

Planning Committee

10 May 2016

Present: Councillor T Mulvenna (Chair)
Councillors J M Allan, A Arkle,
L Darke, S Graham, M A Green,
M Hall, John Hunter, M Huscroft,
F Lott, D McMeekan and J O'Shea.

PQ71/05/16 Apologies

Apologies for absence were submitted by Councillor G Madden.

PQ72/05/16 Substitute Members

No substitute members were reported.

PQ73/05/16 Declarations of Interest and Dispensations

No declarations of interest or dispensations were made.

PQ74/05/16 Minutes

Resolved that the minutes of the meeting held on 19 April 2016 be confirmed as a correct record and signed by the Chair.

PQ75/05/16 Planning Officer's Reports

Resolved that (1) Permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and
(2) Any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

Application No: **16/00232/FUL** Ward: **Camperdown**
Application Type: Full planning application
Location: Land at Former Stephenson House, Northumbrian Way, Killingworth
Newcastle upon Tyne.
Proposal: Residential development for 87 units with associated access, landscaping
and open space
Applicant: Bellway Homes North East
Agent: Nathaniel Lichfield & Partners

The Planning Officer presented the application to the committee. After the report in the agenda had been published the Coal Authority submitted their comments on the application and had no objections subject to the imposition of conditions relating to site investigations. These conditions were added to the recommended conditions for the committee's consideration.

Members of the committee asked questions of the officer and made comments.

During discussion a member commented on the types of homes being built in the borough and whether they fulfilled the requirements of the local population; for example, it had been noted that there were no bungalows being built as part of this development. It was suggested that the Housing Sub-committee, a scrutiny committee of the Council, considered examining the issue as part of its work programme for the 2016/17 municipal year.

Comments were also made on the process for consulting with ward councillors on S106 agreements. The process and the requirements which needed to be met for S106 contributions to be sought were explained by officers.

Decision

Delegated authority granted to the Head of Environment, Housing and Leisure to determine the application subject to the conditions listed in the report and the addition, omission or amendment to any conditions as considered necessary and the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- a) 25% affordable housing provision
- b) Three apprenticeships or £21,000 towards employment and training
- c) Sports pitch: £34,830
- d) Sports hall: £11,475
- e) Swimming pool: £6,048
- f) Neighbourhood parks: £19,923
- g) Semi natural green space: £17,000
- h) Children's equipped play space: £29, 536
- i) Highways: £45,000
- j) Noise: £100,000

(Minded to grant recommended as the principal of residential development on this site and the loss of an employment site was acceptable; the development would also make a contribution to the five year housing land supply. The impact on the character and appearance; amenity for new occupiers, including noise disturbance; and car parking and access was acceptable with appropriate conditions. The impact on existing businesses was acceptable with the recommended S106 agreement. Overall the proposal was in accordance with the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002.)

Resolved that the Head of Law and Governance and the Head of Environment, Housing and Leisure be granted delegated authority to obtain the following highway improvements by virtue of section 278 of the Highways Act 1980:

- a) New footpath on Northumbrian Way linking into existing footpaths
- b) Upgrade of others footpaths surrounding the site

- c) Associated street lighting
- d) Associated drainage
- e) Associated road markings
- f) Associated Traffic Regulation Orders
- g) Associated street furniture and signage

Statement under Article 31(1)(cc) of the Town & Country (Development Management Procedure) (England) Order 2010 (as amended):

The proposal complied with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprised sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

(Councillor Lott entered the meeting room after the presentation from the planning officer for the above application had begun. Councillor Lott did not vote on this application.)

Application No:	16/00075/FUL	Ward:	Killingworth
Application Type:	Full planning application		
Location:	Percy Hedley School, West Lane, Killingworth, Newcastle upon Tyne NE12 7BH		
Proposal:	Erection of new single storey education wing to the south elevation of the existing upper school. Infill extension to the south facade to enable creation of new teaching spaces. Associated alterations to exterior facade and new associated parking facilities (Amended description 28.4.16)		
Applicant:	Percy Hedley Foundation		
Agent:	Gradon Architecture		

The Planning Officer presented the application to the committee.

Members of the committee asked questions of the officers and made comments.

Decision

Application permitted, subject to the following conditions, as the principal of development was acceptable as it provided an improved facility for the school which outweighed the loss of the small landscaped area. The impact on the character and appearance of the area and the amenity of neighbouring residents was acceptable. The proposals for highway safety, parking provision, biodiversity and landscaping were also acceptable. Overall the proposal was in accordance with the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002.

