



**North Tyneside Council**

# Planning Committee

10 January 2020

To be held on **Tuesday, 21 January 2020** in room Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>  To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>  To be informed of the appointment of any substitute members for the meeting.	
<b>3. Declarations of Interest</b>  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.	
<b>4. Minutes</b>  To confirm the minutes of the previous meeting held on 17 December 2019.	<b>5 - 8</b>

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

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information please call 0191 643 5359.

<b>Agenda Item</b>	<b>Page</b>
<p>5.     <b>Planning Officer Reports</b></p> <p>To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.</p>	<b>9 - 14</b>
<p>6.     <b>19/01279/FUL, Land Adjacent to Holystone Roundabout, A19 Trunk Road, Wallsend</b></p> <p>To determine a full planning application for development of 6no. retails units (Use Class A1/A3), including associated servicing, car parking, landscaping, drainage and other ancilliary works.</p>	<b>15 - 70</b>
<p>7.     <b>19/01280/FUL, Moorhouses Covered Reservoir, Billy Mill Lane, North Shields</b></p> <p>To determine a full planning application for construction of 75 dwellings with associated access, parking, landscaping and infrastructure.</p>	<b>71 - 106</b>
<p>8.     <b>19/00760/FUL, Land North of East View Terrace, Dudley</b></p> <p>To determine a full planning application for 11 new two storey, two and three bed houses, including new road into the development, which will run off the East View Terrace using the existing access point.</p>	<b>107 - 158</b>

**Circulation overleaf ...**

**Members of the Planning Committee:**

Councillor Ken Barrie  
Councillor Brian Burdis  
Councillor Sandra Graham  
Councillor Frank Lott (Chair)  
Councillor Willie Samuel  
Councillor Frances Weetman

Councillor Trish Brady (Deputy Chair)  
Councillor Linda Darke  
Councillor Muriel Green  
Councillor Paul Richardson  
Councillor John Stirling

This page is intentionally left blank

## Planning Committee

**Tuesday, 17 December 2019**

Present: Councillor F Lott (Chair)  
Councillors K Barrie, T Brady, B Burdis, L Darke,  
S Graham, M Green, P Richardson, W Samuel and  
J Stirling

### **PQ44/19 Appointment of substitutes**

There were no substitute members appointed.

### **PQ45/19 Declarations of Interest**

With reference to planning application 18/01497/FUL, Councillor Lott acknowledged that there were records in the public domain indicating that the Riverside Ward Councillors were in favour of demolition of Borough Road Footbridge. He stated that he had not predetermined the application and he had an open mind to the arguments to be presented at the meeting.

### **PQ46/19 Minutes**

**Resolved** that the minutes of the meeting held on 26 November 2019 be confirmed and signed by the Chair.

### **PQ47/19 18/01497/FUL, Borough Road Footbridge, North Shields**

The Committee considered a report from the planning officers in relation to a full planning application from North Tyneside Council for the demolition of Borough Road Footbridge, including works to the abutments and masonry walls at both bridge approaches and stopping up the existing public right of way including the footway off Tennyson Terrace.

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

In accordance with the Committee's speaking rights scheme the following objectors had been granted permission to speak to the Committee:

Ms Vicki Gilbert of St Georges Road  
Mr Henry Stamp of Hylton Street  
Ms Caroline Hawkins of Vicarage Street  
Dr Katherine Wright of The Plateau  
Dr Nicholas Martin of The Plateau  
Mrs Caroline Cansdale of Bewicke Road  
Mr John Hastie of Spring Terrace  
Mrs Diane Attersall of Tennyson Terrace

The Chair had requested that the speakers liaise with each other to appoint lead spokespersons and so Ms Vicki Gilbert, Mr Henry Stamp and Ms Caroline Hawkins addressed the meeting.

Ms Gilbert commented that demolition of the footbridge would have a detrimental impact on vulnerable people living in a deprived ward and it would isolate communities. The bridge provided a quiet, congestion free route with valued views over the surrounding conservation area. Despite an inadequate public consultation exercise there was significant public opposition to the proposed demolition. The new pedestrian crossing on Borough Road was not a suitable alternative.

Mr Stamp commented that usage of the bridge was likely to increase with the development of Smiths Dock and he contended that the Council had neglected the bridge as no maintenance works had been undertaken since 2011. Mr Stamp referred to the strong presumption against development proposals which will harm heritage assets, unless it is necessary to achieve wider public benefits that outweigh the harm and they cannot be met in any other way. Mr Stamp believed the wider public benefits could be achieved in another way, the proposed replacement of Tanners Bank metro bridge was unlikely to be funded from the costs of repairing the Borough Road bridge, there was no certainty that the Tanners Bank improvements would proceed as they would require planning permission and he remained unconvinced that funding was a material planning consideration. Mr Stamp was dissatisfied with the action taken in response to the recommendations arising from the equalities impact assessment and he questioned the value of monitoring the use of the new pedestrian crossing if people with disabilities were unable to access it.

Mrs Hawkins referred to the New Quay & Fish Quay Conservation Area Character Statement which highlighted the importance of the footbridge in complementing the listed buildings in the area.

Members of the Committee asked questions of the speakers when the location, nature and access to the new pedestrian crossings on Borough Road was discussed and Mr Stamp confirmed that the North Tyneside Public Transport Users Group did not have the resources to apply for funding to repair the bridge.

Colin McDonald, the Council's Senior Manager, Technical and Regulatory Services, addressed the Committee to respond to the speakers' comments. He outlined the process followed since 2011 which had led to the Council considering the options as to whether to repair (at an estimated cost of £360,000 plus risk costs), replace (at an estimated cost of just less than £1m) or to demolish (at an estimated cost of £65,000). The Council's preferred option was demolition because of evidence of low levels of use of the bridge, agreement that there would be less than significant harm to the conservation area, relatively few objections arising from the public consultation exercise and difficulties in securing additional funding for repairs or replacement. Mr McDonald explained how the Council funded and prioritised maintenance of its highway assets and how the proposed improvements to the Tanners Bank area would benefit the regeneration of the Fish Quay area.

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

- a) funding options for the repair or replacement of the footbridge;
- b) the estimated lifespan of the footbridge;
- c) usage of the new pedestrian crossing on Borough Road;

- d) the loss of the bridge as a non-designated heritage asset and harm to the character and appearance of the conservation area; and
- e) the public benefits of the proposal in terms of other priorities contained within the Council's Highways Asset Management Plan and regeneration strategies.

