



North Tyneside Council

Planning Committee

17 August 2017

To be held on **29 August 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 |
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| 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 18 July 2017. | |

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Members of the public are welcome to attend this meeting and receive information about it.

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For further information please call 0191 643 5359.

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|-----------|-----------------------------------------------------------------------------------------------|----------|
| 5. | Planning officer reports | 7 |
| | To give consideration to the planning applications contained in the above report relating to: | |
| 5.1 | 17/00606/REM Land North and East of Holystone Roundabout, Rotary Road (Valley Ward) | 12 |
| 5.2 | 17/000674/FUL Coach House, Rear of 8 Tynemouth Terrace, Tynemouth (Tynemouth Ward) | 36 |
| 5.3 | 17/000931/FULH The Quarry, Church Way, Earsdon (St Mary's Ward) | 58 |

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

18 July 2017

Present: Councillor F Lott (Chair)
Councillors A Arkle, K Bolger, S Graham,
M A Green, E Hodson, W Lott, G Madden ,
D McMeekan, A Percy, A Waggott-Fairley
and J Wallace.

PQ06/07/17 Apologies

Apologies for absence were received from Councillors P Mason and D McGarr.

PQ07/07/17 Substitute Members

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

Councillor J Wallace for Councillor P Mason

PQ08/07/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ09/07/17 Minutes

Resolved that the minutes of the meeting held on 13 June 2017 be confirmed as a correct record and signed by the Chair.

PQ10/07/17 Planning Officer's Reports

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

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

Application No: **16/01906/FUL** Ward: Monkseaton North
Application Type: Full planning application
Location: 12 Front Street, Whitley Bay, NE25 8DF
Proposal: Change of use to A3 - restaurant and café and installation of ventilation and ducting systems
Applicant: Omni Café Partnership

The committee gave consideration to a report of the planning officers in relation to the application, together with two separate addenda, one circulated prior to the meeting and another at the meeting.

Under the terms of the committee's speaking rights scheme, Mr Davis of 7 Seaton Crescent was permitted to speak to the committee to outline his objections to the application. Mr Davis expressed his disappointment that under the current planning system Omni had been allowed to operate as a café for the past two years. He also expressed concerns that the report of the planning officers contained opinions masquerading as facts. Mr Davis challenged the statement contained in the report that the change of use of 12 Front Street would encourage visitors to the area which would be of benefit to local businesses. He also contended that the proposed use was not comparable with its existing use. Similar applications for licensed restaurants had been refused on the grounds of noise and odour and such applications were now more inappropriate since the creation of the conservation area. Mr Davis urged the Council to question its officers' advice, to refuse the application or to impose restrictions on the storage of bins, car parking, Sunday trading and the hours of trading.

Members of the committee asked questions of Mr Davis in relation to his previous complaints regarding the operation of the café.

Mrs McGarry, accompanied by her son and business partner, attended the meeting on behalf of the applicants, Omni Café Partnership, to respond to the speaker. Mrs McGarry stated that she was upset to hear Mr Davis' complaints about the premises. Mr Davis was one of the café's nearest neighbours and so they had talked regularly with him and every time they had been made aware of a complaint they had responded immediately. Omni had always been described as a café supper bar and it aimed to provide its customers with a relaxed place in which to enjoy good food and wine. Mrs McGarry acknowledged that Omni may have added to existing car parking problems but they had taken action to restrict staff car parking in the area and to encourage customers to park considerately. Mrs McGarry also explained where the bins were stored and how staff had been instructed to keep the back door closed.

Members of the committee asked questions of Mrs McGarry regarding the operation of the café and the appearance and effectiveness of the proposed ventilation system.

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

- a) the likely impact of the proposed ventilation system in reducing noise and odours from the café;
- b) the visual impact of the proposed ventilation system flue; and
- b) car parking provision and restrictions in the area.

The committee gave consideration to the proposed condition that the applicants submit to the local planning authority a scheme for revised waiting restrictions in the vicinity of the site. The committee agreed that this condition be omitted from any planning permission on the grounds it was unreasonable to expect café owners rather than highway engineers to devise such a scheme.

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 approve the application subject to the conditions set out in the planning officer's report, except the condition numbered 3 in the planning officers report relating to the submission of a scheme for revised waiting restrictions, and the addition or omission of any other conditions considered necessary, as the development was considered to be acceptable in terms of its impact on the Conservation area, on residential amenity and highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002.)

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

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.

(Councillor Hodson left the meeting at this point in proceedings.)

| | | | |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------|-------------|
| Application No: | 17/00801/OUT | Ward: | Cullercoats |
| Application Type: | Outline planning application | | |
| Location: | Site of the 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 | | |
| Applicant: | North Tyneside Council | | |

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

Members of the committee made comments. In doing so the committee welcomed the proposed construction of much needed bungalows.

Decision

Application approved, subject to the conditions set out in the report of the planning officers as the site is previously developed land but has no allocation within the Unitary Development Plan, it is allocated for housing within the Local Plan and the development was considered to be acceptable in terms of flood risk, biodiversity, impact on neighbours and highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002.

Resolved that the Head of Law and Governance and the Head of Environment, Housing and Leisure be granted delegated authority to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

- a) upgrade of footpaths abutting the site; and
- b) associated street lighting, drainage, road markings, traffic regulation orders, street furniture and signage.

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

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.

PLANNING COMMITTEE

Date: 29 August 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
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- 5.1 17/00606/REM Valley**
**Land North And East Of Holystone Roundabout Rotary Road Backworth
NEWCASTLE UPON TYNE**
- 5.2 17/00674/FUL Tynemouth**
**Coach House Rear Of 8 Tynemouth Terrace Tynemouth Tyne And Wear
NE30 4BH**
- 5.3 17/00931/FULH St Marys**
The Quarry Church Way Earsdon Whitley Bay Tyne And Wear NE25 9JY

Item No: 5.1
Application No: 17/00606/REM Author: Julie Lawson
Date valid: 13 June 2017 ☎: 0191 643 6337
Target decision date: 12 September 2017 Ward: Valley

Application type: approval of reserved matters

Location: Land North and East of Holystone Roundabout, Rotary Road, Backworth, NEWCASTLE UPON TYNE

Proposal: Reserved Matters application of 15/01146/OUT for the first phase of development, consisting: Proposed 1,819sqm gross (1,254 sqm net) discount food store; 197 sqm gross cafe and drive thru; with associated access, car parking, service area and landscaping, along with infrastructure works (including construction of sub-station) (additional information relating to Coal 12.07.17) (amended plans received 09.08.17)

Applicant: Northumberland Estates, FAO Mr David Straughan 110 Quayside House Newcastle Upon Tyne NE1 3DX

RECOMMENDATION: Minded to grant on expiry consultation
INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues in this case are whether the reserve matters relating to layout, scale, appearance and landscaping of a discount food store and cafe and driver through which are part of outline planning permission 15/01146/OUT are acceptable.

2.0 Description of the Site

2.1 The application site comprises vacant grassland, which is accessed from the roundabout junction off the A186 to the north of the A19 Holystone roundabout. To the south of the site is a belt of existing tree planting that runs adjacent to the A186, beyond which is housing development. To the north of the site is the metro line, with the A186 and residential beyond to the north east. To the west of the site is the A19 dual carriageway. To the south west of the site is the Holystone roundabout. The existing Toby Carvery restaurant is located to the south east of the site.

3.0 Description of the proposed development

3.1 Outline consent was granted in 2016 for a retail development (Class A1), food and drink unit (Class A3) and petrol station (Sui Generis) with associated access, parking, service area and landscaping.

3.2 The proposal seeks reserved matters consent for the first phase of development, consisting of 1,819sqm gross (1,254 sqm net) discount food store, 197 sqm gross cafe and drive thru with associated access, car parking, service area and landscaping, along with infrastructure works (including construction of sub-station). The applicant has advised that consent is sought for the access, appearance, landscaping, layout and scale of the development. Access was approved under the outline consent.

3.3 The plans indicate the drive through restaurant on the northern side of the access road and the foodstore is to the west of this. The parking area includes a taxi pick up point.

3.4 The foodstore measures approximately 60m by 36.8m and it would have a sloping roof, measuring up to 8m high.

3.5 The proposed restaurant measures approximately 16.6m by 12.5m and it mainly has a height of between 4m and 5m with part of it extending to 5.5m in height. It would be constructed of render and timber cladding.

3.6 There is a requirement for the construction of retaining walls along the northern boundary adjacent to the metro line.

4.0 Relevant Planning History

97/00042/OUT – Leisure Park (220,000 sq ft) with 24 screen multiplex cinema and associated D2, A3 and A1 uses, residential development for 200-250 houses, Phase 1 of the Shiremoor Bypass, new access on-site parking, metro station and ancillary works.

Appeal allowed 19.02.99.

01/00837/FUL – Variation of conditions No.s 3 and 4 of outline planning permission 97/00042/OUT for Leisure Park (220,000 sq ft) with 24 screen multiplex cinema and associated D2, A3 and A1 uses, residential development for 200/250 houses.

Permitted 18.08.03.

02/01568/FUL – Proposed variation of condition No.5 Planning Approval 97/0042/OUT (Leisure Park comprising 24 screen multiplex cinema and associated D2 (Assembly and Leisure) A3 (Food and Drink) and A1 (Retail) uses residential development for 200-250 houses, Phase 1 of the Shiremoor Bypass, provision of a new access; on site parking; Metro Station and ancillary works) to allow the phased implementation of the development.

Permitted 18.12.02.

07/03432/OUT – Construction of (2,787 sq m) office development (Class B1) and two (Class A1) retail units (3,734 sq m with additional 1.079 sq m for uses as a garden centre and 5,574 sq m (including off site highway improvement works).

Appeal Dismissed 26.01.10.

15/01146/OUT - Proposed retail development (Class A1), food and drink unit (Class A3) and petrol station (Sui Generis) with associated access, parking, service area and landscaping (Supplementary Highways Info uploaded 01.10.2015) (Additional Landscape/Ecology Info uploaded 06.10.2015) Permitted 11.03.16

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012).

6.2 National Planning Policy Guidance (March 2014).

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning policy Framework is a material consideration in the determination of this application. It requires local planning authorities 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 National Planning policy Framework.

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider in this case is whether the reserve matters relating to appearance, landscaping, layout and scale for the discount food store and cafe are acceptable.

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

7.3 Preliminary Matters

7.4 The principle of the development has been established under the previous consent, along with the means of access. Therefore the only matter for consideration is the layout, appearance, scale and landscaping.

7.5 Layout

7.6 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment. It states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

7.7 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.

7.8 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.

7.9 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.

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

7.11 Policy S1.4 of the North Tyneside Local Plan 2017 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

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

7.12 Policy S3.1 states that within the defined centres the Council will seek to support their growth. Policy S3.2 designates the area within the Northumberland Park district centre. In the supporting text the Local Plan states that Northumberland Park has the potential for further expansion that may help to meet the borough's overall needs for retail provision and is therefore recorded as a district centre dependent on the expansion of the centre on the edge of centre site allocated in the Local Plan.

