

**Item No:** 5.3  
**Application No:** 17/01660/FUL  
**Date valid:** 9 January 2018  
**Target decision date:** 6 March 2018  
**Author:** Julia Dawson  
**☎:** 0191 643 6314  
**Ward:** Monkseaton South

Application type: full planning application

**Location:** 51 Athol Gardens, Whitley Bay, Tyne and Wear, NE25 9DN

**Proposal:** Erection of new detached dwelling within garden of number 51 and single storey rear extension to number 51

Applicant: Alan Spence, 22 Edwards Road Whitley Bay NE26 2BJ

Agent: Peter Davison, Building Design Consultant 49A Haig Avenue Whitley Bay NE25 8JG

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues for consideration are:

- i) Principle of the proposed development;
- ii) North Tyneside 5-year housing land supply
- iii) Impact on amenity
- iv) Character and appearance
- v) Highways impacts

#### 2.0 Description of the Site

2.1 The site to which the application relates is a two storey semi detached dwelling located within an established residential area. The host property is north western facing onto Athol Gardens in Monkseaton. It is located in a corner position at the junction with Drumoyne Gardens to the south west, Newlands Avenue to the south east and Briar Vale to the south. The host dwelling has a single storey side extension to the south western facing elevation, this is slightly inset from the main front elevation and projects beyond the main rear elevation by several metres. A single storey dining room extension projects from the main rear elevation.

2.2 The adjoining dwelling, No.49, has a single storey flat roofed rear extension located adjacent to the shared boundary with the host site. The boundaries of the side and rear garden of the application site are positioned adjacent to the public footpaths of Drumoyne Gardens and Newlands Avenue. These boundaries consist of a wall brick with timber fencing. A tree is located within the south western corner of the rear garden.

2.3 A large expanse of open space is located on the opposite side of Drumoyne Gardens (to the south west).

### 3.0 Description of the Proposed Development

3.1 The proposal relates to the demolition of the existing side extension and the construction of a new two storey detached dwelling within the side garden. The proposed dwelling will have two bedrooms and a single storey rear extension. 1no. car parking space is proposed within the front curtilage.

3.2 The proposal also includes the replacement of the existing single storey rear extension to No.51 with a new 3m deep pitched roof extension. 2no. car parking spaces will be located within the front curtilage of No.51. These will be located immediately adjacent (to the north east) of the existing driveway and the existing front boundary wall will be removed to allow vehicular access.

### 4.0 Relevant Planning History

4.1 None

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Practice Guidance (As Amended)

6.3 Draft revised National Planning Policy Framework (March 2018)

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

## **PLANNING OFFICERS REPORT**

### 7.0 Principle of the Proposed Development

7.1 The NPPF sets out the core planning principles which should underpin decisions and that planning should amongst other matters proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

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

with the principles for sustainable development. In accordance with the nature of development those proposals should:

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

### 7.3 Policy DM4.5 'Criteria for New Housing Development'

Proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

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

7.4 The application site is partly previously developed in that it will involve the demolition of the existing side extension to make way for the proposed dwelling. The new dwelling will then encompass part of this area and the side garden area. The proposed rear extension to No.51 will be located immediately to the rear of this property and will take the place of the existing dining room extension. The principle of the proposed residential extension is acceptable.

7.5 The application site is located within an existing built up area and it is located in close proximity to some local services. This proposal for new housing in this area accords with the Government's objectives, as set out in the NPPF, and should be considered on the basis of the presumption in favour of sustainable development. It is considered that the principle of the proposed development is acceptable and is in accordance with policies S1.4 and DM4.5 in that it will make effective and efficient use of this site, whilst making a positive contribution to the identified housing needs of the borough and contributing to an existing sustainable residential community.

## 8.0 North Tyneside 5-Year Housing Land Supply

8.1 Paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable

housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.2 The most up to date assessment of housing land supply informed by the March 2018 5-year Housing Land Supply Summary identifies the total potential 5-year housing land supply in the borough at 5,276 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.4 year supply of housing land). It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.4 year supply of housing land. It is officer opinion that the proposed dwelling will make a small, but valuable contribution towards the five year housing land supply.