**Resolved** that (1) the Committee indicated that it is minded to grant the application; (2) the Secretary of State be notified of the intention to grant permission and provide him/her with the opportunity to intervene in the decision making process and call in the application for his/her own determination; and (3) subject to confirmation that the Secretary of State does not wish to call in the application, the Head of Environment, Housing and Leisure be granted delegated authority to determine the application, subject to the conditions set out in the planning officers report, an additional condition restricting the hours of construction working on site and any subsequent amendments, omissions or additional conditions, provided 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.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable as there are substantial public benefits which outweigh the less than substantial harm to the conservation area caused by the demolition of the bridge and the total loss of the bridge itself. The development was considered to be acceptable in terms of its impact on the highway network, including in relation to the loss of an existing pedestrian route and the amenity of surrounding occupants and ecology.)

**PQ48/19      19/01075/FUL, Woodlands, Killingworth Drive, West Moor**

The Committee considered a report from the planning officers in relation to a full planning application from Mr & Mrs Humphrey for erection of a new two storey dwelling. An addendum to the report had been circulated to the members of the Committee prior to the meeting.

In accordance with the Committee's speaking rights scheme Mr B Irving of Whitecroft Road had been granted permission to speak to the Committee but he was unable to attend. A further request to speak from Mrs E Little of Whitecroft Road had not been permitted because the request had been received after the deadline.

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

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

- a) the likely impact of the proposed development on the K1/K2 bus service;
- b) the reasons why it had not been necessary for the applicant to undertake a biodiversity assessment;
- c) the adequacy of the proposed off street car parking within the development site; and
- d) the condition requiring the applicants to commence the development within three years from the date of the permission being granted.

**Resolved** that (1) the Committee indicated that it is minded to grant the application subject to a Unilateral Undertaking being agreed under Section 106 of the Town and Country Planning Act 1990; and  
(2) the Head of Housing, Environment and Leisure be granted delegated authority to determine the application following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards the Coastal Mitigation Strategy.

(Reason for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development is acceptable in terms of the principle of the development, its impact on visual and residential amenity, the character and appearance of the area, highway safety and ground conditions.)



## PLANNING COMMITTEE

Date: 21 January 2020

### PLANNING APPLICATION REPORTS

#### **Background Papers - Access to Information**

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

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

##### Interests of the whole community

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

All applications should be determined on their respective planning merits.

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

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

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

## Planning Considerations

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

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

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

Briefly, material planning considerations include:-

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

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

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

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

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

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

### Officers' Advice

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

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

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

When refusing permission:

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

When granting permission:

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

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

### Lobbying of Planning Committee Members

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

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

#### Lobbying of Other Members

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

#### Lobbying

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

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



This page is intentionally left blank

**Application No:** 19/01279/FUL Author: Maxine Ingram  
Date valid: 24 September 2019 ☎: 0191 643 6322  
Target decision date: 19 November 2019 Ward: Killingworth

Application type: full planning application

**Location: Land Adjacent to Holystone Roundabout, A19 Trunk Road, Wallsend, Tyne And Wear**

**Proposal: Development of 6no. retail units (Use Class A1/A3), including associated servicing, car parking, landscaping, drainage, and other ancillary works (revised site plan and Transport Statement received 03.12.2019)**

Applicant: Northumberland Estates, Mr Guy Munden, Quayside House, 110 Quayside, Newcastle NE1 3DX

**RECOMMENDATION:** Application Permitted

## INFORMATION

### 1.0 Summary Of Key Issues & Conclusions

The main issues for Members to consider in this case are:

- Principle of the development;
- Impact on the amenity of surrounding occupiers and businesses;
- Impact on the character and appearance of the site and the surrounding area;
- Impact on traffic, parking and highway safety;
- Other issues.

1.1 Planning law requires that applications 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 material considerations in reaching their decision.

### 2.0 Description of the Site

2.1 The site to which this application relates is an area of vacant land, measuring approximately 0.46 hectares (ha). It is designated as for employment uses (Site E018) under policy S2.2 of the Local Plan (LP).

2.2 The site is located to the south of the main Holystone roundabout. Immediately to the east of the site is a public house/restaurant and a hotel. To the west it is bound by Holystone Way and a new housing development to the south. A temporary bus stop is located to the south of the site.

2.3 The site itself is relatively flat, although there are embankments up to it from the adjacent roads. It can be accessed off Holystone Way, which is a left turn entrance only. This is the current access arrangement to the pub/restaurant and hotel. The site is exited via Edmund Road/Francis Way onto Holystone Way.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of six retail units (Use Class A1 and A3) with a total gross floor of 839 square metres (sqm) (826sqm net).

3.2 The units will be divided up into the following configuration:

- Unit 1 Use Class A3 (102 sqm)
- Unit 2 Use Class A1 (102 sqm)
- Unit 3 Use Class A1 (138 sqm)
- Unit 4 Use Class A1 (280 sqm)
- Unit 5 Use Class A1 (102 sqm)
- Unit 6 Use Class A3 (102 sqm)

3.3 The applicant has advised in their supporting information that the proposed Class A1 units are to be for the sale of convenience goods only. However, the applicant seeks a degree of flexibility in terms of the ability to sub-divide and amalgamate retail units to suit potential future occupiers.

3.4 The development will be accessed from the existing road network off Holystone Way. Egress is then achieved from the northern access point of the development arriving back at Holystone Way via Edmund Road and Francis Way.

3.5 It is proposed to provide 50no. car parking spaces (including 2no. disabled spaces and 2no. spaces for electric vehicles with charging facilities). Servicing is provided through a proposed layby to the front of the units.

3.6 Landscaping is proposed to the perimeter of the site.

### 4.0 Relevant Planning History

#### 4.1 Application site

None

#### 4.2 Adjacent housing site

15/00945/FUL - Residential development of 460 dwellings (use class C3) comprising of 115 affordable dwellings and 345 open market dwellings with associated access, infrastructure and engineering works. Extension to rising sun country park with associated habitat, landscape and recreational improvements (further contamination information submitted 15.10.15) – Permitted 16.11.2015

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (February 2019)

6.2 National Planning Practice Guidance (NPPG) (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 Local Planning Authorities (LPAs) to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Detailed Planning Considerations

7.1 The main issues for Members to consider in this case are:

- Principle of the development;
- Impact on the amenity of surrounding occupiers and businesses;
- Impact on the character and appearance of the site and the surrounding area;
- Impact on traffic, parking and highway safety;
- Other issues.