7.13 Policy S3.3 states that proposals for new developments in the boundary of the Northumberland Park district centre will be permitted provided that they:

- a) Predominantly meet the comparison retail needs of the borough based on the net floorspace of the overall uses proposed;

- b) The development of the extension is fully integrated with the existing centre, surrounding neighbourhoods and Northumberland Park metro station with particular attention paid to addressing pedestrian and cycle links; and
- c) The scale of any new floorspace reflects its position as a District Centre.

7.14 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. Proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

7.15 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

7.16 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.

7.17 LDD12 Transport and Highways SPD set out the parking standards for new development.

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

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

7.20 The proposed layout details the foodstore to the west of this part of the site and the restaurant near the entrance to the site. Land to the south and west of these buildings would remain for a future development phase.

7.21 The metro line is to the north of the site with a site for residential development beyond this. The metro line sits below the level of the site and a cross section has been submitted showing the relative level of the metro line and the proposed foodstore.

7.22 The layout of the development is considered to be acceptable and not to have a detrimental impact on the amenity of any existing or planned residential properties.

7.23 The outline consent restricts delivery hours to between 7am to 11pm. Environmental Health have advised that they have concerns with regard to noise arising from the proposed development, including customer noise from the car parking areas, delivery noise from the proposed service yard of the food store and noise arising from the construction phase. They note that a number of conditions were attached to the outline planning application to address noise, odours and lighting. A lighting scheme has been submitted. However, the lighting levels at nearest sensitive receptor have not been provided and are required to determine that the lighting levels comply with the requirements of the ILE guidance for outdoor lighting levels, dependent on the times when the lighting is to be used. They also note that the proposed service yard to the rear of the food store is adjacent to housing developments to the north of the site and may give rise to delivery noise. They have recommended screening to the northern boundary of the site adjacent to the service yard to mitigate noise from this area.

7.24 The Highways Network Manager has advised that a Transport Assessment was submitted as part of the outline application that analysed the highway network in the vicinity of the site. This acknowledged that there were capacity issues at Holystone Interchange and a S106 contribution of £187,104 was agreed to contribute towards the improvement scheme. Improvements to sustainable links and to and from the site were also agreed. A Travel Plan Bond for the sum of £50,000 was also secured at the outline stage. He has advised that access, parking, cycle parking, servicing and internal pedestrian & cycle links are acceptable. Conditions were imposed on the outline consent. He has suggested further conditions to ensure better wheel wash facilities based on issues experienced on other sites and Electric Vehicle charging points to reflect a new policy in LDD12.

7.25 Subject to conditions it is officer advice that the proposed layout is acceptable.

8.0 Scale

8.1 LDD11 'Design Quality' states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

8.2 The proposed foodstore would have a sloping roof, measuring up to 8m high. The proposed restaurant also has a sloping roof with a height up to 5.5m. The scale of the units is considered to be acceptable and in keeping with the use of the site as a district retail centre. The Design Officer has no objections to the proposal.

8.3 Members need to determine whether the proposed scale is acceptable and whether it would accords with policy.

9.0 Appearance

9.1 LDD11, the Design Quality SPD, provides guidance on the design of buildings and spaces in North Tyneside. It states that the Council will encourage innovation on the design and layout provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated.

9.2 The proposed buildings are considered to be of an acceptable design. The proposed foodstore would be constructed of kingspan cladding. The proposed cafe would be constructed of timber cladding and render. The Design Officer has advised that the design of the buildings is appropriate for their use.

9.3 Members need to determine whether the proposed appearance is acceptable and whether it would accord with policy.

10.0 Landscaping

10.1 Policy DM5.7 of the Local Plan states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

10.2 Policy DM 5.9 of the Local Plan states that where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the Borough, and:

- a. Protect and manage existing woodland, trees, hedgerows and landscape features.
- b. Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.
- c. Promote and encourage new woodland, tree and hedgerow planting schemes.
- d. In all cases preference should be towards native species of local provenance. Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the local planning authority.

10.3 The site is near a wildlife corridor. The Council's biodiversity officer has raised queries regarding the submitted landscaping plan. The applicant has submitted an amended landscaping plan to address the comments. The Biodiversity Officer is being re-consulted on this amended plan. Conditions were attached at outline stage relating to a woodland management plan for the woodland to the south of the site, a landscape management plan and details of bird and bat boxes, which are not part of this phase.

10.4 Members need to consider whether, subject to no objections from the Biodiversity Officer, the proposed landscaping would be acceptable and in accordance with relevant policies.

11.0 Other issues

11.1 Northern Powergrid, Nexus and Network Rail have raised no objections to the proposal. The Coal Authority have also now advised that they have no objections.

11.2 The Contaminated Land Officer has requested conditions relating to contamination and gas protection. These conditions were imposed on the outline consent and therefore it is not necessary to repeat them as part of the reserve matters..

12.0 Conclusion

12.1 The principle of retail and restaurant use has been accepted on this site and has been established by the previous outline planning application. The application relates to those details still to be approved. Officer advice is that the layout, scale, appearance and landscaping is acceptable, subject to receiving no objections from the Biodiversity Officer.

12.2 Conditions were attached to the outline consent dealing with parking management, cycle parking, drainage, noise, deliveries, lighting, contamination, landscape management and materials. Conditions attached to the outline planning permission remain valid and will have to be complied with as any development is progressed. It is therefore not necessary to repeat conditions which are already in place. Conditions set out below address issues arising from the consideration of the reserve matters submission.

RECOMMENDATION: Minded to grant on expiry consultation

It is recommended that members indicate they are minded to approve the application subject to the consultation period expiring on 23rd August, and subject to the comments of the Biodiversity Officer, and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received following expiry of the consultation period and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

Conditions/Reasons

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

- Proposed site plan
- Proposed Drive Thru 2150-PL(0)07
- Proposed Food Store Elevations 2150-PL(0)05
- proposed food store floor plan 2150-PL(0)04
- Proposed food store roof plan 2150-PL(0)06
- Proposed streetscapes
- Toucan crossings

Drainage Layout
Proposed landscaping plan
External Lighting Layout
Surface finishes and kerb types
Typical Sections

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

2. Construction Method Statement - Major SIT007 *

3. Wheel Wash SIT008 *

4. Notwithstanding the details submitted, the development shall not be occupied until the proposed surface water management has been implemented in accordance with the approved details and to the satisfaction of the Local Lead Flood Authority

Reason: In the interests of surface water management, having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. Notwithstanding the details submitted, the construction of the units shall not commence until details of two Electric Vehicle (EV) charging points have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these charging points have been constructed to the satisfaction of the Local Highway Authority

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

6. The food store shall only be open between the hours of 07:00 - 23:00 hours.

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

7. Prior to installation of any plant or machinery, a noise scheme must be submitted to the Local planning Authority, which specifies the provisions to be made of the control of noise from the site. The scheme shall include for a noise assessment in accordance with BS4142 and shall include an assessment of the current background noise levels at the nearest residential property. An acceptable noise rating level for all plant and machinery shall be agreed in writing by the Local Planning Authority upon submission of the assessment. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

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

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

9. Prior to the commencement of the use of the development, details of a 2 metre high acoustic fencing to be installed to the northern boundary of the site, adjacent to the service yard and loading bay to mitigate impact noise from deliveries, must be submitted for approval to the Local Planning Authority in writing and implemented prior to the commencement of the use and thereafter retained.

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

10. Prior to the commencement of the use hereby approved, details of the 2 metre high acoustic fencing to the northern boundary of the site, adjacent to the cafe's car parking bays to mitigate vehicle and customer noise from the parking bays, must be submitted for approval in writing to the Local Planning Authority and implemented prior to the commencement of the use and thereafter retained.

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

11. Notwithstanding the submitted information, 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:

- 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

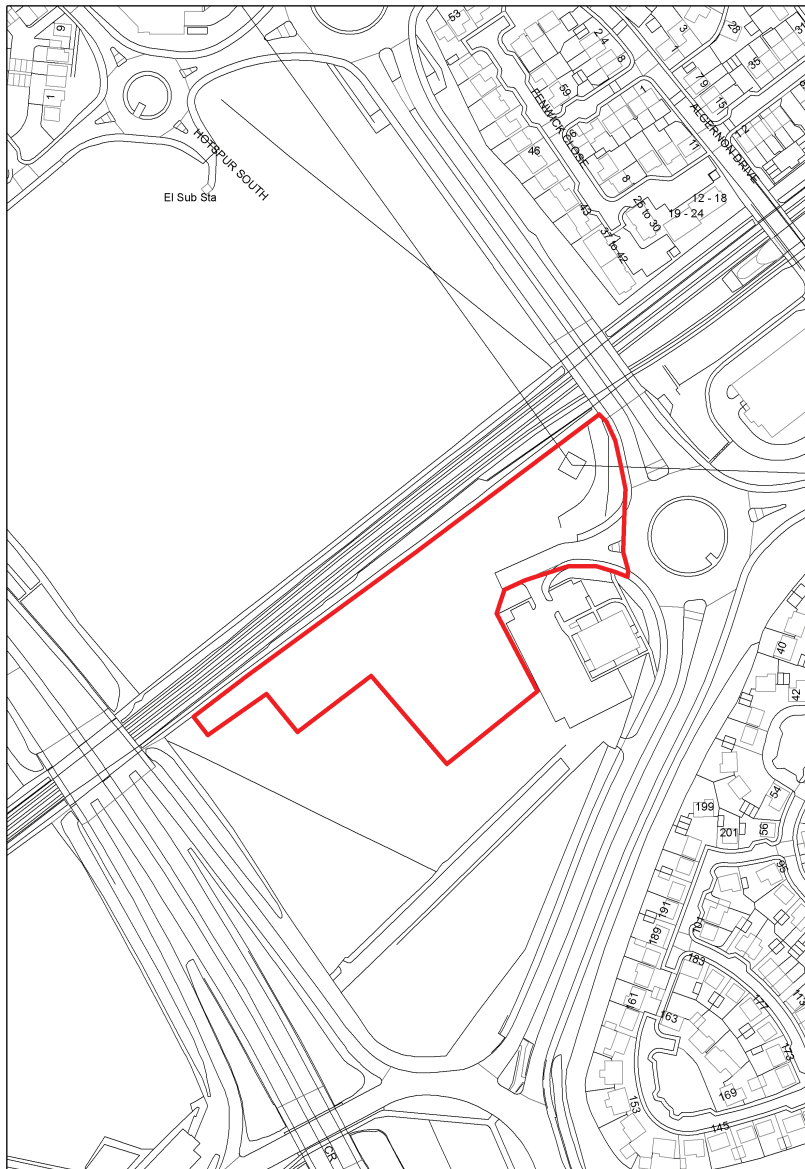
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

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

Reason: In the interest of visual amenity having regard to DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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 reference: 17/00606/REM

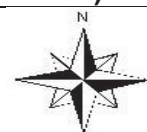
Location: Land North And East of Holystone Roundabout, Rotary Road, Backworth

Proposal: Reserved Matters application of 15/01146/OUT for the first phase of development, consisting: Proposed 1,819sqm gross (1,254 sqm net) discount food store; 197 sqm gross cafe and drive thru; with associated access, car parking, service area and landscaping, along with infrastructure works (including construction of sub-station) (additional information relating to Coal 12.07.17) (amended plans received 09.08.17)

Not to scale

Date: 17.08.2017

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**Appendix 1 – 17/00606/REM
Item 1**

Consultations/representations

1.0 Internal Consultees

2.0 Highways Network Manager

2.1 This application is a reserved matters application for the first phase of development, consisting of 1,819m² GFA discount food store, 197m² GFA cafe & drive thru with associated access, car parking, service area & landscaping along with infrastructure works (including construction of sub-station). Outline permission was previously granted in 2015 for access only with all other matters reserved.

