



North Tyneside Council

Planning Committee

7 July 2017

To be held on **Tuesday 18 July 2017** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

Agenda Item	Page
1. Apologies for absence	
To receive apologies for absence from the meeting.	
2. Appointment of substitutes	
To be informed of the appointment of any substitute members for the meeting.	
3. To receive any declarations of interest	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes	3
To confirm the minutes of the meeting held on 13 June 2017.	

Continued overleaf

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5. Planning officer reports

	To give consideration to the planning applications contained in the above report relating to:	7
5.1	16/01906/FUL 12 Front Street, Whitley Bay (Monkseaton North Ward)	12
5.2	17/00801/OUT Site of Former Wallington Court, Wallington Avenue, Cullercoats (Cullercoats Ward)	34

Members of the Planning Committee:

Councillor Anne Arkle	Councillor Wendy Lott
Councillor Karen Bolger	Councillor Gary Madden
Councillor Pamela Brooks	Councillor Paul Mason
Councillor Sandra Graham	Councillor David McGarr
Councillor Muriel Green	Councillor David McMeekan (Deputy Chair)
Councillor Ed Hodson	Councillor Alan Percy
Councillor John Hunter	Councillor Alison Waggott-Fairley
Councillor Frank Lott (Chair)	

Planning Committee

13 June 2017

Present: Councillor F Lott (Chair)
Councillors J Allan, A Arkle, S Graham,
M A Green, Janet Hunter, John Hunter,
W Lott, G Madden and P Mason.

PQ01/06/17 Apologies

Apologies for absence were received from Councillors K Bolger, P Brooks, E Hodson, D MGarr, D McMeekan, A Percy, J O'Shea and A Waggott-Fairley.

PQ02/06/17 Substitute Members

Pursuant to the Council's Constitution the appointment of the following substitute members was reported:

Councillor J Allan for Councillor A Waggott-Fairley
Councillor Janet Hunter for Councillor K Bolger
Councillor J O'Shea for Councillor A Percy

PQ03/06/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ04/06/17 Minutes

Resolved that the minutes of the meeting held on 16 May 2017 be confirmed as a correct record and signed by the Chair.

PQ05/06/17 Planning Officer's Reports

It was reported that applications 17/00092/FUL, 26-32 South Parade, Whitley Bay and 17/00093/FUL, 20-24 South Parade, Whitley Bay had been withdrawn by the applicant prior to the meeting.

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

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

Application No: **17/00473/FUL** Ward: St Mary's
Application Type: Full planning application
Location: The Briar Dene, The Links, Whitley Bay, Tyne & Wear, NE26 1UE
Proposal: Variation of conditions 1 (Approved Plans), 4 (Vehicle Parking Garaging before Occupation), 5 (Refuse Storage) and 20 (Landscape Scheme) of planning approval 15/02027/FUL - to omit 3no planters, amendment to parking, addition of timber fence to north boundary, amend planting and retention of existing garage for bin storage.
Applicant: Sir John Fitzgerald Ltd

The committee gave consideration to a report of a planning officer in relation to the application.

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

- a) the impact of a loss of 2 disabled parking spaces from within the car park at The Briar Dene;
- b) the impact of patrons of The Briar Dene using the car park adjacent to the nearby scout hut and the range of actions proposed by the applicant to minimise any detrimental impact; and
- c) the reasons for not requiring the applicant to accommodate tree planting as part of the application.

Decision

Application approved, subject to the conditions set out in the report of the planning officers, as the proposed variation of conditions were considered to be acceptable as they would not result in harm to the amenity of neighbouring occupiers, the character and appearance of the site and surrounding area and on the highway network in accordance with the relevant policies contained within the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002.

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

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

Application No: **17/00473/FUL** Ward: Northumberland
Application Type: Full planning application
Location: Wallsend Boys Club, Rheydt Avenue, Wallsend, Tyne And Wear, NE28 8SX
Proposal: Proposed extension to existing boys club, comprising of a first floor extension to the existing facilities to provide meeting spaces, offices and events areas. Erection of new indoor pitch and new external 4G artificial grass pitch to replace the existing large pitch.
Applicant: Wallsend Boys Club

The committee gave consideration to a report of a planning officer in relation to the application together with an addendum which had been circulated prior to, and at, the meeting.

Members of the committee then asked questions of officers and made comments. In doing so the committee gave particular consideration to comments from Newcastle City Council's Local Lead Flood Authority regarding the flood risk assessment and the recommendation of the Council's own Local Lead Flood Authority that conditional approval be granted.

The committee also gave consideration to the proposed condition that the 4G artificial grass pitch must not be used outside the hours of 08:00 to 21:00 on any day. Officers considered this to be a reasonable restriction to minimise the impact of noise on nearby residents. The committee agreed to amend the condition to extend the period of operation to 22:00 hours to provide consistency with the hours of operation at other similar facilities and to allow Wallsend Boys Club to operate the pitch as they had intended.

Decision

Application approved, subject to the conditions set out in the report of the planning officers and the amendment to the condition as described above, as the development was considered to be acceptable in terms of the principle of development, its design and layout, its impact on residential amenity, car parking, drainage and flooding, contamination and ground stability, biodiversity, landscaping and archaeology in accordance with the relevant policies contained within the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002.

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

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

Application No:	17/00565/FUL	Ward: Tynemouth
Application Type:	Full planning application	
Location:	10C Priors Terrace, Tynemouth, Tyne and Wear, NE30 4BE	
Proposal:	Front windows to be replaced like for like in white UPVC	
Applicant:	Mr Gordon Ogle	

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

Members of the committee then asked questions of officers and made comments. In doing so the committee gave particular consideration to local planning policies relating to the Tynemouth Conservation Area and the style and materials of windows at 10 Priors Terrace and other neighbouring properties in the street.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application following expiry of the consultation period, providing no further matters arise from the receipt of any additional comments which, in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered and justify reconsideration by the committee.

(The committee was minded to refuse the application because the proposed UPVC windows fail to preserve or enhance the character of the Tynemouth Conservation Area, and do not respect the original character and architectural quality of the Local Register building. The development would result in harm to a designated heritage asset, and would be contrary to the NPPF, LDD9, Policies E16/2, E17/5 and DCPS No.8 of the North Tyneside Unitary Development Plan (March 2002), Policies DM6.1 and DM6.6 of the emerging Local Plan and the Tynemouth Village Conservation Area Management Strategy SPD.)

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

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

PLANNING COMMITTEE

Date: 18 July 2017

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the offices of the Regeneration, Development & Regulatory Service, Quadrant, 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 Unitary Development Plan (adopted March 2002);
- 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;
- statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- 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
CONTENTS**

5.1 16/01906/FUL

Monkseaton North

12 Front Street Whitley Bay Tyne And Wear NE25 8DF

Speaking rights requested -Mrs Louise Marshall, 80 Queens Road Monkseaton

Speaking rights requested -Mr And Mrs Davis, 7 Seaton Crescent Whitley Bay

5.2 17/00801/OUT

Cullercoats

**Site Of Former Wallington Court Wallington Avenue Cullercoats Tyne
And Wear**

Item No: 5.1
Application No: 16/01906/FUL Author: Julia Dawson
Date valid: 13 March 2017 ☎: 0191 643 6314
Target: 8 May 2017 Ward: Monkseaton North
decision date:

Application type: full planning application

Location: 12 Front Street, Whitley Bay, Tyne And Wear, NE25 8DF

Proposal: Change of use to A3 - restaurant and cafe and installation of ventilation and ducting systems

Applicant: Omni Cafe Partnership, FAO Mrs Susanne McGarry 34 Kenilworth Road Monkseaton Whitley Bay Tyne And Wear NE25 8BD

RECOMMENDATION: Minded to grant on expiry of consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues are set out below:

- (i) Principle of the development
- (ii) Impact on neighbouring amenity
- (ii) Impact on the character and appearance of the Conservation Area
- (iv) Impact on highway safety

2.0 Description of the Site

2.1 The site to which the application relates is No.12 Front Street, which is located in Monkseaton Conservation Area. The application site occupies the ground floor of an end terraced property at the corner junction with Seaton Crescent. A residential dwelling occupies the upper floors above the application site. Due to its corner position, the application site has frontages onto both Front Street and Seaton Crescent, with the entrance door being located at the north eastern corner. A flat roofed extension occupies the rear curtilage. An access lane separates the rear of the premises from the facing residential garages to the north west. The gable end of No.7 Seaton Crescent faces towards the application site at a distance of approximately 12.3m. Seaton Crescent is residential in nature.

2.2 Adjoining the application site to the south west is a bridal shop with a residential dwelling above. The ground floor units along this stretch of terraced properties are all commercial in nature, including a sandwich shop, a hairdressers, retail shops, a bookmakers and a spa and massage unit. Further to the south west is the Monkseaton Arms (public house), and opposite to the

application site are further ground floor commercial units, flats and a residential care home.

2.3 Restricted (free one hour stay between 8am and 6pm) on street parking is available to the front of the application site.