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

### 8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states "Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA's) may take decisions that depart from an up-to-date development plan, but

only if material considerations in a particular case indicate that the plan should not be followed”.

#### 8.4 Loss of employment land

8.5 The NPPF paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.6 Policy S1.1 ‘Spatial Strategy for Sustainable Development’ seeks to ensure North Tyneside's requirements for homes and jobs can be met with adequate provision of infrastructure, and in a manner that enables improvements to quality of life, reduces the need to travel and responds to the challenges of climate change, the Spatial Strategy for the location and scale of development is that:

a. Employment development will be located:

i. within the main urban area; and,

ii. at areas easily accessible to residents by a range of sustainable means of transport; and,

iii. where businesses may benefit from the Borough's excellent national and international transport connections - including the strategic road network and opportunities provided by the River Tyne.

c. Most retail, and leisure activities will be focused:

i. within the main town centres of Wallsend, North Shields and Whitley Bay, as well as Killingworth town centre, taking advantage of the excellent accessibility, services and infrastructure invested in those locations.

8.7 Policy DM1.3 ‘Presumption in Favour of Sustainable Development’ states 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 – taking into account whether:

a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or

b. Specific policies in the NPPF indicate that development should be restricted.

8.8 Policy S2.1 ‘Economic Growth Strategy’ states proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.9 Policy S2.2 ‘Provision of Land for Employment Development’ seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council's strategy for economic prosperity and job growth and investment a total of 822ha of currently occupied or available employment land is recognised of particular value to the economy. This policy identifies the 150ha land available for development to 2032.

8.10 Policy DM2.3 'Development Affecting Employment Land and Buildings' states the Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals on identified employment land or other buildings in use-class B1, B2 or B8 for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not: a. result in the unacceptable loss of operating businesses and jobs; and b. result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and, c. have an adverse impact upon the amenity and operation of neighbouring properties and businesses".

8.11 Objections have been received regarding the loss of this employment land to provide retail units. The objectors clearly state within their representations that this conflicts with the LP.

8.12 Members are advised that this site identified as 'E018 Holystone', as with other employment land designated in the LP, the identified acceptable uses are Class B1 (offices, light industrial and Research and Development), B2 (general industrial) and B8 (storage and distribution). The explanatory text to Policy DM2.3 seeks to enable flexibility in the use and development of employment land whilst ensuring that developments support the overall growth and prosperity of North Tyneside.

8.13 To achieve this flexibility Policy DM2.3 seeks to ensure that applications for development on employment land are considered on the basis of their impact on economic prosperity of North Tyneside, rather than whether the use proposed falls within the identified planning uses. This is to ensure sufficient flexible opportunities for businesses that are within the identified planning uses are retained, but also that full use can be made of the economic potential of land in highly sustainable and accessible locations across North Tyneside.

8.14 National policy is clear that local authorities need to plan for future needs of economic development but a balance needs to be struck between making land available and reserving land that little likelihood of being taken up, where this is the case, other uses can be considered.

8.15 The applicant has submitted a Planning and Retail Statement to accompany their application. This has been considered by Planning Policy. Within this statement the applicant has advised that the prior to the adoption of the Local Plan (LP) (2017), this site was previously identified as an employment site within the former Unitary Development Plan (UDP), which was adopted in 2002. In their opinion, the employment allocation was effectively 'rolled forward' to form part of the adopted LP.

8.16 The applicant's supporting information considers that this development:  
-Would not result in the loss of any existing businesses, jobs or operations within the area;  
-Would generate employment opportunities in its own right;

- Would not undermine the quantitative supply of employment land within the Borough over the plan period given the need identified through the adopted Local Plan's evidence base and the supply identified;
- Would not result in a significant qualitative loss of employment land given that the site has been promoted for some years without notable market interest, and that the uses now surrounding the site would indicate a more appropriate use would be retail development. The site's loss as employment land is outlined as acceptable in the Council's Local Plan evidence base;
- Would not undermine the amenity of surrounding businesses and properties. Indeed, the uses proposed would be compatible with the neighbouring uses such as the hotel and public house/restaurant and provide sustainably located local facilities to support the surrounding residential uses;
- Pass the relevant retail planning policies given that an assessment of retail impact is not necessary and there are no sequentially preferable sites which can be seen as available, suitable and viable; and
- Would qualitatively address the localised shopping need which can sustainably support current, recent and on-going residential growth in the area.

8.17 It is clear from this supporting information that the applicant has instructed local commercial agents to provide advice on the prospects of bringing forward employment development on the land. They advised that the site is unlikely to be commercially attractive enough to be brought forward for employment uses and its location and surrounding uses compromise its ability to appeal to the market. It highlights the following principle points:

- Access arrangements would noticeably restrict the site's marketability;
- Commercial property market has slowed in 2019 and the focus is now predominantly on prioritising established employment locations and strategic development sites rather than land like the application site, which is likely to be too small and irregularly shaped for the majority of occupiers in the market;
- There is already a significant supply of employment land in North Tyneside and neighbouring authorities with vacancies in more established employment locations;
- The site is in a location which is not seen as a strategic priority for the council where the focus is more on the A19 corridor and banks of the River Tyne; and
- The surrounding residential uses will detract from its attractiveness for potential employment occupiers and it could restrict operations.

8.18 The site is designated for employment development under Policy S2.2 of the LP. A large proportion of this site is already developed accommodating a hotel and pub/restaurant. The remaining part of this site, subject of this application, is identified as available employment land (Site E018).

8.19 Officers acknowledge that the site has great access to the A19, is within close proximity to the Northumberland Park Metro Station and the Cobalt Business Park. On this basis, it is considered to be an excellent site for employment uses. However, Members must have regard to the evidence presented in the Planning and Retail Statement, including the commercial agents. The evidence presented indicates that the site has been available for over 10 years with no employment development coming forward and there is no indication of any interest in the immediate future.

8.20 The employment land to be lost as a result of this development, approximately 0.46ha, is relatively small in comparison to the overall land allocated for employment land (150ha). The applicant has advised that this would equate to a loss of approximately 0.3% of the total available employment land over the plan period. On top of this available employment land, the Council has identified a further 30ha of land as reserve employment sites. It is the view of officers, that this is not an excessive reduction in the supply of land for development of employment uses, considering the overall amount, range and choice available for the remainder of the plan period. This development would not result in an unacceptable loss of operational businesses and jobs as the land is currently vacant. Consideration must also be given to the fact that this development would generate employment opportunities. The applicant has estimated the job opportunities that can be generated from the completed development; approximately 41-55. This is in addition to direct, indirect and induced jobs that would be created through the development's construction stage. These employment opportunities tie in with the aims of the NPPF. On balance, the loss of employment to retail development would be in accordance with the criteria set out in Policy DM2.3. The criteria set out in Policy DM2.3 relating to impacts on neighbouring properties and businesses is considered in the latter sections of this report.