2.2 A Transport Assessment (TA) was submitted as part of the outline application that analysed the highway network in the vicinity of the site. The TA acknowledged that there were capacity issues at Holystone Interchange and a S106 contribution of £187,104 was agreed to contribute towards the improvement scheme. Improvements to sustainable links and to and from the site were also agreed.

2.3 A Framework Travel Plan (TP) was also submitted as part of the application, which will be developed out as when the site becomes occupied. A Travel Plan Bond for the sum of £50,000 was also secured at the outline stage.

2.4 Regarding the reserved matters application; access, parking, cycle parking, servicing and internal pedestrian & cycle links are acceptable.

2.5 Numerous conditions were attached to the outline consent, which remain valid for the reserved matters application, however further conditions are proposed to ensure better wheel wash facilities based on issues experienced on other sites, Electric Vehicle (EV) charging points to reflect a new policy in LDD12.

For these reasons outlined above, conditional approval is recommended.

Recommendation - Conditional Approval

Conditions:

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

Notwithstanding the details submitted, no development shall commence until details of two Electric Vehicle (EV) charging points have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these charging points have been constructed to the satisfaction of the Local Highway Authority

Reason: In the interests of sustainable transport.

3.0 Biodiversity Officer

3.1 The indicative landscape plan (DWG No: 105515/8001) does not have a key attached so I cannot see where the meadow grassland and amenity grass are going. There are trees proposed (TR1, TR3 and TR4) but no indication of where these are going and the same applies for shrubs. Should the landscape plan for a revised matters application be a detailed landscape plan? The landscaping for this application should also be in keeping with what was agreed at the outline stage.

3.2 The conditions attached at the outline stage require a woodland management plan for the woodland to the south of the site, a landscape management plan and details of bird and bat boxes. Do these need to be submitted as part of this reserved matters application?

4.0 Environmental Health (Pollution)

4.1 I have concerns with regard to noise arising from the proposed development, including customer noise from the car parking areas, delivery noise from the proposed service yard of the food store and noise arising from the construction phase. A number of conditions were attached to the outline planning application 15/01146/OUT to address noise, odours and lighting.

4.2 I have viewed the proposed external lighting schematic which provides the lighting levels for the whole site, however the lighting levels at nearest sensitive receptor have not been provided and are required to determine that the lighting levels comply with the requirements of the ILE guidance for outdoor lighting levels, dependent on the times when the lighting is to be used.

4.3 With regard to noise arising from deliveries and plant and equipment proposed at the site. Planning condition 24 was attached to the outline application to address plant noise, this referred to a superseded version of the British Standard 4142, it will be necessary for any noise scheme to be in accordance to the revised version of the Standard and a noise verification assessment provided following installation, I would therefore recommend the following condition.

Noise conditions

4.4 Prior to installation of plant or machinery, a noise scheme must be submitted to the Local planning Authority, which specifies the provisions to be made of the control of noise from the site. The scheme shall include for a noise assessment in accordance with BS4142 and shall include an assessment of the current background noise levels at the nearest residential property. An acceptable noise rating level for all plant and machinery shall be agreed in writing by the Local Planning Authority upon submission of the assessment.

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

4.5 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.

4.6 I have concerns with regard to the proposed service yard to the rear of the food store. This area is adjacent to housing developments to the north of the site and may give rise to delivery noise. I would therefore recommend screening to the northern boundary of the site adjacent to the service yard to mitigate noise from this area. I note that a condition was attached to the outline application to restrict delivery times.

4.7 Details of the 2 metre high acoustic fencing to be installed to the northern boundary of the site, adjacent to the service yard and loading bay to mitigate impact noise from deliveries must be submitted for approval to the Local Planning Authority in writing and implemented and thereafter retained.

4.8 I would also recommend a condition to restrict the food store opening hours to 07:00 - 23:00 hours to mitigate noise from customer noise including raised voice, use of trolleys and vehicle noise such as slamming of car boots and doors within the car parks. I note that the drive thru kiosk areas will be screened by the building itself to mitigate noise from this service. However, the car park area of the hot food outlet will not be screened, therefore it is recommend that a 2 m high acoustic fence is provided to the northern boundary of the site to screen the parking bays.

HOU03 07:00 - 23:00 hours for food store.

Details of the 2 metre high acoustic fencing to the northern boundary of the site, adjacent to the hot food outlets car parking bays to mitigate vehicle and customer noise from the parking bays, must be submitted for approval in writing to the Local Planning Authority and implemented and thereafter retained.

HOU04
SIT03

5.0 Local Lead Flood Officer

5.1 This application is a reserved matters application for the first phase of development, consisting of 1,819m² GFA discount food store, 197m² GFA cafe & drive thru with associated access, car parking, service area & landscaping along with infrastructure works (including construction of sub-station). Outline permission was previously granted in 2015 for access only with all other matters reserved.

5.2 The outline application proposed to use Recharge Wells in order to drain the site as part of the overall surface water management of the site. This is as a result of the lack of any localised surface water drainage networks or nearby watercourses. It is proposed that surface water runoff will be attenuated within an underground storage tank located within the car parking area this will have restricted discharge rate of 2.5l/s which will discharge into the bedrock below the site via recharge wells, a method which has been successfully applied to other

sites in close proximity to this development. The developer has also ensured that the attenuation volumes provided within the site can accommodate flows/ volumes from all events up to and including the 1 in 100 year event.

5.3 The reserved matters application has further developed this drainage strategy and subject to full detailed design, conditional approval is recommended.

Recommendation - Conditional Approval

Condition:

Notwithstanding the details submitted, the development shall not be occupied until the proposed surface water management has been implemented in accordance with the approved details and to the satisfaction of the Local Lead Flood Authority

Reason: In the interests of surface water management

6.0 Design Officer

6.1 No comments to make on this application. The design looks appropriate for its use and is supported by a landscape plan.

7.0 Regeneration

7.1 The Regeneration Team supports this application in principle.

7.2 The enlargement of the district centre at Shiremoor / Northumberland Park in the emerging Local Plan was to accommodate proposals such as this, where larger floor plates for units cannot be found in the Borough's existing town centres.

8.0 Environmental Health (Contamination):

8.1 I have read the Phase One Report and based on the information below the following should be attached

Gas 01

Gas 02

Gas03

If ground stabilisation works are required then further gas monitoring will be required post treatment to confirm the ground gas regime and if any proposed mitigation measures require revision.

Con 01

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

- a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;

- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

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

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

9.0 Representations

1 letter of comment:

- Out of keeping with surroundings

- Whilst I support in principle the provision of additional amenities which will be a boost to the Northumberland Park area, I do have concerns over the potential choice of establishments that may reside in this vicinity. The area is currently being developed with new housing, the majority of which in addition to the existing housing stock is family executive housing. I have two concerns. The first is the cafe and food outlet. The area does not need a fast food outlet such as a Burger King, Mcdonalds or KFC. I would rather the premises are occupied by a local business owner which provides more of a cafe feel, or healthier take away food option. There are already existing fast food outlets at Silverlink and moor farm. The second objection is the choice of discount food retailer. This site does not need a Aldi or Lidl or Netto which are in abundance throughout North Tyneside. As an alternative a more appropriate solution would be a cooperative

food outlet, one that invests back into the local community and offers a different choice to the existing Sainsbury and the other low cost retailers that exist throughout north Tyneside.

2 letters of support:

- I wish to offer my full support to the planning application 17/00606/REM. They will add value to a flourishing area and enhance the areas reputation as a sought after location.

- Having looked through the plans via the planning portal, I believe them to be wholly positive and feel they will add considerable value to the area.

As a resident near to the proposed site, I am excited about how the area surrounding me is developing. With so many new houses being built there is a need for a new supermarket to supply them and a drive through coffee shop shows real ambition to grow the areas reputation as a sought after area.

- I have made similar comments to the above on the portal itself. I would urge you to consider the road markings on the roundabout outside Toby Carvery as you travel from Holystone roundabout as there have been numerous crashes here. This could increase with an increased volume of cars travelling to and from the proposed supermarket and coffee shop.

The additional traffic in and out of the site would have been a concern if the current improvement works at Holystone roundabout had not started. However, whilst they are frustrating at present, once completed I am sure they will help traffic flow around the entrance to these sites. Some thought may want to be given to the road markings on the round about outside the current Toby Carvery, if it has not already, as this has seen several crashes here and with extra traffic coming out of the junction it could cause problems.

- However, that aside, I offer my fullest support to these proposals

- Please allow this. We have very little choice of shops without either driving or using public transport.

10.0 External Consultees

11.0 Newcastle Airport

11.1 At the proposed location the development would be circa 4km south of the flight path for an eastern arrival / departure. The airport would expect at this location that all external lighting be cut off so to not spill any light pollution into the atmosphere, which could potentially act as a distraction for pilots. It is considered that the proposed design of external lighting will ensure that this does not occur, and as such NIA offer no objection to the application.

12.0 Northumbrian Water

12.1 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

12.2 Having assessed the proposed development against the context outlined above I refer you to our response to the original application, dated 11th August 2015, and can confirm that at this stage we would have no additional comments to make.

13.0 Natural England

13.1 Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

13.2 Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

13.3 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

13.4 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

14.0 Highways England

14.1 Highways England carefully considered the outline application on this site in January, and would comment now that this application does not materially affect the decision we made previously.

14.2 Accordingly, Highways England has no objection to this application.

15.0 Police Architectural Liaison Officer

15.1 I have looked through the application details from a crime prevention point of view and have no objections. I would recommend though that the applicants look at the Police approved security scheme Secured by Design (SBD) in particular the SBD Commercial 2015 guide which can be found at www.securedbydesign.com and following the links.

16.0 Coal Authority

16.1 I refer to The Coal Authority's previous consultation response of 26 July 2017 and to my message left on your voicemail yesterday regarding the above planning application. I can inform you that further correspondence has been exchanged between applicant's technical consultants David Wormald and Ron Bryson of Fairhurst and The Coal Authority regarding our objection to this Reserved Matters submission.

16.2 The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

17.0 The Coal Authority Response: Material Consideration

17.1 As you are aware, the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to development proposals at the site. The Coal Authority's records indicate that underground coal mining has taken place beneath the site at shallow depth and that two recorded mine entries (shafts) are present within the site. We hold limited information relating to the treatment of these mine entries.

17.2 The Coal Authority objected to the Reserved Matters application as the site investigations undertaken to date had failed to identify the locations of the recorded mine entries and had not defined appropriate 'no-build' zones around the shafts. As such, the applicant had not demonstrated that the detailed site layout being considered by the LPA had been designed in a manner which avoided these former coal mining features.

17.3 As a result of further discussions with the applicant's technical consultants and a review of source information, revised positions for the mine entries have been calculated. These revisions would position the shafts north of their recorded positions, between the proposed foodstore and 'drive thru' and not under the new buildings.

17.4 As set out in our consultation response of 19 November 2015 to the original outline planning application, The Coal Authority recommended that a condition be attached to the outline planning consent requiring the Reserved Matters submission to include a layout plan identifying appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, informed by intrusive site investigations.