### 9.0 Impact on Amenity

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

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

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

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

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

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

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

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

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

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

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

9.11 It is considered that the proposed dwelling is acceptable in terms of its impact on the amenity of surrounding residents. The properties most directly affected by the proposal will those located to the opposite of the application site (on the opposite side of Athol Gardens to the north west), No.51 Athol Gardens itself and the nearest dwelling to the south on the corner of Newlands Avenue. The proposed dwelling will follow the existing front and rear building lines of No.51 (and the main street scene) and, as such, an adequate separation distance between the proposal and the surrounding properties will be maintained. Existing levels of outlook, daylight, sunlight and privacy for surrounding occupants will not be unduly compromised by the proposed dwelling.

9.12 The standard of accommodation provided for future occupants is also a material planning consideration. It is considered that the proposal will provide acceptable sized internal habitable space along with a rear garden. Refuse storage can be accommodated within the site curtilage.

9.13 The proposed single storey rear extension to No.51 Athol Gardens will project for 3m along the shared boundary with No.49 Athol Gardens and with the boundary of the new dwelling (which will also have a similar extension). Due to the existing extension to the rear of No.49 and the extension included within the new dwelling, the proposed single storey extension to the rear of No.51 will not result in any significant adverse impact on the living conditions of the existing occupants of No.49 or the future occupants of the proposed dwelling.

9.14 The Council's Environmental Health Officer has recommended a condition to control construction working hours is attached to the planning approval, this will protect the amenity of neighbouring residents.

9.15 In summary, Officer advice is that the proposed new residential dwelling and the proposed single storey extension to the rear of No.51 are both acceptable in terms of their impact on the amenity of surrounding occupiers and the residential amenity of the future occupiers of the dwelling itself, subject to appropriate conditions which will adequately control any potential adverse impact of the proposed development. This is in accordance with the above policies.

#### 10.0 Impact on Character and Appearance of the Surrounding Area

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

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

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

10.3 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that the scale, mass and form of a building are the most important factors in producing good design and ensuring development integrates into its setting in the wider environment. All new buildings should be well proportioned and have a well-balanced and attractive, external appearance. Good design requires a harmonious and consistent approach to the proportions of details, the position, style and location of windows and doors, the type and use of materials and the treatment to the roof, its eaves and verges.

10.4 It is officer opinion that the proposed dwelling will be in keeping with the scale and size of the neighbouring dwellings on Athol Gardens. It is of a similar design and scale to No.51 Athol Gardens and will therefore appear in keeping with the character of the street scene and surrounding area. The proposed dwelling will be relatively prominent due to its corner position. However, it will not breach any strong building lines and will be positioned at least 2.2m from the side

boundary of the site with Drumoyne Gardens (at its closest point). A gap of approximately 1m will be retained between the new side elevation of the proposed dwelling and No.51 Athol Gardens. It is considered that this plot can adequately accommodate the proposed dwelling without resulting in an overdevelopment of the application site.

10.5 The proposed single storey extension to the rear of No.51 Athol Gardens is of an acceptable standard of design, incorporating a pitched roof and materials to match the host dwelling. This will not appear incongruous in the rear street scene, particularly when viewed against the similar extension proposed to the rear of the new dwelling and the existing flat roofed extension to the rear of No.49.

10.6 In summary, Members must determine whether the proposed dwelling and single storey extension to the rear of No.49 are acceptable in terms of their impact on the character and appearance of the area. Officer advice is that the proposed development is acceptable in this regard.

#### 11.0 Highways Impacts

11.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

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

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

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

11.3 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards. LDD12 requires that one new parking space is required within the site curtilage for a new two bedroom dwelling.

11.4 Two objections have been received on highway grounds. Specifically, a concern was raised with regard to parking bay no.4 which was shown on the original plans as this was to be located closer to the corner junction with Drumoyne Gardens, which the objector considered may be dangerous as it would be too close to this junction. A concern has also been raised that the proposal will result in a highway danger as a result of the proposed four parking spaces on such a busy road, in close to proximity to a bus route and to Drumoyne Gardens, which is used by Langley and Woodlawn schools as a parking area.

11.5 In response to the above concerns the applicant has removed parking bay no.4 from the proposed plans, which now show one new parking space for the new dwelling and two spaces within the curtilage of No.51 Athol Gardens for the existing dwelling. This means that the new access to the parking space for the new dwelling will not be located any closer to the corner junction than the existing driveway access.