#### 8.21 Impact on existing centres

8.22 NPPF paragraph 86 stipulates that local planning authorities should apply a sequential test to planning applications for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.23 Paragraph 90 of NPPF states that where an application fails to satisfy the sequential test it should be refused.

8.24 National Planning Practice Guidance (NPPG) advises that the application of the test will need to be proportionate and appropriate to any given proposal. NPPG also states that there is a requirement to demonstrate flexibility. If there are no suitably sequentially preferable locations, the sequential test is passed.

8.25 Policy S3.3 outlines the requirements for new retail floorspace in North Tyneside over the plan period and seeks to provide a majority of this at Northumberland Park through expansion to the existing District Centre.

8.26 Policy DM3.4 provides relevant policy criteria in respect of the assessment of retail (and other town centre uses) which are proposed and within designated centres. This highlights that all such proposals need to pass a sequential test which requires the applicant to demonstrate that a proposed development cannot be accommodated on any identified sites/properties that are within designated centres and also edge of centres or out of centre sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections.

8.27 The NPPF paragraph 92 states “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as....places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.....”

8.28 The NPPF makes sets out clear guidance for Local Authorities through the decision-making and plan-making process to ensure adequate provision of community services and to guard against unnecessary loss.

8.29 LP Policy S7.10 ‘Community Infrastructure’ states “The Council and its partners will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhood they serve. In order to achieve this, amongst other matters: a) Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular, catering for the needs of the growing population around key housing sites; c) Existing provision will be enhanced, and multi-purpose use encouraged, providing a range of services and resources for the community, at one accessible location”.

8.30 The supporting text to the above LP policy states “Community infrastructure provides for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community through a wide range of venues and include shopping centres, cafes ..and other public venues.” It then goes on to state “Community infrastructure is an essential element in the creation of sustainable communities. The LP seeks to provide a range of services at the heart of every community which can contribute to community cohesion and identity and give opportunities for residents to pursue healthy and fulfilling lifestyles, and can also reduce the need to travel by providing easy access to multiple facilities.”

8.31 It is considered that Policy DM3.6 ‘Local Facilities’ can be afforded some weight. The supporting text to this policy states “To support sustainable development in the Borough the Plan supports out-of-centre provision of small-scale local facilities that could support local communities in appropriate retail and leisure uses, without having a significant impact on nearby centres recognised in the Centres Hierarchy. Policy S7.10 Community Infrastructure recognises the importance of community facilities serving more localised neighbourhood catchments and proposals for the loss of such facilities are covered in that policy.”

8.32 Objections have been received regarding the need for further retail development. It is clear from their comments that objectors consider that there are sufficient retail facilities within the immediate vicinity of the site.

8.33 There has been a notable amount of housing growth around the Holystone area over recent years; the most significant of which is the on-going development at Holystone Park directly to the south of the application site. It is the view of the applicant that, apart from the large Asda food store at Benton to the west of the site, there is little in way of local retail offer within the vicinity to fulfil day to day

requirements and provide the residents with amenities that are easily accessible (Northumberland Park District Centre is separated from the site by the A19). It is noted that the representations received from local residents do not share this view as they make specific reference to local services within the immediate vicinity of the site i.e. Asda and the petrol filling station.

8.34 Having regard to retail, the site is over 300m from the nearest designated centre (Northumberland Park District Centre); therefore, it would be classed as out of centre. The applicant has complied with the relevant policy requirements by submitting a sequential assessment within their supporting documents. This assessment considered other suitable, available and viable alternatives within other centres, including Northumberland Park District Centre and expansion land to the west of this District Centre (subject to Policy S3.3). At the time of carrying out their assessment the district centre was fully let and the units already constructed and under construction to the west of the district centre have been discounted due to their size, location and end-use. The applicant has also considered other sites within this assessment. These have been discounted due to their size, location and policy designation within the LP. Based on the evidence provided, officers consider that the proposal would be in accordance with Policy DM3.4.

8.35 Officers acknowledge that the proposed floorspace for this development is larger than a local facility as defined in Policy DM3.6. However, it is considered that this development could contribute towards the day to day needs of the surrounding populations, in particular the housing immediately to the south of the site and help to support social inclusion and sustainable travel by cycling and walking. Officers consider that due to the floor area specified in Policy DM3.6 conditions to prevent amalgamation and controlling the floor area of each unit are necessary and reasonable.

8.36 Both the NPPF and LP policies recognise social benefits arising from the provision of community facilities. It is considered that this development would be in accordance with paragraph 92 of the NPPF, which recommends that decisions for the provision of community facilities to enhance the sustainability of communities and residential environments should be considered positively. The immediate surrounding area has already seen an expansion of residential development and the provision of community infrastructure is considered an essential element in creating sustainable communities. This development would be in accordance with Policy S7.10 – ‘Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular, catering for the needs of the growing population around key housing sites’.

8.37 Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

## 9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health,

living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

9.2 LP Policy S1.4 “General Development Principles” states “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.” Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and 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”.

9.3 LP Policy DM5.19 Pollution states “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 proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

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.....”

9.4 Objections regarding noise, litter, disruption, impact on residential amenity have been received. Specific reference is made to the volume of traffic that will exit the site through a residential estate.

9.5 The application site is located approximately 17m to the north of the recently constructed residential properties of Edmund Road (Nos. 17 – 21). These properties are separated by a road which currently provides access to Edmund Road, the hotel and pub/restaurant. The site inclines gradually away from this road. Immediately to the east of the site is a hotel; there are windows sited in its west elevation directly adjacent to this site. Immediately to the west of the site is Holystone Way, beyond which lies existing residential properties.

9.6 Views of the proposed development will be afforded from the residential properties located immediately to the south and west of the site and the hotel located to the east of the site. Due to the orientation of the proposed units, it is



not considered that the outlook from these properties or the hotel would be significantly affected.

9.7 Due to the siting of the proposed units, it is not considered that the residential amenity of residential properties or the hotel, in terms of loss of privacy and light, would be significantly affected.