17.5 Whilst we note that Condition 41 of the outline consent requires the undertaking of intrusive investigations, it requires these 'prior to development commencing' rather than prior to the submission of the submission of the Reserved Matters application as recommended.

17.6 The Coal Authority is disappointed that the shafts have yet to be positively located by the applicant and the zones of influence for the shafts not yet established. However, taking into account the specific working of Condition 41, along with the calculated revised positions for the mine entries and the commitment from the applicant's technical consultants to fully investigate the location of these shafts (and shallow mine workings) and to seek to agreement from The Coal Authority regarding appropriate treatment works, I can confirm that in this instance The Coal Authority wishes to withdraw its objection to this Reserved Matters application.

17.7 The Coal Authority would welcome the opportunity to review and to provide the LPA with comments on any further information subsequently submitted by the applicant regarding the investigation and treatment of coal mining legacy at the site pursuant to the requirements of Condition 41 of the outline planning permission.

18.0 Nexus

18.1 Following a review of the documents included in the consultation by Nexus Rail engineers, the following requirements/conditions must be met:

18.2 Nexus Rail Asset Protection

Nexus Rail confirms that the developer and design team has already established a dialogue with Nexus Rail and we require that liaison between the developer and ourselves continues as necessary to ensure safe working adjacent to the operational railway infrastructure and that the development has no adverse impact on our property.

18.3 Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Nexus Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

18.4 There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.

All surface water runoff and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

18.5 Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

18.6 Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

18.7 It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

18.8 Fail Safe Use of Cranes and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Nexus Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. No cranes or plant are allowed to oversail Nexus Rail property, overhead lines and track.

18.9 Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Nexus Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Nexus Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Nexus Rail Project Manager should be undertaken. Nexus Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Nexus Rails infrastructure or railway land.

18.20 Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact the Nexus Rail Project Manager.

18.21 Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Nexus Rail's existing fencing /wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. In this instance there appear to be several parking areas proposed adjacent to the railway boundary where barriers would be appropriate.

18.22 ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Nexus Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Nexus Rail land, no over-sailing into Nexus Rail air-space and no encroachment of foundations onto Nexus Rail land and soil. There must be no physical encroachment of any foundations onto Nexus Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Nexus Rail land then must seek approval from the Nexus Rail Project Manager. Any unauthorised access to Nexus Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence. Should the applicant be granted access to Nexus Rail land then they will be liable for all costs incurred in facilitating the proposal.

18.23 Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should

not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Nexus Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Nexus Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var. *betulifolia*), Lombardy Poplar (*Populus nigra* var. *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

18.24 Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

18.25 Method Statements/Risk Assessments/Lifting Plans/Fail Safe/Track Access/Possessions

Method Statements and Risk Assessments are required to be submitted to Nexus Rail's Project Manager at the below address for acceptance prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Nexus Rail's Project Manager and are subject to a minimum prior notice period for booking.

Nexus Rail is required to recover all reasonable costs associated with facilitating these works.

19.0 NATS (National Air Traffic Safety)

19.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application.

20.0 Tyne and Wear Archaeology Officer

20.1 No comments.

21.0 Network Rail

21.1 The development site runs parallel to the Metro route between Newcastle and Tynemouth, which also includes the freight only Blyth & Tyne Network Rail route immediately to the north of the metro tracks. We note the response from Nexus to the application, which covers the points we would have raised had the site been adjacent to our infrastructure and, as such, we have no further observations to make.

22.0 Northern Powergrid

22.1 Mains records plan submitted giving approximate location of their apparatus in the area.

Item No: 5.2
Application No: 17/00674/FUL
Date valid: 12 May 2017
Target decision date: 7 July 2017
Author: Rebecca Andison
☎: 0191 643 6321
Ward: Tynemouth

Application type: full planning application

Location: Coach House, Rear Of 8 Tynemouth Terrace, Tynemouth, Tyne And Wear, NE30 4BH

Proposal: Demolition of Coach House and construction of replacement dwelling

Applicant: Mr Mark Humphreys, 8 Tynemouth Terrace Tynemouth Tyne And Wear NE30 4BH

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 an outbuilding located to the rear of No.'s 6-8 Tynemouth Terrace. It is owned by the resident of No.8. The building is a former coach house dating from the mid 19th century, and is currently in a state of disrepair.

2.2 No.6-8 Tynemouth Terrace is a Local Register building and lies within Tynemouth Conservation Area.

2.3 An access lane runs along the north east boundary of the site, and beyond this are tennis courts within Priors Park. The rear yard of No.5 Tynemouth Terrace abuts the site's north west boundary.

3.0 Description of the Proposed Development

3.1 Full planning permission is sought to demolish the existing coach house and construct a 2-bedroom residential dwelling.

3.2 The proposed property is located in the same position as the existing coach house. It abuts the north west, north east and south east boundaries of the site. Two en-suite bedrooms are proposed on the ground floor, with living accommodation above.

3.3 A contemporary design is proposed, utilising reclaimed brick from the existing building, timber cladding and a zinc covered roof.

3.4 The main habitable windows are in the north east elevation, facing Priors Park, with ground floor and high level first floor windows in the south west elevation. A balcony is proposed on the south east side of the development.

3.5 A paved area and small enclosed garden are proposed between the proposed dwelling and No.6-8 Tynemouth Terrace.

4.0 Relevant Planning History

16/00632/FUL - Proposed restoration and conversion of former coach house into two bedroom residential property
Application withdrawn

14/00441/FUL - Demolition of Coach House and erection of new dwelling
Refused 09.05.2014 for the following reason:

The proposed development results in significant harm to the character of the conservation area and the Local Register building through the demolition of an important heritage asset, inappropriate design and overdevelopment of the site. The proposal fails to comply with the NPPF, UDP Policies E16/2, H5, H11 and DCPS No.8, LDD9, LDD11 and the conservation principles set out in the Tynemouth Conservation Area Character Statement, Tynemouth Conservation Area Character Appraisal and Tynemouth Conservation Area Management Strategy SPD.

13/01118/TPO: Removal of Sycamore tree (T54) in front garden (Priors Park TPO 1981)
Permitted 15.08.2013

83/02331/FUL: Change of use from stable to cottage
Permitted 07.02.1984

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 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 re-using 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 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

8.4 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant

to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

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

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

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

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

8.8 The application site is located within the urban area, and is sited in close proximity to local amenities and public transport. In officer opinion the principle of residential development should be considered acceptable subject to consideration of the following matters:

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 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).

9.3 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 not included in the assessment that North Tyneside has a 5.56 year supply of housing land. However, North Tyneside Council remains dependent upon approval of further planning permissions to maintain its housing land supply and achieve the level of delivery anticipated.

10.0 Design and Impact on the Conservation Area

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

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

10.3 Any harm or loss should require convincing justification. Substantial harm to a grade II listed building should be exceptional and consent should be refused unless there are substantial public benefits. Where a development would lead to less substantial harm, this harm should be weighed against the public benefits of the proposal.

10.4 At paragraph 137 of the NPPF it states:

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

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

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

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

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;

- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

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

10.8 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.

10.9 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.

10.10 LDD 9 Local Register of Buildings and Parks SPD states that proposals for works affecting Locally Registered buildings should ensure that they respect the architectural quality, character and interest of the building by taking into account the design, appearance and architectural features of the building. The materials used should be appropriate to the age and style of the building.

10.11 Also relevant to this application are the Tynemouth Village Conservation Area Character Statement (2003), Tynemouth Village Conservation Area Character Appraisal (2010) and Tynemouth Village Conservation Area Management Strategy SPD (2014).

10.12 There are two issues to be considered when assessing the impact on the conservation area and Local Register building. Firstly whether the principle of demolishing the existing building is acceptable, and secondly whether the proposed dwelling is of an appropriate standard of design.

10.13 A previous application to demolish and rebuild the former coach house was refused planning permission in 2014. The refusal reason refers to “harm to the character of the conservation area and the Local Register building through the demolition of an important heritage asset, inappropriate design and overdevelopment of the site”.

10.14 Following this refusal a subsequent application (16/00632/FUL) was submitted to retain and convert the existing building into residential use. The structural survey submitted with this application demonstrated that the condition of the building had deteriorated to the point where conversion is not practical. The survey recommends that the existing structure should not be retained.

10.15 When taking into account that the site contains an existing building that is not capable of retention, and that the poor condition of this building detracts from the conservation area, it is considered that the principle of demolition is acceptable.

10.16 Turning to the impact of the proposed dwelling on the character of the conservation area. The dwelling previously refused planning permission was traditional in design and constructed from brick with a pitched roof. It was considered that the design was a weak pastiche of the existing building and not an appropriate form of development. The dwelling occupied the whole of its plot, with the exception of 2no parking spaces.

10.17 It is an established conservation principle that any new development should be representative of the current time period rather than a pastiche of an historic building.

10.18 The proposed development is contemporary in appearance and designed to appear ancillary to the main property. It has a mono-pitched roof which slopes down from the rear boundary and the floor level has been dropped to reduce the height of the building. A curved stairwell is proposed at the front of the property, and there would be a balcony to the side, enclosed by glazed screens. The bricks from the existing building would be reused in order to preserve some of its original identity.

10.19 The Design Officer has commented on the application and notes that while the first floor of the proposal is larger than the existing first floor footprint, it does follow the building line of the main dwelling. The height and mass of the proposed scheme are also slightly greater than the existing structure but he does not consider that this is significant enough to detract from the character and appearance of the area.

10.20 The previous scheme proposed parking between the proposed dwelling and the existing property. This has now been omitted in favour of a paved area and a small enclosed garden for residents of the new property.

10.21 It is officer opinion that the design is of a high quality that responds well to the site constraints, and does not appear overly dominant within the streetscene. The form, scale and materials are considered to be acceptable. The development would replace an existing dilapidated building that detracts from the conservation area, with a high quality contemporary development, to enhance the character of the conservation area and the setting of the Local Register building.

10.22 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 would be acceptable.

11.0 Impact upon Neighbours

11.1 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.

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

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

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

11.5 The main habitable windows would be located in the north east elevation, facing Priors Park, but ground floor patio doors and high level windows are proposed in the south west elevation facing No.6-8.

11.6 The flats within No.6-8 have a full height bay window facing the application site and a ground floor window in the main rear elevation. The proposed dwelling is located 8.0m from the rear elevation and 6.4m from the bay.

11.7 The only first floor windows proposed in this side of the development are high level windows. The ground floor patio doors face onto a garden area which would be enclosed by a 2.0m high wall to prevent views into the neighbouring property. It is not therefore considered that the south west facing windows would adversely affect the privacy of existing residents.

11.8 A balcony is proposed on the south east side of the development. Views from the balcony toward the existing property would be blocked by an opaque glazed screen. The impact on the privacy of existing residents and future residents of the proposed dwelling is therefore considered to be acceptable.

11.9 The impact on light and outlook is also considered to be acceptable given that the height and massing of the proposed building is not significantly greater than the existing. The central 2-storey part of both the existing and proposed

buildings has a maximum height of 5.2m, and both reduce to single storey at either end. The first floor of the proposed building has a greater footprint than the existing, but it is not considered that this would result in a significant loss of light or outlook to neighbouring occupiers.