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.
 - Site Location Plan GRA-429 PHF2-GA-00-DR-A-00-00-000
 - Existing Floor Plan GRA-429 PHF2-GA-00-DR-A-00-00-002
 - Existing Elevation (South and West) GRA-429 PHF2-GA-00-DR-A-00-00-005
 - Existing Elevation (North and East) GRA-429 PHF2-GA-00-DR-A-00-00-004
 - Proposed site plan GRA-429 PHF2-GA-00-DR-A-00-00-100
 - Proposed Ground Floor Plan 1 of 3 GRA-429 PHF2-GA-00-DR-A-00-00-101
 - Proposed Ground Floor Plan 2 of 3 GRA-429 PHF2-GA-00-DR-A-00-00-102
 - Proposed Ground Floor Plan 3 of 3 GRA-429 PHF2-GA-00-DR-A-00-00-103

- Proposed North Elevation GRA-429 PHF2-GA-00-DR-A-00-00-201
- Proposed West Elevation GRA-429 PHF2-GA-00-DR-A-00-00-202
- Proposed South Elevation GRA-429 PHF2-GA-00-DR-A-00-00-200
- Proposed East Elevation GRA-429 PHF2-GA-00-DR-A-00-00-203
- Proposed Roof Plan GRA-429 PHF2-GA-00-DR-A-00-00-105
- Proposed Courtyard Elevations GRA-429 PHF2-GA-00-DR-A-00-00-204
- Tree Protection VEC109-01
- Mitigation VEC109/02
- Arc Environmental Site Investigation (October 2015)
- Preliminary Ecological Appraisal E3 Ecology Ltd (Sept 2015)
- Flood Risk and Drainage Impact Assessment Revision A (February 2016)

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
3. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.
Reason: To safeguard the amenities of neighbouring residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.
4. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays. If pile driving is necessary this activity shall only take place within the site between the hours 10:00-14:00 Mondays - Saturdays.
Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.
5. Notwithstanding Condition 1, prior to the development hereby approved being brought into use details of the refuse storage area, collection point and collection route shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be made available for use prior to any part of the development being brought into use and thereafter permanently retained.
Reason: In order to safeguard the amenities of the area having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
6. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to any part of the development being brought into use. 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 LDD12.
7. The access to the site for all operatives (including those delivering materials) and visitors, provision for the parking of vehicles of site operatives and visitors; storage of

plant and materials used in constructing the development; the scheme indicating the route for heavy construction vehicles to and from the site; the provision of a turning area within the site for delivery vehicles; the scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme shall be implemented in accordance with the submitted Construction Method Statement and in conjunction with the submitted Tree Protection Plan (VEC109-01). No site storage or parking is to be located within the root protection areas (RPAs). These approved schemes and provisions shall be implemented prior to any construction works starting on site and completed with during and for the life of the works associated with the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, pedestrian safety and residential amenity having regard to Policy H13 of the North Tyneside Council Unitary Development Plan 2002.

8. No vegetation clearance shall be undertaken within the bird nesting season (March-August) unless a survey by a qualified ecologist has been undertaken immediately prior to any ground works or development commencing and confirmed the absence of nesting birds.

Reason: To safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

9. The development hereby approved shall be carried out in complete accordance with all of the measures outlined in the Mitigation Strategy (Section 7) of the submitted Ecological Appraisal.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

10. Notwithstanding Condition 1, no new plant or equipment shall be installed at the premises unless a noise scheme has been submitted to and approved in writing by the Local Planning Authority. The noise scheme must be in accordance with BS4142 to determine the background noise levels for daytime, evening and night (if plant or equipment is operating 24 hours) without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise level. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed by the Local Planning Authority in writing and the plant and machinery shall not be used until the approved soundproofing has been implemented. Thereafter, the plant or equipment shall be installed in accordance with these agreed details and retained thereafter.

Reason: To safeguard the amenity of nearby residents and future residents having regard to policy H13 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

11. Notwithstanding Condition 1, the development shall not begin until details of a surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be occupied until the works for the disposal of surface water have been constructed in accordance with these approved details.

Reason: This information is required from the outset to ensure the development does not increase flood risk elsewhere in accordance with NPPF. Development Plan 2002.

12. Notwithstanding Condition 1, the landscaping scheme shall be carried out in accordance with the submitted Tree Protection Plan (VEC109-01) and Mitigation Plan (VEC109/02). The landscaping scheme shall be implemented within the first available planting season. Thereafter, the development shall only be carried out in accordance with these agreed details. Any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.
13. Notwithstanding Condition 1, prior to the occupation of the extensions details of all screen and boundary walls, fences and any other means of enclosure within that development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a 1.8m high acoustic fence to the eastern boundary of the outdoor play area. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. These agreed boundary treatments shall be retained thereafter.
Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
14. Notwithstanding the details submitted, no floodlighting or other form of external lighting shall be installed until a fully detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Thereafter, the lighting shall only be installed with these agreed details.
Reason: In the interest of visual amenity and/or highway safety having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
15. Prior to the construction of any building above ground level, a schedule and/or samples of all surfacing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To ensure a satisfactory appearance having regard to Policy H13 of the North Tyneside Council Unitary Development Plan 2002.

