of the site located on neighbouring land immediately adjacent to boundary fence containing Hawthorn, Ash, Alder spp, Blackthorn, Birch spp, and Swedish Whitebeam. This group forms a continuous canopy and overhang the boundary fence up to 2m.

1.16 The AIA states that the finished floor level of the proposed building will be lower than the existing ground level so in order to retain the higher ground and rooting medium a retaining wall has been incorporated into the building's design. Additional information has been submitted by way of cross sections which show

the location of the building elevation and retaining wall outside the root protection area. It has also been confirmed that there will be no drainage to the rear to the buildings.

1.17 The Biodiversity Officer has made comments regarding the mitigation which is the only information now outstanding. I support her comments regarding the planting of 2 trees for each one to be removed and the trees should be native species and a minimum of a 'select' standard (10-12cm girth).

1.18 The following conditions are to be applied:

i) Tree Pruning works

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

ii) Landscape Plan

A fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species. Trees to be a minimum 10-12cm girth and on a 2:1 replacement basis and to include the provision of wildflower grassland areas or flowering shrubs for biodiversity.

iii) Landscape Implementation

All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428: 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of three years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

iv) Landscape Maintenance

No development shall take place until a schedule of landscape maintenance for a minimum period of three years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

1.19 Biodiversity Officer

1.20 Additional information has been submitted for the above application by way of cross sections and lighting details.

1.21 The lighting strategy is acceptable and shows that light spill will be contained between the new and existing buildings with no impacts on the adjacent waggonway trees. The applicant has also confirmed that no lighting is proposed to the rear of the building in the vicinity of the protected trees.

1.22 A 'cross sections' plan has also been submitted which shows the location of the building elevation and retaining wall outside the root protection area. It has also been confirmed that there will be no drainage to the rear to the buildings.

1.23 As set out in my previous comments, the works to the northern boundary (car parking, cycle bays etc) will result in the loss of grassland and a number of trees (9 trees) which have all been assessed as Category B. The applicant should be providing at least 2 trees for every tree removed on site to mitigate for the loss of these Category B trees. These trees should be native trees (e.g. oak, silver birch, cherry, field maple etc) and a *minimum* of a 'select' standard (10-12cm girth)

1.24 To mitigate the loss of open space/grassland, it would be beneficial to have some meadow grassland planted within the site, if there is space or some flowering shrubs which are of benefit to bees and butterflies. I would also suggest that the applicant provides a couple of bat boxes and bird boxes on appropriate trees or buildings within or adjacent to the site. This should be made a condition of the application.

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

1.26 Conditions

i) A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. Details should include standard tree planting on a 2:1 replacement basis as well as the provision of wildflower grassland areas or flowering shrubs for biodiversity.

ii) All lighting on site will be installed in accordance with the lighting details submitted as part of the application.

iii) All trees adjacent to the site along the waggonway will be adequately protected during the course of construction works in accordance with BS5837:2012

iv) 2no. bird and 2no. bat boxes will be provided on buildings within the site or appropriate trees within or adjacent to the site within 1 month of the completion of works. Details of bird and bat box specification and their locations must be submitted to the Local Authority for approval within 4 weeks of works commencing on site.

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

2.0 Representations

2.1 No representations have been received.

3.0 External Consultees

3.1 Nexus

3.2 Nexus has no comment to make on this application.

3.3 Coal Authority

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 the presence of a coal mine entry and its associated zone of influence within the planning application boundary. We hold no treatment details for the mine entry and therefore it poses a significant risk to surface stability, we are also unaware of the actual location and the recorded position may be subject to significant departure. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy.

3.6 This application is supported by a Mine Shaft Investigation Report dated 08th February 2018 and prepared by Patrick Parsons Ltd. This report is supported by previous Phase 1 and Phase 2 Geoenvironmental Reports. The report author has confirmed that these previous reports had identified records of a mine shaft within the landscaped area in the north of the site and as such further investigations were required following the clearance of all trees in the area.

3.7 The report sets out details of the intrusive site investigation carried out on site to try and locate the mine entry, this includes an area of up to 15m from our plotted position. I have sought technical advice on this information from my colleagues within the permitting section of the Coal Authority. The report author states that no evidence of disturbed ground or buried man-made structures that could indicate the presence of a mine shaft was noted at the base of the excavations within the investigated area. The report author also concludes that the mine shaft may be present elsewhere on the site, outside the investigated area, or off site.