11.10 The proposed dwelling abuts the rear yard of No.5 Tynemouth Terrace. The northern section of the development is only single storey and no higher than the existing building. The impact on the occupiers of No.5 is therefore considered to be acceptable.

11.11 In terms of the standard of amenity provided for future residents, room sizes within the development are acceptable and all rooms are served by windows to provide acceptable standards of light and outlook. While outdoor amenity space is limited to a small garden and balcony this is considered to be acceptable given that the area is characterised by terraced houses, many of which are divided into flats, with limited outdoor space.

11.12 Members need to consider whether the impact on the residential amenity of existing and future residents is acceptable. It is officer advice that impact on residential amenity is acceptable.

12.0 Car Parking and Access

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

12.2 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.

12.3 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.

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

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

12.6 The Highway Network Manager has provided comments and raises no objections to the application. He notes that there is no parking associated with the development, but considers that the impact on the adjacent highway is unlikely to be severe.

12.7 In officer opinion the additional traffic and parking demand associated with the proposed 2-bedroom dwelling is unlikely to result in a severe impact on the highway network.

12.8 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and LDD12 and weight this in their decision.

13.0 Other Issues

13.1 Local Financial Considerations

13.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

13.3 The proposal involves the creation of 1no 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.

13.4 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.

13.5 In addition, the new home will bring additional revenue in terms of Council Tax.

13.6 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.

13.7 Ground Stability

13.8 The application site falls with a Coal Mining Development Referral Area and Coal Authority records indicate that that there are coal mining features and hazards within the site and surrounding area which need to be considered in relation to the development.

13.9 It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

13.10 The application is supported by a Coal Mining Risk Assessment. This has been assessed by the Coal Authority who has confirmed that the Risk

Assessment meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

14.0 Conclusion

14.1 This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweigh the benefits that planning permission should be granted.

14.2 The proposal is considered to be acceptable in terms of the impact upon neighbours, the character and appearance of the area, designated heritage assets and the highway network.

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

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Proposed ground floor plan
- Proposed first floor plan
- Proposed rear elevation
- Proposed front elevation
- Proposed side elevation
- Proposed silhouette/street elevation
- Proposed sections/part elevation
- Proposed site layout plan

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

- | | | | |
|----|---------------------------------------|------------|---|
| 2. | Standard Time Limit 3 Years FUL | MAN02 | * |
| 3. | Restrict Hours No Construction Sun BH | HOU00 4 | * |
| 4. | Restrict Hours No Demolition Sun BH | HOU00 5 | * |
| 5. | Construction Method Statement - Minor | SIT006 | * |

6. Prior to occupation of the development details of facilities to be provided for the storage of refuse and recycling 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 DM7.9 of the North Tyneside Local Plan 2017.

7. Contaminated Land Investigation Housing CON00 *
1

8. Gas Investigate no Development GAS00 *
6

9. Notwithstanding any indication of materials which may have been given in the application, 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, shall be submitted to and approved in writing by the Local Planning Authority. The materials used for the development shall include reclaimed bricks from the existing building to all public facing elevations. 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 Policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

10. Notwithstanding the details shown on the approved plans prior to the construction of any part of the development hereby approved above ground level full details of the design and finish of all new windows and doors must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the windows must be set back within the reveal. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of the preserving the character and appearance of the conservation area; having regard to Policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

11. Notwithstanding the details shown on the approved plans prior to the construction of any part of the development hereby approved above ground level full details of the rainwater goods, which must be metal, shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, the windows must be set back within the reveal. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of the preserving the character and appearance of the conservation area; having regard to Policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

12. No external features, including alarm boxes, metre boxes, flues and vents and satellite dishes shall be installed unless full details of the appearance and location have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the preserving the character and appearance of the conservation area; having regard to Policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to Policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

14. Prior to the occupation of the development a fully detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. 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 DM5.9 of the North Tyneside Local Plan 2017.

15. Prior to the commencement of any site clearance works or of the development there shall be submitted to the Local Planning Authority for their approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chestnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread.

No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- a) There shall be no changes in ground levels;
- b) No materials or plant shall be stored;
- c) No buildings or temporary buildings shall be erected or stationed;
- d) No materials or waste shall be burnt;
- e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority, and
- f) In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

Reason: This need to be pre-commencement to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan 2017.

16. No utilities or drainage should be located within the root protection areas of hedgerows or trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

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

17. No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: This needs to be pre-commencement to provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF and Policy DM6.7 of the North Tyneside Local Plan 2017.

18. Notwithstanding the details shown on the approved plans, prior to the occupation of any part of the development hereby approved details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policies DM6.1 and DM6.6 of the North Tyneside Local Plan 2017.

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

The 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 Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

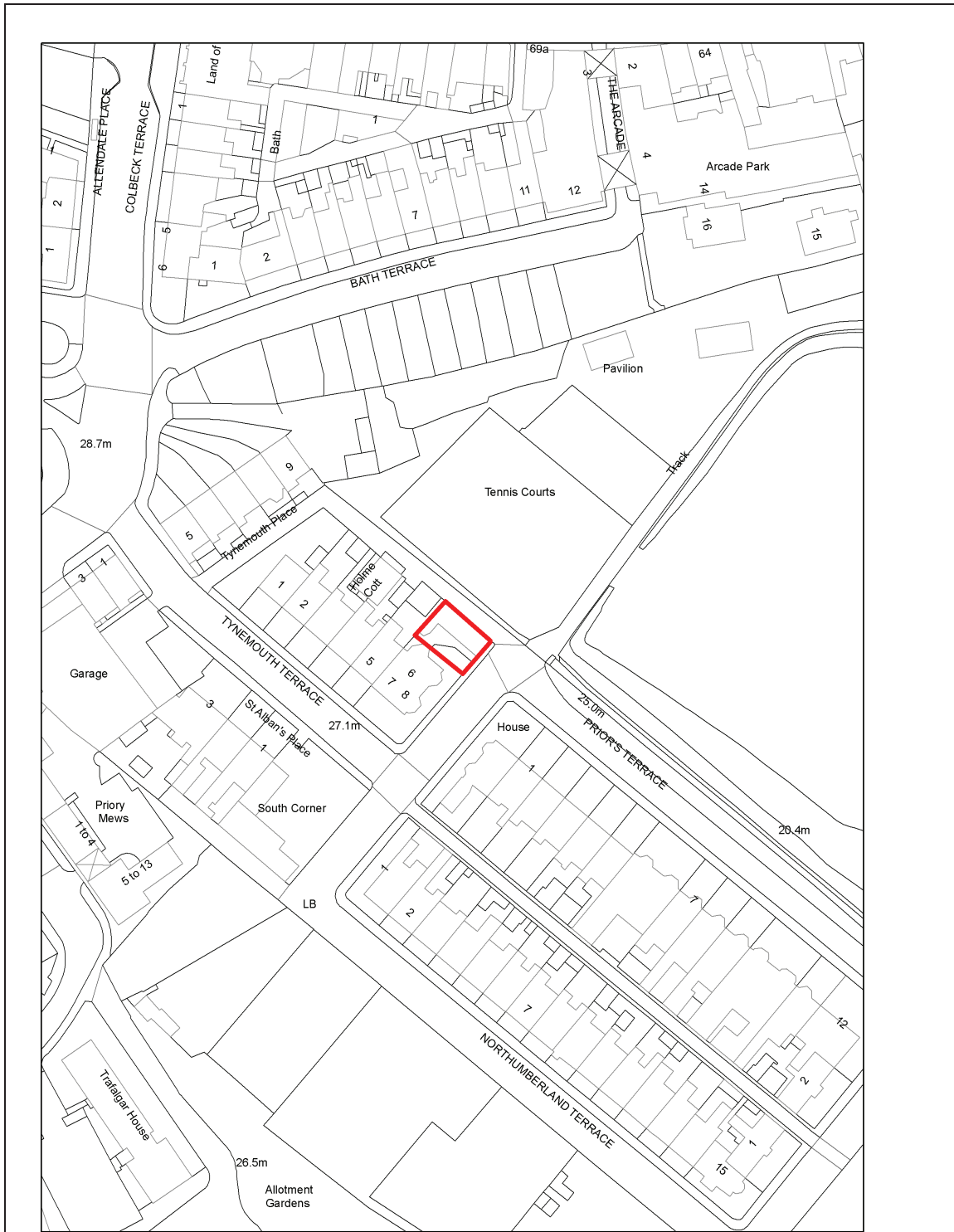
Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The applicant is advised that end users are unlikely to be eligible for parking permits in this area and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.

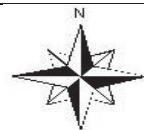


Application reference: 17/00674/FUL
Location: Coach House, Rear Of 8 Tynemouth Terrace, Tynemouth
Proposal: Demolition of Coach House and construction of replacement dwelling

Not to scale

Date: 17.08.2017

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**Appendix 1 – 17/00674/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the demolition of Coach House and construction of a replacement dwelling. No parking has been provided as part of the proposal, however this is unlikely to have a severe impact on the adjacent highway network, nonetheless, the developer should be aware that end users are unlikely to be eligible for parking permits in this area and the onus will be on the developer to convey this information to these users. For these reasons and on balance conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

REF01 - Refuse Storage: Detail, Provide Before Occ
SIT06 - Construction Method Statement - Minor

1.5 Informatives:

I05 - Contact ERH: Construct Highway Access
I08 - Contact ERH: Works to footway.
I10 - No Doors/Gates to Project over Highways
I12 - Contact ERH Erect Scaffolding on Rd
I13 - Don't obstruct Highway, Build Materials
I45 - Street Naming & Numbering
I46 - Highway Inspection before dvlpt

1.6 The applicant is advised that end users are unlikely to be eligible for parking permits in this area and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.

1.7 Manager of Environmental Health (Pollution)

1.8 I have no objection in principle to this application.

1.9 Manager of Environmental Health (Land Contaminated Land)

1.10 As the proposed development is a sensitive end- use the following should be applied:

CON 01
GAS 06

1.11 Design and Heritage

1.12 The coach house is located within the curtilage of a Local Register Building and is a heritage asset. The significance of the building derives from its historic use as a coach house serving the dwelling at 6-8 Tynemouth Terrace. The scheme is also within Tynemouth Village Conservation Area. New build on the

site has been previously agreed to be acceptable and high quality design has been advised which preserves or enhances the character of the area.

1.13 The proposed design has a simple and functional approach with a design that is ancillary to the original building and is not overly dominant within the street scene. The design responds to the site constraints and maximises site opportunities.

The first floor is larger than the existing first floor footprint, however it does follow the building line of the main dwelling. Obscured glazing provides an acceptable design solution for privacy. The height and mass of the proposed scheme is slightly larger than the existing scheme but this is not significant enough to detract from the character and appearance of the area. Overall the scheme is a sensitive contemporary design and is supported.

1.14 Conditions to include:

- No development shall take place until a schedule of samples of all materials has been submitted to the LPA and approved
- Development shall include reclaimed bricks from existing building to all public elevations
- Construction details of windows and doors shall be submitted to the LPA and approved. Windows should be set back within the window reveal unless otherwise agreed by the LPA
- Rainwater goods which shall be metal and details submitted to the LPA and approved
- No alarm boxes or other external features, including meter boxes, satellite dishes or vents.