9.8 The Manager for Environmental Health has been consulted. She has advised that there are concerns regarding the potential noise arising from the development including plant noise, delivery noise and potential odours if cooking provisions are provided within the retail units. It is clear from her comments that to minimise noise arising from the site conditions will be required to address deliveries, collections, plant noise and potential odours.

9.9 The NPPF, paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 55 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the environmental health comments set out in paragraphs 1.32-1.37 of the appendix to this report that appropriate mitigation to reduce the impacts arising from the identified noise sources and odours can be secured by conditions. Subject to the imposition of the suggested conditions, it is not considered that this development would significantly impact on the residential amenity of nearby neighbouring properties.

9.10 Objections regarding air quality are noted.

9.11 The NPPF, paragraph 181 states "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan."

9.12 The site does not lie within an identified Air Quality Management Area (AQMA). Therefore, there is no requirement for this application to be accompanied by an Air Quality Assessment. It is clear from the Environmental Health comments that she has not raised any concerns regarding air quality.

9.13 The NPPF, paragraph 182, states "Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities...Existing businesses should not have

unreasonable restrictions placed on them as a result of development permitted after they were established.”

9.14 It is clear from the Environmental Health comments that she has not raised any concerns regarding the impact of this development on the operations of existing businesses located immediately to the north east and east of the site.

9.15 Members need to determine whether the proposed development is acceptable in terms of its impact on amenity. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity (existing and future occupants), subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

#### 10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF makes it clear that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 LDD11 ‘Design Quality’ applies to all planning applications that involve building works.

10.4 LP Policy DM5.9 ‘Trees, Woodlands and Hedgerows’ seeks to safeguard existing features such as trees.

10.5 The site has two access points, one via the left turn only off Holystone Way, and a second via the access to the existing public house and hotel. The first access picks up customers coming off the main Holystone roundabout, the second provides a more direct approach for those in the adjacent housing estate.

10.6 The design of the units follows their function: facing Holystone Way, with the car park and service/delivery area located to the front of the units and a screened zone for any plant and bins to the rear creating a tidy appearance. All units have their entrance and active frontage facing onto the car park.

10.7 The proposed units are single storey, accommodating a mono-pitch roof to assist in reducing its scale and mass. The units form part of a small terrace which steps in the middle to accommodate the two larger units. The parapet height of

the units stands at approximately 6.1m from ground level at the highest point, and approximately 4.4m at the lower side of the roof. The roof overhang to the front elevation, provides a covered walkway. The proposed materials (glazing, brickwork, powder coated aluminium and timber cladding) complement the contemporary design of the new houses to the south of the site.

10.8 The site, subject of this application, was previously used as a site compound for the adjacent housing scheme. Therefore, there is no landscaping that would be affected within the site. It is noted that there is some planting outside of the site to the northern boundary and the west embankment adjacent to Holystone Way. The areas outside of the site should be protected and retained as part of this scheme. A condition is recommended to secure this.

10.9 A landscape plan has been submitted to accompany this application. This has been considered by the council's Landscape Architect and Biodiversity Officer. They consider that the proposed landscaping is broadly acceptable, but some minor amendments are required regarding species mixes/percentages. It is clear that these changes can be agreed by imposing a detailed landscape condition.

10.10 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance. As such, the proposed development accords with national and local planning policies.

#### 11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

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

11.4 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.5 Objections have been received regarding the impact on highway safety, including access/egress to the site and the impact this would have upon the adjacent housing. Objectors consider that the existing road infrastructure is inadequate and not safe.

11.6 This development will utilise the existing access/egress arrangements as the existing hotel and pub/restaurant. The site will be accessed via an existing road from Holystone Way/Edmund Road (in-only) and another access and the exit via Edmund Road/Francis Way onto Holystone Way. Servicing will take place wholly within the site – via a lay-by located to the front of the proposed units. Refuse will be stored to the rear. Parking has been provided in accordance with the council's current parking standards, including cycle provision and Electric Vehicle (EV) charging points.

11.7 A Transport Assessment (TA) has been submitted to accompany this application. This has been considered by the council's Highways Network Manager. He has advised that the adjacent highway network has been analysed and sufficient capacity remains at the junctions between the access from the A191 Holystone Bypass, the service road, Edmund Road and Francis Way connecting back to the bypass. Neither Edmund Way or Francis Way have any drives accessing directly onto these routes as the existing dwellings are served by a series of service roads and shared private drives.

11.8 Subject to the imposition of the suggested conditions, the Highways Network Manager has raised no objections to this development.

11.8 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network, highway safety and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

## 12.0 Other Issues

### 12.1 Contaminated Land

12.2 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

12.3 Paragraph 179 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

12.4 Local Plan Policy DM5.18 Contaminated and Unstable Land sets out guidance on these constraints.

12.5 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

12.6 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development, subject to the imposition of the suggested conditions.

12.7 The Coal Authority has been consulted. They have raised no objection to the proposed development.

12.8 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

### 12.9 Flooding

12.10 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

12.11 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

12.12 LP Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

12.13 LP Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

12.14 A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted. This has been considered by the Lead Local Flood Authority (LLFA). It is proposed to provide surface water drainage with associated attenuation for up to 1 in 100 year rainfall event including an allocation for climate change. The development's surface water drainage system will be in the form of channel drains and permeable paving and attenuation will be provided by the use of storage crates. The surface water from the site will then discharge into an adjacent 600mm diameter sewer at a controlled discharge rate 3.5l/s in order to reduce the impact of the development on the local drainage network. A condition is recommended to ensure that the surface water drainage construction is built in accordance with the submitted planning application.

### 12.15 Community Infrastructure Levy (CIL)

12.16 This development is CIL liable.

### 13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of

the Community Infrastructure Levy. The proposal would result in additional business rates being received by the council and this is a benefit of the proposal.

#### 14.0 Conclusion

14.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways and ground conditions. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. Approval is recommended.

### **RECOMMENDATION:     Application Permitted**

#### **Conditions/Reasons**

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

- Application form
- Location Plan Dwg No. 2196-AL(90)1250 Rev B
- Existing site plan Dwg No. 2196-AL(90)001 Rev B
- Proposed site plan Dwg No. 2196-AL(90)100 Rev G
- Proposed elevations Dwg No. 2196-AL(0)010 Rev A
- Proposed floor plans Dwg No. 2196-AL(0)100 Rev A
- Proposed site sectional elevations Dwg No. 2196-AL(0)500 Rev A
- Proposed roof plan Dwg No. 2196-AL(27)100 Rev A
- Flood Risk Assessment and Drainage Assessment (July 2019)

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. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a fully detailed landscape plan and a landscape management and maintenance plan for a minimum period of five years, including details of arrangements for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree (trees to be a minimum 12-14cm girth) and shrub planting and ground preparation noting the species and sizes for all new tree planting. Details should also be provided regarding ground preparation and sowing of wildflower areas. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the

end of the first available planting season thereafter. The landscape maintenance scheme shall be implemented in accordance with these agreed details.

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

5. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 2no. bird boxes to be installed into the new buildings, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of any building hereby approved on which they are to be installed and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

6. Notwithstanding Condition 1, prior to the commencement of any development a Tree Protection Plan showing the type, height and position of protective fencing to protect existing landscape planting along the northern boundary and western embankment of the site and around each tree or hedge within or adjacent to and overhanging the site shall be submitted to and approved in writing by the Local Planning Authority. The protective fencing shall comprise a vertical and horizontal framework of scaffolding and well braced to resist impacts. These agreed details shall be in situ prior to any works commencing on site and shall be retained for the full duration of construction works. The protective fencing shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: This information is required from the outset to ensure existing landscape features and wildlife populations are protected in the interests of ecology and having regard to the NPPF and Policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

7. No part of the development shall be occupied until an area has been laid out within the site for all delivery vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the tree protection measures, identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water

browsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the occupation of any part of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

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

10. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the provision of wheeled refuse facilities for all waste types and refuse collection management strategy, including appropriate methodology, signage and identifying a suitable storage area for collection day only, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include areas of storage of refuse and recycling waste at each unit. Thereafter, these agreed details shall be provided prior to the occupation of each unit and permanently retained.

Reason: In order to safeguard the amenities of the area and highway safety having regard to policies DM7.4 and DM6.1 of North Tyneside Local Plan (2017).

11. No part of the development shall be occupied until a scheme for the following off-site highway works and a timetable for their implementation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be carried out in accordance with the agreed details and retained thereafter:

- Provision of new accesses
- Upgrade of footpath(s) immediately adjacent to the site
- Improved cycling & pedestrian crossing facilities serving the site
- Improved footpath links
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

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



12. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until a car park management strategy including a detailed methodology for monitoring the car park and surrounding highway has been submitted to and approved in writing by the Local Planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.

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

13. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until a scheme for secure, undercover cycle parking has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall be carried out in accordance with the agreed details prior to the occupation of any part of the development and permanently retained thereafter.

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

14. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until a Travel plan, which shall include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met, has been submitted to and approved in writing by the Local Planning Authority. This Travel plan shall be implemented in accordance with the agreed details and retained thereafter

Reason: In the interests of sustainable transport having regard to Policy DM7.4 of the North Tyneside Local Plan (2017).

15. Notwithstanding Condition 1, prior to the installation of any plant or machinery (including condensing units, extraction and air conditioning equipment), a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. This scheme shall include a background noise assessment which must be carried out in accordance with BS4142:2014 and details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development. The noise assessment shall determine the 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. Thereafter, the development shall be carried out in full accordance with these agreed details.

Reason: To protect the occupants of nearby properties from noise disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

16. Within one month of the installation of any plant and equipment pursuant to condition 15 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the permanent operation of this plant and equipment. Thereafter, it shall be maintained in working order.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

17. Notwithstanding Condition 1, prior to the occupation of each unit a noise scheme, regarding the delivery operations to the unit(s) detailing measures to be taken to mitigate noise arising from delivery activities, and a timescale for the implementation of any required mitigation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in order to safeguard the amenities of adjoining properties having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

18. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

19. Notwithstanding Condition 1, prior to any amplified music being played at the retail units, a noise management scheme, that has considered noise arising from the playing of amplified music, shall be submitted to and approved in writing by the Local Planning Authority. This scheme must detail the measures to be implemented and thereafter retained to minimise noise impacts from the playing of amplified music or other music events held within the units to ensure all activities and use of the premises is suitably mitigated via sound control measures. Thereafter, this scheme shall be carried out in full accordance with these agreed details.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

20. The development hereby approved shall only be operational (excluding deliveries or collections to the site and/or units) between the hours of 06:00 and 22:00. No deliveries or collections to the site or any unit shall take place outside the hours of 07:00 to 22:00.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

21. The use of all outdoor seating areas shall be restricted to 08:00 to 21:00 hours Monday to Saturdays and 09:00 to 21:00 hours Sundays and Bank Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

22. Notwithstanding Condition 1, prior to the occupation of each unit, if required, details of the air ventilation systems shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented before the unit is first occupied in accordance with the approved details and permanently retained.

Reason: To safeguard the amenities of adjoining properties and the visual amenity of the surrounding area having regard to Policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

23. Notwithstanding Condition 1, prior to the installation of any refrigeration plant, if required, the details of any refrigeration plant to be installed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

Reason: To safeguard the amenities of adjoining properties and the visual amenity of the surrounding area having regard to Policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

24. Notwithstanding Condition 1, prior to the installation of any odour suppression measures, if required, details of the odour suppression system for the arrestment of any odours associated with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained and maintained.

Reason: To safeguard the amenities of adjoining properties having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

25. 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 and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

26. Notwithstanding any indication of materials which may have been given in the application, prior to the commencement of any construction above ground level a schedule and/or samples of the materials and external finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policies DM6.6 and DM6.1 of the North Tyneside Local Plan (2017).

27. Notwithstanding Condition 1, prior to the commencement of any construction works on the site details showing the existing and proposed ground levels and levels of thresholds and floor levels of the proposed units shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements and protecting existing landscape features having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

28. Prior to the commencement of any part of the development hereby approved the following shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority:

- The undertaking of an appropriate scheme of ground gas monitoring;
- The submission of a report of findings arising from the ground gas monitoring;
- The submission of a scheme of mitigation/remedial works for approval; and
- Implementation of those remedial works/mitigation.

Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in order to safeguard the development and/or users thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

29. 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 development of the site and the quality of the environment for future users.

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

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

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

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

Upon approval of the method statement:

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

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

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

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

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

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

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

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

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

Reason: In order to safeguard the development and/or the users thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

31. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) none of the six units, shown on Dwg No. 2196-AL(90) 100 Rev G, shall be amalgamated with other units or sub-divided so as to result in any unit or units having a gross floor area or more than 280 sqm without the prior planning approval of the Local Planning Authority having first been obtained.

Reason: To enable the Local Planning Authority to retain control over the development, to prevent intensification of the use of the development hereby approved in order to protect the vitality and viability of existing centres in North Tyneside having regard to the National Planning Policy Framework and policy DM3.4 of the North Tyneside Local Plan 2017.

32. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the A3 (Restaurants and Cafes) units identified as 1 and 6 on Dwg No. 2196-AL(90) 100 Rev G shall be used only for that purpose of A3 (Restaurants and Cafes) and for no other purpose.

Reason: To enable the Local Planning Authority to retain control over the use having regard to policy DM3.4 of the North Tyneside Local Plan (2017).

33. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the A1 (Shops) units shall be used only for that purpose of A1 (Shops) (units identified as 2, 3, 4 and 5 on Dwg No. 2196-AL(90) 100 Rev G) and for no other purpose.

Reason: To enable the Local Planning Authority to retain control over the use having regard to policy DM3.4 of the North Tyneside Local Plan (2017).

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development falling within Class A, B, C and D of Part 7 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: To maintain control over the total amount of retailing floorspace, to ensure the development does not impact on the vitality and viability of town centres in North Tyneside and in the interest of providing adequate parking levels having regard to policies DM3.4 and DM7.4 of the North Tyneside Local Plan (2017) and LDD12 Transport and Highways.

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

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

**Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Req'd (I04)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)


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

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)





<b>Application reference: 19/01279/FUL</b>		© Crown Copyright and database right 2011. Ordnance Survey Licence Number 0100016801	
<b>Location: Land Adjacent To Holystone Roundabout, A19 Trunk Road, Wallsend, Tyne And Wear</b>			
<b>Proposal: Development of 6no. retail units (Use Class A1/A3), including associated servicing, car parking, landscaping, drainage, and other ancillary works (revised site plan and Transport Statement received 03.12.2019)</b>			
Not to scale			
Date:	10.01.2020		

## Appendix 1 – 19/01279/FUL

### Item 1

#### Consultations/representations

##### 1.0 Internal Consultees

##### 1.1 Biodiversity Officer

1.2 The proposed development is for retail units and associated car parking. The site is located to the east of Holystone Way with new residential housing to the south, the Premier Inn and a Public House to the east and the Holystone Roundabout to the north.

1.3 The land proposed for development has been used as a compound area for the adjacent housing scheme and therefore, there is no landscaping that would be affected within the site. There is some planting outside of the site to the northern boundary and along the western embankment next to Holystone Way and these areas should be protected and retained as part of this scheme.

1.4 A landscape plan has been submitted to support the above application (DWG No: 1004-11-1 Rev A - Dec 2019) which is broadly acceptable, although some minor amendments will be required to species mixes/percentages which can be agreed by way of condition.

1.5 I have no objection to the application subject to the following conditions being attached to the application: -

##### 1.6 Conditions

-Within one month of development commencing on site, a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new tree planting. Details should also be provided regarding ground preparation and sowing of wildflower areas. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. Any wildflower seeding that does not establish will be re-sown in the next available planting season.

-A 5 year 'Landscape Management & Maintenance Plan' for existing and proposed habitats within the site must be submitted to the Local Authority for approval prior to the occupation of the site. Management will be undertaken in accordance with the approved plan.

-No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

-2no. bird nesting features will be incorporated into the new build in suitable locations. Details of the specification and locations of the nesting features will be submitted to and approved in writing by the Local Planning Authority within 4

weeks of development commencing on site and will be installed in accordance with the approved plans.

-Existing landscape planting along the northern boundary and western embankment boundary of the site will be retained and adequately protected.

### 1.7 Landscape Architect

1.8 A revised landscape plan has been submitted in response to earlier comments (DWG No: 1004-11-1 Rev A - Dec 2019). This now shows a hedgerow along the western boundary with wildflower verges, shrubs and native trees and is acceptable subject to agreement of the species mix.

### 1.9 Suggested conditions

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation

Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval a Tree Protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts 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 group /hedgerow within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm

girth). Details should also be provided regarding ground preparation and sowing of wildflower areas. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

#### 1.10 Planning policy

1.11 The site is allocated for employment development in Policy S2.2 of the Local Plan (2017). This defines employment development as offices (B1), general industrial (B2) and storage and distribution(B8).

1.12 A large proportion of the site is already developed as a hotel (Premier Inn) and a pub/restaurant (Cookhouse and pub) and the remaining land is identified in Policy 2.2 as available employment land (Site E018 in Policy S2.2).

1.13 The site has great access to the A19, is within close proximity to the Northumberland Park Metro Station and the Cobalt Business Park and is considered to be an excellent site for employment uses. However, in consideration of evidence presented in the Planning and Retail statement (September 2019) and the commercial agents' advice it must be acknowledged that the site has been available for over 10 years with no employment development coming forward and there is no indication of any other interest in the immediate future.

1.14 The site area (0.46ha) is also relatively small in comparison to the overall land allocated for employment land (150ha) and its loss for retail development would be in accordance with the criteria set out in Policy DM2.3. The proposed development would not result in the unacceptable loss of operational businesses and jobs, with a number of jobs predicted to be created through the development, but it would be requested that the developer recognise the opportunity for the development to contribute towards the creation to local employment opportunities and support growth in skills. The development would not lead to an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period, nor would it have an adverse impact upon the amenity and operation of neighbouring properties and businesses, provided sufficient conditions were imposed so there was no unacceptable impact on the local amenity of residents or visitors to the existing businesses.

1.15 In retail terms the site is over 300m from the closest designated centre (Northumberland Park) and it would therefore be classed as out of centre development. As such the agent has complied with the policy requirements by submitting a sequential assessment to consider other suitable, available or viable alternatives within an existing centre or edge of centre site. It was agreed that due to the size of the site and its specific market function to capture the needs of the expanding residential population to the west of the A19, the sequential search area could be restricted to the designated centre of Northumberland Park and the expansion land allocated in Policy S3.3. Based on the evidence provided in the

Planning and Retail statement (September 2019) it is accepted that the proposal would be in accordance with Policy DM3.4.

1.16 Policy DM 3.6 considers the provision of small scale out of centre facilities serving local retail and leisure needs. This policy supports developments less than 500m<sup>2</sup> gross floorspace but the application is for 826m<sup>2</sup> net floorspace, therefore far larger than a local facility as defined in Policy DM3.6. That said, it is accepted that the development could contribute towards the day to day needs of the surrounding population and help to support social inclusion and sustainable travel by walking and cycling.