11.6 The Council's Highway Network Manager has been consulted and recommended conditional approval of the application noting that the amended plan shows a reduction in parking spaces and that the new parking space for the proposed dwelling will be located further away from the junction. The number of parking spaces complies with the requirements set out in LDD12.

11.7 Members must determine whether the proposal is considered to be acceptable on highways grounds. Officer advice is that the proposed development is in accordance with the above policies and LDD12 and is acceptable.

## 12.0 Other Matters

Policy DM5.18 'Contaminated and Unstable Land' states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:
  - i. Removing the contamination;
  - ii. Treating the contamination;
  - iii. Protecting and/or separating the development from the effects of the contamination;



- iv. Validation of mitigation measures; and
- v. Addressing land stability issues.

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

12.1 The application site is located within a high risk Coal Authority referral area. The application is accompanied by a Coal Mining Risk Assessment. The Coal Authority have raised some queries regarding the information within the assessment, however they have not raised any objections and have suggested a condition which will adequately deal with the matters raised. The condition will be attached to the grant of approval.

12.2 Members must determine whether the application site is suitable for the proposed development in terms of its stability. Officer advice is that the Coal Authority is satisfied with the principle of the proposed development and that the suggested condition will address the matters raised. This is in accordance with policy DM5.18.

### 13.0 Financial Considerations

13.1 The proposal involves the creation of 1no. dwelling. The Government pays New Homes Bonus to local authorities to assist them with costs associated with housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

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

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

### 14.0 Conclusion

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

**RECOMMENDATION:     Application Permitted**

## Conditions/Reasons

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

- Application Form 03.11.2017
  - Site Location Plan scale 1:1250 (application site outlined in red)
  - Proposed Site Plan March 2018 Rev.C
  - Proposed New House (No.53) Proposed Elevations, rev.B
  - Proposed New 2 Bedroom Detached House (No.53) Proposed Floor Plans, rev.B
  - Proposed Roof Plan 53 Athol Gardens
  - Proposed Side (south western) Elevation and First Floor Plan (51 Athol Gardens)
  - Proposed Ground Floor Plan and Rear Elevation (51 Athol Gardens)
- 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. Refuse storage facilities for the storage of refuse from the approved dwelling must be provided within the curtilage of the application site. The facilities which should also include the provision of wheeled refuse bins shall be provided 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 S1.4 and DM7.9 of the North Tyneside Local Plan (2017).

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

5. The scheme for parking, garaging and manoeuvring indicated on the approved proposed site plan (rev.C, March 2018) shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

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

6. Construction Method Statement - Minor              SIT006    \*

7. Notwithstanding any indication of materials which may have been given in the application, no construction above damp proof course level shall take place until a schedule and/or samples of the materials and finishes for the development has 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B and D of Part 1 of Schedule 2

shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to policy S1.4, DM1.6 and DM4.5 of the North Tyneside Local Plan 2017.

9. Prior to occupation of the approved dwelling 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 in accordance with LDD12.

10. Prior to the commencement of the approved development the following shall be undertaken:

- A scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;

- A report of findings arising from the above intrusive site investigations and any remedial works and/or mitigation measures considered necessary shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the approved development shall be carried out entirely in accordance with the approved details and all necessary remedial works and/or mitigation measures shall be implemented.

Reason: In the interests of land stability, having regard to the NPPF.

11. Notwithstanding the approved plans and prior to the installation/construction of any screen, boundary wall, fence or any other means of enclosure full details must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policies S1.4 and DM6.1 of the North Tyneside Local Plan 2017.

12. Windows Fixed Obscure Glazing Required WIN00 \*north eastern

4

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

## **Informatives**

Building Regulations Required (I03)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Contact ERH Works to Footway (I08)

Contact ERH Erect Scaffolding on Rd (I12)