3.0 Description of the Proposed Development

3.1 The proposal relates to a change of use of the application site from Use Class A1 (retail) to Use Class A3 (cafes and restaurants).

4.0 Relevant Planning History

4.1 Application Site:

4.2 82/02005/FUL - Change of use from TV sales and repair shop to restaurant and fish and chip take-away – Refused 02.11.1982

4.3 83/00281/FUL - Change of use from T.V. Sales/Repair shop to Tea Rooms/Cafe with associated take-out of sandwiches/savouries - opening hours 8.30 a.m - 6.00 p.m – Refused 15.03.1983

4.4 83/0281A/FUL - Change of use from TV sales/repair shop to tea rooms/cafe (no take out sales as previously described) – Approved 29.03.1983

4.5 85/00092A/FUL - Removal of conditions imposed on planning permission reference NT/281A/83 DM to allow (a) hot food take-away (b) extension of hours to 11.30 p.m. – Refused 12.03.1985

4.6 85/01789/FUL - Change of use from tea rooms/cafe to restaurant use to eat in only, opening Tuesday-Saturday. Last orders taken 21.30hrs. – Refused 20.11.1985

4.7 15/01278/NOTIFY - Notification of commencement of flexible use from A1 (shop) to A3 (restaurants and cafes), under Part 4, Class D of the General Permitted Development Order 2015 – Date Notice Served 05.08.2015

4.8 17 Front Street:

4.9 12/00461/FUL - Change of use of property to hot food takeaway and the installation of an external flue to the rear – Refused 08.05.2012

4.10 (Refusal Reasons:

1. The proposed external flue to the rear of the application site will be detrimental to the character and appearance of Monkseaton Conservation Area by virtue of its location and design. As such the development fails to accord with North Tyneside Unitary Development Plan Policy E16/2 and Development Control Policy Statement No. 8.

2. Insufficient information has been provided to demonstrate that the proposed change of use to a hot food takeaway will not have a significant adverse impact on the amenity of surrounding residential and business properties, by virtue of increased noise and disturbance associated with the coming and going of customers, and odour emissions. As such the proposal is contrary to the National Planning Policy Framework and North Tyneside Unitary Development Plan Policies S12 'Hot Food Takeaways', Development Control Policy Statement 16

'Hot Food Takeaways and other Food and Drink Uses' and H13 'Non residential uses' of the North Tyneside Unitary Development Plan 2002.')

4.10 102 – 104 Front Street:

4.11 11/00841/FUL - Change of use of ground floor to hot food takeaway (Use Class A5) with flue proposed within chimney breast – Refused by Planning Committee. Allowed on Appeal 07.10.2011

5.0 Development Plan

5.1 North Tyneside Council Unitary Development Plan (adopted March 2002)

5.2 Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Practice Guidance (As Amended)

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

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations:

- (i) Principle of the development
- (ii) Impact on neighbouring amenity
- (ii) Impact on the character and appearance of the Conservation Area
- (iv) Impact on highway safety

8.0 Principle of the Proposed Use

8.1 The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth in order to create jobs and prosperity. Significant weight should therefore be placed on the need to support economic growth through the planning system.

8.2 Policy S7 states that the LPA will support the retention of local shops, including individual units and will permit a change of use out of use class A1 retail only where it is satisfied that the following criterion can be met:

- (i) The proposal will not result in a significant reduction in the level and service of retail provision within the local area.

8.3 Development Control Policy Statement No.16 'Hot Food Takeaways and Other Food and Drink Uses' states that the material planning criteria to be taken into account when considering individual proposals include the effect of the proposal on the character of the area; the proximity to and effect upon nearby occupiers, especially residential householders of traffic using the site, noise from

patrons, cooking smells and litter; car parking provision under the control of the owner; local traffic and parking conditions; means of odour suppression for cooking smells; proposed hours of operation and the views of nearby occupiers and other consultees.

8.4 The application site has been operating as Omni under an A3 use class since August 2015, when the applicant formally notified the Local Planning Authority that they intended to change the use of the site from a sandwich shop (Use Class A1, previously operated as 'CIBO') to a cafe for a temporary period of two years, in accordance with permitted development rights afforded by Part 4, Class D of the General Permitted Development Order 2015. This temporary two year period expires on 5th August 2017, and the applicant is therefore seeking planning permission for a permanent change of use along with external alterations in order to install an odour extraction/suppression system to the rear of the premises.

8.5 Although there has been concern raised that the planning application seeks to intensify the current use and extend the opening hours, the applicant has confirmed that they do not wish to extend the opening hours and would like to continue operating as they currently do, albeit with an improved odour extraction/suppression system, and variations to the menu.

8.7 The host site is located in the local centre of Monkseaton, where Policy S7 provides that a change of use from a non retail unit must not have a detrimental impact on the level of service available to the local community. A number of objections have been made with regard to the lack of a need for a further food and drink establishment, and that an operation of this type and size is not suitable for this area, which is a designated Conservation Area. It is officer advice that it could not be considered that the proposal would result in a significant increase in the number of existing A3 uses in this immediate surrounding area. In addition, should the change of use be granted, there is nothing to stop it reverting back to an A1 at a future time without the need for planning permission. The public floor/seating area of the cafe is also relatively small and is not considered to be of a large scale. The character of the Conservation Area will not be harmed as a result of the change of use.

8.8 A significant amount of support has been submitted. This is noted. It is considered that the proposed use offers an alternative service to the local community, which is of benefit to local residents, whilst also encouraging visitors to the area, which is also of benefit to local businesses.

8.9 Members need to determine whether the change of use of the unit to a cafe/restaurant (use class A3) would have an unacceptable impact on the retail provision in the area. It is officer advice that the proposed change of use would not result in an unacceptable loss of retail floor space or considerably alter the overall character of this part of the local centre and it would therefore not be contrary to Policy S7 or the objectives of the NPPF.

9.0 Impact on Neighbouring 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 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.

9.5 Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses, and on proposed development and will support and encourage measures including the monitoring of pollution to reduce existing pollution to the lowest practicable levels.

9.6 Development Control Policy Statement (DCPS) 16 'Hot Food Takeaway and Other Food and Drink Uses' of the UDP states the material planning criteria to be taken into account when considering applications of this nature include to existence of any area based policies [e.g. Town Centre]; the effect on nearby occupiers, especially residential householders, or traffic using the site, noise from patrons, cooking smells and litter; local traffic and parking conditions; means of odour suppression for cooking smells, including the visual appearance of extraction chimneys/equipment; and the views of nearby occupiers and other consultees.

9.7 Policy H13 states that applications for non-residential development within or adjacent to residential areas will be approved where the Local Planning Authority consider that they would not adversely affect residential amenity. Uses that generate excessive noise, smell, fumes, traffic, or on street parking problems will not be allowed.

9.8 The property is located at the end of a row of ground floor commercial uses, with a residential flat above the premises, at first floor level adjoining the host property and to the rear. Objections have been submitted raising concerns with regard to the potential impact on residential amenity in terms of odours, noise

and disturbance. Objections have also referred to previous refusals of planning permission at the host site and within the surrounding area for food and drink uses.

9.9 The planning history of this report sets out relevant previous planning applications in this area. The most recent application in relation to the host site was made in 1985, when planning permission was refused for a change of use to a restaurant. This is noted. However, this was over 30 years ago and, since this time, odour extraction and suppression equipment and other technologies have become increasingly advanced, overcoming issues which would previously have resulted in a refusal of planning permission. In addition, in recent years (particularly the last decade) increasing numbers of planning applications for similar uses have been allowed via appeal to the Planning Inspectorate (both within North Tyneside and nationally) due to changes in Government policy and the aforementioned advancements in technology. The Local Planning Authority must have regard to changes in policy, technology, and planning appeal decisions.

9.10 In more recent years in the surrounding area, planning permission has only been withheld for A3/A5 food and drinks uses due to specific issues with each application, i.e. a lack of an odour abatement system, a proposed inadequate system or the inappropriate siting or appearance of an external flue. The principle of changes of use within local centres to A3 uses has generally been considered to be acceptable.

9.11 In this case, the applicant has been made fully aware of the concerns of local residents and the Environmental Health team with regard to odours, noise and general disturbance and has taken account of feedback from the Council in order to try and address these concerns. The Environmental Health team originally objected to the proposed development due to the inadequate odour abatement system which was originally proposed. Following on from this, the applicant has submitted further information to show a redesigned odour abatement system, which the Environmental Health team have considered.

9.12 The Environmental Health team have advised that the proposed operation would require a high level of odour control according to the risk assessment for the assessment of odour (DEFRA Guidance). The proposed scheme submitted by the applicant achieves a higher level of odour control than required by the guidance. Much of the system proposed is to be located in the area between ground and first floors. The Environmental Health Officer has raised a slight concern as to whether the building can physically accommodate this. However, this is what the applicant is proposing and it is their responsibility to have checked such matters prior to submitting the information for consideration. On this basis, the LPA has no reason to believe that the proposed system cannot be accommodated.