3.8 The Coal Authority considers that the site investigations have been adequate to establish whether or not the mine entry is located within this particular part of the site. However, the report authors have noted that a watching brief is maintained on the site to observe for any evidence of deeper made ground, or other structures that could potentially indicate the presence of a mine shaft. Should any evidence of a mine shaft be encountered during the works all works in the immediate area should cease and advice from a suitably qualified and experienced engineer should be sought prior to the re-commencement of works.

3.9 On the basis of the information submitted, and the professional opinion of the report author set out therein, the Coal Authority has no objection to proposed development.

3.10 Northumbria Police

3.11 I have considered it from a crime prevention point of view and also checked the recent crime and incident data for the surrounding area. I can find no reason to object to this application. However, after reading the Design & Access statement I cannot find any reference to security, save that there is an intention to install shutters. I would like to recommend that the applicants read through the police approved security scheme Secured by Design (SBD), in particular the SBD Commercial 2015, and consider the specifications listed in there. SBD is a scheme which has been developed and shown to reduce crime both in the residential market and in the commercial market.

3.12 Northumbrian Water

3.13 At present, 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 note that an enquiry has previously been submitted to Northumbrian Water to consider foul and surface water management from the site however our response to this enquiry is not included with the planning application.

3.14 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. 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.

3.15 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 For information only:

We can inform you that a public sewer crosses the site and may be affected by the proposed development however we note that discussions regarding its diversion have already commenced. We recommend that the developer continues to liaise with Northumbrian Water regarding this matter.

Item No: 5.3
Application No: 18/01525/FUL Author: Julia Dawson
Date valid: 31 October 2018 ☎: 0191 643 6314
Target 30 January 2019 Ward: Battle Hill
decision date:

Application type: full planning application

Location: Hadrian Park Community Primary School, Addington Drive, Wallsend, Tyne and Wear, NE28 9RT

Proposal: Installation of 2no cycle tracks

Applicant: Space4Learning, Mr Wills John Willie Sams Centre

Agent: Valley Environmental Consulting Ltd, Mr David Walton The New Inn Studios Bridge St Blaydon-on-Tyne NE21 4JJ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issue is whether the proposed development is acceptable and the impact that this would have upon the site and the surrounding area having regard to the following:

- Principle of development;
- Impact on amenity;
- Impact on character and appearance;
- Impact on wildlife corridor and landscape features, and;
- Impact on highways.

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 the playing field attached to Hadrian Park Primary School in Wallsend. The field is located immediately to the north of the school building. The application site is currently used as a multi-sports area and associated principally with the school. The application site is enclosed to the west, north and east by residential housing and has a buffer zone, with sporadic recreational areas and a chain of outdoor learning areas. There are landscaping elements generally bordering the site, with hedgerows, trees and low scrub (providing wildlife habitats) occupying the intervening land between the managed grassland of the playing field. The application site is

located within designated open space (educational) and a wildlife corridor (North Tyneside Local Plan 2017).

3.0 Description of the Proposed Development

3.1 The proposal relates to the installation of two cycle tracks on the field. One track will be a 400m long x 1.3m wide multi use track and the other will be a shorter pump track.

4.0 Relevant Planning History

4.1 None

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.2 National Planning Policy Framework (NPPF) (July 2018)

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

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 The main issues for Members to consider are:

- Principle of development;
- Impact on wildlife corridor and landscape features
- Impact on amenity;
- Impact on character and appearance, and;
- Impact on highways.

7.1 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 Principle of the Development

8.1 Paragraph 91 of the National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of safe and accessible green infrastructure and sports facilities. Paragraph 96 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

8.2 Paragraph 97 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.

8.3 Policy S1.2 'Spatial Strategy for Health and Well-being' states that the wellbeing and health of communities will be maintained and improved by:

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

8.4 Policy S7.10 Community Infrastructure states that the Council and its partners will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve. In order to achieve this:

- a. Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular, catering for the needs of the growing population around key housing sites;
- b. Access to education and healthcare provision will be maintained and, where necessary, improved throughout the Borough;
- c. Existing provision will be enhanced, and multi-purpose use encouraged, providing a range of services and resources for the community, at one accessible location;
- d. Opportunities to widen the cultural, sport and recreation offer will be supported; and,
- e. The quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced.