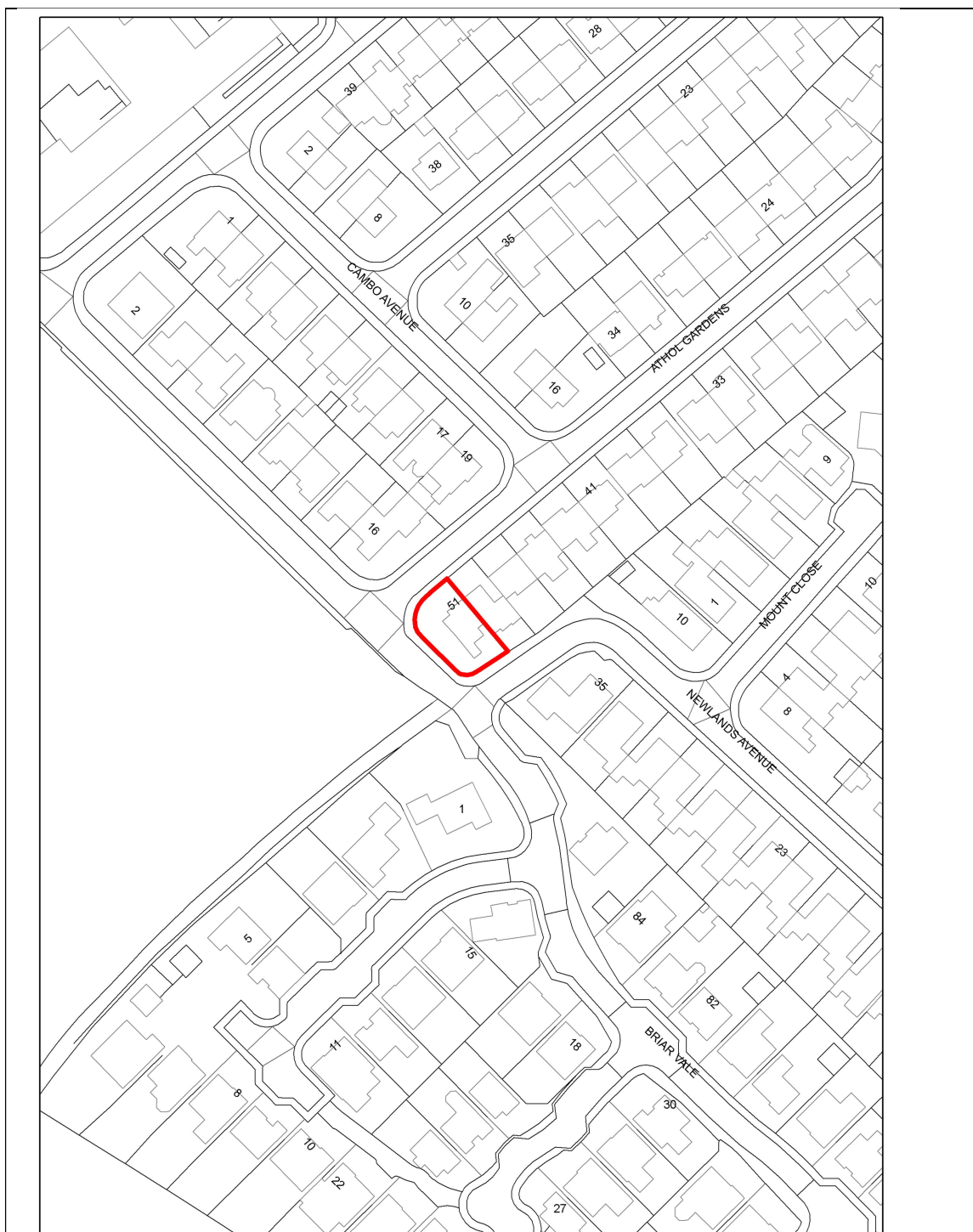
Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

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

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority: - Discharge into ground (infiltration) - Discharge to a surface water body - Discharge to a surface water sewer, highway drain, or another drainage system - As a last resort, discharge to a combined sewer



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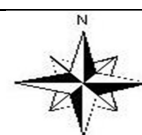
**Location: 51 Athol Gardens, Whitley Bay, Tyne And Wear, NE25 9DN**

**Proposal: Erection of new detached dwelling within garden of number 51 and single storey rear extension to number 51**

Not to scale

Date: 21.03.2018

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## **Appendix 1 – 17/01660/FUL Item 3**

### **Consultations/representations**

#### **1.0 Representations**

1.1 Two objections have been received, these are set out below:

1.2 My only concern is parking bay number 4. Although there appears to be space on the drawings in reality I suspect it will be dangerously close to what is a very sweeping corner with traffic coming round from the Briar Vale Estate. A site visit could check it for safety.