9.13 Concerns have previously been raised by both local residents and the Environmental Health team with regard to the height of the proposed flue. However, due to the significant improvement of the redesigned odour abatement system (which is intended to remove odours/grease/fumes prior to them being expelled into the air), it is considered that the proposed lower level flue will not

result in such harm to nearby residents by way of fugitive odour disturbance that refusal of the application can be justified on these grounds.

9.14 Concerns have been raised regarding future maintenance of the system. This is noted. However, a condition of any grant of planning approval will be to ensure that the system is maintained in accordance with the manufacturer's instructions. The Local Planning Authority can take enforcement action if such conditions are not adhered to.

9.15 Concerns regarding fugitive odours and noise breakout from open doors can be adequately addressed via the attachment of conditions to ensure that all doors are fitting with self closing devices and kept closed during cooking apart from for access/egress and in the case of an emergency.

9.16 Concerns regarding noise from staff and customers outside of the premises are noted. However, the proposed opening hours are 10am to 9pm Tuesday to Sunday. Given the location of the application site at the end of a terraced strip of commercial units on a main road in the local centre, in relatively close proximity to a public house (which closes much later), it is not considered that any noise from customers or staff at the application site will be so harmful to nearby residents, particularly No.1 Seaton Crescent (flat on upper floors) or No.7 Seaton Crescent, that refusal could be justified on these grounds. The applicant has submitted information to demonstrate that a floating ceiling can be installed between the application site and No.1. This will address the issue of noise transmission to the upper floors.

9.17 The concern relating to the impact of the proposal on the privacy of the occupants of No.7 is noted. However, the first floor side gable windows in this property are set back from the access road and main public highway of Seaton Crescent and are already publicly visible. Any increased overlooking to these windows by passers by as a result of the proposal is not so severe that planning permission can be withheld for this reason.

9.18 The Manager of Environmental Health has recommended several conditions including those relating to the installation of a vapour barrier, odour abatement, hours of operation, deliveries, a noise scheme for external plant, a volume control system, and refuse provision.

9.19 Members need to determine whether the proposal would have a detrimental impact on the amenity of the neighbouring occupiers. It is officer advice that the proposed use would be acceptable in terms of odour and noise subject to conditions.

10.0 Impact on the Conservation Area

10.1 The site is in the designated Monkseaton Conservation Area.

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

10.3 In respect of designated heritage assets the NPPF states that when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

10.3 Policy E16/2 states that proposals that do not enhance or preserve the character, setting and appearance of a conservation area will not be permitted. And that assessment of schemes will concentrate on: design, scale, layout and materials; impact on trees, treatment of surrounding spaces and relationship to surrounding development.

10.4 Development Control Policy Statement No.8 relates to material planning considerations that will be taken into account for development within conservation areas.

10.5 The adopted Monkseaton Conservation Area Character Statement describes the historic importance and character of the original core village and surrounding area and also indicates the predominate design, styles, layout and materials used that have led to the area being designated as a conservation area, which ensures that any development proposals will be expected to be of the highest quality of design, should respect the character of the area, and should be constructed in appropriate traditional materials. The overall emphasis should be to preserve and enhance the character of the Conservation Area and historic buildings sited within it.

10.6 The applicant proposes the installation of an external flue to the rear part of the existing single storey flat roofed extension, which is visible from the public highway due to the corner position of the application site. The flue, as shown on the submitted information, is not visually acceptable in terms of its impact on the character and appearance of the Conservation Area. However, if this was to be enclosed with materials similar to the host site (i.e. a brick shroud/chimney) then it would not appear so incongruous and would not harm the appearance of the site or conservation area.

10.7 On this basis, a condition is suggested to ensure that full details of an appropriate external treatment for the flue are submitted to and approved in writing by the LPA, prior to its installation.

10.8 The use of the host site as a café/restaurant is not entirely dissimilar to the previous use of the site as sandwich shop with some internal seating. It is not considered that this change of use results in any harm to the character and appearance of the Conservation Area, where there are a variety of uses, including public houses and commercial uses.

10.9 Members need to determine whether the proposal will preserve or enhance the character and appearance of the Monkseaton Conservation Area. It is officer advice that it will not result in harm and detriment to the character Monkseaton Conservation Area, which is in accordance with policies E16/2 and DCPS No.8, the Monkseaton Conservation Area Character Appraisal, and the NPPF.

11.0 Highways Issues

11.1 Car Parking and Access

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

11.3 The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

11.4 Policy T11 states that parking requirements will in general be kept to the operational maximum.

11.5 Development Control Policy Statement (DCPS) 4 'Car and Cycle Parking Standards' has been devised to minimise the impact on the private car by encouraging the greater use of public transport and cycling. This will be achieved by, amongst other matters, adopting a reduced requirement for car parking.

11.6 Significant objection has been received from a number of local residents who are concerned that the proposed development has and will continue to result in severe parking problems for residents. These concerns are noted.

11.7 The Council's Highway Network Manager has noted the objections from local residents and that following these objections further parking surveys in the vicinity of the site have been carried out. As a result of these, it is considered that the area would benefit from additional parking restrictions and a Travel Plan for both staff and customers, in order to encourage alternative modes of travel to and from the site.

11.8 He has also noted that the proposed use is comparable with the existing use, the site has good links with public transport, is in an existing parade of shops and businesses and there is on-street parking available directly outside on the service road.

11.9 Subject to the suggested conditions relating to additional parking restrictions and the submission of a Travel Plan, the Highway Network Manager has recommended conditional approval of the application.

11.10 Members need to determine whether the proposal will have a detrimental impact on highway safety. It is officer advice that it is acceptable in terms of its impact on existing on street parking and highway safety.

12.0 Financial Considerations

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

12.2 Economically and socially there will be benefits as a result of the proposed development due to the provision of an additional service (cafe) for the benefit of

5. Within three months of the date of this approval and prior to the installation of any chimney or extraction vent to be provided in connection with the approved use, full details shall be submitted to and approved in writing by the Local Planning Authority. The extraction chimney shall be located as shown on the submitted layout plan, however further details must include the exact height, position, design and materials of any chimney or extraction vent, and details of the means of external treatment to the extraction flue (the external treatment must ensure that the flue is in keeping with the host site, i.e. a matching brick shroud/chimney.) Thereafter, the development shall be carried out in accordance with and within one month of the approval of the agreed details and retained and maintained at all future times.

Reason: In order to safeguard the amenities of adjoining properties having regard to policies E3, H13, E16/2 and DCPS No's 8 and 16 of the North Tyneside Unitary Development Plan 2002, and LDD11 'Design Quality'.

6. Within three months of the date of this approval and prior to the installation of any external plant or equipment in connection with the restaurant, full details must be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter be installed in accordance with the agreed details and within one month of their approval, and permanently retained as such.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policies E3, H13 and DCPS No.9 of the North Tyneside Unitary Development Plan 2002.

7. Within three months of the date of approval full details of the air ventilation systems must be submitted to and approved in writing by the Local Planning Authority. The scheme shall then implemented in accordance with the agreed details within one month of their approval, and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

8. Within three months of the date of this approval full details of the odour abatement system (which must be validated to demonstrate that it is physically possible to be fitted at the site) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the odour abatement system shall only be installed in accordance with the approved details within one month of their approval and operated in accordance with the approved details at all future times.

Reason: To protect neighbouring amenity in accordance with policies E3, H13 and DCPS No.10 of the UDP.

9. The odour suppression system shall be maintained as approved in accordance with the details provided by the manufacturer and submitted by the applicant pursuant to condition 8 of this approval.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy of the North Tyneside Unitary Development Plan 2002.

10. Within three months of the date of this approval and prior to its installation, details of the vapour barrier between the proposed development and the first

floor residential property shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, it shall be installed in accordance with the approved details within one month of their approval and permanently retained.

Reason: To ensure adequate protection against odour transmission between the host site and the upper residential dwelling in accordance with policies E3 and H13 of the UDP.

11. Within three months of the date of this approval a suspended ceiling to the specification detailed in 4.5.1 of Acoustic Report - reference 17-51-522 by Northern Acoustics shall be installed to the underside of the current ceiling and shall thereafter be permanently retained.

Reason: To ensure adequate protection against noise transmission between the host site and the upper residential dwelling in accordance with policies E3 and H13 of the UDP.

12. The rear kitchen doors exiting to the back yard must be fitted with a self closing device and kept closed at all times during the hours when the premises are open for business or when cooking is taking place, except for access and egress to the yard, or in the case of an emergency.

Reason: To protect neighbouring residents from noise and odour disturbance in accordance with policies E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

13. Within three months of the date of this approval and prior to the installation of any plant and equipment at the application site, a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme, which must be in accordance with BS4142, shall determine the current background noise levels for the representative time when the plant is operational. Thereafter, the rating level for all plant and equipment (including the combined noise created by use of all plant and equipment) shall not at any time exceed the agreed levels.