8.5 The site is designated as educational open space within the Council's Local Plan. The applicant has submitted a Planning Statement in which it is stated that the school is an OPAL school, which means their outdoor environment is as important as the classroom in learning and means they make maximum use of their fields as a learning environment in all weather and all seasons. In addition, School Sports Premiums and initiatives, such as the Daily Mile, have encouraged schools to identify ways to build walking and cycling into the school day, with a number of benefits for children's learning, health and fitness. The proposed track at Hadrian Park is intended to function in this way to provide a specific location and facility to ensure organised activities have a place within the school

field. Hadrian Park Primary School has identified the need for cycling facilities for a number of health, sport and educational reasons. The school requires the proposed development in order to fill the sports experience gap not currently filled by sports such as football in order to broaden the sports offer and engage that proportion of children that wish to take part in different sporting opportunities.

8.6 The principle of the proposed cycle tracks meets with the objectives of the NPPF and policy S1.2 in that it will provide a new facility within the existing playing field which will help to improve the health and well-being of the school children, many of whom will reside in this local community. Sport England (SE) have raised no objection to the proposed development, noting that the tracks will not impact on the capability of the field to provide appropriate playing pitches for the primary school children. As such, the proposal meets with the exceptions to Sport England's playing field policy. However, Sport England originally requested a condition to require a community use agreement so that the playing fields and tracks can be used by non-school users. SE has advised this has been requested due to North Tyneside's Playing Pitch Strategy (2013) being out of date and the fact that it was undertaken before the impact of changes to the way junior and mini soccer were played filtered down onto pitch demands. They have advised that it is therefore possible that the football pitches shown on the proposed site layout could address a shortfall in such provision in the locality.

8.7 The applicant has advised that the 2013 Playing Pitch Strategy identified that the school had one senior pitch available for community use but that it was not currently used (as there is no interest). The senior pitch as described was historically provided as the school was previously a Middle School. A senior pitch is not appropriate for a Primary School.

8.8 Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The applicant has advised that they do not wish for this condition to be attached due to potential safeguarding issues at the primary school. In response, SE has accepted that the suggested condition is not required to overcome an objection and therefore is a request rather than a requirement. SE's substantive response (no objection) would not change if the condition was not imposed. As such, the condition is not considered to meet the tests set out in paragraph 55 of the NPPF and should not be attached to the grant of approval in this particular case.

8.9 Members need to determine whether the principle of the proposed tracks on the school playing field is acceptable. Officer's advice is that the principle of the proposed development is acceptable.

9.0 Impact on Wildlife Corridor and Landscaping

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

9.2 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.

9.3 Policy DM5.2 Protection of Green Infrastructure states that 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.

9.4 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.

9.5 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.

9.6 The Council's Biodiversity Officer and Landscape Architect originally raised concerns with regard to the impact of the proposed cycle tracks on the designated wildlife corridor and open space. However, in response the applicant has provided additional information confirming that planting will be provided to address the concerns and to meet with the objectives of the Local Plan policies, with the existing hedgerow to the northern boundary gapped up and new areas of hedgerow planting to the eastern and western boundary. Further clarification has also been provided to ensure that the mature hedgerows and trees bordering the playing field area will not be impacted on as a result of the proposed construction works and protection of these areas will be ensured via a condition.

9.7 The Biodiversity Officer and Landscape Architect have raised no objection to the proposed development advising that the proposal does not conflict with policy DM5.2 or policy DM5.7, subject to the additional planting being secured by condition.

9.8 Members need to determine whether the proposed cycle tracks are acceptable in terms of their impact on the wildlife corridor and green infrastructure. Officer advice is that, subject to the recommended conditions, the proposal is acceptable in this regard.

10.0 Impact on Amenity

10.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and

the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. Planning decisions should also limit the impact of light pollution from artificial light on local amenity.

10.2 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.

10.3 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.

10.4 Policy DM7.9 'New Development and Waste' states that all developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable.

10.5 The Manager for Environmental Health has been consulted. She has raised concerns with regard to noise arising from the use of the proposed tracks, noting that a noise assessment has not been submitted as part of the planning application and that it is not clear whether the tracks will be solely for the use of the school children. The applicant has previously confirmed that the tracks are intended to be used by the school children (hence their request that a community use agreement is not attached to the approval). There is currently no (planning) control over the hours at which the school field is used or the activities which can take place on it.

10.6 The Environmental Health Officer has advised that noise from the use could be mitigated for if it is used solely during school hours and not late in the evening or during the weekends. A condition is suggested to ensure that if, at any future time, the school do wish to make use of the tracks outside of school hours (either for school pupils or the wider community) a noise assessment is first undertaken and submitted to the local planning authority for agreement. This will ensure that the local residents are not subject to noise disturbance as a result of the proposed tracks.