Statement under Article 31(1)(cc) of the Town & Country (Development Management Procedure) (England) Order 2010 (as amended):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprised sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Application No: **16/00319/OUT** Ward: **Whitley Bay**
 Application Type: Outline planning application
 Location: Site of former Avenue Hotel, Park Avenue, Whitley Bay, Tyne and Wear
 Proposal: Outline planning application for residential development with all matters reserved
 Applicant: North Tyneside Council
 Agent: Capita

The Planning Officer presented the application to the committee.

Members of the committee asked questions of the officers and made comments. During discussion it was agreed that an additional condition be added to the recommended conditions for a scheme of public art in the vicinity of the site to ensure that the environment was safeguarded and that the necessary infrastructure and facilities were provided to mitigate impacts, ensure enhancements and achieve a high quality where people choose to live, work and play in accordance with the National Planning Policy Framework.

Decision

Application permitted, subject to the following conditions, as the principal of residential development and loss of open space at this site was acceptable and would contribute to the five year housing land supply. The impact on the character and appearance of the area and the amenity of neighbouring residents was acceptable as was the indicative proposals for car parking and access. Overall the proposal was in accordance with the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002.

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - a) Application form 29.02.2016
 - b) The Avenue, PH, Whitley Bay, Site Plan
 - c) Phase 1 Geo-Environmental Desk Study (including Coal Mining Risk Assessment) February 2016
 - d) Design and Access Statement (Including Sustainability Statement) February 2016
 - e) Flood Risk Assessment February 2016
 - f) Noise Assessment February 2016
 - g) Open Space Assessment January 2016
 - h) Planning Statement (Including Statement of Community Involvement) February 2016

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

2. Approval of the details of the layout, scale, appearance, landscaping and access, hereafter called the "reserved matters" shall be obtained from the Local Planning Authority before any development is commenced.

Reason: That your application is expressed to be an outline application only.

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country

Planning Act 1990.

4. The development hereby permitted shall include no more than 12 dwellings.
Reason: In the interests of highway safety and the character and appearance of the surrounding area.
5. Notwithstanding the details to be submitted pursuant to condition 2, prior to the construction of any part of the development hereby approved above ground level a schedule and/or samples materials and finishes for the development and all surfacing materials, including permeable surfacing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To ensure a satisfactory appearance having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.
6. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.
Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.
7. No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the details to be submitted and agreed by the Local Planning Authority.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
8. Within 6 month(s) of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up in accordance with the details to be approved pursuant to condition 2.
Reason: To limit the number of access points along the site boundary for the safety and convenience of the users of the highway having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
9. No part of the development shall be occupied until an area has been laid out within the site for refuse vehicles to turn in accordance with details to be approved pursuant to condition 2 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 H11 of the North Tyneside Unitary Development Plan 2002.
10. The details to be submitted pursuant to condition 2 above shall include detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays. The scheme shall show the layout for parking, garaging and manoeuvring and the loading and unloading vehicles. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and these areas shall not thereafter be used for any other purpose.
Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining

highway having regard to policy H11 of the North Tyneside Unitary Development Plan 2002 and LDD12.

11. Prior to the occupation of any dwelling details of facilities to be provided for the storage of refuse bins within the site and a scheme to manage refuse collection, including identifying a suitable storage area for collection day only, shall be submitted to and approved in writing by the Local Planning Authority. The facilities which shall 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: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

12. The details to be submitted pursuant to Condition 2 above shall provide full information on the means of dealing with the disposal of foul and surface water from the development hereby approved, including from the roads, footways and other hard surfaces. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.
Reason: To provide a satisfactory means of surface water drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF.

13. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include an site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.
Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to policies of the North Tyneside Council Unitary Development Plan 2002.

14. Prior to occupation of the development the applicant shall carry out the following works, which are to be agreed with North Tyneside Council via a Section 278 Agreement:
 - a) Upgrade of rear lane carriageway
 - b) Upgrade of footpaths abutting site
 - c) Associated street lighting
 - d) Associated drainage
 - e) Associated road markings
 - f) Associated Traffic Regulation Orders

g) Associated street furniture and signage

Reason: In the interests of highway safety, having regard to NPPF.

15. Upon expiration of six months of the first occupation of the development hereby approved a scheme for monitoring the impact of the development on the following locations shall be submitted and approved in writing by the Local Planning Authority:

- a) Brook Street Gardens
- b) Brook Street
- c) Oxford Street (part)
- d) Park Avenue (part)
- e) Promenade (part)
- f) All rear lanes in vicinity of the site.

The scheme shall include:

- a) The scope and timing of parking surveys to be agreed
- b) The submission of a report detailing the results of the parking surveys
- c) Any parking control measures necessary to alleviate any overspill parking arising from the development and the method of implementation.

Reason: To monitor the impact of the development on on-street parking in the interests of highway safety.

16. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of any part of the development above ground level, a scheme for the provision of secure undercover cycle storage for residential use 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: To comply with the Council's policy on cycle storage regarding residential dwellings having regard to policy H11 of the Council's Unitary Development Plan 2002.

17. 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 E3; of the North Tyneside Unitary Development Plan 2002.

18. No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:

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

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

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.
- c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.
- d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.
- e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

19. Notwithstanding the details to be submitted pursuant to Condition 2, no development shall commence on site until details of the specification of the window glazing to be provided to habitable rooms facing onto A193 Promenade, to ensure bedrooms meet the good internal standard of 30 dB LAeq T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq T in accordance with the BS 8233:2014 is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the development and retained thereafter.

Reason: To safeguard the amenity of future residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

20. Notwithstanding any details provided pursuant to condition 2, and prior to commencement of the development a plan showing the orientation and location of all private garden areas must be submitted to and approved in writing by the Local Planning Authority. The details must include all mitigation measures necessary to ensure an external amenity area with a maximum noise level of 55 dB(A) is provided

for any gardens in line of sight of the A193 Promenade. Such mitigation measures shall include the location and height of overlapping acoustic fencing of 1.8 metre height in order to ensure compliance with the WHO guidance level of 55 dB(A) for good outdoor amenity. The approved scheme shall be implemented prior to first occupation and retained thereafter.

Reason: To safeguard the amenity of residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

21. Notwithstanding any details submitted pursuant to Condition 2, and prior to occupation of the approved development, details of the ventilation scheme for habitable rooms facing towards the A193 shall be submitted to and approved in writing by the Local Planning Authority. The details must ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F for mechanical ventilation.
The approved scheme shall be implemented in the development and retained thereafter.
Reason: To safeguard the amenity of future residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

22. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted as part of the details of the proposed development as required by Condition No. 2; above. The detailed landscape scheme must include native trees and coastal plants of biodiversity value and tolerant of coastal conditions.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E12/6 and Policy H11 of the North Tyneside Unitary Development Plan 2002.

23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy of the North Tyneside Unitary Development Plan 2002.

24. Three house martin nest boxes shall be incorporated into buildings within the development scheme. Details of the nest box design and their locations shall be submitted to the Local Planning Authority for approval prior to the commencement of the construction of dwellings on the site. The nest boxes shall be implemented in accordance with the approved scheme with an agreed timescale and retained thereafter.
Reason: In the interests of biodiversity.

25. No vegetation removal shall take place in the bird nesting season (March-August) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting

birds and the results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard biodiversity in accordance with NPPF.

26. Prior to the submission of the reserved matters a scheme of intrusive site investigations for the shallow coal workings shall be undertaken and the reserved matters shall include the submission of a report of findings arising from both of the intrusive site investigations, including the results of the gas monitoring undertaken, the submission of a scheme of remedial works/mitigation for the shallow coal workings/mine gas. The details shall include a timetable for the works to be undertaken. The development shall be undertaken in accordance with the agreed details.
Reason: In the interests of land stability, having regard to the NPPF.
27. Notwithstanding the details to be submitted pursuant to condition 2, prior to the occupation of any part of the development hereby approved details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.
Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
28. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
29. Prior to occupation of any part of the approved development a scheme, including timescale, for the improvement of infrastructure and access to Whitley Park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the agreed details and timescale.
Reason: To ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality where people choose to live, work and play in accordance with NPPF.
30. Prior to occupation of any part of the approved development a scheme, including timescale, for the improvement of the existing play site at Whitley Park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the agreed details and timescale.
Reason: To ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality where people choose to live, work and play in accordance with NPPF.

31. Prior to occupation of any part of the approved development a scheme, including timescale for implementation, for public art in the vicinity of the application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the agreed details and timescale. Reason: To ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality where people choose to live, work and play in accordance with NPPF.

Resolved that the Head of Law and Governance and the Head of Environment, Housing and Leisure be granted delegated authority to obtain the following highway improvements by virtue of section 278 of the Highways Act 1980:

- a) Upgrade of rear lane carriageway
- b) Upgrade of footpaths abutting site
- c) Associated street lighting
- d) Associated drainage
- e) Associated road markings
- f) Associated Traffic Regulation Orders
- g) Associated street furniture and signage

Statement under Article 31(1)(cc) of the Town & Country (Development Management Procedure) (England) Order 2010 (as amended):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

(During discussion on the above application, Councillor A Arkle left the meeting room and did not take part in the decision making on this application.)