Reason: In order to protect the residential amenity of the nearby occupiers of in accordance with policies E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

14. Within one month following installation of any plant and equipment, acoustic testing must be undertaken to verify compliance with condition 13 of this approval. The results of the acoustic testing shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the plant and equipment shall be operated in accordance with the approved details at all future times.

Reason: In order to protect the residential amenity of the nearby occupiers of in accordance with policies E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

15. Within three months of the date of this approval and prior to its installation, details of the volume control system shall be submitted to and agreed in writing by the Local Planning Authority. The volume control system, which must be locked within a tamper proof unit, must be set by a qualified acoustician and maintained in working order to ensure the background music is not audible to the nearest sensitive receptor. If complaints are received, within 28 days of written

notification, the volume control system must be reassessed and the level reset in agreement with the Local Authority.

Reason: In order to protect the residential amenity of the nearby occupiers of in accordance with policies E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

16. 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. The scheme will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level

Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policies E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

17. There shall be no deliveries to the premises or collections from the premises outside of the hours of 07:30 and 19:00 hours Monday to Saturday.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

18. Noise No Tannoys Externally Audible NOI02 *E3, H13 and
DCPS No.16

19. The premises shall not be open for business outside of 08:00 hours to 22:00 hours Monday to Saturday, and 09:00 hours to 21:00 hours Sundays and Bank Holidays.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

20. Prior to the installation of any refrigeration plant in connection with the development full details must be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

21. Within three months of the date of this approval, full details for the storage of refuse at the premises shall be submitted to and approved in writing by the Local Planning Authority. The facilities, which must not be stored on the rear access lane or public highway apart from when refuse collection takes place, should also include the provision of wheeled refuse bins. Thereafter, refuse shall be stored in accordance with the approved details at all future times.

Reason: In order to safeguard the amenities of the area having regard to policies, E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

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.

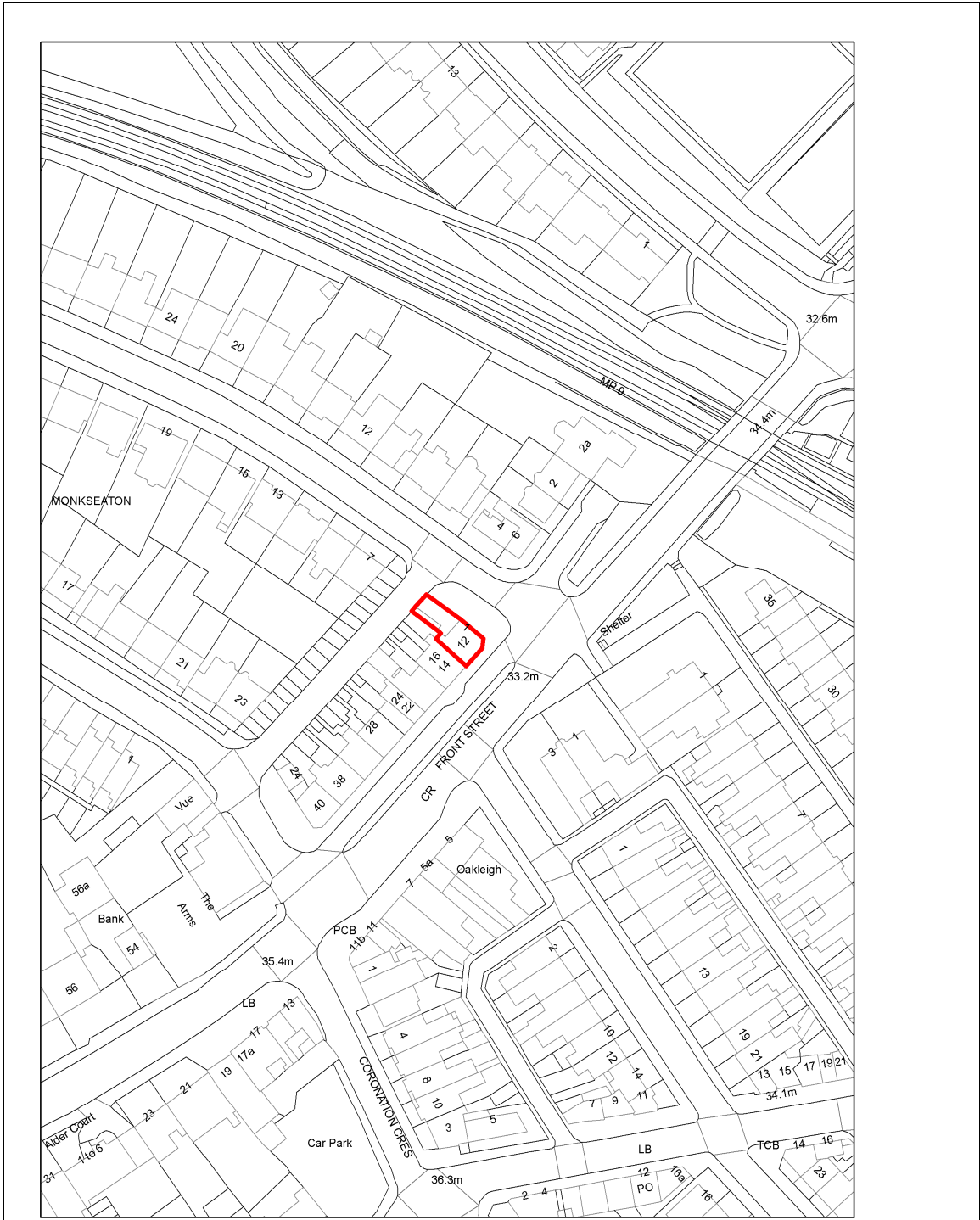
Informatives

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

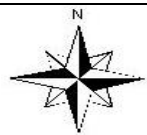
Highway Inspection before dvlpt (I46)



Application reference: 16/01906/FUL
Location: 12 Front Street, Whitley Bay, Tyne And Wear, NE25 8DF
Proposal: Change of use to A3 - restaurant and cafe and installation of ventilation and ducting systems

Not to scale
 Date: 06.07.2017

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Appendix 1 – 16/01906/FUL Item 1

Consultations/representations

1.0 Representations

1.1 296 letters of support have been submitted, these are summarised below:

- Support from neighbouring business, no problems with smell, noise, parking or nuisance of any kind during the current ownership.
- This is a pleasant venue and adds to the local community. It makes a positive contribution to Monkseaton.
- Opening hours show their respect for the local area.
- Omni has made a great difference to the quality of our lives and they would be much impoverished without this hospitality virtually on our doorstep.
- Whitley Bay has been in decline and we are just beginning to see the efforts being made to regenerate the coastal region. This shouldn't be seen through a narrow lens: encouraging new enterprise such as Omni, slightly inland, gives substance and depth to these plans. Let's hope planners and decision-makers use their powers to serve a whole community rather than the few individuals objecting.
- Omni is a unique offering: excellent food, a relaxed but attentive setting, run by genuinely kind, knowledgeable and well-deserving young people - making a very positive difference to this locale.
- The local business community should welcome the number of people the cafe brings into the area.
- This is a successful business established by local people; there should be nothing but encouragement and support for them.
- Omni enables local people to walk to the cafe and socialise close to home.
- The hours of operation, nature of the cafe and approach of the owners ensure that this business has no detrimental impact on local householders.
- The objections I have read so far are out of proportion. Parking is a problem everywhere in Whitley Bay, Omni only has a small amount of tables so in reality there can't be a huge influx of cars. A great many of regulars walk there anyway as they live locally. Since it stops serving food at 8pm and you cannot drink there without eating it's hardly a drinking den that attracts a rowdy element that spill out on to the street at closing time.
- New ventilation which will decrease the alleged odours. It appears sensible, responsible and designed to address what concerns there may have been in the immediate vicinity.
- Existing food and drink establishments (pubs, hot food takeaway), are much more likely to contribute towards noise and odours.
- Excellent community restaurant, just what the village needs.
- An image of my car parked was used as evidence of Omni-caused parking problems in an objection registered previously; I would like to re-iterate that I have never driven to Omni and that my car was parked for no reason relating to the cafe. My sole visit was last year and I visited on foot.
- I have lived on Seaton Crescent for nearly 30 years and can remember when the parade of shops was a sad affair with many long term empty units. I believe that, with the addition of Omni, we now have a varied and thriving area. It would be a shame to see it go back again - Monkseaton is a village and it should be a lively one - after all it does have 3 pubs. Parking is a problem in Seaton Crescent

but I do not see it as necessarily being as a result of Omni. If their customers do park it is usually for a couple of hours. The major problem is with people parking for long periods to use the Metro for example

- I feel that the reference to 'Whitley Bay Promenade here we come' is alarmist and quite ridiculous. Omni is an asset to our area. I support it wholeheartedly

1.2 10 objections have been submitted, these are summarised below:

- Strongly object to any increase in opening hours which will increase existing parking problems resulting from this venue.
- This venue has considerably affected us to the extent that it is affecting our lifestyle with regard to activities and enjoyment.
- Parking has become increasingly out of hand due to both Omni and other local businesses, metro etc, including as a result of drivers who drink alcohol leaving cars overnight.
- Yellow lines are often ignored and cars block driveways, park on corners, dropped kerbs, etc.
- One resident has had to create incurtilage parking to enable them to park at their property.
- Seaton Crescent needs residents only/restricted parking.
- Back lane is often blocked by delivery vehicles.
- There are usually at least five staff vehicles parked in the back lane, these cause an obstruction and mean that I cannot access my garage. I often have to park two streets away from my home.
- Little room for pedestrians to pass when there are tables and chairs on the pavement.
- Street cleaning is impossible due to vehicles.
- Odours from Asian food pervade our personal space. The extractor fan, being so near, could make this worse.
- Odours from fat, fumes, food and smoking mean that we cannot open any windows or hang out washing.
- Proposed extraction so close to gardens will mean that residents cannot sit out on their patios etc.
- Bins on back lane are a magnet for vermin and flies.
- All previous applications for this change have been rejected, this one should be too.
- No need for another food outlet or licensed premises, it is completely counter to what Monkseaton Village, a conservation area, is about.
- Increase in noise outside of premises due to customers coming and going.
- Noise from deliveries and collections.
- Increase in rubbish.
- The restaurant frequently hosts parties, making opening hours longer.
- The restaurant has been open for 18 months now and neighbouring residents have already seen, and suffered from, a significant increase in traffic, noise, pollution, loss of amenity and the pervading odour of cooking smells.
- If permission is granted, it has to comply with current planning regulations i.e.:
 - Discharge the extracted air not less than 1 m above the roof ridge of any building within 20m of the building housing the commercial kitchen, and not, as the proposed plan details, within 9 metres of the nearest neighbour and at a height of around 2 metres from the ground, directly opposite my study/office window!

- All waste bins must be kept within the curtilage of the property, not on the highway as they currently are.
- Doors onto the street must be closed except to allow for deliveries and doors into the back yard shouldn't be left open and thus short-circuit, circumvent the extraction and odour control route.
- Adequate and separate parking provision.
- Detrimental impact on the residential amenity of nearby dwellings.
- Loss of privacy to No.7 Seaton Crescent due to the comings and goings of staff, suppliers and customers in Seaton Crescent with a close up, direct view of this property.
- The operation is too large for a conservation area, contrary to DCPS No.8.
- Doors are not kept shut as they should be leading to more noise and odour disturbance.
- Capability of proposed odour extraction/suppression system depends upon its maintenance, I have doubts about this.
- Increase in fumes and pollution from traffic. Deterioration in air quality.
- A precedent will be set if permission is granted, contrary to the planning history in this area for similar uses.
- Residents don't have the option of renting somewhere else, like the business does.

2.0 Internal Consultees

2.1 Environmental Health (Pollution):

2.2 The application relates to the change of use from A1 to A3, following a change in the type of food served, the opening hours and the requirement for additional ventilation equipment. The premises are located in a mixed use area consisting of commercial shops with residential flats located at first floor and residential housing to the rear of the site.

2.3 Odour:

2.4 My main concern with this application has always been fugitive odours affecting the first floor property and the residential properties to the rear. This submission addresses the issue of odour by setting out a redesigned odour abatement system. The system starts with a baffle filters set in the over head canopy to remove large particulate grease. The ozone oxidation unit has a dwell time of 2 seconds which is over and above the DEFRA recommendation. There follows an electrostatic precipitator unit, and 3 carbon filters with a proposed dwell time of 0.6 seconds prior to the cowl which should increase the discharge velocity to assist dispersal.

2.5 The DEFRA Guidance on the 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' provides a risk assessment for the assessment of odour. In this instance dispersion would score 15, proximity would score 10, size of kitchen would score 1 and cooking type would score 7, making a total of 33. According to the guidance this score would require a high level of odour control. This is given as 'fine filtration or ESP followed by carbon filtration with residence time of 0.2-0.4 seconds
OR 'fine filtration or ESP followed by UV ozone to achieve the same control as 1'. I have concerns that the system is able to physically fit within the restrictions of the dimensions of the building available. Much of the system is proposed to be in the area between the ground and first floors.

2.6 This proposal achieves a higher level of odour control than required by the guidance. However the efficacy of the system depends on adequate maintenance. It must also be remembered that no odour control system is 100% effective. The location of the flue discharge is at a medium level, in line with the first floor windows for the flat and adjacent residential houses. The medium level discharge may have the effect of early downdraft, as the discharge flow may be inhibited by the surrounding buildings, which may still result in odours affecting neighbouring properties.

2.7 I would also still have concerns about fugitive odours that may arise if the rear kitchen doors are left open when cooking is taking place; however, this could be controlled via condition to require the door to be kept closed whenever cooking is taking place.

2.8 Noise:

2.9 The application contains a noise report which examines the transmission of noise between OMNI and the first floor property. The proposed floating ceiling will address much of the noise issue, and will also provide a suitable place for the vapour barrier which will be required.

2.10 A noise limiter as proposed will assist in controlling the noise level from recorded music, providing it is set properly. This could be controlled via condition.

2.11 If planning consent is to be given I would recommend the following conditions are applied: EPL01 As detailed in layout plan; EPL02, and; EPL03.

2.12 The details of the odour abatement system which has been validated to show it is physically possible to be fitted at this site should be submitted to and agreed in writing by the Local Planning Authority. The approved design shall be implemented in full within three months of the planning permission being granted.

2.13 EPL04: The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04

2.14 The details of the vapour barrier required between the proposed development and the first floor residential properties shall be submitted to the local planning authority for written approval and implemented prior to development to ensure adequate protection against odour transmission between the upper flat and the proposed development and shall thereafter be permanently retained.

2.15 Prior to commencement of operations, a suspended ceiling to the specification detailed in 4.5.1 of Acoustic Report – reference 17-51-522 by Northern Acoustics shall be installed to the underside of the current ceiling and shall thereafter be permanently retained.

2.16 The rear kitchen doors exiting to the back yard must be kept closed at all times during the hours when the premises are open for business or when cooking is taking place, except for access and egress to the yard, or in the case of an emergency.

2.17 A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for the representative time when the plant is operational. The rating level for all plant must not exceed the current background noise levels. 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.

2.18 Prior to commencement of operations, details of the volume control system shall be submitted to and agreed in writing to the local planning authority. The volume control system must be set by a qualified acoustician and maintained in working order to ensure the background music is not audible to the nearest sensitive receptor. If complaints are received, within 28 days of written notification, the volume control system must be reassessed and the level set in agreement with the Local Authority. The system must be locked within a tamper proof unit.

2.19 NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

2.20 Deliveries and collections to and from the premises shall not take place between 22:00 hours and 07:00 hours on any day.

2.21 NOI02 ; HOU3 to the operating times; REF01 and REF02.

3.0 Highway Network Manager

3.1 This application is for a change of use to A3 - restaurant and cafe and installation of ventilation and ducting systems. The proposed use is comparable with the existing use, the site has good links with public transport, is in an existing parade of shops and businesses and there is on-street parking available directly outside on the service road. Following objections from nearby residents, further parking surveys in the vicinity of the site have been carried out and it is considered that the area would benefit from additional parking restrictions and that a Travel Plan for both staff and customers would encourage alternative modes of travel to and from the site. For these reasons and on balance, conditional approval is recommended.

3.2 Recommendation - Conditional Approval

3.3 Conditions:

3.3 REF01 - Refuse Storage: Detail, Provide Before Occ

3.4 Notwithstanding the details submitted, a scheme for revised waiting restrictions in the vicinity of the site 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.

Reason: In the interests of highway safety.

3.5 Notwithstanding the details submitted, a Travel Plan for staff and customers 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.

Reason: In the interests of highway safety.

3.6 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpmt

Item No: 5.2
Application No: 17/00801/OUT Author: Rebecca Andison
Date valid: 31 May 2017 ☎: 0191 643 6321
Target decision date: 30 August 2017 Ward: Cullercoats

Application type: outline planning application

Location: Site Of Former Wallington Court, Wallington Avenue, Cullercoats, Tyne And Wear

Proposal: Outline planning for the development of 12 residential bungalows with associated car parking within private driveways and landscaping

Applicant: North Tyneside Council, Mrs Emma Cresser 53 Wallington Avenue Marden CULLERCOATS NE30 3QB

Agent: Capita Property And Infrastructure, Miss Shannon Langley Quadrant East (Capita) 16 The Silverlink North Cobalt Business Park WEST ALLOTMENT NE27 0BY

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

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

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

2.0 Description of the Site

2.1 The application relates to a vacant site, formerly occupied Wallington Court sheltered housing scheme. It is situated on the corner of Wallington Avenue and Bavington Gardens and has an area of 0.37 hectares.

2.2 To the north of the application site are two storey semi detached properties fronting onto Wallington Avenue and Rothley Gardens. Access to Monkhouse Primary school is located immediately to the east. To the south and west the site is surrounded by two storey semi detached and terraced properties on Bavington Gardens.

2.3 The site has no land use allocation within the Unitary Development Plan 2002. It is allocated for housing within the emerging Local Plan.

3.0 Description of the Proposed Development

3.1 This application seeks outline planning permission with all matters reserved for the development of 12no residential dwellings with associated car parking and landscaping.

4.0 Relevant Planning History

08/01374/OUT - Demolition of existing flats and provision of a two storey and three storey development for sheltered accommodation to provide 29 flats (including communal facilities) and accommodation for the warden – Permitted 07.08.2008

16/00735/DEMGDO - Prior approval for demolition of residential two storey care home – Permitted 24.05.2016

5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002)

5.2 Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP (August 2007)

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

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 issue for Members to consider in this case are;

- whether the principle of residential development is acceptable on this site;
- the impact of the proposal on the character and appearance of the site and the surrounding area;
- the impact upon neighbours living conditions with particular regard to outlook and privacy; and

- whether sufficient parking and access would be provided.

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

8.0 Principle of the Proposed Development

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It identifies 12 core planning principles for Local Authorities that should underpin decision making. One of these is to encourage the effective use of land by reusing land that has been previously developed (brownfield land). However, this is not a prerequisite.

8.2 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes. In order to achieve this objective government requires that authorities should identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery the buffer should be increased to 20 per cent.

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

8.4 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

8.5 Policy H5 of the UDP states that proposals for housing development on sites not identified for this purpose will only be approved where all of the following criteria can be met: (i) The proposal is on a previously developed site and is within the built up area; (ii) It is acceptable in terms of its impact on its site, local amenity, the environment, and adjoining land uses; (iii) It can be accommodated within the existing infrastructure; (iv) It does not have an adverse impact on open space provision.

8.6 Policy H11 of the UDP requires that applications for residential development take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses. It also requires the need for the resulting dwelling to have acceptable external standards of space, light outlook and privacy.

8.7 The development plan is out of date. The North Tyneside Unitary Development Plan was adopted in March 2002 over 15 years ago. The plan period ran until 2006 and we are now significantly (11 years beyond this). Following the advice in paragraph 14 of NPPF it states that where the development plan is out of date, the presumption is that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits.

8.8 The Council's Local Plan Pre Submission Draft (2015) specifically allocates sites to meet the overall housing needs. The application is allocated for housing (Site 53) within the Local Plan.

8.9 Having regard to the above; the principle of the proposed development should be considered acceptable subject to consideration of the following matters:

8.10 North Tyneside Council Housing Land Supply

8.11 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.

8.12 Planning Committee will be aware that following submission of the emerging Local Plan in June 2016 an independent Planning Inspector held hearings as part of an Examination in Public during November and December of 2016. The Inspector's report has now been received and considers the Local Plan to be sound and capable of adoption subject to a series of recommended Main Modifications.

8.13 One of the Inspector's recommended Main Modifications to the Local Plan alters the housing requirement for North Tyneside and the calculation of the Borough's Five Year Land Supply. Taking those Main Modifications into account the most up to date assessment of housing land supply informed by the December 2016 SHLAA Addendum identifies the total potential 5-year housing land supply in the borough at 5,174 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.56 year supply of housing land).

8.14 It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the emerging Local Plan. The potential housing land supply from this proposal is included in the assessment that North Tyneside has a 5.56 year supply of housing land. Therefore, North Tyneside Council remains dependent upon approval of this scheme if it is to achieve the level of delivery anticipated.

9.0 Character and appearance

9.1 Paragraph 56 of NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

9.2 Policy H12 of the UDP states that housing development will be expected to make the most efficient use of land usually having a net density of between 30 to 50 dwellings per hectare. However, this policy was a reflection of the previous national planning policy of Planning Policy Guidance (PPG) Note:3 'Housing,' which sought to develop housing at higher densities, but was cancelled in 2012. Therefore policy H12 is out of date. NPPF does however state that local authorities should set their own approach to housing density to reflect local circumstances.

9.3 The proposal seeks outline planning permission for 12 single storey dwellings, which would result in a density of approximately 32 dwellings per hectare. It is officer advice that density is appropriate.

9.4 Policy E14 seeks to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development.

9.5 Policy H11 states that in determining applications for residential development, the local planning authority will require that any proposals take into account amongst other matters the quality of its layout, design, scale, massing, construction, landscaping and materials.

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

9.7 Policy DM6.1 of the emerging 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.

9.8 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.

9.9 The indicative layout shows that the site can comfortably accommodate 12 residential units. The density and layout reflects the character of the surrounding area. The layout has been designed to be dual aspect to provide an active frontage to both Wallington Avenue and the proposed highway within the site.

9.10 There are a number of trees within the site, and an established hedgerow along the southern boundary. It will be necessary to remove some of the trees to develop the site.

9.11 The Landscape Architect has been consulted. She recommends that a plan should be provided to show existing trees within the site, and that this should be supported by a tree survey and arboricultural impact assessment. A detailed landscape scheme will be required to show replacement planting as mitigation for any loss.

9.12 Landscaping is a reserved matter and therefore this can be dealt with in detail at the reserved matters stage.

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

10.0 Impact upon Neighbours

10.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

10.2 Policy H11 of the UDP requires that applications for residential development take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses. It also requires the need for the resulting dwelling to have acceptable external standards of space, light outlook and privacy.

10.3 Policy DCPS No:14 sets out the material planning criteria to be taken into account when considering individual proposals and sets out the recommended privacy distances between dwellings to provide privacy and outlook of 21m from the front and back to back. Back to gable is 12m for two storey dwellings.

10.4 A minimum separation distance of 18m is achieved between the development and existing dwelling to the west. There will be 13m between the development (gable elevation) and existing houses to the south. It is considered that the proposed layout would ensure adequate separation between the new dwellings and surrounding properties.

10.5 The Manager for Environmental Health has been consulted. She has raised no objections subject to the recommended conditions.

10.6 Members need to consider whether the impact on the residential amenity of existing and future residents is acceptable. It is officer advice that with the imposition of conditions, noise can be appropriately mitigated to ensure that new residents will have an acceptable level of amenity.

11.0 Car Parking and Access

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

11.2 All developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Planning decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

11.3 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

11.4 Policy H11 requires proposals for residential development to take into account the provision made for parking, access, pedestrian and vehicle circulation.

11.5 Policy T6 states that the highway network will be improved in accordance with the Council's general objective of amongst other matters improving the safety and convenience of the public highway.

11.6 Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclists needs are considered as part of new development and where appropriate require that facilities including parking are provided to satisfy operational requirements and standards.

11.7 Policy T9 states that the needs of pedestrians including people with disabilities and special needs will be given a high priority when considering transport and development issues.

11.8 Policy T11 states that car parking requirements will be kept to the minimum commensurate with location, operational needs, the need to encourage alternative forms of transport and the need to protect environmental quality.

11.9 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.

11.10 The Highway Network Manager states that the indicative layout shows that the site will be accessed from Wallington Avenue, with parking provided in accordance with current standards and an area to allow a refuse vehicle to turn within the site. He recommends that the application should be approved with conditions.

11.11 As this is an outline application with no matters to be determined, the access, internal highway layout, parking and cycle provision will be considered at reserved matters. However, the indicative layout demonstrates how the internal highway layout could be achieved.

11.12 Members need to consider whether the proposal would accord with the advice in NPPF and policies T6, T8, T9, T11 and LDD12 and weight this in their decision

12.0 Other Matters

12.1 Contamination

12.2 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

12.2 Policy E3 of the UDP seeks to maintain the impact of pollution on the environment including existing land uses and on proposed development and will

support and encourage measures including monitoring of pollution to reduce it to its lowest practicable levels.

12.3 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.

12.4 The applicant has submitted a Phase 1 Contaminated Land Assessment. This states that there is a low risk to human health due to the identified potential historical contaminative activities from soil or gas borne contamination. The Contaminated Land Officer recommends further investigations and this can be controlled by conditions.

12.5 The application site is also located within a Coal Mining Referral Area. The applicant has submitted a Coal Mining Risk Assessment which concludes there is a negligible risk that shallow coal workings below the site represent a structural risk and no further assessment or mitigation is required. The Coal Authority have been consulted and raise no objections.

12.6 Biodiversity

12.7 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.

12.8 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts of biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity where possible, contribution to the Government's commitment to halt the overall decline in biodiversity.

12.9 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided or at least compensated for, then planning permission should be refused.

12.10 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.

12.11 The applicant has submitted a Preliminary Ecological Appraisal. This concludes that the site has a low conservation value. It states that the hedgerows, trees and shrubs are of local value to breeding birds and provide shelter and foraging opportunities for wildlife. The Appraisal recommends the retention of hedgerows and trees, or replacement planting; the use of tree protection measures; the incorporation of bird and bat boxes and the implementation of a lighting scheme that minimises illumination of the site boundaries and planting. These details can be controlled by conditions.

12.12 Natural England has been consulted and raise no objections to the development.

12.13 The Biodiversity Officer has commented and advises that the site is generally of low conservation value but hedgerows, trees and shrubs are of local value to breeding birds and provide foraging opportunities for wildlife. She recommends that conditions should be imposed to mitigate for the loss of existing planting.

12.14 It is considered that the proposal would not result in significant harm to biodiversity.

12.15 Flooding

12.16 The National Planning Policy Framework states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test.

12.17 The site is in Flood Zone 1 (the lowest risk of flooding). Northumbrian Water has been consulted and advised that a detailed scheme for the disposal of foul and surface water from development is required. This can be secured by condition.

12.18 The Council as Local Lead Flood Authority has been consulted and advises that the site and surrounding area is at risk of surface water flooding, and a full flood risk assessment and drainage strategy will be required by condition.

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

12.20 S106 Contributions

12.21 NPPF states that pursuing development requires careful attention to viability. To ensure viability, the costs of any requirements likely to be applied to developments such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation, provide complete returns to a willing land owner and willing developer to enable the development to be deliverable.

12.22 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.

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

12.24 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.

12.25 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.

12.26 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the NPPF state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12.27 The development plan consists of the saved policies from the UDP. Policy H8 of the UDP was one of the policies saved by a Direction issued by the Secretary of State on 31st August 2007. Policy H8 states that affordable housing will be encouraged on housing developments of 25 or more dwellings or on residential sites for 1ha or more.

12.28 According to saved policy H8 of the UDP, there is therefore no requirement for affordable housing to be provided on this site.

12.29 LDD8 states that until the adoption of the Core Strategy (New Local Plan) affordable housing policy the Council will continue to operate the threshold of 15 dwelling or more on all residential sites before affordable housing will be required.

12.30 It is envisaged that the Local Plan will be formally adopted by the Council towards the end of July 2017, however at the current time it is not formally adopted. Therefore the Council's current adopted policy remains that set out in

LDD8. The proposal would be below the 15 dwelling threshold and therefore affordable housing is not required on this site.

12.31 The applicant is proposing that 2 of the 12 units would be affordable. This is a benefit of this proposal and therefore should be taken into account in the planning balance. However given that the site is below the affordable housing threshold, it would not be reasonable to require these dwellings to be or remain affordable housing, or restrict their occupancy in any way.

12.32 Consultations have been carried out with the relevant service providers and no S106 contributions have been sought.

12.33 Local Financial Considerations

12.34 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).

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

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

12.37 In addition, the new homes will bring additional revenue in terms of Council Tax.

12.38 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.

13.0 Conclusion

13.1 The site is previously developed and has no allocation within the UDP. It is allocated for housing within the emerging Local Plan. Therefore, North Tyneside Council remains dependent upon approval of this scheme to achieve the anticipated level of housing delivery.

13.2 The UDP plan period expired in 2006 and we are now significantly beyond this. This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that

providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweigh the benefits that planning permission should be granted.

13.3 This proposal would accord with the NPPF in terms of flood risk.

13.4 This proposal would accord with NPPF in terms of biodiversity.

13.5 The proposal would not have an adverse impact upon neighbours.

13.6 Highway and traffic impacts would be acceptable and not severe

13.7 The starting point for Members is that planning permission should be granted, unless the adverse impacts of granting permission significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in NPPF as a whole.

13.8 The benefits of providing much needed housing are significant and weighty matters. There are no adverse impacts which are significant and demonstrable such that the presumption in paragraph 14 should not apply.

13.9 In conclusion, subject to conditions, it is recommended that outline planning permission should be granted.

RECOMMENDATION: Application Permitted

Members are requested to authorise the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:

- Upgrade of footpaths abutting site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

Conditions/Reasons

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

Proposed elevations CS/0918844 Rev.A

General arrangement floor plans CS/0918844 Rev.A

Proposed landscape plan CS/0918844 Rev.A

Swept path CS/0918844 Rev.A

Proposed site plan CS/0918844 Rev.B

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 three 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. | Restrict Hours No Construction Sun BH | HOU04 | * |
| 6. | New Acces Access Before Devel OUT | ACC08 | *H11 |
| 7. | Exist Access Closure By OUT | ACC16 | *6
*2
*H11 |
| 8. | Turning Areas Laid Out Before Occ OUT | ACC24 | *refuse
*2
*H11 |
| 9. | Construction Method Statement - Major | SIT07 | *E3 |

10. Notwithstanding the details to be submitted pursuant to condition 2, prior to occupation of the development 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 policy H11 of the North Tyneside Unitary Development Plan 2002.

11. 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

12. Notwithstanding the details to be submitted pursuant to condition 2, prior to the occupation of any 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 promoting alternative modes of transport having regard to NPPF.

13. 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.

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:

- Upgrade of footpaths abutting site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

Thereafter, these agreed works shall be implemented prior to the occupation of any dwelling and retained thereafter.

15. Notwithstanding the details to be submitted pursuant to condition 2, prior to the commencement of development, the applicant shall undertake all necessary procedures required under Section 247/257 of the Town and Country Planning Act 1990 to secure the following;

- Stop up the adopted highway within the site that is no longer required.

Reason: In the interests of highway safety in accordance with policy H11 of the North Tyneside Unitary Development Plan 2002.

16. Notwithstanding the details to be submitted pursuant to condition 2, prior to the occupation of any dwelling a fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include native trees and shrubs of benefit to biodiversity, and the retention of boundary planting. Thereafter, the development shall only be carried out in accordance with these agreed details. The agreed landscaping shall be planted in accordance with these details within the first planting and seeding seasons following the commencement of development. Any trees or plants which, within a period of five years from the completion of the development, die

are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

17. Protection of Trees During Construction LAN10 *E14

18. The details to be submitted pursuant to Condition 2 above shall include a survey of all existing trees and hedgerows and an Arboricultural Impact Assessment.

Reason: To ensure a satisfactory standard of landscaping and that trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, having regard to policies H11 and E14 of the North Tyneside Unitary Development Plan 2002.

19. 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.

20. Prior to occupation of the development 2no. schwegler 1SP sparrow nesting terrace boxes and 2no. Schwegler 2GR nest boxes shall be provided on the exterior of the new buildings. Details of the location of the boxes must be submitted to and approved in writing by the Local Authority prior to occupation of the development. The boxes shall be implemented in accordance with the approved scheme and thereafter retained.

Reason: To safeguard biodiversity in accordance with NPPF.

21. 2no. bat features (bricks/tubes) shall be provided on the exterior of the new buildings. Prior to construction of any dwellings above ground level details of the specification and location of the features must be submitted to and approved in writing by the Local Authority. The features shall be implemented in accordance with the approved scheme and thereafter retained.

Reason: To safeguard biodiversity in accordance with NPPF.

22. 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.

23. 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. Small gaps should be left under sections of any new fencing/walls within the development to allow passage of hedgehog across the site. 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, to ensure a satisfactory environment and in the interests of wildlife protection having regard to the NPPF and Policies H11 and E12/6 of the North Tyneside Unitary Development Plan 2002.

24. Gas Investigate no Development GAS06 *

25. Contaminated Land Investigation Housing CON01 *

26. Prior to installation of any floodlighting or other form of external lighting , a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information and should avoid light spillage onto boundary planting areas.

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity and wildlife protection having regard to the NPPF and policy H11 of the North Tyneside Unitary Development Plan 2002.

27. Any works to the tree identified as TN05 in the Preliminary Ecological Appraisal (PEA) May 2017, must be carried out in line with the working methods outlined in section 6.2.2.2 of the report.

Reason: To safeguard biodiversity in accordance with NPPF.

28. Non-native species identified within the site and as identified on Schedule 9 of the Wildlife & Countryside Act (1981) must be eradicated on site prior to development commencing.

Reason: To safeguard biodiversity in accordance with NPPF.