10.7 Members must determine whether the proposed development is acceptable in terms of its impact on the residential amenity of surrounding occupiers with particular regard to noise disturbance. Officer advice is that the proposed development is acceptable in this regard subject to the suggested condition which will exert increased control over the operation of the proposed cycle tracks

outside of school hours, particularly when compared to the existing playing field on which, in planning terms, there are no controls.

11.0 Impact on Character and Appearance

11.1 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

11.2 Policy DM6.1 Design of Development states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

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

11.3 Due to the relatively minor nature and small scale of the proposed works on the expansive playing field they will not appear highly incongruous when viewed in the context of the school site.

11.4 Members must determine whether the design, scale and massing of the proposed tracks are acceptable. Officer advice is that the proposed tracks are an acceptable form on this particular site which is an existing playing field and that it will not result in any significant harm to the character and appearance of the site or wider area.

12.0 Highway Impact

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

12.2 LDD 12 'Transport and Highways SPD' sets out the Council's adopted parking standards.

12.3 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

3. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors (including temporary parking); details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; identify the location of on-site welfare facilities, loading, unloading of equipment, materials, fuels and waste as well concrete mixing and use of fires; a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The scheme should include a plan indicating the position type and height of any protective fencing required and positioned so that tree roots are not damaged. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, stockpiling or placing of site cabins or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

4. Wheel Wash SIT008 *

5. No Disturbance Ex Landscape Replace LAN007 *

6. No operational work, site clearance works or the development itself shall commence until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall show the show the type, height and position of protective fencing to be erected around each retained tree or hedgerow within or adjacent to and overhanging the site. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts and located at a minimum distance of 2.0m from the perimeter of any trees and hedgerows. The area surrounding each tree group/hedgerow within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Tree roots greater than 25mm diameter should not be cut and worked around and must not be severed. Where large

roots are encountered they should be retained and details are to be submitted as to how to retained roots will be protected and incorporated into the proposal. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Thereafter, any site clearance and the approved development shall be carried out in complete accordance with the approved details.

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

7. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with BS 5837:2012 Trees in Relation to Construction-Recommendations and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

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

8. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority within one month of the commencement of the construction of the development. The landscape scheme shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscape scheme is to include for gapping up the hedgerow to the northern boundary with double staggered hedgerow planting to the eastern and western boundaries. Planting to the north east corner and around the Pump track is to be included. Thereafter, the landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason: To ensure that the biodiversity and landscape value of the application site is enhanced in accordance with policies DM5.2 and DM5.7 of the North Tyneside Local Plan (2017).

9. All hard and soft landscape works comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following completion of the development and to a standard in accordance with the relevant recommendations of British Standard [4428: 1989]. 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 policies DM5.2 and DM5.7 of the North Tyneside Local Plan (2017).

10. Prior to the commencement of the use of the development a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved schedule.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policies DM5.2 and DM5.7 of the North Tyneside Local Plan (2017).

11. Restrict Hours No Construction Sun BH HOU004 *

12. The approved tracks shall not be used outside of the Hadrian Park Primary School's standard opening hours unless a noise assessment has first been submitted to and approved in writing by the Local Planning Authority. The noise assessment must be in accordance with BS4142 to determine the current background noise levels for daytime, evening and night, whilst the tracks are not in use, at the boundary of the nearest residential premises and must detail appropriate mitigation measures and/or a noise management plan (where necessary) to ensure that noise from the use of the tracks does not exceed the existing background noise levels. Thereafter, the tracks may only be used in accordance with the agreed details.