1.15 Landscape Architect

1.16 The property is located at the southern end of Tynemouth Terrace, facing onto Priors Park and Priors Terrace with its external garden area(s) occupying land to the southwest, southeast and northeastern elevations of the property. The external area(s) contain outbuildings to the rear and landscape features including grassed areas, trees, hedges, hard standings and pathways. The property forms part of the local Conservation Area (see above) and the building style and its associated landscape features contribute and link with the essential architectural and landscape infrastructure of the immediate and wider area.

1.17 The following comments and advice may be approved 'by condition' in the event of a successful application.

1.18 The hard and soft landscape proposals appear consistent with good practice in terms of what they offer, but the following points should also be adhered to. There are tree and hedging sections proposed in the submitted document(s) to support and extend the existing (hedgerow) landscape elements, further details in relation to species, plant size and planting method and support should be submitted that reflect the existing and /or local species mix of the area. Please also note that the local authority usually recommends replacement tree sizes of 12-14cm girth.

1.19 In relation to hard landscape and surfacing materials, details of the material/water porosity type and finished colour/texture should also be submitted.

1.20 The extent of the proposed works may affect the existing local landscape features such as hedges and tree canopy and root systems within the external areas.

1.21 In light of the proximity of the proposed works and likely storage areas in relation to the tree and hedgerow sections it would be prudent to have protective (Heras) fencing (in accordance with BS 5837:2012) positioned at an appropriate distance from these features. A plan detailing the position and extent of the proposed fencing should be submitted prior to commencement of any works.

1.22 The property owner/applicant and contractor should also be aware of the following legislation with regard to the proposed works.

- All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees

and shrubs.

- No utilities or drainage should be located within the root protection areas of hedgerows or trees. Where installation or alteration to existing underground services

has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

2.0 Representations

2.1 9no letters of objection have been received. The following concerns are raised

- Affect character of conservation area
- Affect setting of listed building
- Inadequate parking provision
- Inappropriate design
- Inappropriate in special landscape area
- Inappropriate materials
- Loss of privacy
- None compliance with approved policy
- Nuisance – noise, disturbance
- Out of keeping with surroundings
- Precedent will be set
- Will result in visual intrusion
- Would not protect the amenities of present and future occupants if either of the properties were to be placed in different ownerships in the future.
- Whilst the design is contemporary it is not of a high standard of contemporary.
- Design out of keeping with the character of the terrace.
- Over development.
- Increase parking problems.
- Undermines the TVCAMS.
- Impact on neighbouring residents.
- Has no relation to the architecture of the surrounding large terraced houses.
- The sloping roof, appears to be higher than the existing coach house.

- Situated on the very edge of the public access road.
- Overlooking of neighbouring property.
- Impact on the users of Priors Park.
- Could possibly cause future problems for the occupiers of the three flats in the house, should the present owner sell the property.
- Contrary to Council policy Housing on 'Backland' sites.
- A possible solution would be to provide a garage for the three flats.
- The application shows an out of date map with another cottage at the back of Tynemouth Terrace, this has not existed for many years. All accessory buildings are single storey and none residential.
- A rebuild should be single storey and accessory to the main building.
- Inadequate space between the proposed and existing buildings.
- Inadequate amenity space.
- Nuisance during demolition and construction.

2.2 10no letters of support have been received. The following points are raised:

- The building is clearly dilapidated and stands out as such in what is a lovely area of the village.
- The deterioration will only get worse.
- Proposal would benefit the area.
- The current coach house is certainly an eye sore and spoils an area of beautifully kept properties.
- Would not cause any extra issues with parking in the area.
- Offers a perfect contemporary residential solution to a dilapidated disused corner of Tynemouth village.
- The view from the street will be greatly improved.
- The building can only be seen from limited angles and perspectives.
- There are examples of cylindrical faced and zinc roofed buildings within 2 streets of this property.
- Should improve parking as a garage would need the drop kerb access which is equal to that of a parking permit.
- As the current building is in a state of disrepair I feel this can only be an improvement

2.3 1no letter of representation has been received

2.4 The resident states that they are pleased that the derelict building would be replaced by a small dwelling and that thoughtful contemporary design is proposed. They feel that the roof design and window facing the pavement at the south side are not in harmony with the main house and surrounding environment.

3.0 Councillor Comments

3.1 Cllr Karen Bolger requests that the application is determined by Planning Committee on grounds that it will set a precedent for the demolition of historic buildings in a conservation area and the plot/footprint is too small for habitation and amenities such as bin area and outside space. There is also a lack of parking provision where parking space is at a premium. I feel the coach house would be more suited to storage.

4.0 External Consultees

4.1 Tynemouth Village Conservation Area Management Strategy Sub-committee

4.2 We have looked at the drawings for the proposed dwelling at the above site. The previous application was refused and we feel that there is not a great deal of difference in the plan. At the time attention was drawn to the facts, amongst others, that it was an over-development of the land, too close to Marine house and included many materials foreign to the vernacular in that part of Tynemouth.

4.3 Throughout the TCAMS Document, adopted as Supplementary Planning Guidance, and the Character Appraisal Statement, the emphasis is on the protection and enhancement of the Conservation Area. While the demolition of the old building may be welcome, a dwelling house there would be unacceptable.

4.4 While it would appear that the new drawings may be described as modern design, they are in fact extremely ugly. For example, the wooden shed-like appearance of the proposed cladding is very much out of place with the surroundings. This is despite the applicant's statement that 'the contemporary style of the dwelling and blend of materials is considered to emphasize the traditional qualities of the area'. In fact, it emphasises the opposite. Neither would it present a pleasant outlook for surrounding residents.

4.5 I repeat views made for the previous application, that we consider this to be an over-development for such a small back yard site, and that it does not support the Council's own planning policy on 'Backland Sites'.

4.6 There is limited access to an area already congested by a lack of parking, aggravated by the use of the nearby Priors Park by the tennis club, cricket clubs, and of course the use by Kings School Academy, as well as the use of Private Members for recreational purposes. So should the dwelling ever be built and require any vehicular parking, it would exacerbate what is already a very serious problem.

We previously stated that any use of this site should be for the construction of a much needed garage space to help reduce the parking problems in this area and that statement still applies.

4.7 County Archaeologist

4.8 If permission is granted for the demolition of the coach house, then it should be recorded beforehand.

4.9 Nos. 6-8 Tynemouth Terrace are on the Local List.

4.10 Archaeological Building Recording Condition

No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF and saved UDP policy E19/6.

4.11 I can provide a specification for the recording when required.

4.12 Coal Authority

4.13 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development. However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application.

Item No: 5.3
Application No: 17/00931/FULH Author: Julia Dawson
Date valid: 7 July 2017 ☎: 0191 643 6314
Target: 1 September 2017 Ward: St Marys
decision date:

Application type: Householder Full application

Location: The Quarry, Church Way, Earsdon, Whitley Bay, Tyne And Wear

Proposal: Extension to the length of approved fence under planning approval 16/01715/FUL to extend along entire boundary

Applicant: Ms Kathleen Nunn, The Quarry Church Way Earsdon Whitley Bay Tyne And Wear NE25 9JY

Agent: John McGillivray Chartered Surveyors, St Edwards Centre Roxburgh Terrace Whitley Bay Tyne And Wear NE26 1DS

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for consideration are:

- (i) Impact on Residential Amenity
- (ii) Impact on Character and Appearance of the Conservation Area

2.0 Description of the Site

2.1 The site to which the application relates is a detached bungalow, with additional rooms in the roof space served by dormer windows to the west and east facing roof slopes. It is located on Church Way in Earsdon Conservation Area. The host property faces in an easterly direction at a sharp curve in the road, as such its northern facing side elevation forms a secondary frontage onto Church Way to the north. The neighbouring property to the west, The Cottage, is a single storey dwelling. However, due to a difference in ground level, this is positioned at a higher level than the host property. The Cottage has a patio area and decked area located along the boundary with the host site.

2.2 Views can be obtained from The Cottage's patio and decked areas towards the host property's side windows (including dormer window) and rear garden area, and beyond these to the surrounding properties. A high level stone wall is located along the boundary between the application site and The Cottage. This wall continues around the front corner and along the front boundary of The Cottage. There are a number of Eucalyptus trees within the application site located adjacent to the shared boundary with The Cottage.

3.0 Description of the Proposed Development

3.1 The proposal relates to an extension to the length of approved fence under planning approval 16/01715/FUL in order to extend the fence along the entire boundary. The proposal is intended to create a privacy screen between the host site and the neighbouring property, The Cottage.

4.0 Relevant Planning History

4.1 91/00921/FUL - Replacement of felted flat roofs over dormer windows at front and rear of building by pitched roofs using same type of roofing tiles as existing and grey pvc rainwater pipes as existing – Approved 09.08.1991

4.2 16/01715/FULH - Erection of timber fence along portion of west boundary to create privacy screen between application site and The Cottage – Approved 25.01.2017

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Practice Guidance (As Amended)

6.3 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

Main Issues

The main issues for consideration are:

- (i) Impact on Residential Amenity
- (ii) Impact on Character and Appearance of the Conservation Area

7.0 Detailed Planning Considerations

7.1 Background and Current Proposal

7.2 The current application follows the granting of planning permission via approval 16/01715/FUL in January 2017 for the construction of a timber fence along a part of the western boundary wall in between the host site and the adjacent property to the west, The Cottage, in order to create a privacy screen. The approved fence was to have a height of 1.2m, however as it is to be located above ground level and attached to the existing wall (which is between 3.38m and 3.78m in height from ground level of the application site) it will result in an overall height of approximately 4.14m from ground level of the application site. This results in approximately 33.5cm of fence being visible above the first 3.85m length of wall, increasing to 73.5cm for the next 5.8m length.

7.3 The current application seeks to extend the length of the approved fencing along the boundary with The Cottage at the same height as previously approved. This will result in new fencing attaching to the side of The Cottage's rear decked area. The applicant has described this as a raised deck, whereas the owners of The Cottage have disputed this and advised that the deck is at the height of the ground to the rear of their property. There is a significant difference in land level between the host dwelling and The Cottage, with the host dwelling being set at a considerably lower level.

7.4 The owners of The Cottage submitted a lengthy and detailed objection to the original planning application, many of the issues originally raised have been raised again in their objection to the current application. The objections are noted and will be addressed in this report.

7.5 Firstly, as was the case with application 16/01715/FULH, a significant element of the objection from the occupants of The Cottage relates to the ownership of the wall in question and they previously provided supporting documents (in the form of photos, old plans etc.) to demonstrate that the wall is historic and entirely within their ownership. During the original planning application (16/01715/FULH) and after the objection which was submitted by the owners of The Cottage and a request from the Case Officer, the applicant completed Certificate B of the application form and served notice on The Cottage. They have chosen not to follow this process for the current application. The objectors believe this invalidates the planning application. This is not the case.

7.6 As previously set out by the Case Officer within the recommendation report for 16/01715/FUL, the Local Planning Authority (LPA) has no remit to become involved in party wall/land ownership disputes. The purpose of serving notice and of statutory consultations on planning applications is to make sure that parties which may be affected by a planning application are provided with the opportunity to submit representations to the LPA. The occupants of The Cottage are fully aware of the application and have been provided with an opportunity to submit their comments. This satisfies planning requirements/legislation. Planning legislation and requirements have no bearing on other separate legislation, e.g. any notices which are required to be served according to the requirements of The Party Wall. Ownership disputes are a civil matter which is separate from the planning application process.

7.7 The occupants of The Cottage have also stated that applicant and agent have not declared their personal relationship on the application form as the application site is also the agent's domestic home. They feel that this is a failure of his basic professional standards of disclosure. This is not relevant to the proposed development and the application cannot be invalidated for this reason.

7.8 The objectors have also raised concerns that the plans are inaccurate with regard to a written boundary assumption "assumed ownership boundary" and Plan 100-03 revision 2 - S01 and S02 showing The Cottage and The Quarry in reversed positions. As previously stated, the LPA has no remit to become involved in ownership disputes and the plans cannot be invalidated for this reason. The plans have been relabelled correctly with regard to the position of

The Quarry and The Cottage – this was an error on the plans. The plans are accurate and sufficient for purpose in terms of being able to identify the location, extent and height of the proposed fence.

8.0 Impact on Residential Amenity

8.1 One of the twelve core principles of The National Planning Policy Framework is to always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

8.2 Policy S1.4 ‘General Development Principles’ of the North Tyneside Local Plan (2017) states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should (amongst other criteria):

b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

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

b. A positive relationship to neighbouring buildings and spaces; and

f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.4 Policy DM6.2 ‘Extending Existing Buildings’ states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.

8.5 When assessing applications for extending buildings the Council will consider (amongst other criteria):

c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;

d. The cumulative impact if the building has been previously extended;

e. The effect that the extension will have on the existing property and whether it enhances the overall design; and

f. The form, scale and layout of existing built structures near the site.

8.6 The concerns raised by the occupants of The Cottage in relation to the current proposal are very similar to those raised to the previous planning application (16/01715/FULH), albeit it is acknowledged that the proposal is for significantly more fencing along the length of the boundary between the two

properties than previously approved and this will therefore have an increased impact on the occupants of The Cottage.

8.7 The objector has advised that they suffer from Seasonal Affective Disorder and have stated that the proposed fence will be detrimental to their health, due to the reduction in sunlight. However, whilst the requirement for as much natural light as possible for someone suffering from this condition is noted, consideration can only be given to the affect that a structure of this height would have on the general level of residential amenity in terms of light and individual personal circumstances cannot normally be regarded as material planning considerations.

8.8 The proposed fence will project upwards of the finished floor level of The Cottage's rear decked area for approximately 1.9m for the length of the boundary. Indeed, the occupants of The Cottage have advised that most of the deck sits directly on their land which stretches out horizontally from their house. This proposal, when viewed from The Cottage, would therefore have the effect of a fence of approximately 1.9m in height along the boundary at ground level/finished floor of The Cottage's garden and property. It is not unusual for a residential dwelling to have their rear garden area enclosed by a fence of this height in order to provide private amenity space for occupants. A boundary treatment of such a height would be classed as permitted development (when installed from natural ground level, i.e. if the occupiers of The Cottage were to install a 2m high fence themselves on their land at natural ground level along this boundary it would not require planning permission).

8.9 The impact of the appearance of the proposed fence would, in fact, be worse when viewed from the application site and garden area as, from this viewpoint, the fence will appear as 4.14m high closed boarded timber paneling due to the difference in the land levels.

8.10 Whilst the existing relationships between The Cottage and the surrounding properties is appreciated and it is acknowledged that the occupants of The Cottage currently have relatively unrestricted views to the east and south east, and that this has been the case for many years, this is not a reason to withhold planning permission. As was noted in consideration of the previous application, in planning terms there is no right to a view. Planning permission can only be withheld if the harm to the amenity of the occupants of this property will be so severe that its approval cannot be justified. In this case, the proposed fence alone will not result in such a significant loss of sunlight, light, or outlook that planning permission can be refused for these reasons. Sunlight and daylight will still filter through from an easterly/southeasterly aspect above the proposed fence along the boundary with The Cottage's decked area and from beyond. A sufficient standard of outlook will also be retained, albeit it is noted that the occupiers of The Cottage will no longer have views into the garden of the application site from their rear deck and patio.

8.11 There is an ongoing issue between the applicant and the owners of The Cottage in relation to the applicant's planting of four Eucalyptus trees within their rear garden close to the boundary with The Cottage. However, this cannot be controlled by way of this application or planning legislation and it is a civil matter between the two parties involved. The current situation is that outlook, sunlight

and daylight are freely available from this aspect (across the top of and between the trees) to the side and rear of The Cottage. It is the responsibility of the owner of the trees to ensure that they are appropriately maintained and do not result in any damage to neighbouring property. If the trees were to result in damage to the proposed fence, and in turn The Cottage's decked area, it is the responsibility of the owner of the trees/applicant to rectify this. Planning permission cannot be withheld on the basis that existing trees may cause damage in the future if they are not properly maintained.

8.12 The concerns relating to potential damage as a result of fixing the fence to the wall and boundary, along with damage from load and bearing and wind are noted. However, it is the responsibility of the applicant to ensure that the proposed fence is attached to the wall correctly and that no damage occurs. It is the responsibility of the applicant to ensure that any damage, if it does occur, is correctly rectified.

8.13 The objector has stated that the current proposal should be refused as it is a clear breach of the reasons why the original application was approved. However, at no point in the original recommendation report was it stated that a fence along this boundary was not acceptable – this was not considered as part of the original application. The impact of the additional fencing is what is being considered by way of this application. It is not considered that the proposed fencing, when viewed from the rear of The Cottage (deck, patio or windows), will result in an unduly overbearing or obtrusive feature given that it will be no more than 2m above finished floor level of the deck and property.

8.14 Due to its location where it is to be located along the boundary with The Cottage it will also have a minimal impact on the residential amenity of any other surrounding dwellings. It will not be located in close proximity to the main habitable windows or gardens of any surrounding properties and therefore will not result in harm to the living conditions of the occupiers of these properties.

8.15 Members must determine whether the proposed fence is acceptable in terms of its impact on the living conditions of the occupiers of neighbouring dwellings, with particular reference to The Cottage. Officer advice is that the proposed fence is acceptable in this regard.

9.0 Impact on the Character and Appearance of Site and Conservation Area

9.1 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. The NPPF also states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

9.2 Policy S1.4 'General Development Principles' states that proposals should have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment.

9.3 Policy DM6.1 'Design of Development' states that proposals are expected to demonstrate that a design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings and a positive relationship to neighbouring buildings and spaces.

9.4 Policy DM6.2 'Extending Existing Buildings' states that when accessing applications for extending buildings the Council will consider whether or not the property is affected by any designations or considered to be a heritage asset or within the setting of a heritage asset; the location of the extension in relation to the street scene; the cumulative impact if the building has been previously extended; the effect that the extension will have on the existing property and whether it enhances the overall design, and; the form, scale and layout of existing built structures near the site.

9.5 Policy S6.5 Heritage Assets states that North Tyneside Council aims to proactively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.
- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.
- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.

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

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;

- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

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

9.8 The Earsdon Village Conservation Area Character Statement (January 2006) states that The Quarry Cottage (on the site of a former quarry) is a quirky 1960's style dwelling with deeply cutting roof, prominent chimney, cat slide dormer and set within a fairly generous garden area enclosed to the south by trees subject of a Tree Preservation Order. The dwelling is of its time, and provides an acceptable contrast to the more substantial Georgian dwellings elsewhere in the village.

9.9 The Earsdon Village Character Appraisal (May 2011) is also a material planning consideration. However, although the application premises are briefly referenced (dormers and chimney), the boundary treatment is not specifically referenced. Church Way is described as charming and hidden around a corner, and as one of the more attractive parts of the conservation area.

9.10 The owners of The Cottage have raised significant objection with regard to the appearance of the proposed fence and its impact of the proposed fence on the character and appearance of Earsdon Conservation area. This is noted. However, it is not considered that the proposed fence, which will be set back from the public footpath on Church Way by at least 4m, and will then be located along the boundary between the two properties (rather than along a boundary where it is widely visible from a public view point within the Conservation Area) will result in such harm and detriment to this that refusal can be justified on these grounds.

9.11 The historic nature of the stone wall to which the proposed fence is to be attached is noted. However, where the wall is at its most prominent and visible (where it abuts the public footpath and then curves back towards the dwellings) it will not be affected. Church Way is largely hidden from wider public views in the conservation area due to its location. Indeed, this is referenced in the Character Appraisal which describes it as "hidden around a corner". Therefore, it is not considered that the proposed fence will appear so incongruous in this location (where it will be largely screened from views due to its location between two properties) that it can be refused on these grounds. Limited views of the proposed fence will be possible from Front Street, but these will be from a significant distance and will not result in any harm or detriment to the character of the wider conservation area, which will be unaffected by the proposal. Furthermore, the applicant is not proposing to remove or damage the wall, therefore its ongoing and future historical integrity and value to the area will not be compromised by the proposed works.

9.12 Members must determine whether the proposed fence is acceptable in terms of its impact on the character and appearance of application site and Conservation Area. Officer advice is that the proposed fence is acceptable in this regard.

9.13 Other Matters

9.14 Concerns have been raised by the objectors with regard to pre-planning advice having been sought from the Local Planning Authority by the applicant, as they consider this to be prejudicial to a planning application, which has not yet been determined. As Members will be aware the Local Planning Authority do offer a pre-planning application advice service, however all advice provided is informal and is given without prejudice to any decision by the Council if a planning application is subsequently submitted. Any advice provided does not bind the Council in the exercise of its statutory function. In addition, all applicants are advised that it is not possible to prejudge the outcome of any forthcoming planning application, as all planning applications must be determined solely on their individual planning merits and that such material planning considerations would also depend on any comments from members of the public at consultation stage.

9.15 The objector has also stated that the proposed development will cut off a wildlife corridor for birds and small mammals, reducing access for wildlife, and that it will reduce the biodiversity in their garden by removing 50% of the daily hours of sun, and that it will create significant overshadowing, resulting in the loss of many nectar rich plants. These points are noted, however the application site is not located within a designated wildlife corridor and it is not considered that the installation of a fence will harm biodiversity or sunlight to such an extent that refusal of the application can be justified on these grounds.

10.0 Conclusion

10.1 The proposed fence is considered to be acceptable in terms of its impact on neighbouring amenity and the character and appearance of the site and Conservation Area. With regard to all of the above, approval is recommended.

RECOMMENDATION: Minded to grant on expiry consultation

It is recommended that members indicate they are minded to approve the application subject to the consultation period expiring on 31st August, and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received following expiry of the consultation period and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

Conditions/Reasons

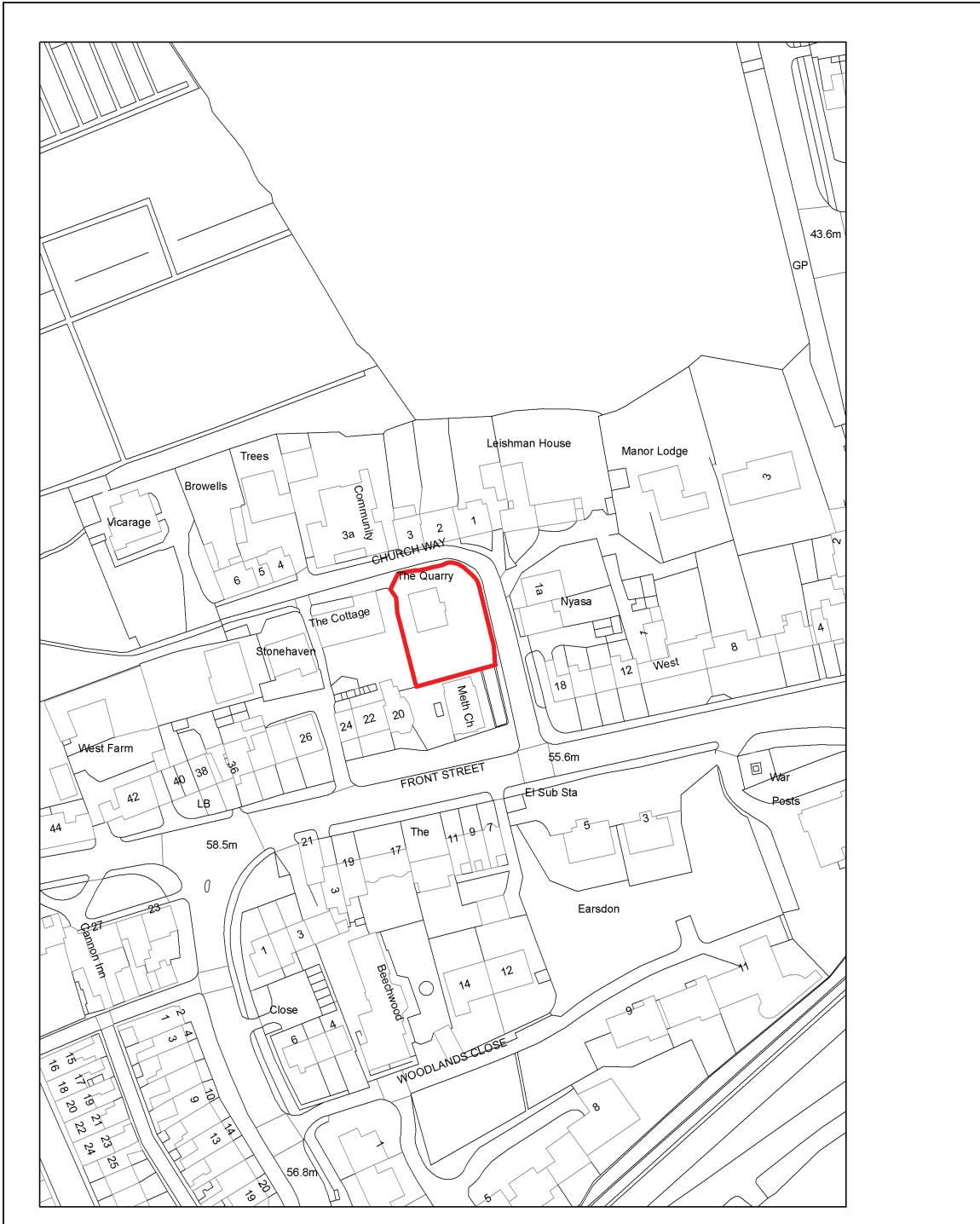
1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form 20.06.2017
 - Site Location Plan, scale 1:1250, 25.09.2016
 - EXISTING AND PROPOSED ELEVATIONS AND SECTION, drawing no.100-03, Rev.2
 - EXISTING AND PROPOSED PLANS, drawing no.100-02, Rev.2
- Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 *

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

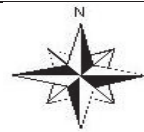
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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



Application reference: 17/00931/FULH
Location: The Quarry, Church Way, Earsdon, Whitley Bay
Proposal: Extension to the length of approved fence under planning approval 16/01715/FUL to extend along entire boundary

Not to scale
 Date: 17.08.2017

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**Appendix 1 – 17/00931/FULH
Item 3**

Consultations/representations

1.0 Representations

One objection has been submitted by the occupants of the neighbouring dwelling, this is summarized as follows:

- 1.1 Proposal will have detrimental impact on residential amenity of The Cottage.
- 1.2 A series of fence panels 1.9 metres high will stretch along the entire boundary.
- 1.3 This is not a small visible length at the very end when compared to the previous approval.
- 1.4 Proposed fence will block sunlight and outlook for The Cottage.
- 1.5 Proposed fence will be an overbearing and obtrusive feature.
- 1.6 This application has no links to privacy of any premises at all, being an enormous garden to garden barrier.
- 1.7 Everyone's garden overlooks everyone else's garden from Earsdon to Whitley Bay to North Shields and throughout our region. We are overlooked by 4 properties to our south. The Quarry is overlooked at all boundaries. The Quarry also overlooks all their neighbours to the north, south east and west. From established homes to new build, overlooking of gardens is normal. Church Way and Front Street are a jumble of tightly packed houses, each with a different layout, each with different spacing relationships. Crossing lines of sight across gardens are typical of villages, estates, and all new build developments today.
- 1.8 Every reason for the local planning authority allowing the first application has been breached by the current proposal, therefore this application must be rejected on these grounds alone.
- 1.9 In the "pre-application advice received" box, where you would share any advice about materials, structure etc. the applicant has written a planning officer result about the application yet to be determined. Firstly opinion is of no relevance to Section 6. Secondly it is highly prejudicial, stating that a planning officer has already said, before objections, reports back from highways etc, that the application will be approved.
- 1.10 There are five trees within falling distance of the proposed development, the applicant states none. Four evergreen eucalyptus trees are planted at The Quarry and a listed Beech tree (T26) west of the wall in our back garden. The four tree crowns and their main stems growing from the trunks are dangerous to us at The Cottage because the proposed fence will be pushed into our land at a downward angle in a matter of months by the widening tree canopies. Pressure from the trees onto the fence will also bring our deck down.
- 1.11 We discussed a pruning plan with The Quarry in 2015 which they have not maintained for 18 months, so any pruning proposal made to move this application forward has no merit. Despite some pruning in 2015, the tallest of these trees is already 6 metres high and the canopy bottom begins at 2 metres high.
- 1.12 It is important not to place these trees close to a building or structure (the proposed fence, the wall and The Cottage in this case). Recommended position is at least two thirds of their potential mature height away from buildings and structures. For these 4 trees the safe distance from any structure is 13 metres.
- 1.13 The Beech tree sits 8m from the wall and sits in the path of strong prevailing westerly winds all year.

- 1.14 More than half the height of this tree would fall over the proposed development in the event of exceptional weather.
- 1.15 The proposal offers no benefits to sustainable development.
- 1.16 This wall of fencing cuts off our morning sun completely.
- 1.17 Our garden sits under a huge tree canopy (Beech tree) and so we have no direct midday sun. In the summer we can access morning and evening sun. In the winter, morning sun only, due to the tall houses surrounding our garden and the lower angle of the sun in the sky. This development will therefore remove all direct natural winter sun from our garden.
- 1.18 Mrs Swan suffers from Seasonal Affective Disorder and has managed this very successfully for 15 years by continued direct access to the morning sun in the winter months. Proposal will have a material impact on Mrs. Swan's physical health.
- 1.19 This development cuts off a wildlife corridor for birds and small mammals, reducing access for wildlife. It will reduce the biodiversity in our garden by removing 50% of our daily hours of sun, and create significant overshadowing, so we will lose many nectar rich plants. Our garden currently supports a huge number of bees insects and birds because of these plants - we are currently a pollen rich environment.
- 1.20 The four growing Eucalyptus trees crowns will expand sideways and destroy the proposed development and place us in personal danger, within months of construction.
- 1.21 Design does not accommodate the viability of a heritage wall, part of the established built environment.
- 1.22 Design does not enhance the natural environment.
- 1.23 There is no specific security risk at this boundary.
- 1.24 Earsdon is in a conservation area. Consideration cannot be just for The Quarry alone but must also be made equally to us as owners of a traditional home and we would like to see that consideration clearly evidenced.
- 1.25 Church Way's traditional spatially interdependent relationships are lost if you approve a timber fence more than 4 metres high in the centre of Earsdon. The panels will dominate the landscape. This application will not preserve or enhance the character and appearance, or setting of a conservation area
- 1.26 Our deck is not raised, the land levels are different, plans are incorrect. Most of the deck sits directly on our land which stretches out horizontally from our house. It is not a raised deck, our land is up there at that height.
- 1.27 Along the final 1.20m of the deck, the land drops sharply away to the wall. At this wall, our land is 91cm higher than The Quarry garden. This is a retaining wall, a stabilising feature underpinning our sloping land.
- 1.28 The deck is not raised. The deck recovers only 1.32m of a dangerous sloping site using a temporary structure. Our land at the wall included in this application is 91cm higher than The Quarry.
- 1.29 The applicant's plan 100-02 revision 2 is wrong regarding The Cottage deck in terms of it being "raised" and by showing an inaccurate measurement of 2.23 metres, because the agent assumed wrongly that our lands meet at the same height.
- 1.30 No useful design information is provided in plan 100-03 revision 2. This plan is of no value and should include a report from a qualified structural engineer as part of the objection period, consultation period and application determination.

1.31 A prevailing westerly blows here throughout the year and is incredibly strong during the autumn and winter months. The bracing assessment and design are critical to the proposed build and expected to be a substantial part of the build.

1.32 The proposed build is 4.14m, braced using our retaining wall measuring less than 1 metre high.

1.33 This curtain wall, the basis for holding up a huge wooden structure, is an historic and architectural feature of Earsdon village, pre-dates St. Albans Church and is more than 200 years old. Complete examples of curtain walls are extremely rare throughout England. The wall sits inside our west, north and east boundary, The Cottage is built into it.

1.34 The proposal is to attach a wooden sail to the side of this wall, in the direct path of prevailing westerly winds, which are relentless for 52 weeks of the year in the north east of England.

1.35 We have taken advice from an architectural and heritage expert and the fence weight and wind loading will be entirely taken up by the wall, making the structural risks unacceptable. The wall is unlikely to survive. In addition, any foundations sunk for this application at the height proposed at 4.14m, will threaten the survival of the wall. This is because any significant dig down of the land to sink founds will undermine the wall.

1.36 The National Planning Policy Framework states that, when determining the impact on the significance of a heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. This destruction will occur if you approve this application.

1.37 The applicant/agent have not declared their relationship. The application site is the agent's domestic home, he has not declared this and this fails his basic professional standards of disclosure.

1.38 The wall is owned by us, it is not a shared wall.

1.39 We have not been served a notice by the applicant for this planning application, and the correct certificate has not been completed by the applicant, yet plan 100-02 states "ASSUMED ownership boundary to centreline of existing stone wall" - clearly the applicant and the agent have no idea about the boundary position and are trying their luck. We require a notice by law.

1.40 Plan errors mean a resubmission is required. Plan 100-03 revision 2 - S01 and S02 show The Cottage and The Quarry in reversed positions.

1.41 Plan 100-03 revision 2 contains a drawn boundary assumption. Plan shows an assumed boundary line to the centre of the stone wall in the section drawings, and we own the wall outright.

1.42 Plan 100-02 revision 2 contains a written boundary assumption "assumed ownership boundary".

Ward Councilor

Councillor Judith Wallace

I request that this application be put before the Planning Committee. First, the application relates to property within a Conservation Area and is proposing a huge structure, both in length and height. Second, the structure is of such a size and mass as to have a significant and adverse affect upon neighbouring properties.