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)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

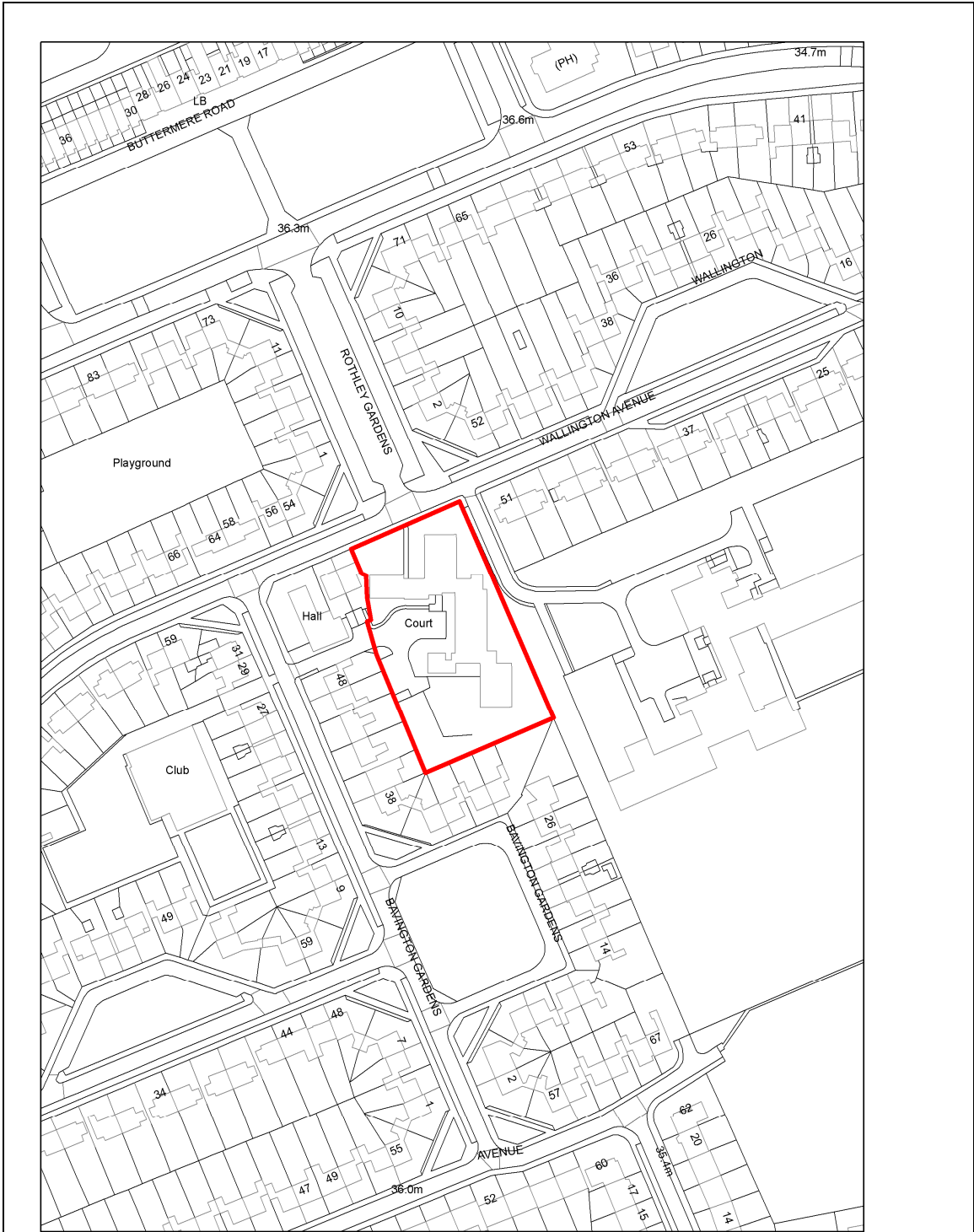
Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.



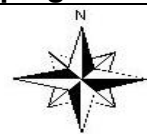
Application reference: 17/00801/OUT

Location: Site Of Former Wallington Court, Wallington Avenue, Cullercoats
Proposal: Outline planning for the development of 12 residential bungalows with associated car parking within private driveways and landscaping

Not to scale

Date: 06.07.2017

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**Appendix 1 – 17/00801/OUT
Item 2**

Consultations/representations

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This is an outline application for the development of 12 residential bungalows with associated car parking within private driveways and landscaping.

1.3 Whilst all matters are reserved, an indicative layout has been provided and the site will be accessed from Wallington Avenue. Parking has been provided in accordance with current standards and an area that allows a refuse vehicle to turn has been identified. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

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

Upgrade of footpaths abutting site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

1.7 Conditions:

ACC08 - New Access: Access before Devel (OUT)

ACC16 - Exist Access Closure By (OUT) (*6 Months)

ACC24 - Turning Areas: Laid out before Occ (OUT)

PAR03 - Veh: Parking, Garaging, Loading (OUT)

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT05 - Construction Management

No development shall commence until a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

No development shall commence until 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.

No development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety

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

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

1.9 Local Lead Flood Authority

1.10 We have carried out a review of the above application and we can confirm that as the site & surrounding area is at risk of surface water flooding, a full flood risk assessment and drainage strategy will be required as part of the submission.

1.11 As this is a brownfield site we would expect the surface water discharge rates to be restricted to the equivalent greenfield run-off rates.

1.12 Manager of Environmental Health (Contaminated Land)

1.13 The following conditions should be applied:

GAS 06

CON 01

1.14 Landscape Architect

1.15 This application is for the development of 12 residential bungalows with associated car parking within private driveways and landscaping. The

development is on the site of the former Wallington Court care home which has now been demolished.

1.16 There are a number of trees remaining on the site. These trees are young to semi mature and are located individually throughout the site with an established hedgerow (incorporating a line of leylandii) located to the southern boundary of the site between the proposed development site and a residential property. To the east is Monkseaton Primary School. Any proposed development should look to retain the planting to the boundaries and strengthen boundaries where required – particularly along the boundary with the neighbouring school. This would help maintain privacy and mitigate noise.

1.17 The emerging Policy DM5.9 (Trees, Woodland and Hedgerows) which *'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'*.

1.18 The constraints plan should be updated to show any existing trees on the site and supported by a tree survey and arboricultural impact assessment in accordance with BS 5837. If it is deemed necessary to remove all the trees on the site as determined by the report the landscape scheme should show replacement planting as mitigation for any loss.

1.19 Manager of Environmental Health

1.20 I have concerns with regard to noise arising from Monkhouse Primary School affecting the proposed development and would recommend a condition to require a noise scheme to ensure appropriate mitigation is taken into account to address any noise from the school such as noise from plant and equipment, playground noise etc. I would also require conditions to address construction hours and dust mitigation.

1.21 Prior to occupation, a noise scheme must be submitted to the Local Planning Authority, which must be approved in writing and thereafter implemented to ensure that the internal noise levels can be achieved to meet BS8233:2014; living rooms must meet a level of 35 dB LAeq and bedrooms a level of 30 dB LAeq at night. A noise survey must be carried out for noise arising from Monkhouse Primary School to formulate a noise scheme and to ensure adequate protection to residential gardens in accordance to world health organisation standards for outdoor spaces.

1.22 Biodiversity Officer

1.23 The application is to develop 12 residential properties and associated parking on the site of the former Wallington Court. The site is within a wildlife corridor and as part of the assessment for the site, a Preliminary Ecological Appraisal (PEA) has been undertaken.

1.24 The results of this survey show that the site is generally of low conservation value but hedgerows, trees and shrubs at the site are of local value to breeding birds and provide foraging opportunities for wildlife. As a result of the scheme,

the native trees and ornamental shrubs on site will be lost which will have an impact on species associated with these habitats. In order to mitigate for this, the landscaping scheme should incorporate a number of native trees and shrubs of value to wildlife. Existing boundary planting such as the hedge along the south-east boundary and planting along the eastern boundary adjacent to the school, should be retained and enhanced. In addition, bird and bat boxes should also be provided as part of the scheme.

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

A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. The scheme must include native trees and shrubs of benefit to biodiversity and boundary planting should be retained and enhanced.

All vegetation clearance must be undertaken outside of the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing. 2no. schwegler 1SP sparrow nesting terrace boxes and 2no. Schwegler 2GR nest boxes to be provided on the exterior of new buildings as part of the scheme. Details of the location of the boxes to be submitted for approval to the Local Authority prior to development commencing.

2no. bat features (bricks/tubes) to be provided within new buildings as part of the scheme. Details of the specification and location of the bat features to be submitted for approval to the Local Authority prior to development commencing. Small gaps should be left under sections of any new fencing/walls within the development to allow passage of hedgehog across the site. Details to be submitted to the Local Authority for approval prior to development commencing. Any works to the tree identified as TN05 in the Preliminary Ecological Appraisal (PEA) May 2017, must be carried out in line with the working methods outlined in section 6.2.2.2 of the report.

All boundary trees should be retained and protected in line with BS5837:2012 during development of the site.

Non-native species identified within the site and as identified on Schedule 9 of the Wildlife & Countryside Act (1981) must be eradicated on site prior to development commencing

The lighting scheme should avoid light spillage onto boundary planting areas.

2.0 Representations

2.1 3no representations have been received. The following concerns are raised.

- Impact on landscape
- Loss of visual amenity
- Will result in visual intrusion
- Trees within the site overhang adjacent gardens, causing loss of light. Request they are cut back.
- I have no objections to the actual development, in fact, I consider it a benefit to the Estate. However considerations should be given to where to place portacabins/ generators when construction of the bungalows take place.
- Impact on access to existing garages, and danger of vehicles hitting adjacent wall.

- Proposed fence borders 48 Bavington Gardens – difficulty in maintaining existing boundary wall.

3.0 External Consultees

3.1 Northumbrian Water

3.2 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:

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

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

3.3 Coal Authority

3.4 The Coal Authority is satisfied with the broad conclusions of the Phase 1 Desk Top Study and Coal Mining Risk Assessment Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues

3.5 Northumbria Police

3.6 As it is currently at outline stage there is not enough information to make any detailed comments at this time. I do not have any objections to it progressing but will await the full application before commenting further.

3.7 Natural England

3.8 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

3.9 County Archaeologist

3.10 There are no archaeological requirements in relation to this scheme.