1.3 We are concerned that this development requires 4 parking bays on a corner site. Athol Gardens, Newlands Avenue, Briar Vale (entry in and entry out) all join Drumoyne Gardens. At this corner Drumoyne Gardens is a main bus route. Langley School and Woodlawn School use Drumoyne Gardens as a parking area. There have been many occasions where coaches from the schools have been unable to exit by Athol Gardens and have had to reverse back on to Drumoyne Gardens. This corner is also the route taken by parents with children to school. We would ask before any decision is taken that Council monitor this area. We also request Speaking Rights regarding this planning application.

#### **2.0 Internal Consultations**

##### **2.1 Highway Network Manager**

2.2 This application is for the erection of new detached dwelling within the garden of number 51 and single storey rear extension to number 51. On the original plans, two parking spaces were proposed for the new dwelling and it was considered one of the spaces were located too close to the junction with Drumoyne Gardens, however an amended plan with one space away from this junction has now been submitted and for these reasons and on balance, conditional approval is recommended. Recommendation - Conditional Approval

##### **2.3 Conditions:**

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

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

Reason: In the interests of highway safety.

##### **2.5 Informatives:**

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

145 - Street Naming & Numbering  
146 - Highway Inspection before dvlpt

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

### 3.0 Environmental Health (Pollution)

3.1 I have no objection in principle to this development but would recommend conditions to address construction hours: HOU04

### 4.0 External Consultees

#### 4.1 The Coal Authority

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

4.3 The Coal Authority information indicates that the site is within an area where a thick coal seam (MAUDLIN – also known as Bensham / Stone) is conjectured to outcrop at or close to the surface of the site that may have been worked in the past.

4.4 The applicant has submitted a Coal Mining Risk Assessment prepared for the application site which has been informed by geological, historical and mining information. This acknowledges that this application site is within an area likely to have been subject to shallow coal mine workings, it is concluded that based on this review of information, the Bensham seam outcrops to the south of the site and does not underlie the site. It goes on to state that the seam closest to the surface below the site is the Durham Low Main at a depth of around 10m and that this is the seam that the Coal Authority considers may have been worked in the past.

4.5 Section 4 of the Risk Assessment goes on to state that the stability, from past coal mining is 'quite low' but maintains that there may be unrecorded mine workings at shallow depth. Mitigation in the form of a raft foundation incorporating gas membranes is being proposed.

4.6 In accordance with our records, the Durham Low Main is over 150m north of this application site, therefore this is not the seam we consider is a risk to the proposed development; we consider that the Bensham coal seam is the seam most likely to affect the safety and stability of this proposed development.

4.7 Based on the above, it would appear that there is conflicting information/evidence with regards to the coal seam(s) which we have recorded as being present within the application site.

4.8 In order to address this conflict of information, if the applicant is able to provide the evidence which proves that the Bensham coal seam is not beneath the site, the Coal Authority would welcome the opportunity to review this

information and respond accordingly. This may result in the mitigation measures being proposed in the Coal Mining Risk Assessment as being appropriate. However, where this information/evidence cannot be provided, in order for the applicant to demonstrate to the LPA that the site is, or can be made safe, stable and suitable for the development proposed, the Coal Authority considers that intrusive site investigations are required in order to confirm the presence / absence of coal workings beneath the application site.

4.9 The number, depth and distribution of the boreholes should be designed by a suitably qualified and experienced person, together with the agreement of the Coal Authority's Permitting Department as part of the permitting process.

4.10 Once the exact ground conditions have been established a competent person can then confirm and design an appropriate mitigation strategy such as grouting and stabilisation works, specific foundation design and / or gas protection measures, if deemed necessary, to ensure the safety and stability of the proposed development.

4.11 In light of the above you may therefore wish to consider the imposition of planning conditions which cover the issues set out below.

4.12 Prior to the commencement of development:

- \* The undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;
- \* The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary;
- \* Implementation of the remedial works and/or mitigation measures

4.13 The Coal Authority would have no objections to the proposed development subject to consideration by the LPA of the imposition of a condition or conditions to secure the above.

## 5.0 Northumbrian Water

5.1 Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

5.2 Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer