



North Tyneside Council

Planning Committee

16 November 2018

To be held on **Tuesday 27 November 2018** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. To receive any declarations of interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes To confirm the minutes of the meeting held on 30 October 2018.	3

Continued overleaf

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5. Planning officer reports

	To give consideration to the planning applications contained in the above report relating to:	5
5.1	17/01689/FUL Preston Towers, Preston Road, North Shields (Preston Ward)	10
5.2	18/000967/FUL Howdon Landfill Site, Wallsend Road, North Shields (Riverside Ward)	50
5.3	18/01061/REM Land at Former Grange Interior Building, Bird Street, North Shields (Tynemouth Ward)	77

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

30 October 2018

Present: Councillor F Lott (Chair)
Councillors J M Allan, T Brady,
S Graham, M A Green, John Hunter,
G Madden, D McMeekan and L Spillard.

PQ27/10/18 Apologies

Apologies for absence were received from Councillor M Reynolds and P Mason.

PQ28/10/18 Substitute Members

There were no substitute members.

PQ29/10/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ30/10/18 Minutes

Resolved that the minutes of the meeting held on 2 October 2018 be confirmed as a correct record and signed by the Chair.

PQ31/10/18 Planning Officer's Reports

It was reported that Greggs plc had requested that consideration of planning applications 18/01155/FUL and 18/01156/ADV, Units 13 & 14 Collingwood Centre, Preston North Road, North Shields be deferred. This was to provide them with further time to address the issues raised by the Environmental Health Officer (EHO) concerning insufficient information about the proposed extraction system and to put forward a scheme that was acceptable to the EHO. Greggs' request had been accepted by the Chair as he wanted the Committee to be in possession of all the relevant information before reaching its decision. The applications were therefore deferred. It was anticipated that the applications would be considered at the next meeting of the Committee to be held on 27 November 2018 but this was to be confirmed.

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:	18/01060/FUL	Ward:	Northumberland
Application Type:	Full planning application		
Location:	Land North East of Holystone Roundabout, Earsdon Road, Shiremoor		
Proposal:	Erection of 4no units for retail (Class A1) and gym (Class D2) uses, with associated car parking, servicing provision and landscaping (Amended landscape plans submitted 02.10.18)		
Applicant:	Northumberland Estates		

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

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

- a) the suitability of the proposed quantity of car parking;
- b) accessibility to the site for cyclists and pedestrians;
- c) details of the drainage strategy submitted by the applicants;
- d) the concerns of the Council's Biodiversity Officer and Landscape Architect regarding the proposed loss of a section of woodland along the southern boundary of the site adjacent to the A186; and
- e) the proposed conditions requiring the applicants to submit to the Council for approval a detailed landscape scheme and for ensuring that the scheme was planted in the first planting season following completion of the development. The Committee agreed that should the application be approved the conditions would be amended so that the applicants would be required to plant native species as part of the landscaping scheme and that the scheme would have to be submitted to and approved by the Council prior to the occupation of the buildings.

Decision

Application refused on the grounds that the proposed development would result in the loss of existing mature vegetation and the proposed indicative planting does not demonstrate that adequate mitigation could be provided on site to compensate for the loss of the former vegetation. As such the proposed development is considered to be harmful to the biodiversity and landscaping in the area contrary to Policies S5.4, DM5.2, DM5.5 & DM5.9 of the Local Plan (2017).

PLANNING COMMITTEE

Date: 27 November 2018

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

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

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

Interests of the whole community

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

All applications should be determined on their respective planning merits.

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

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

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

Planning Considerations

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

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

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

Briefly, material planning considerations include:-

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

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

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

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

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

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

Officers' Advice

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

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

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

When refusing permission:

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

When granting permission:

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

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

Lobbying of Planning Committee Members

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

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

Lobbying of Other Members

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

Lobbying

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

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

**PLANNING APPLICATION REPORTS
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NE29 9JU**
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- Howdon Landfill Site Wallsend Road North Shields Tyne And
Wear**
- 5.3 18/01061/REM Tynemouth**
- Land At Former Grange Interior Building Bird Street North
Shields Tyne And Wear**

Item No: 5.1
Application No: 17/01689/FUL
Date valid: 4 December 2017
Target decision date: 5 March 2018
Author: Rebecca Andison
☎: 0191 643 6321
Ward: Preston

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 (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 (REVISED SITE PLAN, AIA, REPLACEMENT PLANTING SCHEME, HIGHWAYS STATEMENT, FLOOR PLANS AND ELEVATIONS)

Applicant: Moorland Holdings Ltd, Mr David Ratliff C/o Maurice Searle 15 Lansbury Court Newcastle Upon Tyne NE12 8RN

Agent: MS Town Planning Consultancy Services, Mr Maurice Searle 15 Lansbury Court Newcastle Upon Tyne NE12 8RN

RECOMMENDATION: Application Refused

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 convert the existing building into 4no 3-bedroom residential dwellings and 6no 2-bedroom apartments. 4no new detached 4-bedroom houses and 1no new access point are also proposed.

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 houses and apartments would be served by the existing access point from Preston Road adjacent to the northern boundary of the site.

3.3 Four new detached dwellings are proposed within the south west part of the site. The proposed dwellings have 4no bedrooms and accommodation over 3no floors, including rooms within the roof space. A new access is proposed from the un-adopted highway to the south.

3.4 The applicant has submitted a supporting statement. This is summarised below.

a) The application seeks to secure the conversion of Preston Towers by cross subsidising the conversion with the development of a modest number of houses located in a position so as not to invade the Conservation Area and seeking to retain the established tree cover.

- b) Preston Towers has been the subject of serious breaks-ins with significant lead theft from the roof areas and the removal of architectural items from the main staircase and entrance areas to the building.
- c) During the spring/ early summer period of 2017 action was taken to secure Preston Towers, including making the building watertight, the removal of partitioning/false ceilings and furniture, and maintenance of the grounds.
- d) A public consultation event was held on 10th August 2017. This event was well attended (over 70 residents) and it was clear that there was community concern about the future of the building, with support for the enabling scheme of four houses to be used to facilitate the successful conversion of Preston Towers.
- e) In order to demonstrate the financial requirement for the development of the four houses, a full viability appraisal (VA) was commissioned. The review by 'Capita' took a considerable amount of time and there is a considerable divergence of opinion particularly with regard to anticipated selling values of the converted dwellings and new houses. Whilst the submitted VA clearly demonstrated the requirement of enabling new development, the conclusions of the 'Capita' report do not support the principle of cross subsidy.
- f) The position of the houses has been deliberately chosen to restrict external views of the houses from outside of the site and also to protect the central open grassed area of the site which is overlooked by the principle elevation of Preston Towers.
- g) The proposal offers the opportunity to see the reinstatement of Preston Towers as an active residential development, which residents of the area are anxious to see come about since the building has remained vacant.

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

18/01458/FUL - 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. – Pending consideration

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 DM7.4. 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 area....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 and to construct 4no new dwellings within the grounds.

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 other than the restoration/repairs of the existing windows, doors, roof and brickwork. It is therefore considered that the proposed conversion 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 The applicant has advised that in order to secure the restoration and repairs to Preston Towers it is necessary to financially cross subsidise the

conversion of the main building with the development of four new dwellings within the grounds. A Viability Appraisal and a subsequent update to this have been submitted as part of the application. The appraisals have been externally audited to ensure they are robust. The review of the appraisal disagrees with the applicant's Viability Assessment and concludes that the conversion of Preston Towers is viable as a stand-alone development and does not require the cross funding from the new build development. It does however acknowledge that a 2% reduction in sales values would result in the conversion scheme becoming unviable.

10.21 Four detached dwellings are proposed in the grounds to the south of Preston Towers. They would be accessed via a new driveway from Preston Park. The area where the dwellings would be located is currently occupied by a lawned area with mature trees around the periphery.

10.22 The extensive grounds of the villas in Preston Park make an important contribution to the character and appearance of the conservation area. There is an established building line between all of the villas; and any development in front of the building line would detract from the historic layout, and the character and appearance of the conservation area.

10.23 Views into the site from the east are in part screened by mature trees along the boundary, and bushes set within the site. Additional trees are proposed along this boundary, with further trees proposed to the south and west of the dwellings. However it is considered that the 4no proposed dwellings would still be visible through the trees particularly in the winter period and would have a significant impact on views into the conservation area from the east, and views of the site from the south.

10.24 As highlighted by the Character Appraisal the trees collectively make an important contribution to the conservation area's character. The impact on trees is discussed in detail in the following section of this report. However it is clear that the development would impact on wooded character of the area due to the loss of a significant section of the grounds to the proposed dwellings, parking and access.

10.25 It is officer opinion that the principle of converting Preston Towers into residential units is acceptable in terms of the impact on the character of the conservation area and Local Register Building. However it is considered that the development of 4no new build properties within the grounds with associated parking and access would result in unacceptable harm to the character and appearance of the conservation area. This harm being caused by the impact on the original layout and character of the site and the impact on trees. The agent argues that the new build element of the scheme is necessary as 'enabling development.' This is development that would be unacceptable in planning terms, but for the fact that the public benefits are sufficient to justify it being carried out, and which could not otherwise be achieved. Officers do not agree. A viability assessment has shown that the new build development is not required to secure the restoration and conversion of Preston Towers and as such it is not considered that there are any wider public benefits that would justify the harm that would be caused.

10.26 Whilst each application must be dealt with on its own merits, there is also a concern that if planning permission is granted here a precedent could be set for further development within the ground of other neighbouring villas, the cumulative impact of which would be highly damaging.

10.27 Members need to determine whether the proposed development would be acceptable in terms of its character and appearance upon the site, and the surrounding area. It is officer opinion that the impact is not acceptable and that the development fails to comply with NPPF, Policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan, and the Design Quality SPD.

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 existing building and the four new build houses 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 Four new dwellings are proposed in the south west section of the site. These properties would be located approx. 35m to the south of Preston Towers Apartments.

11.9 No habitable windows are proposed in the north elevation of the new build dwellings. The separation distance is considered to be sufficient to protect the amenity of existing residents.

11.10 Room sizes within the new dwellings are considered to be acceptable and the east facing windows benefit from good levels of outlook and light. However some concern exists regarding the proximity of the rear windows and outdoor amenity space to mature trees on the western boundary. This is discussed in more detail in Section 13.0 of this report. However in itself the impact on amenity due to the proximity to trees is not considered to be sufficient grounds for refusal given that the main living space also has windows on the east side of the development.

11.11 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 construct 4no new 4-bedroom dwellings and to convert Preston Towers into 4no 3-bed dwellings and 6no 2-bed apartments. Car parking areas are proposed around the existing building and to the east of the 4no proposed dwellings.

12.7 Properties in the existing building would be provided with a total of 14no parking spaces, plus 2no visitor bays. These would be accessed via the existing entrance adjacent to the northern boundary of the site.

12.8 The new dwellings would be accessed via a new access from Preston Park. 4no parking spaces plus 2no visitor bays are proposed at the front of the properties, and adjacent to the access road.

12.9 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.

12.9 Objections received from residents on Preston Park raise concern regarding the impact on the level of traffic using the un-adopted highway and potential conflict at the northern entrance.

12.10 The objections raised are noted. However future residents of Preston Towers would use the access from Preston Road, with only the 4no new houses accessed from Preston Park. It is not considered that the additional traffic generated by these 4no properties would have an unacceptable impact on highway safety.

12.11 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 Preliminary Ecological Appraisal, Shadow Habitats Regulation Assessment (sHRA), Bat Survey and several tree reports, including a Tree Survey, Arboricultural Impact Assessment and replanting scheme.

13.9 It is proposed to remove 2no trees (Category U and B) and parts of 2no tree groups to facilitate the proposed development, with a further 6no being removed for arboricultural management reasons.

13.10 An Arboricultural Method Statement has been submitted. This contains a specification for pruning works to the retained trees, details of tree protection measures, ground protection measures, no dig porous surfacing and trenchless solutions for the underground services.

13.11 The proposals have been amended through the course of the application to mitigate the impact on trees within the site. A second new access onto Preston Road has been omitted to allow replacement tree planting, the footprint of the proposed dwellings reduced and their position amended.

13.12 It is proposed to remove 2no trees (44 and 47) and parts of 2no tree groups (6 and 8) to facilitate the construction of the new buildings and associated infrastructure. A further 6 trees would be removed due to structural defects and a limited safe useful life expectancy. Of the trees identified for removal T44 is a category B tree and T47 is unsuitable for retention as it is dead. Additional tree planting is proposed throughout the site.

13.13 The Landscape Architect has viewed the submitted information and provided comments. She notes that revisions have been made to reduce the impact on trees, but still has concerns regarding the proximity of the development to trees and the resulting impacts.

13.14 The 4no proposed dwellings are located in close proximity to mature trees on the western boundary. The base of the closest trees would be approximately 6m from the new dwellings and the combined canopies would overhang the garden areas and habitable rooms leaving gardens and habitable rooms in shade for much of the year. The dominance of the trees is likely to give future residents concern regarding their safety, loss of light and falling leaves, and result in pressure for the trees to be removed or cut back.

13.15 It is likely that the proximity of the new dwellings to the trees will require the canopies to be cut back to allow scaffolding, access and construction. The Landscape Architect considers that the need for tree pruning to accommodate and maintain the development indicates that the buildings are located too close to the trees.

13.16 In addition it will be necessary to access the root protection areas of trees 45, 49, 53, 55 and 72 to construct the dwellings. While ground protection measures are proposed the Landscape Architect notes that this methodology should only be used as a last resort and avoided where possible.

13.17 The proposed new access from Preston Park will require the removal of 2no trees but has the potential to impact on 3-4no further trees due to severance or asphyxiation of roots and the requirement for pruning. 3no category A trees are in the direct line of the proposed access. The Landscape Architect considers that even with no dig construction methods there is the high probability that this

work will result in damage to the roots or pressure to remove the trees during construction.

13.18 The application site is located within a Wildlife Corridor and consists largely of broad-leaved woodland, with a small area of poor semi-improved grassland and areas of hard standing. The Preliminary Ecological Appraisal advises that the woodland is considered to be of local habitat value, whilst the grassland and hard-standing are of low habitat value.

13.19 The Biodiversity Officer has 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. She raises concerns regarding the proximity of the development to existing trees and the future pressure to remove or prune the trees. These trees contribute to the value of the wildlife corridor and to bat foraging habitat and therefore the pressure to prune or remove the trees would have an adverse impact on ecology.

13.20 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.

13.21 The Biodiversity Officer has advised that the impact on the SPA could be mitigated through a financial contribution of £8,400 towards a coastal mitigation scheme. The developer has agreed to pay this contribution.

13.22 Natural England has commented on the original application and raised concern regarding the partial loss of woodland priority habitat. They have been consulted on the revised proposal and their comments will be reported to committee.

13.23 In officer opinion the development has an unacceptable impact on trees within the site due to the potential harm to retained trees during the construction work and future pressure to have the trees removed or cut back due to their proximity to the new dwellings. The impact on the SPA is considered to be acceptable subject to the financial contribution as discussed above.

13.24 Members must consider whether the development is acceptable in terms of the impact on trees within the site, protected habitats and species. For the reasons set out above it is officer advice that the impact is not acceptable.

14.0 Other Matters

14.1 Contamination

14.2 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.

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

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

14.5 Flooding

14.6 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.

14.7 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.

14.8 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.

14.9 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.

14.10 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).

14.11 It is proposed to incorporate underground storage crates in order to attenuate the surface water within the southern part of the site.

14.12 The Council as Local Lead Flood Authority has been consulted and advises that further details regarding the surface water discharge rates are required to assess the surface water drainage proposals.

14.13 Northumbrian Water have commented and recommends that a detailed scheme for the disposal of foul and surface water will be required. They advise that this can be dealt with by a condition.

14.14 Subject to conditions requiring detailed schemes for the disposal of foul and surface water and a surface water management scheme, it is considered that the proposal would accord with the flooding advice in NPPF.

14.15 S106 Contributions

14.16 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.

14.17 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.

14.18 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.

14.19 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.

14.20 Policy DM4.7 Affordable Housing of the Local Plan states that the Council will seek 25% of new homes to be affordable, on new housing developments of 11 or more dwellings and gross internal area of more than 1000m², taking into consideration specific site circumstances and economic viability.

14.21 The Council are seeking the following S106 contributions:
25% affordable housing;

1 apprenticeship or £7,000 contribution towards training;
£8,498 towards informal green space/recreation;
£3,206 towards parks; and
£8,400 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

14.22 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.

14.33 The applicant has confirmed that they are agreeable to the financial contributions requested towards training, informal green space, parks and coastal mitigation. In respect of the affordable housing contribution they have asked for the 'vacant building credit' to be taken into account.

14.34 Para. 63 of NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount equivalent to the existing gross floorspace of the existing buildings.

14.35 Taking into account the floor area of the existing building in relation to the overall development floor area equates to an affordable housing contribution of 1.13 units. The application has offered to pay a financial contribution of £49,239.75 in lieu of on-site affordable housing provision.

14.36 The proposed financial contribution is lieu of on-site affordable housing is being considered by the Housing Strategy Manager. An update will be reported prior to the Committee meeting.

14.37 Local Financial Considerations

14.38 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).

14.39 The proposal involves the creation of 14no 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.

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

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

15.2 Specifically NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. As per paragraph 177 of NPPF the presumption in favour of sustainable development does not apply where development requires appropriate assessment because of its potential impact on a habitats site. NPPF also advises that the development plan is the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

15.3 The application site has no designation within the Local Plan. The Council is not dependent upon its development to achieve a five year housing land supply.

15.4 In terms of the impact of the development, it is considered that the development is acceptable in terms of its impact on the highway network, the amenity of future occupants and surrounding land uses, and contaminated land issues. However, it is officer opinion that the proposal has an unacceptable impact on the character and appearance of the conservation area and trees within the site.

15.5 For the reasons given above, it is officer advice that on balance the proposal is contrary to the development plan and there are no material considerations that outweigh the harm that would be caused and therefore it is recommend for refusal.

RECOMMENDATION: Application Refused

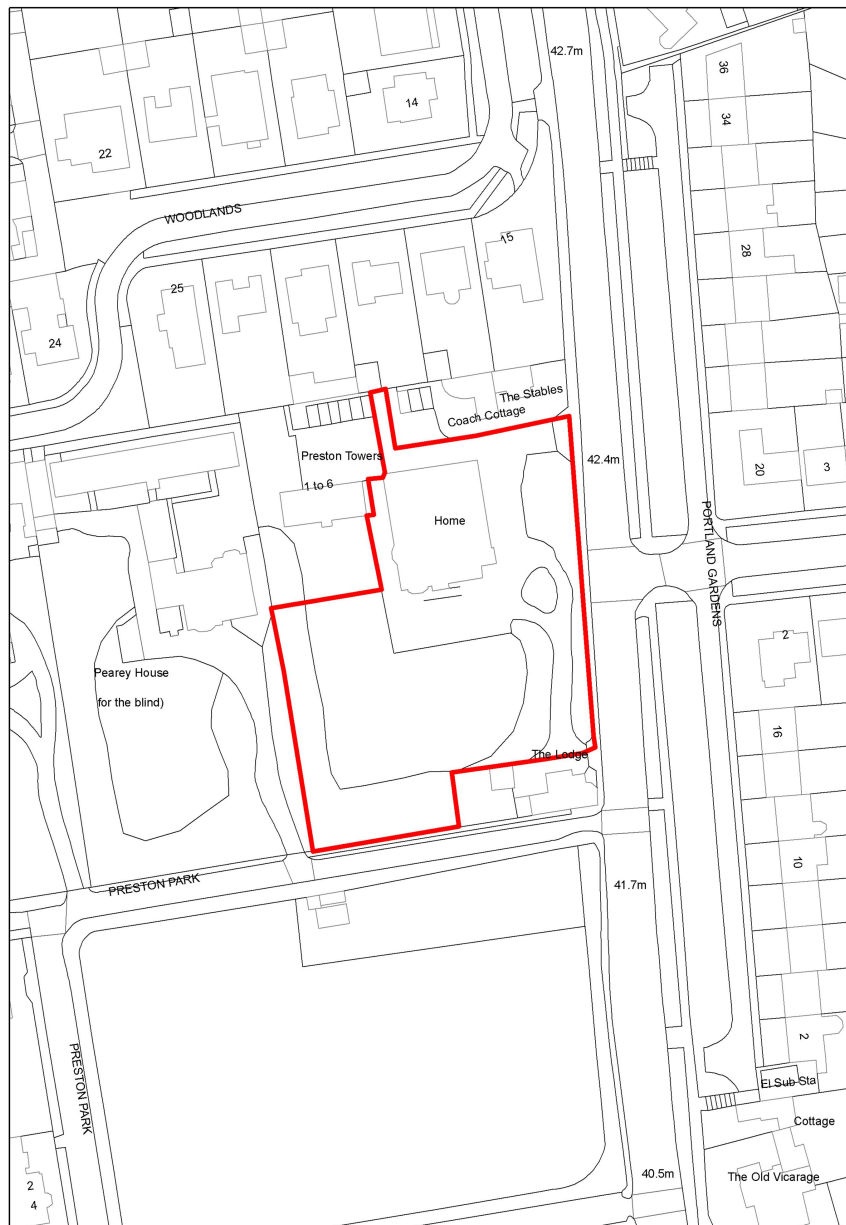
Conditions/Reasons

1. The proposed development of 4no new build properties would result in unacceptable harm to the character and appearance of the conservation area due to the impact on the original layout and character of the site, and the impact on trees. The proposal is contrary to the NPPF, policies DM6.1, S6.5, DM6.6 of the North Tyneside Local Plan 2017, the Design Quality SPD and the Preston Park Conservation Area Character Appraisal.

2. The development would have an unacceptable impact on trees within the site due to the potential harm to retained trees during the construction work and future pressure to have the trees removed or cut back due to their proximity to the new dwellings. The proposal is contrary to the NPPF and policies DM5.9 and DM5.7 of the North Tyneside Local Plan 2017.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



Application reference: 17/01689/FUL

Location: Preston Towers, Preston Road, North Shields, Tyne And Wear

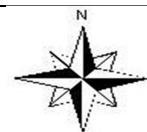
Proposal: Change of Use of Existing Preston Towers, from Nursing Home (Class C2) to 4no houses (Class C3) and 6no apartments (Class C3).

Development of 4no new detached houses (Class C3). Construction of new access from unadopted road to the south of the site (REVISED SITE PLAN, AIA, REPLACEMENT PLANTING SCHEME, HIGHWAYS STATEMENT, FLOOR PLANS AND ELEVATIONS)

Not to scale

Date: 15.11.2018

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Appendix 1 – 17/01689/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 house and 6 apartments, development of 4 new detached houses and construction of new access from no-adopted road to the south of the site.

1.3 The site utilises the existing accesses from Preston Road and provides an additional accesses from the non-adopted road to the south of the site.

1.4 Parking has been provided to suit the needs of the development and in any event the designated parking areas are set well back from the adopted highway. Suitable conditions for refuse collection and parking management are included.

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

1.6 Recommendation - Conditional Approval

1.7 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

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

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

Reason: In the interests of highway safety.

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.

1.8 Informatives:

I05 - Contact ERH: Construct Highway Access

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

I08 - Contact ERH: Works to footway.

- I10 - No Doors/Gates to Project over Highways
- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before 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.

2.0 Manager of Environmental Health (Contaminated Land)

2.1 The Phase 1 report dated 26th September 2017 contains a preliminary conceptual site model. The following conditions should be attached to this application:

CON 01
GAS 06

3.0 Manager of Environmental Health (Pollution)

3.1 I have no objection in principle. I would recommend conditions to address construction hours and dust mitigation during the construction phases.

HOU03
SIT03

4.0 Design and Conservation

4.1 The change of use of Preston Towers, from a Nursing Home to 4 houses and 6 apartments is supported.

4.2 The development of 4 new detached houses to the front of Preston towers is not supported.

4.3 Preston Towers is the most important building in the conservation area. There is an established building line between all of the villas; any development in front of the building line would be highly visible and detract from the historic layout and the character and appearance of the conservation area. Preston Towers would no longer remain as the visually prominent building from some viewpoints. The principal elevations of Preston Towers would not remain visible from all important viewpoints. The grounds of the villas in Preston Park make an important contribution to the character and appearance of the conservation area. New houses constructed to the front of Preston Towers would damage the relationship of the building with Preston Park. The new houses would be located in a highly sensitive part of the setting of Preston Towers and would have an unacceptable impact on this heritage asset.

4.4 Boundary treatments, car parking and waste storage associated with the new houses would further detract from the character and appearance of the conservation area and setting of Preston Towers.

4.5 The trees are an important feature that contributes towards the character of the conservation area. The proposals involve the removal of some of the existing

trees to facilitate the proposed development. For the remaining trees, the development is likely to result in conflict between trees and new residents in terms of shade or leaf-fall. This would put increasing pressure on their removal.

4.6 It is recommended that the application is refused due to:

- The impact on the character and appearance of the conservation area
- The impact on the setting of a heritage asset

5.0 Local Lead Flood Authority

5.1 As part of the submission the applicant's intentions are to incorporate underground storage crates in order to attenuate the surface water within the southern part of the site for the 4No. new homes.

5.2 In order to evaluate the developments surface water drainage proposals I will require further details on what the surface water discharge rate will be restricted to and what method the applicant will be using to control the discharge rate before it enters Northumbrian Waters drainage network. I will also require further details of the proposed surface water storage in particular what volume of surface water will be attenuated within the development.

6.0 Biodiversity Officer

6.1 Additional information has been submitted for the scheme. This includes the following:-

Updated Bat & Barn Owl Report
Replacement Planting Plan
Method Statement for Replacement Tree Planting (revised)
Revised Arboricultural Impact Assessment
Proposed Site Plan
Tree Protection Plan

6.2 Summary of changes:-

A new access road previously shown from Preston Road into the site has now been removed, therefore tree removal will not be required in this area. The main access into the site for Preston Towers is now from the existing north east entrance into the northern and eastern parts of the site, where parking is also provided. This layout will result in no impacts on established trees in this part of the site. The houses shown in previous plans in the south west corner of the site have now been re-designed with a reduced footprint, therefore, trees will not be impacted during construction. The access road to the south of the site is retained. The proposed scheme includes new tree and hedge planting to provide landscaping and mitigate the impacts of the scheme.

6.3 Protected Species - Bats

Additional 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.

6.4 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.

6.5 Arboricultural Impact Assessment

A revised Arboricultural Impact Assessment (revision D) and Method Statement have been submitted along with a Tree Survey and a Tree Protection Plan (TPP). The revised plans show that the number of trees that will require removal to accommodate the scheme has been reduced. Trees 44, 47 and parts of groups 6 and 8 will need to be removed to facilitate the construction of the new buildings and associated infrastructure. A further 6 trees (T5, 7, 10, 12, 14 & 21) are to be removed due to structural defects.

6.6 The amendments to plans have minimised the impact on protected trees within the site, however, there are still concerns relating to the development of the houses in the south west corner of the site in such close proximity to existing trees. My concerns remain that this will result in significant pressure to continually prune these trees and eventually remove them due to their proximity, canopy size and the amount of shading the trees will have on these houses. This would not be acceptable in a Conservation area and on trees protected by a Tree Preservation Order. These trees also contribute to the value of the wildlife corridor and to bat foraging habitat and pressure to prune or remove these trees would have an adverse impact on these.

6.7 Shadow Habitats Regulations Assessment (sHRA)

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.

6.8 The report concludes that there is the potential for a Likely Significant Effect (LSE) on the Northumbria Coast SPA due to an increase in recreational use (in particular dog walking) although this is considered to be fairly limited due to the small scale of the development. It considers that although Preston Park would provide an area for on lead dog walking, it would not be suitable for longer off lead dog walking and it is therefore considered likely that the coast would be used, with Longsands being the most likely destination.

6.9 The report recommends the following mitigation:-

- a) interpretation promoting the use of Preston Park and
- b) a financial contribution to the Local Authority for coastal management

6.10 A financial contribution towards a coastal mitigation service will need to be agreed between the developer and the Local Authority to address the impacts of the scheme on the Northumbria Coast SPA. This contribution must be agreed prior to the determination of the application.

6.11 Conclusion

Whilst amendments have been made to the layout of this scheme which minimises tree loss within the site, there remain concerns regarding the proximity of retained trees to houses in the south west part of the site and future pressures for continual pruning and removal of trees as a result of over shading and light issues. Lighting would also potentially be an issue in this area as the area is currently unlit and could impact bat foraging as well as potential bat roosts in trees (T52 in particular). The vulnerability of tree removal on protected trees in this part of the site would have an adverse impact on the wildlife corridor and bat foraging habitat as well as the Conservation Area. Whilst the scheme has made a number of changes which protect a number of trees on site, there remain some concerns regarding the development of 4 new units and the potential associated impacts highlighted above.

6.12 If the application is recommended for approval, it is recommended that the conditions set out below are 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.

6.13 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 prior to development commencing.

A lighting plan/strategy must be submitted to the Local Authority for approval prior to development commencing. 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

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.

If *Cotoneaster* or *Rhododendron* are affected by any works on site they will be removed in accordance with the method statements included within Appendix 2 and 3 of the Preliminary Ecological Appraisal (September 2017)

5no. bird boxes suitable for a range of species must be provided on suitable trees within the site. Details of bird box specifications and locations must be submitted to the Local Authority for approval prior to development commencing.

2no. general purpose Schwegler 2f bat boxes must be provided on suitable trees within the site. Details of bat box specifications and locations must be submitted to the Local Authority for approval prior to development commencing.

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 development commencing. Details must include the specification and location of the interpretation.

7.0 Landscape Architect

7.1 14.11.2018 Comments

7.2 These comments should be read in conjunction with previous comments.

7.3 Summary of changes:

Amended Report from: Arboricultural Impact Assessment. Revision D. (All About Trees);

Amended Replacement Tree Proposals. (2 documents) (Batson Tree and Landscape Care Ltd);

Amended plans as follows relevant to trees and landscape:

1235_04L: Site Plan as Proposed;

1235_05C: Proposed Plans (for four new houses in relation to Preston Towers);

The additional new access from Preston Road has been removed. This will allow replacement tree planting within the space created by the earlier tree removal.

The parking arrangement has been revised which maintains the north east corner for main access to the existing Preston Towers part of the site. It is intended to use all existing access roads to the eastern part of the site for access and parking so there would be no impact on the established trees. The four new houses have a reduced footprint and positioned to enable the properties to be constructed without impacting on the trees. The internal garage has been removed with all parking to the outside. There is also a turning head included within this part of the scheme to be completed in a surface detail alongside the visitor car parking that should not impact on the trees. The separate access to the south of the site is retained and the proposed scheme includes new tree and hedge planting within the scheme using selected native species.

7.4 A revised Arboricultural Impact Assessment (revision D) and Method Statement have been submitted along with a Tree Survey and a Tree Protection Plan (TPP) showing the location of each tree and their associated RPA's (root protection areas) in relation to the proposed development. Based on the revised TPP and in order to allow the development to proceed, a number of trees that will require removal is reduced from previous submissions. Trees 44, 47 and parts of groups 6 and 8 will need to be removed to facilitate the construction of the new buildings and associated infrastructure. A further 6 trees (T5, 7, 10, 12, 14 & 21) are to be removed due to structural defects and a limited safe useful life expectancy. Of the trees identified for removal, tree 44 is a category B tree and T47 is unsuitable for retention as it is dead.

7.5 However, whilst the amendments have been introduced to minimise the impact on the protected trees, there are still concerns relating to the principal of

the development in such close proximity to the trees and the impacts as a result. The main concerns are:

the pressure to prune trees due to their proximity to the properties to abate nuisance and the detrimental effect on the living conditions of future occupants of the proposed dwelling with regard to overshadowing.

the change on the character and appearance of the setting and its location in the conservation area

The continuing threat of tree removal and damage during the construction works

7.6 In respect of the layout and siting, satisfactory levels of amenity (natural light and space) for the development will be difficult to achieve with particular regard to the overbearing impacts of the trees. All trees to the western boundary of the site are proposed to be retained as part of the development other than the 2no trees identified - T44 and T47. However, House 1 will be within 6.0m from the base of two mature trees (T53A and T45A) with the combined canopies from neighbouring trees overhanging garden areas and habitable rooms. Therefore, the overshadowing on the external spaces and habitable rooms on the western elevation remain.

7.7 The trees have been given a good life expectancy with the potential for future growth which, in their current form could give rise to and the consequent pressure for the trees to be lopped, topped or even felled, to the detriment of their continued good health, longevity and in turn to the character and appearance of the conservation area. There are other potential issues such as falling debris or branches, blocked gutters, interference with underground services, and potential concerns in relation to their overbearing presence. Whilst protection afforded by the TPO would enable the Council to control any future tree work, it would be difficult for the council to refuse an application to cut-back or even remove a tree that was threatening the safety of the occupiers or having a harmful effect on their enjoyment of the property. There can be no certainty that such pressures could be reasonably resisted.

7.8 The trees are protected by a TPO whereby any proposal should seek to preserve and enhance the local landscape character wherever possible and the TPO should be safeguarded as part of the development. This is supported by Section 8 of the North Tyneside Council Local plan (DM5.9) trees, Woodland and hedgerows looks to protect and manage existing woodland, trees, hedgerows and landscape features. The existing site is characterised by mature trees, shrubs and vegetation along its boundaries and the introduction a new development in this landscape and the wider conservation area is seen as an intrusion to the existing curtilage and would not maintain a frontage which is in keeping with the existing conservation area. Whilst it can be argued that the units can sit comfortably within a mature tree setting, it is likely that this setting will be affected in long term resulting from pressure to prune or remove trees due to the close proximity and overbearing presence. This in turn has a direct impact on the character and appearance of the area.

7.9 In terms of a visual intrusion to the wider landscape, it can be said that views of the development would be partially screened by the retained trees. However, the removal of 6no trees (category U) from the eastern boundary will result in a

change that will increase its visual prominence. New tree planting to the eastern boundary has been proposed to help screen the development but it will be some time before an effective screen can be established.

7.10 Concerns were raised in previous comments regarding the impact of construction works on the retained trees. Whilst it proposed to use special construction techniques as detailed in the method statement, the level of harm resulting from the impacts of the development are a cause for concern (eg compaction). In this case, a condition would not satisfactorily mitigate the harm which has been discussed in previous comments. The applicant states that 'It is not the intention in the circumstances for there to be any pressure for removal or excessive pruning of the existing trees', but it is likely that pruning works will be required to allow access for the installation of scaffolding for example. This pruning is unnecessary and any over pruning could lead to concerns regarding their future viability. If tree pruning is required to accommodate the build and maintain thereafter, then this should be an indication that the building is located too close to the trees.

7.11 It will be necessary to have access within the root protection areas to trees 45, 49, 53, 55 and 72. The AIA outlines ground protection measures for avoiding compaction damage to the underlying roots during construction (section 5.3 of the AIA) and is shown on the Tree Protection Plan (TPP). Whilst this methodology is in accordance with the BS and is widely recognized, it should only be used as a last resort and avoided where possible. The tree constraints plan indicates that the western and southern elevation of the 4 detached units (House 1) will be approximately 4.5 to 5.0 meters from the base of the closest tree (T53A and T45A). A 2.5 to 5.0m wide working zone around the units for the installation of scaffolding and any associated access around it.

7.12 The proposed new access from the unadopted road to the new detached units will require the removal of 2 no trees (although one has already been removed). However, there is a further 3-4 no trees that can be affected by severance or asphyxiation of roots or require pruning to allow access, in particular, T43, T45 and T48, all of which are category A trees, and are directly on the line of the new access road. To ensure no damage to the trunk of the tree or the main structural roots, the new access will require realignment away from this tree (which will bring it closer to others), or a reduction in width. Even though it is proposed to undertake special 'no dig' construction methods, there is a high probability that this work will still result in either damage to tree roots due to the close proximity of the trees to the proposed works and/or pressure to remove the trees during construction. Furthermore, as the 'no dig' method is construction above ground level, the access driveway will need to tie in with existing levels outside the site so it is probable that excavation will be required and root severance to trees closest to the boundary will occur. It is proposed to construct a new 225mm diameter drainage connection from the site to the unadopted road. The installation of this can be conditioned but experience has shown that this does not always happen and tree roots are severed.

7.13 The character of the site will inevitably change with the proposed housing in place. The proposals presented still show that this is not a suitable site for the 4 detached units, having regard to the principles of sustainable development and

the effect of the proposal on the trees within the conservation area. The proposed development would not provide acceptable living conditions for the future occupiers with regard to outlook and the development will adversely affect individual trees, the wider tree group as a whole and subsequently, in due course, to the detriment of the conservation area. Whilst the proposal allows for the retention of the majority of trees on the site, a further 4 trees could be removed to allow road access from the unadopted lane. There will always be the constant threat of tree damage and removal, both during construction and as soon as the first houses are occupied when light and overshadowing becomes an issue. The proposal still offers no comfort that the protected trees will be adequately retained.

7.14 Comments 27.06.2018

7.15 The plans have been revised in light of previous comments. The revised layout looks to retain a greater number of trees on the site achieved by reducing the size of the units by 1.0m in length; moving the units slightly closer together, repositioning the units approximately 1.0m from the western boundary and approximately 1.5m closer to the southern boundary and the trees in that location.

7.16 These comments should be read in conjunction with previous comments.

7.17 It is proposed to improve the existing building of Preston Towers and construct 4no. detached houses to the front lawned area to the south of Preston Towers.

7.4 Associated with this is the construction of a new access from Preston Road and a new access from the unadopted road to the south of the site. 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. The site is located within a conservation area and a wildlife corridor (as defined by North Tyneside Council Local Plan).

7.18 A revised Arboricultural Impact Assessment (revision C) and Method statement (revision C) have been submitted along with a Tree survey and a Tree Protection Plan (TPP) showing the location of each tree and their associated RPA's (root protection areas) in relation to the proposed development. Based on the revised TPP and in order to allow the development to proceed, a number of trees that will require removal is reduced. A total of 11no. trees are to be removed (as determined by BS 5837) to facilitate the construction of the new buildings or to be removed for arboricultural management reasons. The previous number of trees to be removed previously was 22 (Shrub groups 4, 6 and 8 have already been removed).

7.19 Of the trees identified for removal, 4no. are category 'B' trees and 7no. trees have been identified as category 'U', i.e. unsuitable for retention; two of these category 'U' trees have already been removed. The survey notes that overall, the trees on the site are in a fair to good condition with a number of trees classed as category A trees.

7.20 With regard to the TPO, the proposal should seek to preserve and enhance the local landscape character wherever possible and the TPO should be safeguarded as part of the development. This is supported by Section 8 of the North Tyneside Council Local plan (DM5.9) trees, Woodland and hedgerows looks to protect and manage existing woodland, trees, hedgerows and landscape features.

7.21 With regard to the revised information submitted, the principle of the 4 detached units in close proximity to mature protected trees and within the RPA of the trees is still a major concern.

7.22 The tree group lies within the Preston Park Conservation Area, and as a group, are prominent in views when approaching Preston Towers from the north, south and east. The four detached units are to be located very close to the trees on the southern and western boundaries of the site, many of which are now shown to be retained (revised tree survey). The tree constraints plan indicates that the western and southern elevation of the 4 detached units will be approximately 4 meters from the base of the closest tree (T53A and T45A) with the footprint of the building conflicting with the root protection area of other trees along the western boundary. Whilst it proposed to use special construction techniques as detailed in the method statement, the level of harm resulting from the impacts of the development are a cause for concern. In this case, a condition would not satisfactorily mitigate the harm. The trees previously identified for removal *because* of the impacts arising from the development are now to be retained with the units 'squeezed' into a space dominated by mature trees.

7.23 This harm can be demonstrated by the following:

1) The AMS TPP rev C Plan shows the plot layout and crown spreads of the trees to Preston Towers with an indication of future potential growth. The tree group to the western boundary has a height of between 17 and 22m. The plan shows that a number of trees would overhang the north, west and southern gardens and elevations of the 4 detached units by up to approximately 8.0m in some places leaving habitable rooms and garden space in shade for most of the year. With regard to the units being located within a mature woodland setting, as stated previously, the perceived dominance and physical size of the tree in relation to garden areas and habitable rooms will give rise to concern about safety, cause obstruction of light and views, and incite objections about interference, falling leaves, blocked gutters and debris. This is usually resolved by detrimental long-term pruning pressures and /or removal of trees. If tree pruning is required to accommodate the build and maintain thereafter, then this should be an indication that the building is located too close to the trees.

2) The 4 detached units are 3 stories and approximately 9.0m high. It is clear that the canopies will be affected by the close proximity of the units (Trees T45A, T55A and T53 A) and car park (T72B) and will require the canopies to be cut back to allow scaffolding, access and construction. This will most likely result in these trees being heavily pruned on one side, questioning the future viability of the trees. This, coupled with future requests to remove, thin or cut down the trees will be detrimental to the appearance of the conservation area and the wider woodland group, to which these trees make a valuable contribution.

3) It will be necessary to have access within the root protection areas (RPAs) to trees 45, 49, 53, 55 and 72. This would require the relocation of the protective fence by 3.0 to 4.0m closer to the trees (as shown on the AMS TPP) and in some cases approximately 1.5m from the main trunk of the closest tree. The AIA outlines ground protection measures for avoiding compaction damage to the underlying roots during construction (section 5.3 of the AIA) and is shown on the Tree Protection Plan (TPP). Whilst this methodology is in accordance with the BS and is widely recognized, it should only be used as a last resort and avoided where possible. This allows a 2.8m wide working zone around the units for the installation of scaffolding and any associated access around it. If, say, approximately 1.5 to 2.0m minimum width is required for scaffolding then there is the potential that a wider working area will be required to allow access around the scaffolding. This in turn will impact on the root zone over a greater area and push the protective fencing even closer to the trees.

4) The trees are in a location where they have been growing freely and are currently suited to their location. The trees have been subject to little or no management over the years as any management has only been required to ensure the trees are maintained in a safe condition. The target area associated with the trees is currently considered low. Trees T49, T45 T55 and T53 in particular will require crown raising and lateral reduction to provide clearance purely for the construction of the units – not because of safety or general management reasons. This pruning is unnecessary and any over pruning could lead to concerns regarding their future viability. The trees could now potentially be considered a nuisance and the number of trees to be removed from the site could increase once construction starts and the area around the units becomes unworkable.

5) The proposed new access from the *unadopted* road to the new detached units will require the removal of 2no trees (although one has already been removed). However, there is a further 3-4no trees that can be affected by severance or asphyxiation of roots or require pruning to allow access. Even though it is proposed to undertake special 'no dig' construction methods, there is a high probability that this work will still result in either damage to tree roots due to the close proximity of the trees to the proposed works and/or pressure to remove the trees during construction. Furthermore, as the 'no dig' method is construction above ground level, the access driveway will need to tie in with existing levels outside the site so it is probable that excavation will be required and root severance to trees closest to the boundary will occur. It is proposed to construct a new drainage connection from the site to the unadopted road, again severing roots to category A trees.

6) The proposed new access to the eastern boundary from the A192 has been positioned where an existing tree has already been removed. This tree has been identified in the tree survey as a category U tree i.e. unsuitable for retention. To this boundary there is the greatest level change and in order to access the site it is proposed to construct a new section of wall which will return into the site and retain the land either side. This will impact on T20 (B), T22 (B) and T23 (B) and as a result are now shown to be removed. At this stage it is uncertain as to why a separate access and sub dividing the internal areas is required when the existing access road to the north east of the site could be used to access all areas. This

would help resolve some awkward parking in the site (e.g parking areas 1/2 and 15/16). Car parking areas 11 and 12 appear to be located in the area of existing grass and underneath the canopy of trees T1A, T2C and T3A. The existing kerb edge is to be realigned and set approximately 1.0m further in from the existing edge to allow the two car parking spaces. As the land is higher at this point then it is expected that car parking spaces will be dug into the embankment severing tree roots with either regrading of the surface around the trees back down to levels or some retaining structure required.

7) The site is located within a Wildlife Corridor as identified within the adopted Local Plan and the proposal would fail to protect the value and integrity of the Corridor by reason of the loss of the trees and the garden space. The replacement tree planting should be a 'like for like' replacement on numbers (including the 2no already removed), making a total of 13no. trees and of native origin. The submitted report provides 7no. replacement trees at 8-10cm which is inadequate. It will be expected that a proportion of the replacement trees are specified at a larger size. Tree replacement and tree management can be addressed by a condition.

7.24 The garden space, together with the trees within the site, is considered to be important in defining the character of this part of the Conservation Area. The proposed house would be three storeys, albeit that the third storey would be in the roof. It would be sited forward of the trees which can be seen in the background of the photo below. Although it could be said that the trees to the eastern boundary will help partially screen and filter views towards the units, the removal of 6no trees

(category U) from this boundary will provide open clear views onto the units and will appear as a single structure standing on its own. Its prominence in such views would result in a change of the setting and conservation area.

7.12 The proposals presented show that this is not a suitable site for the 4 detached units, having regard to the principles of sustainable development and the effect of the proposal on the trees within the conservation area. The proposed development of the detached units would not provide acceptable living conditions for the future occupiers with regard to outlook and the development will adversely affect individual trees, the wider tree group as a whole and subsequently, in due course, to the detriment of the conservation area.

7.25 On this basis, the proposal as presented, is not supported.

7.26 Additional information required

- Cross sections east /west through the detached units to show levels

7.27 Landscape Architect Initial Comment

7.28 The detached property (Preston Towers) is set within Preston Park Conservation Area. 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.

7.29 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. Sycamore trees account for approximately 85% of the trees on the site. The mature tree groups extend along the eastern boundary with Preston Road where they are located on land which rises to approximately one metre in height in places and extends from the main entrance to the site (Preston Road) for approximately 40 metres south.

7.30 It is proposed to improve the existing building of Preston Towers and construct 4no. detached houses to the front lawned area to the south of Preston Towers. Associated with this is the construction of a new access from Preston Road and a new access from the unadopted road to the south of the site.

7.31 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.

7.32 Preston Park Conservation Area Character Appraisal describes the area as *'very natural and heavily wooded giving the area some rural sense of place but in an urban setting'*.

7.33 An Arboricultural Impact Assessment and Method statement have been submitted (revision A) along with a Tree survey and a Tree Protection Plan (TPP) showing the location of each tree and their associated RPA's (root protection areas) in relation to the proposed development. Based on the revised TPP (revision A) and in order to allow the development to proceed, a number of trees will require removal: Trees 1-3, 5, 7, 10, 12, 14, 20-23, 25-28, 44, 47, 53, 55 & 71-72 and parts of groups 3-4, 6 and 8 as identified by the arboricultural survey, totalling 22no. trees. Of this total 6no have been identified for removal (category U) for arboricultural management reasons.

7.34 It appears that of the 22no. trees identified for removal (and as determined by BS 5837), 4no. are category 'A' trees; 9no. are category 'B' trees, and 3no. are category 'C' trees. Six trees have been identified as category 'U', i.e. unsuitable for retention and two of these category 'U' trees have been recently removed.

7.35 With regard to the TPO, the proposal should seek to preserve and enhance the local landscape character wherever possible and the TPO should be safeguarded as part of the development. This is supported by Section 8 of the North Tyneside Council Local plan (DM5.9) trees, Woodland and hedgerows

looks to protect and manage existing woodland, trees, hedgerows and landscape features.

7.36 Overall the trees on the site are in a fair to good condition. Whilst the proposal looks to retain many of trees on the site 16no. mature trees will require removal to facilitate the development. In this case there are major concerns in terms of the impacts on the TPO and the level of tree loss that would result. The BS5837 provides guidance on how to assess the value and quality of trees which should help decide which trees are appropriate for retention. Where trees are considered to be merit worthy, or their loss would significantly impact on the wider locality they should be considered as a material consideration with the layout designed to accommodate them. The principle of removing trees is stated in section 5.1.1 of BS 5837 which states that *"The constraints imposed by trees, both above and below ground (see Note to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration. Certain trees are of such importance and sensitivity as to be major constraints on development or to justify its substantial modification...."*

7.37 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. There are no new builds located to the frontages of the properties surrounding Preston Park. The removal of trees to the eastern boundary with Preston Park North will open up views from public places directly onto the villa and the new detached units. Heading further south on Preston North Road, the visibility is reduced but the new entrance will provide some direct views onto the new detached properties from public footpaths and highway of Preston North Road. Further south again and looking back northwards across the central open space of Preston Park, the privet hedge forms an effective screen (if retained) with the upper story and roof line visible above the shrub level. Any removal of the low level shrub planting adjacent to Preston North Road and the unadopted driveway will open up significant and immediately apparent views of the development to the wider landscape. A condition can be placed to retain the privet hedge, but only as a large mature hedge will it be an effective screen. The proposals don't confirm if the hedge is to be retained but it is intended to reinstate railings along this boundary which may require its removal.

7.38 In this case loss of a number of high and moderate values trees protected by a TPO is sufficient to consider the trees to be of *'such importance or sensitivity as to be a major constraint'*. The serving of the TPO has already demonstrated that the trees are important in the landscape and their loss will have a negative impact on the surrounding area, the TPO and the setting of a historical property.

7.39 Furthermore, trees can be affected by many aspects of site operations.

- The combination of new buildings, associated car parking and access will directly impact on the trees to the boundaries of the site both directly and indirectly. The 4 detached units are located within the RPA's of the retained trees and combined with site level changes (no actual detail provided) including site strip of topsoil, changes in surface materials and compaction of soils will conflict

with the retained trees and likely to reduce the vigour and longevity of the trees. The site slopes into the site from the southern and western boundaries. Whilst no detail has been provided it appears that some levelling of the existing land will be required which may in turn require the construction of retaining walls to the rear gardens. Any level changes or construction within the RPA of trees (which can also affect the depth of the water table), can affect their long term retention. The line of the protective fence would have to be moved to allow access, scaffolding to be installed and construction to proceed.

- Details of any intended service runs (gas/electric) has not been submitted for comment although a drainage connection to the unadopted road has been shown. The installation of services required for the detached units can sever tree roots and impact on the long term retention. Although the arboricultural report outlines special construction recommendations this needs to be fully detailed on the proposed plan so the impact of these works can be fully assessed.

- The proposed new access from the unadopted road to the new detached units will require the removal of 2no trees (although one has already been removed). However, there is a further 3-4no trees that can be affected by severance or asphyxiation of roots or damage to the crowns. Even though it is proposed to undertake special 'no dig' construction methods, there is a high probability that this work will still result in either damage to tree roots due to the close proximity of the trees to the proposed works and/or pressure to remove the trees during construction. Furthermore, as the 'no dig' method is construction above ground level, the access driveway will need to tie in with existing levels outside the site so it is probable that excavation will be required and root severance to trees closest to the boundary will occur. It is proposed to construct a new drainage connection from the site to the unadopted road, again severing roots to category A trees.

- The proposed new access to the eastern boundary from the A192 has been positioned where an existing tree has already been removed. This tree has been identified in the tree survey as a category U tree i.e. unsuitable for retention. To this boundary there is the greatest level change and in order to access the site it is proposed to construct a new section of wall which will return into the site and retain the land either side. This will impact on T20 (B), T22 (B) and T23 (B) with levels being altered and tree roots severed, requiring the removal of these 3no trees due to reasons of instability as a result of the works.

- Future impacts on the mature tree groups are generally always overlooked. The units along the western boundary will either incorporate the mature trees within or overhang garden space. These trees which have been previously considered suitable for their location and established in their landscape setting will now become unsuitable. Their perceived dominance and physical size in relation to garden areas and habitable rooms will give rise to concern about safety, cause obstruction of light and views, and incite objections about falling leaves and debris. This is usually resolved by detrimental long-term pruning pressures and /or removal of trees.

- The proposed site plan (revised) is an amendment to the layout shown on the TPP with alterations to the layout of the car parking to the north of the site. To accommodate the car parking (11 and 12), works to construct a hard standing is

required within the RPA of 3no trees, two of which are Category A trees and may require removal. To the east of Preston Towers (and north of the proposed new access), from the 20 trees present, 9 are highlighted for removal (5 of which are category U) which will significantly alter the character of the landscape and the public amenity associated with the adjacent roads and footpaths.

- The contractor working area and it is likely that further damage to the RPA's of the trees can be expected as a result of compaction by heavy construction vehicles using the driveway. Compaction of the ground can in turn lead a depletion of oxygen, water and minerals and any further disturbance to the trees by construction works is likely to reduce the vigour and longevity of the trees.

7.40 The loss of 16no mature healthy protected trees is unacceptable. The proposal will have a significant and adverse impact on the local landscape character and heritage assets. The property and the grounds it is set in have significant landscape character, sensitivity and amenity value, and consequently are of major importance to the character of the conservation area. Any tree removal either as a result of the development or long-term tree removal, will be harmful to the character of the area and the integrity of the TPO. Preston Towers is locally both prominent and distinctive and the combined presence of both tree cover and historic buildings contributing to the character of the conservation area. Any development in the garden space would fail to retain the character of the gardens and the building setting, typical of the landscape to this area.

7.41 The cumulative effect of the combined works, for example, driveways, new access, excavations for utilities, alteration of ground levels can all potentially disturb and damage root systems which could have a detrimental effect on the health of the trees and the overall integrity and stability of the collective group. The development so close to trees on the western could also impose on the overhanging canopies of the trees to accommodate any built form with the threat of future removals.

7.42 The construction of 4 detached units in a lawned garden fronting an historic building will have adverse impacts on the overall impression of that setting and the character of the local landscape. Based on the layout submitted the proposal does not *'preserve or enhance the character and appearance, or setting of a conservation area'* and therefore, the proposal cannot be supported.

7.43 Additional information required

- Revised TPP
- Cross sections east /west through the detached units to show levels

8.0 Representations

8.1 10no letters of objection and 2no representations have been received.

8.2 The concerns raised are summarised below.

- Affect character of conservation area.
- Affect setting of listed building.
- Adverse effect on wildlife.
- 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
- Precedent will be set.
- Will result in visual intrusion.
- Within greenbelt/no special circumstance.
- Inadequate parking provision.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Overlooking of Preston Towers Apartments from the new houses.
- No objection to the conversion of Preston Towers.
- No need for the new houses.
- Loss of green space.
- Impact on highway safety and increased traffic.
- Traffic flows would be increased by 40-50%.
- No consideration has been given to the existing road layout. The southern road to Preston Park is the entrance and the north the exit.
- Will create congestion around the north gate of the park.
- Poor visibility of pedestrians and cyclists on Preston Road from the north gate. Increase risk of collisions.
- The Preston Park entrance is close to the turning into Preston Avenue, a bus stop, school crossing and post box. Risk of collisions and to pedestrians.
- Impact on the condition of the road around Preston Park.
- Contrary to the Character Appraisal.
- Would set a precedent for further development.
- Impact of the new entrance on the character of the park – demolition of wall and removal of hedge.
- Demolition of the wall would remove a footpath and handrail which provides a safe access to reach Pearey House, leading to a risk to residents.
- Poor design not in keeping with the area.
- Any new development should not be visible from Preston Park.
- New builds are not in keeping with the surroundings.
- Building in the Park has been previously rejected.
- Destroys the building line and obstructs views of Preston Towers.
- Current road is not wide enough for two vehicles.
- Loss of trees.
- Noise and visual disturbance from the new access.
- Safety risk to visually impaired residents and dog walkers.
- Overdevelopment.
- Impact of additional traffic on The Stables, which shares the access.
- Queries are raised regarding the impact on access arrangements to The Lodge.

9.0 External Consultees

9.1 Northumbrian Water

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

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

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

10.0 Natural England (Comments 27.16.18)

10.1 As submitted, the application could have potential significant effects on Northumbria Coast Special Protection Area (SPA) and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

10.2 The following information is required:

- Further information on mitigation measures to be taken forward.

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

10.3 This application consultation response follows a previous letter dated the 2 March 2018. In the previous correspondence we raised specific issues relating to mitigation proposals designed to counter effects created by Recreational Disturbance which would occur on the above designated sites. As the application stands further details are still required as to the detail of such mitigation measures and therefore, we still require this further information.

10.4 In addition, we note that a revision to the layout of the site and the number of trees to be removed, has been carried out. However despite this we still require further assessment as to how the proposal will affect the Priority Habitat. Further details should consist of:

- An assessment of impacts on the priority habitat as a result of trees lost or affected by the proposal
- Consideration of impacts on priority and protected species
- More detail on proposed avoidance, mitigation or compensation.

10.5 It is considered that the further submitted detail does not adequately address the points set out above.

11.0 Tyne and Wear County Archaeologist

11.1 The site does not lie within the presumed extent of Preston medieval village and no archaeological features are known here. Archaeological work is therefore not required in relation to the four proposed new houses.

11.2 The house should be deemed to be a non-designated heritage asset (ref para 135 of the NPPF).

11.3 I have read the submitted archaeological building recording report.

11.4 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. 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.

11.5 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?

11.6 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

11.7 No further archaeological work is required.

12.0 Northumbria Police

12.1 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).

12.2 Advice regarding SBD can be found at www.securedbydesign.com or by contacting myself on the details below.

Item No: 5.2
Application No: 18/00967/FUL
Date valid: 24 July 2018
Target decision date: 23 October 2018
Author: Rebecca Andison
☎: 0191 643 6321
Ward: Riverside

Application type: full planning application

Location: Howdon Landfill Site, Wallsend Road, North Shields, Tyne And Wear,

Proposal: Development to provide a satellite depot, required to stable part of the Metro fleet during the redevelopment of Gosforth Metro Depot
(ADDITIONAL INFORMATION: LANDSCAPE PLANS, BUTTERFLY MITIGATION, REVISED SITE PLAN)

Applicant: Nexus, Mr Neil Blagburn Nexus House St James Boulevard Newcastle Upon Tyne NE1 4AX

Agent: Mott MacDonald, Mr Ed Waters 33 Stamford Street Altrincham WA14 1ES

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- 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 ecology; and
- whether sufficient parking and access would be provided.

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

2.0 Description of the Site

2.1 The application site is located between the A19 to the west and the A187 to the east. The Metro Line abuts the northern boundary and to the south west is a landscaped mound.

2.2 The site contains mainly grassland and rough vegetation, with 3no small ponds in the north east corner. Access is from the A187 roundabout, which is located to the south east.

2.3 The majority of site is allocated as Employment Land by the Local Plan, with the exception of a small area in the north west corner which is allocated as Open Space.

3.0 Description of the Proposal.

3.1 Planning permission is sought to develop to the site to provide a satellite depot for the stabling of part of the Metro fleet during the redevelopment of Gosforth Metro Depot.

3.2 The facility would be able to accommodate up to ten Metro trains overnight during the redevelopment of the Gosforth Metro Depot, and includes an office and workshop for light maintenance. It is anticipated that the site would be used for up to 10 years, following which it would be decommissioned and returned to undeveloped scrub land.

3.3 It is also proposed that the depot would be used for the phased delivery of the new Metrocar fleet and the removal of the existing fleet over a two-year period.

3.4 The development comprises ten stabling lines accessed from the existing Metro Line to the north, a delivery track, maintenance workshop, substation and staff parking. An access road is proposed from the existing access point off the A187 roundabout. A security gatehouse is proposed on the west side of the access.

3.5 The Metroline sits on an embankment approximately 2.5m higher than the application site. Therefore to allow level access for trains it is necessary to increase ground levels within the site and construct a retaining wall around the development platform.

4.0 Relevant Planning History

17/00956/FUL - New depot encompassing accommodation for; service vehicle maintenance, staff welfare, associated offices & archive store, external works to incorporate car parking, fueling station, vehicle wash facilities, storage containers, salt barn, gatehouse and ancillary minor structures. External works to include drainage and attenuation systems – Permitted 10.10.2017

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 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 Policy DM5.2 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 use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

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

8.8 Policy DM5.3 states that accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents.

8.9 The proposal is to develop a currently vacant site to provide a satellite depot to stable part of the Metro fleet.

8.10 The majority of the application site is allocated as available employment land by the Local Plan. Development of this area complies with the allocation of the site and would secure economic development in accordance with the NPPF.

8.11 The area to be developed includes a small section of designated open space in the north west corner. This section of open space is currently overgrown and not readily visible from the public domain. Given that it makes a limited contribution to visual amenity, and has no recreational value, its development is considered to be acceptable.

8.12 When taking into account the factors set out above, the benefits of securing the development of a large area of vacant employment land are considered to outweigh the loss of a relatively small area of open space. 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 is 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 a predominantly industrial area, to the south of Sita waste transfer station and adjacent to two major roads. It contains grassland and scrub, with established hedgerows and trees around the periphery.

9.5 The development comprises ten stabling lines, a delivery track, maintenance workshop, substation and staff parking/access. Given that the Metro line is located on a raised embankment it is proposed to increase ground levels within the site to provide level access for the stabling lines. The development would be located on a raised platform with retaining walls around the periphery.

9.6 The stabling lines are located adjacent to the northern boundary, with the buildings and car park to the south. A new access road would be created from the site entrance to the car park.

9.7 The most prominent part of the development would be the workshop. This has a height of 8.6m but is located on the raised development platform approximately 1.6m above the existing ground level. It is an aluminium framed structure, and would be finished in grey cladding. A single storey substation is proposed adjacent to the southern elevation of the workshop.

9.8 The proposed buildings are in keeping with the industrial character of the surroundings, and are considered to be of an acceptable size and design. The site is dominated by a landscaped mound in the south west corner, which would screen views into the site from the south. The A187, to the east, slopes upwards

from south to north and is higher than the application site. This will reduce the impact of the proposed ground works and the prominence of the workshop.

9.9 The site would be enclosed by security fencing. This is considered to be acceptable in principle, given that industrial character of the surroundings and that much of the fencing would be screened by existing planting and the landscaped mound. Where the fencing is exposed along the eastern boundary additional planting to provide screening can be secured through the detailed landscaping scheme.

9.10 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 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 lie approximately 140m to the east and 120m to the south east, beyond the A187.

10.5 The site would be used for the overnight storage of trains while the South Gosforth depot is being developed. It is anticipated that this could take up to 10 years. The applicant has advised that operations would commence from 05:00-06:00 when Metro trains are deployed onto the network. The trains would return to the site between 23:00 and 01:00.

10.6 The site would also be used for delivery of the new Metrocar fleet and the removal of the existing fleet over a two-year period. Based on the delivery of 42

new trains this equates to two deliveries per month. Trains would be delivered by road.

10.7 A Noise Assessment has been submitted in support of the application. This includes a noise survey at the nearest residential properties and modelling to determine the noise impacts of the development. The Assessment concludes that there would be no significant impact from operations within the depot.

10.8 The Manager of Environmental Health has provided comments. She raises no objections in principle to the development and notes that noise from activities within the site, including the use of the horn on arrival and departure, will not give rise to significant adverse impacts for neighbouring residents. She recommends that conditions should be imposed to restrict the road delivery times, restrict the use of the yard, requiring that the workshop doors are kept shut, and to ensure that plant noise accords with the levels set out in the noise assessment. Further conditions are recommended in respect of external lighting, construction hours and dust suppression.

10.9 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 the conditions discussed above, 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 proposed depot would be used for the delivery of the new Metro fleet. This would comprise 42no trains to be delivered over a two-year period. The trains would be delivered by road using low loaders. To facilitate access into the

site it will be necessary to modify an existing splitter island adjacent to the site entrance.

11.6 A car park containing 25no spaces is proposed. This would be used by Metro drivers, cleaners, maintenance and supervisory staff. The Transport Statement estimates that there would be between 24no and 62no trips per day, depending on how drivers travel to the site and how the site is operated.

11.7 There are bus stops within 500m of the application site on the A187 and Percy Main Metro station is within 1.3km. The site is also adjacent to both local and national cycle routes.

11.8 The Highway Network Manager has been consulted and raises no objections to the proposal. He considers that the number of trips associated with the site would not have a severe impact on the adjacent highway network and that adequate car parking would be provided to meet the operational needs of the development.

11.9 Taking the above factors into account, it is officer opinion the site is sustainably located and the impact on the highway network is acceptable.

11.10 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.

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 An Ecological Impact Assessment, Bat Survey, Ornithological Survey and Landscaping Strategy have been submitted as part of the planning application.

12.10 The application site consists mainly of unimproved neutral grassland, dense scrub, marshy grassland, woodland, hedgerow and 3no ponds. The areas of unimproved neutral grassland are considered to be of district habitat value, and the woodland and some area of scrub to be of local habitat value.

12.11 A bat survey has been carried out and most trees and habitats on the site have been categorised as having negligible to low suitability for roosting bats. The Ecological Impact Assessment advises that habitats within the site are suited to use by reptiles, and that dingy skipper butterfly have been recorded within the site.

12.12 The development is described as having a number of impacts. These include the loss of large areas of neutral grassland of district importance; the loss of other habitats including marshy grassland, scrub and ephemeral pool habitats; harm/disturbance to nesting bird species should scrub and vegetation clearance be undertaken during the nesting season; the loss of habitat of district importance supporting Dingy Skipper butterfly; and harm to mammal species including hedgehog and common shrew through entrapment in trenches during the development phase and loss of areas of grassland.

12.12 Mitigation is proposed to address the impacts of the development. The proposed mitigation includes the translocation of grassland habitat to an offsite location in order to create a habitat suitable for supporting dingy skipper butterfly.

12.13 The Biodiversity Officer and Landscape Architect have commented and raise a number of concerns regarding the impact on trees and ecology. The applicant is working to address these concerns. An update will be reported to Planning Committee.

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 A Flood Risk and Drainage Impact Assessment has been submitted. This confirms that the application site lies within Flood Zone 1 and does not fall within a strategic flood risk area. It acknowledges that there would be a significant increase in impermeable area as a result of the development. To mitigate the corresponding increase in surface water runoff it is proposed to attenuate flows on site and discharge at reduced rates into an adjacent surface water highway drain.

13.8 The FRA advises that due to underlying ground conditions infiltration techniques in the form of soakaways or permeable surfaces are not suitable. Direct discharge to a surface water body is also unviable given that there is no watercourse available within the site.

13.9 The Drainage Strategy includes approximately 850m³ of storage, within a drainage ditch and swale along the western edge of the site.

13.10 The Environment Agency has been consulted and raise no objections on grounds of flood risk.

13.11 The Local Lead Flood Officer has commented and raises no objections to the proposal subject to the imposition of a condition to require a scheme for the repairs of structural defects to the drainage network.

13.12 Northumbrian Water has been consulted. Their comments will be reported to planning committee.

13.13 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 secure the repair of the highway drain, and subject to no objections being raised by Northumbrian Water, the proposed development accords with the relevant national and local planning policies.

13.14 Archaeology

13.15 The NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

13.16 Policy DM6.7 of the Local Plan states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development. Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.

13.17 A Desk Based Archaeological Assessment has been carried out.

13.18 The Tyne and Wear Archaeology Officer has been consulted. She has advised that there are several archaeological features within the site, namely the site of Flatworth medieval manor and ridge and furrow, Low Flatworth Farm, a former toll road, the 19th century Percy Pit Waggonway and the North Eastern Railway, Newcastle and Tynemouth Riverside Branch of 1879.

3.19 She has advised that conditions should be imposed requiring that a programme of archaeological fieldwork is carried out.

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

13.21 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.

13.22 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.

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

13.24 Local Financial Considerations

13.25 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).

13.26 Economically there would be benefits in terms of the provision of jobs during the construction of the development.

14.0 Conclusion

14.1 The proposal is not wholly in keeping with the allocation of the site, given that it includes a small area of Open Space. However the majority of the site is allocated for employment use by the Local Plan and the open space has no recreational value. The proposal would secure sustainable economic development in accordance with the NPPF and in officer opinion the principle of development is acceptable.

14.2 It is officer advice that, subject to the outstanding comments of consultees, and the submission of information to satisfy the concerns of the Landscape Architect and Biodiversity Officer, 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 policies and is therefore recommended for approval subject to no objections being raised by Northumbria Water and the removal of the objection from the Biodiversity Officer and Landscape Architect.

RECOMMENDATION: Minded to grant on expiry consultation

It is recommended that members indicate they are minded to approve the application subject to no objections being raised by Northumbrian Water, and subject to the submission of information to satisfy the Biodiversity Officer and Landscape Architect's concerns, and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments, and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

Conditions/Reasons

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

Location plan 370377-MMD-00-XX-DR-U-0004 P01.2

1no.4.0m x 2.6m Boxer Security Gate House

Planning GA Sheet 3 of 3 370377-MMD-00-XX-DR-U-0003 P01.2

Planning GA Sheet 2 of 3 370377-MMD-00-XX-DR-U-0002 P01.2

Planning GA Sheet 1 of 3 370377-MMD-00-XX-DR-U-0001 P02

Sections longitudinal 370377-MMD-00-XX-DR-AR-0014

Elevations Sheet 1 of 2 370377-MMD-00-XX-DR-AR-0012

Roof plan 370377-MMD-00-01-DR-AR-0011

Floor plans 370377-MMD-00-00-DR-AR-0010

Site sections 370377-MMD-00-XX-DR-AR-0005

Landscaping plan Sheet 1 of 2 370377-MMD-00-XX-DR-U-0007 P01.1

Landscaping plan Sheet 2 of 2 370377-MMD-00-XX-DR-U-0008 P01.1

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 HOU004 *

4. Prior to the use commencing details of facilities to be provided for the storage of refuse at the premises must be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

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

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. 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).

10. Prior to occupation of the development, a route for deliveries of abnormal loads shall be submitted to and agreed in writing by the Local planning Authority. Thereafter this route shall be used in accordance with the agreed details.

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

11. Notwithstanding the details submitted, prior to occupation of the development a scheme for the repairs of all Grade 4 & 5 structural defects to the adjacent surface water highway drain shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and a CCTV survey to be undertaken to establish that the repairs are suitable.

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

12. The development must be carried out in complete accordance with the submitted Geoenvironmental Appraisal Report No.D8067/02

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

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

Upon approval of the method statement:

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

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

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to

results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

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

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

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

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

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

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

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

14. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

15. Within six months of the completion of the archaeological fieldwork undertaken in pursuance of condition 14 the final archive report of the results will be submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

16. Unless otherwise agreed in writing by the Local Planning Authority, within one year of the completion of the archaeological fieldwork undertaken in pursuance of condition 14 a report detailing the results of the archaeological fieldwork undertaken will be produced in a form suitable for publication in a suitable and agreed journal and will be submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Local Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

17. Prior to the installation of any external plant, ventilation and extraction systems a noise mitigation scheme must be submitted to and agreed in writing by the Local Planning Authority. The noise scheme must be carried out in accordance to BS4142 and must include details of all noisy external plant and any tonal or impulsivity characteristics to the plant. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for night time to achieve a rating level of LAeq,15 minutes 36 dB for the west of the site and LAeq, 15 minutes 34 dB for the east of the site. Prior to the plant being brought into operation (other than for testing purposes) acoustic testing must be undertaken to verify compliance with this condition, and submitted to and approved in writing by the Local Planning Authority. Thereafter the plant must be installed and maintained in accordance with the approved details.

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

18. The workshop doors must be kept closed whenever noisy work activities are being carried out, except for access, egress and in case of an emergency.

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

19. Delivery and collections via the site access road shall not take place outside the hours of 07:00 - 23:00 hours.

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

20. Prior to occupation of the development a quiet delivery scheme, to include details of the noise controls for the delivery and collection and movement of materials around site, must be submitted to and approved in writing by the Local

Planning Authority. Thereafter the scheme must be implemented in accordance with the approved details.

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

21. Activities at the site during the hours of 23:00 to 07:00 hours shall be restricted to the delivery and collection of trains and access and egress of staff.

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

22. No waste, recycled materials, demolition or construction materials shall be stored or processed at the site at any time.

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

23. Noise No Tannoys Externally Audible NOI002 *

24. Flood Lighting Scheme Details LIG001 *

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

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

Informatives

Building Regulations Required (I03)

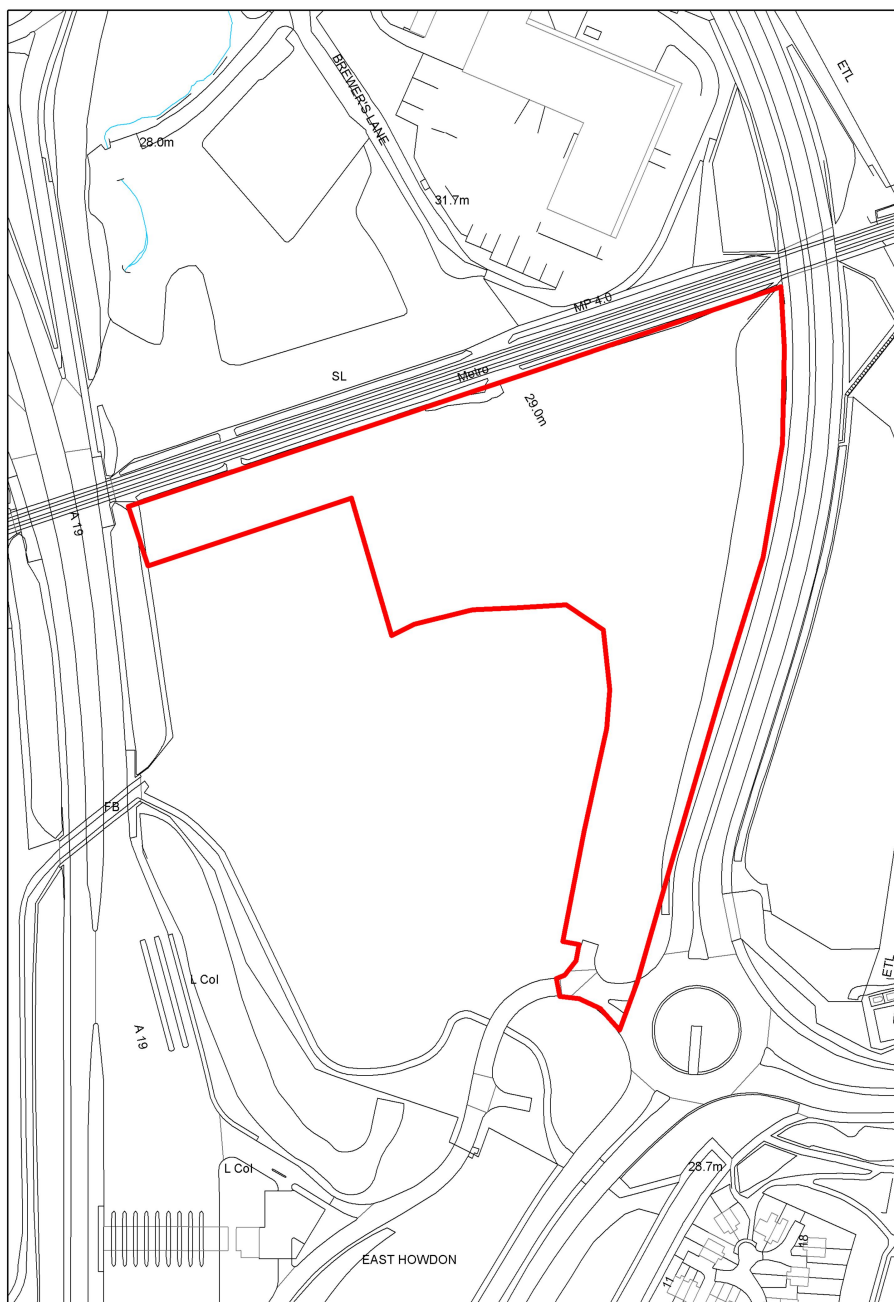
No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)



Application reference: 18/00967/FUL

Location: Howdon Landfill Site, Wallsend Road, North Shields

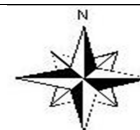
Proposal: Development to provide a satellite depot, required to stable part of the Metro fleet during the redevelopment of Gosforth Metro Depot

(ADDITIONAL INFORMATION: LANDSCAPE PLANS, BUTTERFLY MITIGATION, REVISED SITE PLAN)

Not to scale

Date: 15.11.2018

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Number 0100016801



Appendix 1 – 18/00967/FUL Item 2

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a development to provide a satellite depot, required to stable part of the Metro fleet during the redevelopment of Gosforth Metro Depot. The site will be in place for a temporary period for the duration of the work at Gosforth and also for a two year period to take delivery of the new metro fleet.

1.3 As part of the application a Transport Statement (TS) was submitted that examined the impact of the development on the adjacent highway network. This site is accessed via the East Howdon Bypass & Tyne Tunnel service road roundabout. It is considered that the number of trips associated with the site will not have a severe impact on the adjacent highway network. Parking will be provided to meet the needs of 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

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.

Prior to occupation of the development, a route for deliveries of abnormal loads shall be submitted to and agreed in writing by the Local planning Authority.

Thereafter this route shall be used in accordance with the agreed details.

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

1.6 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

1.7 Local Lead Flood Authority

1.8 This application is for a development to provide a satellite depot, required to stable part of the Metro fleet during the redevelopment of Gosforth Metro Depot.

The developers intentions are to attenuate the surface water within the site using a combination of swales and a box culvert.

1.9 The intentions are for the surface water from the site to discharge into the East Howdon Bypass (A187) highway drain at a restricted rate of 5 litres per second controlled by a hydrobrake.

1.10 Following discussions with the agent acting on behalf of Nexus it was agreed that in order to allow a connection into North Tyneside Council's highway drain all Grade 4 & 5 structural defects will be need to be resolved before any surface water connection from the development is permitted to enter the highway drainage network. These repairs will be at the cost of the developer and undertaken by an agreed drainage contractor, once these maintenance works are completed we will require a CCTV survey to be undertaken to establish the repairs are suitable and if acceptable then confirmation will be provided that a surface water connection can be made from the development at the agreed restricted discharge rate into the A187 highway drainage system. Conditional approval is recommended.

1.11 Recommendation - Conditional approval

Notwithstanding the details submitted, a scheme for the repairs of all Grade 4 & 5 structural defects to the drainage network shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and a CCTV survey to be undertaken to establish that the repairs are suitable.

Reason: In the interests of surface water management.

1.12 Manager of Environmental Health (Contaminated Land)

1.13 Discussions have been held with the applicants consultant regarding a Site Investigation on the site. The following must be applied

Con 001

Gas 006

1.14 Manager of Environmental Health (Pollution)

1.15 I have concerns with regard to noise and dusts arising from the site operations affecting residential properties located in Firtrees Avenue and nearby properties located in Percy Main.

1.16 I have viewed the noise assessment that has been provided to outline the potential noise impacts of the proposed operation. The applicant indicates that access will be required 24 hours per day, with up to 10 trains arriving during the night period for cleaning and then departing.

1.17 The noise assessment has determined that noise from the activities including the use of the horn on arrival and departure for up to 3 seconds will not give rise to significant adverse impacts for neighbouring residents, with the Lmax at Firtrees Avenue calculated at 51.1 dB at the facade, which will result in internal noise levels of <45 dB, and should not result in residents waking from sleep.

1.18 The applicant indicates that all work will be carried out internally within the buildings and it is recommended that workshop doors are kept closed except for

access and egress to the workshops. It is recommended that a condition is imposed to restrict delivery and collections times for the service road to daytime hours to minimise noise from any external yard activities, as new rolling stock will be delivered to this site. The noise report has focused on the night time noise levels for plant in that if this level is achieved for fixed plant then the daytime noise levels will not be exceeded. I would also therefore recommend a noise scheme for fixed plant and equipment to meet the noise limit values as outlined in noise report to not exceed for the west of the site LAeq,15 minutes 36 dB and LAeq, 15 minutes 34 dB for the east of the site.

1.19 I would also recommend conditions to cover a lighting scheme for the site.

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

1) Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for night time arising from the site to achieve a rating level of LAeq,15 minutes 36 dB for the west of the site and LAeq, 15 minutes 34 dB for the east of the site.

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

2) Workshop doors at the depot must be kept closed whenever noisy work activities occur at the site, except for access, egress and in case of an emergency.

3) Delivery and collections via the site access road to be restricted to between 07:00 - 23:00 hours.

4) A quiet delivery scheme must be submitted for approval by the planning authority prior to occupation giving details of the noise controls for the delivery and collection and movement of materials around site must be implemented thereafter.

5) Activities at the site during the period 23:00 and 07:00 hours shall be restricted to the delivery and collection of trains and access and egress of staff.

6) No waste, recycled materials, demolition or construction materials shall be stored or processed at the site at any time.

7) HOU04

8) NOI02

9) SIT01

10) LIG01

1.21 Landscape Architect

1.22 The proposed development is for a satellite depot, required for the Metro fleet during the redevelopment of Gosforth Metro Depot. The proposed satellite depot will accommodate up to ten Metro trains overnight during the redevelopment of the Gosforth Metro Depot and provide an office and workshop for light maintenance able to accommodate one Metro train. It is also proposed that the satellite depot will serve as the network access point for phased delivery of the new Metro car fleet and removal of the existing fleet over a two-year period.

1.23 The application is sited on an area of land south of the metro line and is within a designated wildlife corridor as defined by the North Tyneside Local Plan that connects a series of sites to the wider urban and sub-urban areas. The site is predominantly made up of good quality diverse wildflower grassland with some scattered scrub with established hedgerows and tree planting to the periphery of the site. The ecological report submitted with the application identifies priority or protected species.

1.24 Additional information has been provided:

- Butterfly mitigation plan
- Landscape plans (dwgs 0007 and 0008)
- Information in response to queries raised
- Revised site layout plan to a change in the design to the east of the site. The retaining wall has been altered, allowing the earthworks to be moved away from the existing treeline. The buried underpass has been removed, which was shown on the previous revision due to old topographical data being included.

12.25 However, in order to meet the Local Plan policies and the NPPF, the following information is required:

1. A proposal for a restoration scheme on decommission setting out the principle aims and objectives and an outline habitat management plan.
2. The Landscape strategy plan offers some information, but it should set out planting principles for
 - Additional hedgerow planting along the eastern boundary adjacent to the main road supported by standard trees
 - Scrub and tree planting along the northern boundary
 - Screen planting to the southern and western boundary of the site in line with the recommendations of the Ornithological report
3. A plan showing the construction working area. This is for clarity as there is concern associated with the extent of the 'retained habitat and scrub' on the Landscaping Plan (0007) as this might conflict with the construction of the new access road, drainage, car parking and ground works associated with the building. This should also give an indication where the site compound is to be located so disturbance of the retained habitats are avoided.
4. Updated AIA. The off-site mitigation has been proposed to a site south of the development site, however it is considered that it is not a suitable site for translocation. Therefore, consideration should be given to the area west of the

site (outside the site boundary) as a suitable area for grassland translocation (approximately 0.6ha) which I believe has been proposed by the NTC Biodiversity Officer

12.26 Although additional information has been submitted which goes some way to addressing the design and biodiversity issues, additional information is still required to make a full assessment of the impacts of the development on the site and ensure habitats are protected.

12.27 Biodiversity Officer

12.28 Further to my previous comments, additional information/plans has been submitted for the above application including:-

- Howdon Planning Application (TO36) Planning GA – sheet 1 of 3
- Howdon Planning Application (TO36) Landscaping Plan – sheet 1 of 2
- Howdon Planning Application (TO36) Landscaping Plan – sheet 2 of 2
- Butterfly Mitigation Report
- Additional Information

12.29 Howdon Planning Application (TO36) Planning GA - sheet 1 of 3 shows the features proposed as part of the scheme including position of drainage ditches and drainage swales, retaining walls, car parking, fencing, earthworks, rails and stabling areas.

12.30 The Landscaping Plans (sheet 1 of 2 and 2 of 2) indicate the following:-

- Retained habitat and scrub
- Ditches and swales seeded with meadow mix
- Embankments and disturbed areas seeded with suitable meadow mix
- Original hedgerows along the eastern boundary

12.31 With regard to the above plans, the swale and ditch areas as well as embankments are shown to be seeded with suitable meadow mixes which is a positive step on this scheme in terms of landscaping. However, some of the areas shown as 'retained habitat and scrub' are unlikely to be retained once construction works commence as they are likely to be within construction working zones. The main areas I am referring to are the dingy skipper habitat areas to the eastern boundary. The construction of the drainage along the eastern boundary of the road as well as the underground attenuation tank, will result in large areas of disturbance in these areas (within the dingy skipper habitat). There are also the additional impacts of the embankments along the road and the security fencing, which is shown within the DS habitat area. It is unclear how this habitat will be 'retained'. I assume that some of the grassland turves will be removed to accommodate works and will then be stored and put back? Or is the plan to re-seed the area? It is not clear what the construction working areas are in this part of the site or how the existing grassland will be re-instated. A construction working area will need to be submitted showing working areas and how existing/adjacent habitats will be protected during construction works. In addition, information is required regarding how the dingy skipper grassland/neutral grassland areas on site will be re-instated once construction works have been completed.

12.32 The hedgerow shown along the eastern boundary has the potential to be impacted by the works particularly in the northern part of the site where a large embankments and retaining wall is proposed very close to existing planting. We previously requested that an AIA was required to allow the LPA to assess the impacts of the scheme on any trees/scrub within the site. This has not been submitted.

12.33 In addition, the existing hedgerow along the eastern boundary is presently gappy and should be planted up with a mix of native hedgerow species and standard native trees at intervals to help mitigate the impacts of this scheme, improve connectivity through the site and improve the buffer along the eastern boundary.

12.34 Butterfly Mitigation Strategy

The receptor site recommended by the developer for off-site mitigation is not deemed to be a suitable site for dingy skipper translocation. As stated in previous comments, this site would not be acceptable as a proposed receptor site as it already supports habitats of biodiversity value (neutral grassland, poor semi-improved grassland and scattered scrub). Its topography (steep and exposed) also does not lend itself as an ideal site for the establishment of dingy skipper. Any receptor site should be of poor quality and low value for biodiversity.

12.35 Given the above, I recommend that the receptor site for dingy skipper translocation or creation of new dingy skipper habitat is retained on site to the west of the current ditches and stabling area. This area is currently of low biodiversity value (mainly tall ruderal vegetation) and approximately 0.6ha so would therefore provide a potentially good dingy skipper translocation area with the benefit that the habitat remains on site. This area would also link to the existing dingy skipper area by the creation of the new planted swales and ditches going east-west through the site

12.36 To mitigate the additional impacts of the scheme (loss of neutral grassland), the proposed off-site area shown in blue on the above plan, should be enhanced by over seeding wildflower grassland in the poorer semi-improved grassland areas and the introduction of some additional scrub planting along the eastern boundary.

12.37 The above measures would be accepted as adequate mitigation for dingy skipper, loss of habitat (neutral grassland and scrub habitat), disturbance to nesting birds and impacts on the wildlife corridor.

12.38 Further information is required to be submitted in order to ensure that the impacts of this scheme have been adequately assessed and an appropriate mitigation and landscape scheme has been submitted to address the impacts:-

- Details of construction working areas on the eastern boundary to assess the extent of disturbance to the current dingy skipper habitat area
- Details of how the existing dingy skipper grassland areas will be retained and protected and how disturbed areas (through construction) will be re-instated
- Updated dingy skipper mitigation strategy in line with the above recommended mitigation site (outlined in red on above plan)

- Updated landscape mitigation plan to include:- hedgerow and tree planting along the eastern boundary and off-site planting (scrub and meadow enhancement) of the off-site land outlined on the above plan (blue boundary)
- Updated AIA/Tree Protection Plan in relation to works along the eastern boundary

12.39 I am unable to provide further comments on the above scheme until the information requested above has been submitted.

2.0 Representations

2.1 2no objections have been received.

2.2 The concerns raised are summarised below.

- Adverse effect on wildlife.
- Inadequate drainage.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Poor/unsuitable vehicular access.
- Precedent will be set.
- Loss of amenity land.
- Loss of bird breeding/feeding ground.
- There is no reference to Sustainability, Energy Reduction and Low Carbon Energy.
- The building should include sustainable technologies and look to reduce water consumption.

3.0 External Consultees

3.1 Tyne and Wear County Archaeologist

3.2 An archaeological desk based assessment has been produced. The archaeologists have not been able to clarify the extent of the landfill within the site from historic mapping:

“A refuse tip is labelled on the Ordnance Survey of 1968-1969 and 1970 (not reproduced in this report) at the south-west corner of the site but it is not clear as to its extent as the limits are not shown”.

3.3 Any further information on this from Nexus would be welcome.

3.4 The assessment has identified several archaeological features within the site – the site of Flatworth medieval manor and ridge and furrow, Low Flatworth Farm, a former toll road, the 19th century Percy Pit Waggonway and the North Eastern Railway, Newcastle and Tynemouth Riverside Branch of 1879, which shows up well on lidar data.

3.5 Archaeological work required:

Archaeological evaluation trenching to investigate the site of Flatworth medieval manor, Low Flatworth, the ridge and furrow, the former toll road, the waggonway and the North Eastern Railway Riverside Branch line. The area of landfill will be omitted from the archaeological work. If buried remains can be avoided by raising levels rather than digging down, then the trenching in that area will not be required.

3.6 If archaeological remains are found in the preliminary trenches, further archaeological excavation will be required before development can proceed.

3.7 Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3.8 Archaeological Post Excavation Report Condition

Within six months of the completion of the archaeological fieldwork undertaken in pursuance of condition () the final archive report of the results will be submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3.9 Archaeological Publication Report Condition

Within one year of the completion of the archaeological fieldwork undertaken in pursuance of condition (), a report detailing the results of the archaeological fieldwork undertaken will be produced in a form suitable for publication in a suitable and agreed journal and will be submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the revised NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3.10 It is worth noting that formal publication in an archaeological journal is only required when significant archaeological remains are found.

3.11 Environment Agency

3.12 We have no objection to this proposal and provide the following comments.

3.13 Informatives to applicant:

For development on a historic landfill site, we recommend that the developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency guiding principles for land contamination. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the contaminated land pages on GOV.UK for more information.

Item No: 5.3
Application No: 18/01061/REM
Date valid: 10 August 2018
Target decision date: 9 November 2018
Author: Jane Tuck
☎: 0191 643 6331
Ward: Tynemouth

Application type: approval of reserved matters

Location: Land at Former Grange Interior Building, Bird Street, North Shields

Proposal: Approval of reserved Matters for access, appearance, landscaping, layout and scale of 16/01858/OUT for the development of 35no. residential units

Applicant: Mr David Steven, C/o Agent PNorth Group Ltd 264-266 Durham Road Gateshead NE8 4JR England

Agent: Mr Andrew Mills, Ian Belsham Associates Keelrow 4 The Watermark Metro Riverside Gateshead NE11 9SZ United Kingdom

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.1 This application seeks approval of reserved matters for access, appearance, landscaping, layout and scale for the development of 35 residential units. Outline consent was granted in January 2018.

1.2 The main issues for Members to consider are whether the reserved matters relating to access, layout, scale, appearance and landscaping are acceptable and whether the impacts on highways and on occupiers of proposed properties and on nearby residential and business properties are acceptable.

2.0 Description of the site

2.1 The application site relates to a cleared parcel of land located between Beacon Street to the west and Hudson Street to the east in North Shields. The land is triangular in shape and lies between George Street to the north and Bird Street to the south. The site is approximately 600m from the town centre and was previously used by Grange Kitchens.

2.2 It lies in a mixed use area. There are predominantly two storey residential properties to the south and west and industrial and commercial buildings to the east and north. To the east of the site is a row of industrial premises including car repairs, an engineering company and a loft conversion company and a range of small businesses in the Kiltech Industrial units at the northern end of Hudson

Street, plus a hot food takeaway business. The Northumbria Youth Village and Percy A Hudson Limited, a large timber/builders merchants, are located to the north of the site on George Street.

2.3 The application site measures 0.71 hectares. The site slopes down from north west to south east.

3.0 Description of the Proposal

3.1 The application proposes 35 dwellings of two and three storey houses which are laid out in 6 blocks. Some of the houses have a room in the roof as well.

3.2 As part of the reserved matters application details of parking, means of enclosure, refuse storage, glazing and ventilation have been submitted to be agreed as part of this application.

3.3 Parking is proposed to the front of the properties. Six properties have garages. Twelve visitor parking spaces are proposed. Refuse storage is proposed to the front of most properties in a brick refuse store.

4.0 Relevant Planning History

16/01858/OUT Outline application with all matters reserved for the development of 35no. residential units. Approved 3.01.18.

15/02046/OUT Outline application with all matters reserved for the development of 34no. residential units. Application withdrawn 11.05.16 (Relates to the same land as current application).

12/01185/OUT Redevelopment of the site and construction of a mixed residential healthcare development. Proposal comprises of 67 bed care home (C2), 32 sheltered flats (C3) and 4 flats (20 units) for specialist health care (C2). (Revised description and amended plans received 19.02.2013). Approved 20.03.2015 (Relates to the same land as current application).

11/02475/OUT Outline planning permission for a mixed use development comprising a purpose built healthcare centre (D1 Use Class), a nursery with associated play space (D1 Use Class), a maximum 70 bed care home with associated garden amenity space (C2 Use Class), associated car parking and a neighbourhood open space and playsite (Revised Description 10.02.2012). Minded to Grant subject to a S106 Legal Agreement 04.04.2012 (Relates to the same land as current application).

12/00015/DEMGDO Proposed demolition of existing buildings on site. Permitted 08.03.2012

11/00935/OUT Outline application for residential development (indicatively 23 dwellings of which 6 dwellings are to be affordable). Approved 24.01.2012. (Relates to the southern part of the site).

05/02055/OUT Demolition of existing building and redevelop site for residential development. Refused by the Council 20.10.2005 and dismissed at appeal in order to allow proper consideration of the employment land and mixed use

policies in the emerging Regional Spatial Strategy and Local Development Framework 31.07.2006.
(Related to the same land as current application).

5.0 Government Policy

National Planning Policy Framework (NPPF) July 2018
National Planning Policy Guidance (NPPG) (As amended)

6.0 Development Plan

6.1 North Tyneside Local Plan (2017).

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

PLANNING OFFICERS REPORT

7.0 Planning Considerations

7.1 The main issues for Members to consider are whether the reserved matters relating to access, layout, scale, appearance and landscaping are acceptable and whether the impacts on highways and on occupiers of proposed properties and on nearby residential and business properties are acceptable.

7.2 Consultation responses regarding the proposal are set out in Appendix 1 to this report.

8.0 Design – layout, scale, appearance and landscaping

8.1 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’.

8.2 Policy S1.4 General Development Principles of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. Proposals should meet a number of criteria including, amongst other things, impact on local amenity for new and existing residents and businesses, address impacts on heritage assets, built and natural environment.

8.3 Policy DM1.3 Presumption in Favour of Sustainable Development 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.

8.4 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 and, amongst other things, should have a positive relationship to neighbouring buildings and spaces; sufficient car parking that is well integrated into the layout; and a good standard of amenity for existing and future residents.

8.5 Design guidance for high quality design is set out in the Council's LDD11 Supplementary Planning Document on Design Quality.

8.6 The proposed development comprises six blocks of two and three storey houses. Block 1 comprises 6 two storey two bedroom houses. Block 2 comprises 6 three storey three bedroom houses. Block 3 comprises 4 houses, of which two are two storey plus a room in the roof with three bedrooms and two are three storey three bedroom houses. Block 4 comprises 4 two storey houses with a room in the roof with three bedrooms. Block 5 comprises 5 three storey three bedroom houses. Block 6 comprises 10 houses, of which 4 are three storey houses with three bedrooms, 4 are three storey with a room in the roof, three bedrooms and a garage, and 2 are three storey with a room in the roof, four bedrooms and a garage.

8.7 At outline application stage it was agreed through the section 106 agreement that 8 of the units would be affordable housing. The six dwellings in Block 1 are proposed as affordable rented units and Plots 13 and 16 in Block 3 are proposed as discount for sale units.

8.8 The layout has been assessed in terms of the scale of buildings and location to existing and proposed buildings. It is officer opinion that the scale of buildings and relationship to other proposed buildings within the layout are satisfactory in terms of privacy and outlook. Where there is a bedroom or living room window in a side elevation overlooking a front or rear elevation, it is proposed that the windows will be obscure glazed and it is recommended that this should be conditioned to remain obscure glazed in perpetuity.

8.9 With regards to the relationship of proposed dwellings to existing dwellings in Beacon Street, it is officer opinion that privacy and outlook distances are acceptable between two storey dwellings and where there are three storey to two storey the minimum distance is approximately 24.5m, which is also acceptable.

8.10 The proposed dwellings along Bird Street are three storey and three storey with a room in the roof facing two storey existing dwellings in Bird Street which the applicant has advised are at a lower level-approximately 1.3m lower. The minimum distance between existing and proposed dwellings is approximately 25m between these properties. It is officer opinion that this is acceptable.

8.11 Commercial buildings along Hudson Street are one and two storey buildings and again it is officer opinion that the scale and relationship of the proposed development to these properties is acceptable.

8.12 The site slopes down approximately 5m from north west to south east. There are a number of level changes between plots so that there are retaining walls of approximately 150mm, 300mm or 450mm between some plots. It is officer opinion that levels within and in relation to existing properties are satisfactory.

8.13 Therefore it is officer opinion that the scale and relationship of buildings within the proposed development and to existing dwellings, taking into consideration privacy and outlook, and to business premises accords with policies S1.4 and DM6.1 of the North Tyneside Local Plan.

8.14 There is a mix of two and three storey houses, some of which have rooms in the roof with roof lights. Some of the three storey dwellings have third floor windows at eaves level. Plots 26 and 35 are three storey units which have rooms in the roof and a two storey offshoot with sloping roof to the rear. It is proposed to construct the dwellings in brick with textured sand/cement render and concrete tiled roof. Windows in side elevations have Trespa high pressure laminate window surrounds and inserts. A number of units have glazing including a door with a toughened glass balcony guard and stainless steel handrail at first floor level. Six units on Bird Street have garages.

8.15 The heights of properties and design details of different house types provide variety and interest to the overall scheme. The Design Officer has advised that 'The design and layout follows the principles agreed in the outline application. The house types show an appropriate design response in terms of scale and height to the surrounding area.'

8.16 Refuse storage for three bins is proposed predominantly to the front of properties, in brick built bin stores. On bin collection day, a bin collection point for 14 plots is proposed adjacent to the visitor parking, whilst bin collection for the rest of the units will be at the kerbside. The Operations Manager (Refuse Collection) has advised that this is acceptable.

8.17 Means of enclosure along Hudson Street will be highly visible from the road and is required to be an acoustic barrier to rear gardens. It is proposed that this will be a 2m high brick wall with timber infill which will be double boarded. It is proposed that there will be two breaks in this where there will be tree and shrub planting. Boundary treatment to rear gardens along Beacon Street (plots 7 and 26) and plot one adjacent to George Street will be a 1.8m high brick wall with timber infill. Rear gardens within the site will have a 1.8m timber fence. A 600mm high knee fence is proposed to the front of some properties.

8.18 Tree and shrub planting is proposed within the site, to the north of plot 1, in the gaps between walls and fences on Hudson Street, adjacent to plots 26 and 35 and within the visitor parking island. The applicant has advised that the landscaping outside private ownership will be maintained by the developer, their agent or another.

8.19 The Design Officer has advised that the proposed means of enclosure responds to their location and the street scene as best as possible given the site constraints and that the layout is supported by a well designed landscape scheme plan.

8.20 It is officer opinion that the proposed areas of landscaping are acceptable subject to conditions that a detailed landscape scheme and management and maintenance schemes are submitted and agreed and the areas of landscaping are retained in perpetuity.

8.21 It is officer opinion that the proposed layout, appearance, scale, means of enclosure, refuse stores and location of landscaping are acceptable and accord with policies S1.4 and DM6.1 of the North Tyneside Local Plan and LDD11 Design Quality.

9.0 Parking and highway issues

9.1 The NPPF states that development proposals should promote the opportunity for walking, cycling and public transport and 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.'

9.2 The NPPF states that development should 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; and should be designed to include vehicle charge points in safe, accessible and convenient locations.

9.3 Policy DM7.4 New Development and Transport relates to transport requirements of new developments including parking which should be in accordance with standards set out in LDD12 Transport and Highways.

9.4 Road access into the site is proposed off Beacon Street and this will serve fourteen properties. The rest of the properties have direct access onto Beacon Street and Bird Street. 12 visitor spaces are proposed. Cycle storage is proposed for each dwelling.

9.5 The Road Network Manager has advised that the proposed scheme provides access, layout & parking in accordance with current standards and recommends approval with all previous conditions & informatives imposed on the outline application to apply and an additional condition for details to be agreed of wheel washing facilities and mechanical sweepers to prevent mud and dust on the public highway. It is officer opinion that the proposed development accords with policy DM7.4 of the North Tyneside Local Plan and LDD12.

10.0 Noise and amenity issues

10.1 Paragraph 180 of NPPF states that planning decisions 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 DM5.19 Pollution states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

10.3 To the north and east of the application site is an industrial and commercial area. Along Hudson Street there is a car repair garage, an engineering company, a loft conversion company and other small businesses as well as a hot food takeaway business. Northumbria Youth Village and Percy A Hudson Limited, a large timber/builders merchants, are located to the north of the site on George Street.

10.4 The applicant has confirmed that the glazing scheme to be installed will be in accordance with the glazing specification set out in the submitted noise report. The applicant has submitted details of a ventilation scheme and proposed 2m high double boarded acoustic means of enclosure to rear gardens that back onto Hudson Street.

10.5 The Manager of Environmental Health has no objection to the proposed development if the glazing is installed in accordance with the noise report, the ventilation scheme and acoustic means of enclosure to rear gardens along Hudson Street are installed in accordance with the submitted details.

10.6 It is officer opinion that with the above mitigation and conditions imposed on the outline application, the proposed development is acceptable in terms of impact on amenities of occupiers of the proposed dwellings from external noise sources and therefore the application accords with policy DM5.19 of the North Tyneside Local Plan.

11.0 Conclusion

11.1 It is officer advice that the reserved matters for access, appearance, layout and scale including parking, means of enclosure, refuse storage, privacy and outlook issues for the development are acceptable. The location of landscaping is acceptable subject to a condition that a detailed landscaping scheme is submitted and agreed and that the landscape areas are maintained and retained in perpetuity. It is officer advice that the impact on the amenities of proposed residents in terms of noise from nearby commercial properties can be adequately mitigated by the proposed glazing and ventilation. The proposal accords with local and national planning policies including policies S1.4, DM6.1, DM7.4 and DM5.19 of the North Tyneside Local Plan, supplementary guidance in LDD11 and 12 and policies in the NPPF. Members need to decide whether the proposed access, layout, scale and appearance are acceptable.

11.2 Information required by conditions, 6 Parking, garaging and manoeuvring of vehicles, 7 Levels, 8 Glazing, 15 Means of enclosure, 16 Acoustic means of enclosure, 17 Refuse storage, 20 Cycle storage and 23 Ventilation has been submitted with this application and it is officer opinion that this information is acceptable.

11.3 Conditions attached to the outline consent remain valid and will have to be complied with as any development is progressed. Therefore it is not appropriate to repeat conditions which are already in place.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

Block 1

1418(00)101 A1	Ground Floor Plan
1418(00)102 A1	First Floor Plan
1418(00)103 A1	Roof Plan
1418(00)110 A1	West and East Elevations
1418(00)111 A1	North and South Elevations

Block 2

1418(00)201 A1	Ground Floor Plan
1418(00)202 A1	First Floor Plan
1418(00)203 A1	Second Floor Plan
1418(00)204 A1	Roof Plan
1418(00)210 A1	South Elevation
1418(00)211 A1	North Elevation
1418(00)212 A1	East and West Elevations

Block 3

1418(00)301 A2	Ground Floor Plan
1418(00)302 A1	First Floor Plan
1418(00)303 A2	Second Floor Plan
1418(00)304 A1	Roof Plan
1418(00)310 A2	West Elevation
1418(00)311 A1	East Elevation
1418(00)312 A3	North and South Elevations

Block 4

1418(00)401 A2	Ground Floor Plan
1418(00)402 A1	First Floor Plan
1418(00)403 A2	Second Floor Plan
1418(00)404 A1	Roof Plan
1418(00)410 A2	North Elevation
1418(00)411 A1	South Elevation
1418(00)412 A3	East and West Elevation

Block 5

1418(00)501 A2	Ground Floor Plan
1418(00)502 A2	First Floor Plan
1418(00)503 A2	Second Floor Plan

1418(00)504 A1	Roof Plan
1418(00)510 A2	West Elevation
1418(00)511 A1	East Elevation
1418(00)512 A3	North and South Elevation
Block 6	
1418(00)601 A1	Ground Floor - West
1418(00)602 A1	Ground Floor - East
1418(00)603 A1	First Floor - West
1418(00)604 A2	First Floor - East
1418(00)605 A1	Second Floor - West
1418(00)606 A1	Second Floor - East
1418(00)607 A1	Third Floor - West
1418(00)608 A1	Third Floor - East
1418(00)609 A1	Roof Plan
1418(00)610 A1	South Elevation - West
1418(00)611 A1	South Elevation - East
1418(00)612 A2	North Elevation - East
1418(00)613 A1	North Elevation - West
1418(00)614 A1	East Elevation
1418(00)615 A1	West Elevation
External Works	
1418(90)10 A2	Fencing Details
1418(90)11 A2	Typical Refuse Store Details
1418(90)12 A2	Typical Boundary Wall
1418(90)13 A1	Bicycle Shed details
1418(90)14 A1	Bicycle Alcoves and Garages
Site Plans	
1418(SP)01 A1	Location Plan
1418(SP)02 A4	Proposed Site Plan
1418(SP)03 A3	Proposed Hard and Soft Landscaping
1418(SP)10 A3	Fence Types
1418(SP)11 A1	Acoustic Strategy
1418(SP)12 A2	Refuse Management Plan
1418(SP)13 A2	Parking Plan
1418(SP)14 A1	Site Section
1418(SP)15 A1	S106 Affordable Housing Plots
Structural Engineer	
JCC18-140-100-B	External Levels
JCC18-140-102-B	Surface Finishes and Kerbing Layout
JCC18-140-200-B	Proposed External Hardstanding Details
JCC18-140-103 A	Swept Path Analysis
JCC18-140-103 A	Levels Blocks 1 and 2
JCC18-140-104 A	Levels Blocks 3, 4 and 5
JCC18-140-105 A	Levels Block 6
JCC18-140-CH-IB(AM)-L1	Ventilation Details

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

2. No development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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

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

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

4. Notwithstanding any other details shown on the plans hereby approved, windows in the following plots shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass to a Level 3 or above. The windows shall thereafter be retained as such.

Plots 13, 16,20 - second floor bedroom window in side elevation

Plot 25 first and second floor living room and bedroom window in side elevation

Plot 35 first floor bedroom window in rear elevation

Reason: To protect the amenities of occupants of adjacent residential properties within the development with regard to privacy and overlooking having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

5. Notwithstanding any indication of the balcony guard and handrail which may have been given in the application, prior to the installation of the balcony guard and handrail, details shall be submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter.

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

6. Notwithstanding any indication of landscaping which may have been given in the application, 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 prior to any planting

taking place. The scheme shall include trees and shrub species, sizes, planting numbers and densities. Trees should be 12-14cm (girth) with appropriate supporting and protection measures.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 and DM6.1 of the North Tyneside Local Plan 2017.

7. The areas of landscaping shown on drawing 1418(SP)03 A3 Proposed Hard and Soft Landscaping adjacent to plots 1, 12, 13, 16, 17, 21, 26, 35 and in the visitor parking island, details of which are to be submitted in accordance with condition 6, shall be retained in perpetuity as landscaped areas and shall not be enclosed.

Reason: In the interests of the amenity of the area and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 and DM6.1 of the North Tyneside Local Plan (2017).

8. Prior to the planting of any landscaping, a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas referred to in condition 7 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the landscaped areas shall be planted and maintained in accordance with the approved details.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 and DM6.1 of the North Tyneside Local Plan (2017).

9. Prior to installation of any means of enclosure, further details of means of enclosure to those agreed in drawings 1418(SP)10 A3 Fence Types, 1418(90)10 A2 Fencing Details and 1418 (90)12 A2 Typical Boundary Wall and Fence shall be submitted to and agreed in writing by the Local Planning Authority to show means of enclosure in relation to level changes. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely effect the visual amenities of the area or of occupiers of the proposed properties or privacy of occupiers of the proposed properties and to ensure a satisfactory environment within the development having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

10. The proposed permeable paved driveways shall be retained at all times.

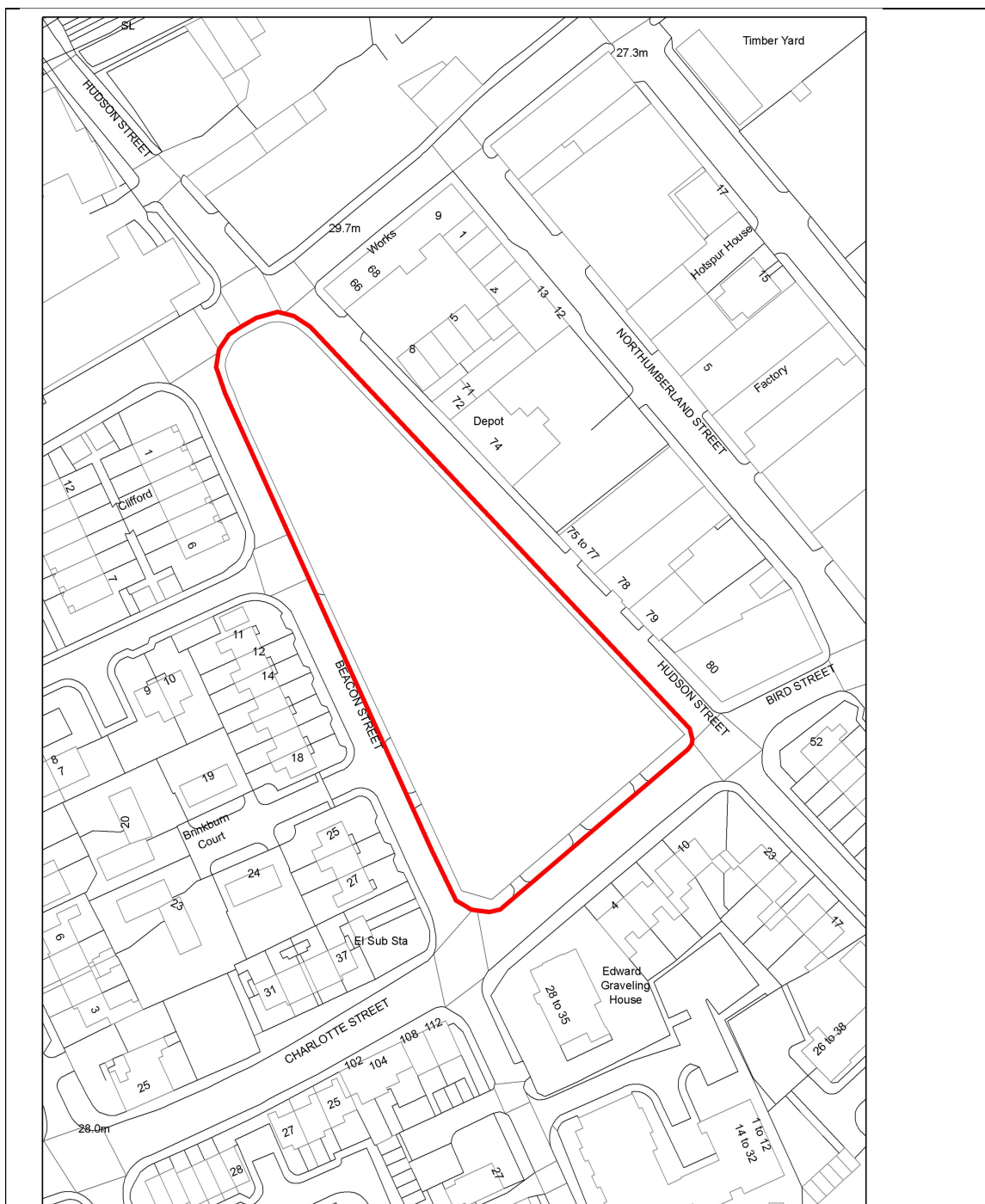
Reason: In order to retain the viability of the driveways as a surface water attenuation feature and to maintain the sites agreed surface water attenuation to ensure that the surrounding areas surface water flood risk is not increased having regard to policy DM5.12 of the North Tyneside Local Plan 2017.

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

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

Informatives

The applicant is advised that the proposed permeable paved driveways will need to be retained at all times in order to retain their viability as a surface water attenuation feature and to maintain the sites agreed surface water attenuation and that the onus will be on the developer to convey this information to end users.



Application reference: 18/01061/REM

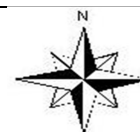
Location: Land at Former Grange Interior Building, Bird Street, North Shields

Proposal: Approval of reserved Matters for access, appearance, landscaping, layout and scale of 16/01858/OUT for the development of 35no. residential units

Not to scale

Date: 15.11.2018

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Appendix 1 – 18/01061/REM Item 3

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 Outline approval was granted in 2018 where the principle of development was accepted. Numerous conditions and the requirement for a Section 278 Agreement for the following site highway works were attached at the outline stage: closure of unused accesses; upgrade of footpaths abutting site; associated street lighting; associated drainage; associated road markings; associated Traffic Regulation Orders; associated street furniture & signage.

1.3 The proposed layout provides access, layout & parking in accordance with current standards. Approval is recommended with all previous conditions & informatives to apply and additional conditions for construction management & wheel wash.

1.4 Local Lead Flood Authority

1.5 The applicant will be attenuating the surface water from the site via a combination of permeable paving and the sewer network and has an agreed restricted discharge rate into the Northumbrian Water sewer network.

1.6 In addition, as each property features a permeable paving driveway, each resident will need to be made aware that this is permeable paving which cannot be altered or removed and that it will need to be maintained in order to retain its viability as a surface water attenuation feature and to maintain the sites agreed surface water attenuation as any alterations will increase the surrounding areas surface water flood risk.

1.7 A condition on the outline application relating to foul and surface water management will need to be discharged. The following informative is required:

The applicant is advised that the proposed permeable paved driveways will need to be retained at all times in order to retain their viability as a surface water attenuation feature and to maintain the sites agreed surface water attenuation and that the onus will be on the developer to convey this information to end users.

1.8 Manager of Environmental Health

1.9 a) Contaminated Land

1.10 Conditions on the outline consent relating to contaminated land and gas mitigation will need to be discharged.

1.11 b) Pollution

1.12 The applicant has confirmed that the glazing scheme installed will be in accordance to table 4.3.4 of noise report reference 727.2.1 and layout, and it is considered that if the glazing is installed in accordance to table 4.3.4 that the requirements of condition 8 will be met.

1.13 The applicant has submitted information on the proposed ventilation scheme that is to consist of a mechanical ventilation heat recovery system by Nuaire and submitted plans to indicate the extract and inlet vents for the plots. This meets the requirements of condition 23 on the basis the ventilation scheme is installed in accordance to the submitted details.

1.14 With regard to condition 16 for the acoustic fence details the applicant has submitted details to confirm that the fencing will be doubled boarded as shown on plan 1418(90) 12 A2 and to a height of 2m. I would confirm that if the fencing is installed in accordance to the submitted details then the requirements of condition 16 will be met.

1.15 Design Officer

1.16 The design and layout follows the principles agreed in the outline application. The house types show an appropriate design response in terms of scale and height to the surrounding area.

1.17 Previous concerns about the extent of rear boundary treatments on George Street and Hudson Street have now been addressed which now respond to their location and the street scene as best as possible given the site constraints.

1.18 The layout is supported by a well-designed landscape plan which includes tree and shrub planting. Bin stores have been designed to be functional and the material palette reflects that of the wider scheme. Overall the scheme is supported.

1.19 Landscape advice

1.20 Information regarding tree and shrub species, sizes, planting numbers and densities as well as fixing and protection measures for trees and plants is required.

1.21 In terms of the submitted landscape design, the discrete nature of the peripheral (corner and centre) island planting does little to integrate the proposed built form, either within the external areas of the scheme or bordering the site. There are opportunities for this within the context of the central core and associated access road within the central areas of the site (adjacent to access road) and/or perhaps an internal tree island would help bring the landscape design within the site and interact with the living spaces and garden areas. Generally, where there is a discreet amount of space available, the use of linear hedging elements can provide a level of green infrastructure and privacy when incorporated within parking bay and frontage areas.

1.22 In these urban situations all trees should be a minimum of 12-14cm (girth) with appropriate supporting and protection measures.

1.23 Operations Manager (refuse collection)

1.24 The only issue I have is that the central collection point will be able to house 14 bins on collection day. I am guessing all the other properties would put them kerbside.

2.0 Representations

2.1 None.

3.0 External Consultees

3.1 Tyne and Wear Archaeologist

3.2 No comments

3.3 Northumbrian Water

3.4 Northumbrian Water (NW) has assessed the impact of the proposed development on its assets and assessed the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. NW have no objection to the application provided the application is approved and carried out within strict accordance with the submitted document entitled "*Proposed External Drainage Arrangement JCC18-140-11 Revision C*" dated 25.07.18. The drainage scheme shall ensure that both foul and surface water flows discharge to the combined sewer at four new manholes downstream of existing manholes 0601, 0504, 0602 and 9703 and ensure that the surface water discharges at restricted rates of 5 l/s at each point. The total surface water discharge rate shall not exceed 20 l/s. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority. This is to prevent the increased risk of flooding from any sources in accordance with the NPPF.

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

3.6 Environment Agency

3.7 No objections