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

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

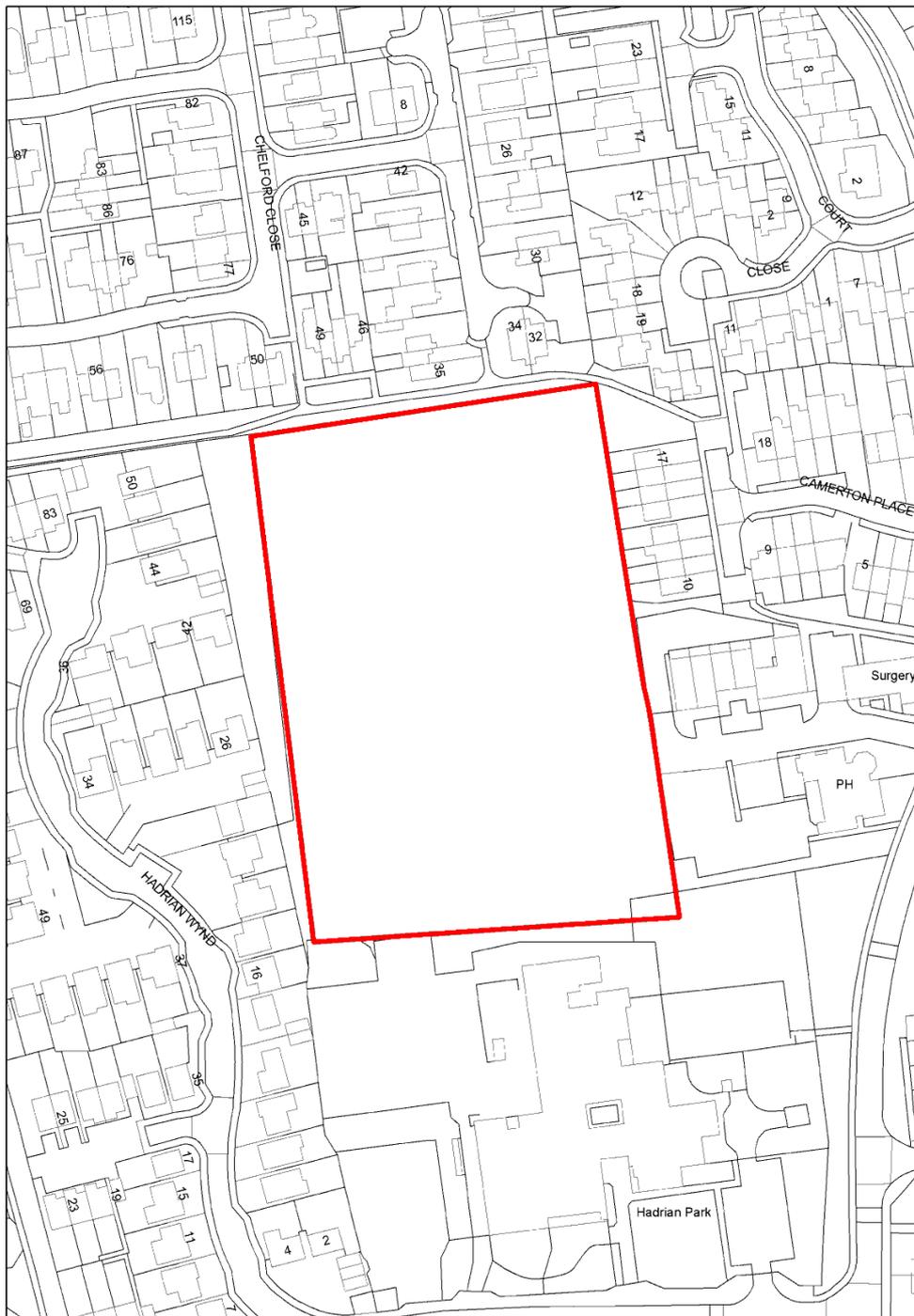
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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

Informatives

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

The applicant is advised to refer to Sport England's advice at the following link:
<http://www.sportengland.org/planningapplications>

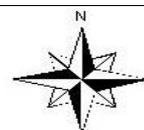


Application reference: 18/01525/FUL
Location: Hadrian Park Community Primary School, Addington Drive, Wallsend, Tyne And Wear
Proposal: Installation of 2no cycle tracks

Not to scale

Date: 10.01.2019

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Appendix 1 – 18/01525/FUL Item 3

Consultations/representations

1.0 Internal Consultees

1.1 Biodiversity and Landscape

1.2 There are occasional mature hedgerows and trees bordering the playing field area, as well as outdoor learning areas and wildlife habitats, which will need to be protected from the construction works. There appears plenty of available space to facilitate the proposed construction works however, the applicant (and contractor) will need to consider how they will be protected during the course of the works in terms of plant and construction personnel movement(s).

1.3 The proposal is to install a Multi-use and High Adrenaline Track or 'pump track'. A pump track is in principle is a continuous circuit of banked turns interspaced by mounding and other features that can be ridden on a bike and is shorter in length than the multi-use track which will be situated within the larger site. Pump tracks are most commonly constructed from re-grading the existing soil profiles.

1.4 The site is designated as open space and located within a wildlife corridor as defined by the North Tyneside Local Plan and any impacts that arise as a result of development are to be mitigated for.

1.5 The site plan shows the layout of the tracks and states that there will be a 2.0m wide clearance from site boundary or other obstacles. Additional information has been provided by the agent that confirms planting will be provided to address the Local Plan policies with the existing hedgerow to the northern boundary gapped up and new areas of hedgerow planting to the eastern and western boundary. Further clarification has been provided to ensure that the mature hedgerows and trees bordering the playing field area, will not be impacted on from the proposed construction works and protection of these areas can be ensured via a condition.

1.6 The provision of new hedgerow planting and gapping up existing hedgerows will meet the requirements of policy DM5.7 'Wildlife Corridors' where development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor whereby '*developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement*'.

1.7 Even though the proposals do not result in the loss of any green infrastructure the planting will in turn, meet the requirements of policy DM5.2 Protection of Green Infrastructure whereby '*proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity*'

1.8 The principle of the development is acceptable subject to the following conditions:

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

2. Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval a Tree Protection plan showing the type, height and position of protective fencing to be erected around each tree or hedgerow within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts and located at a minimum distance of 2.0m from the perimeter of any trees and hedgerows. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group /hedgerow within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

- a. Tree roots greater than 25mm diameter should not be cut and worked around and must not be severed. Where large roots are encountered they should be retained and details are to be submitted as to how to retained roots will be protected and incorporated into the proposal.
- b. Within the areas so fenced, the existing ground level shall be neither raised nor lowered.

3. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with BS 5837:2012 Trees in Relation to Construction-Recommendations and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

4. The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. The contractors method statement should include a plan indicating the position type and height of any protective fencing required and positioned so that tree roots are not damaged. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, stockpiling or placing of site cabins or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme. The protective fence

shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed.

5. Within a month of approval being granted, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscape scheme is to include for gapping up the hedgerow to the northern boundary with double staggered hedgerow planting to the eastern and western boundaries. Planting to the north east corner and around the Pump track is to be included.

6. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

7. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

1.9 Environmental Health (Pollution)

1.10 I have concerns with regard to potential noise arising from the use of the track. The school is located within a residential area with Hadrian Wynd to the west of the site and Camerton Place to the east. No noise assessment of the proposal however, noise from its use can be mitigated if used solely for the school children during school opening hours and not late evening or at weekends, unless a full noise scheme was provided to assess and determine if noise mitigation is required. I would therefore ask that the applicant clarifies the times of use for the cycle track and whether community groups will be permitted to use the track or if it is restricted for use by the school only.

1.11 Highway Network Manager

1.12 This application is for the installation of 2 cycle tracks. The proposals enhance facilities at the existing school and conditional approval is recommended.

1.13 Conditions:

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

1.14 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

2.0 External Consultees

2.1 Sport England (Original Comments provided 21.11.2018)

2.2 It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

2.3 Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- and which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

2.4 Two tracks are proposed in the application. The first, a short 'pump' track is located in a part of the playing field which has not been used to set out playing pitches and is separated from the main body of the playing field by a row of young trees. This element of the development is covered by exception E3.

2.5 The longer, multi-purpose track runs around the periphery of the main body of the playing field. Its siting and routing preserves the playing field's ability to accommodate an appropriate range of winter and summer pitches. The new track will allow the field to be used for running, walking and cycling activities all year round. As such it is considered that this aspect of the development meets exception E5.

2.6 Conclusion:

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exceptions E3 and E5 of its Playing Fields Policy. The absence of an objection is subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

2.7 Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the cycle tracks and football pitches and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.

2.8 Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications>

2.9 If you wish to amend the wording or use another mechanism in lieu of the above condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

2.10 The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

2.11 Sport England (Additional Comments on 03.12.2018)

2.12 We had requested the imposition of a condition seeking community use (of the school's playing field) in our response on the Hadrian Park Primary School. The prompt for the request was that North Tyneside's Playing Pitch Strategy is out of date and was undertaken before the impact of changes to the way junior and mini soccer were played filtered down onto pitch demands. It is possible therefore that the football pitches shown on the proposed site layout could address a shortfall in such provision in the locality. I accept that the condition is not needed to overcome an objection, and as such is a request rather than a requirement. The Case Officer will need to take a view on that request.

2.13 For clarification, our substantive response would not change if the condition were not imposed.

2.14 Notwithstanding the above, we regularly request community access to school sites - they have been built and indeed are maintained by public money – and if there is a need for publicly accessible sports, we seek to make that link.

2.15 Tyne and Wear Archaeological Officer

2.16 It is not anticipated that the proposed scheme will have an impact on significant archaeological features/deposits.