*1.17 Officer note: A contribution towards supporting growth skills under Policy DM7.5 has not been sought as this is not a major development.*

#### 1.18 Design

1.19 No further comments to make, the revised plans respond to the previous concerns raised (refer to paragraphs 2.20-2.23 below).

1.20 The application for 6 retail units would provide easily accessible community facilities for local residents. The design of the retail units follows their function; it is a simple design that is positioned to be visible from Holystone Road, while also being designed to have a tidy appearance to the rear. The powered coated glazing, brickwork and timber cladding will complement the contemporary design of the new houses to the south of the site.

1.21 The design should avoid creating the potential for future conflict with neighbouring residents due to noise and disturbance. For this reason, it would be better to remove or relocate the area of outdoor seating associated with Unit 1. Planning Conditions should also restrict the times of deliveries. The Environmental Health Consultee will assess this further.

1.22 Landscaping is incorporated around the site boundary, however there is limited landscaping within the site. Two small areas of landscaping within the site are shown on the landscape strategy plan although these are not reflected on the site plan. Further landscaping within the site should be incorporated to soften the appearance of the parking area and improve the overall design. Landscaping should also be incorporated along the boundary to the south of the site where the current area of seating is located. This will create a more sensitive development edge next to neighbouring properties.

1.23 Parking bays should be surfaced in blocks rather than tarmac to contribute towards a well-designed development.

#### 1.24 Highways Network Manager

1.25 The site is located next to the existing service road leading to the Premier Inn and Edmund Road which has been established for some time and before the Scaffold Hill residential development commenced. The site is accessed via this service road (in-only) and the Premier Inn access road (in and out). Servicing will take place wholly within the site - via a lay-by at the front of the row of units with refuse being stored to the rear. Parking has been provided in accordance with

current standards with cycle parking and Electric Vehicle (EV) charging points included in the layout.

1.26 As part of the application a Transport Assessment (TA) has been included. The adjacent highway network has been analysed and sufficient capacity remains at the junctions between the access from the A191 Holystone Bypass, the service road, Edmund Road and Francis way connecting back to the bypass. Neither Edmund Way nor Francis Way have any drives accessing directly onto these routes as the existing dwellings are served by a series of service roads & shared private drives.

1.27 For these reasons outlined above, conditional approval is recommended.

1.28 Recommendation - Conditional Approval

1.29 The applicant will be required to enter into an appropriate Legal Agreement for the following works:

- Provision of new accesses
- Upgrade of footpaths surrounding site
- Improved cycling and pedestrian crossing facilities serving the site
- Improved footpath links
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture and signage

1.30 Conditions:

- ACC25 - Turning Areas: Before Occ
- PAR04 - Veh: Parking, Garaging before Occ
- REF01 - Refuse Storage: Detail, Provide Before Occ
- SIT06 - Construction Method Statement (Minor)

No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and agreed in writing by the Local planning Authority. This scheme shall be carried out in accordance with the agreed details and retained thereafter:

- Provision of new accesses
- Upgrade of footpaths surrounding site
- Improved cycling and pedestrian crossing facilities serving the site
- Improved footpath links
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture and signage

Reason: In the interests of highway safety.

No part of the development shall be occupied until a car park management strategy including a detailed methodology for monitor the car & surrounding highway has been submitted to and agreed in writing by the Local planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a delivery, service & refuse management strategy including appropriate methodology & signage has been submitted to and agreed in writing by the Local planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme for secure, undercover cycle parking has been submitted to and agreed in writing by the Local planning Authority. This scheme shall be carried out in accordance with the agreed details and retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a Travel plan, which will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met, has been submitted to and agreed in writing by the Local planning Authority. This Travel plan shall be implemented in accordance with the agreed details and retained thereafter

Reason: In the interests of sustainable transport.

#### 1.31 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlp

#### 1.32 Environmental Health

1.33 The site is located within an area with an existing Hotel and Public house/Restaurant with residential properties located adjacent in Edmund Road approximately 20 metres from the boundary of the site and St Cuthbert's Way located across from Holystone Way. I would have concerned about potential noise arising from the development including plant noise, delivery noise and potential odours if cooking provisions are provided within the retail units.

1.34 Paragraph 180 of NPPF states that planning decisions should ensure that new

development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural

environment, as well as the potential sensitivity of the site or the wider area to impacts

that could arise from the development. In doing so, they should mitigate and reduce to

a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. To minimise noise arising from the site conditions will be required to address deliveries and collections and plant noise and to address potential odours if cooking is to be permitted within the units. A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels. It will be necessary for any flues to be acoustically mounted to the wall to prevent vibration noise. I would also have concerns if early morning deliveries and collections were to occur at the units, as I note that access will be from either Edmund Road or Francis Way, whereas all egress from the site will be via Edmund Road leading to Francis Way. This will result in delivery vehicles travelling through the residential areas and I would be concerned about early morning noise from these vehicles affecting the residential properties. I would therefore recommend a condition to restrict all delivery and collection operations to no earlier than 07:00 hours and not after 22:00 hours.

1.35 I would be concerned about noise from any music arising from the A3 use within the retail units, which includes for Restaurants and cafés if amplified or live music is played at the units affecting the neighbouring residential premises. It will be necessary to place conditions on the A3 unit to ensure a noise scheme is incorporated to assess the noise impact of such activities and to ensure adequate controls are attached. The proposed site plan does not appear to include any outdoor seating areas for the A3 units. If outdoor areas are to be provided, then they will need to be controlled via a condition to restrict their use. It is recommended that a condition be attached to restrict use to no later than 21:00 hours to protect the amenity of nearby residents.

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

Prior to the installation of any plant or machinery (including condensing units, extraction and air conditioning equipment), a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall include a background noise assessment which must be carried out in accordance with BS4142:2014. This assessment shall determine the 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.

There shall be no deliveries or collections to the site outside the hours of 07:00 to 22:00.

A noise scheme shall be submitted, approved by Planning in writing and thereafter implemented with regard to the delivery operations to the retail units detailing measures to be taken to mitigate noise arising from delivery activities.



NOI02

Noise scheme: Amplified Music

Prior to amplified music being played at the retail units, a noise management scheme must be provided in writing to the Local Planning Authority that has considered noise arising from the playing of amplified music. The noise scheme must detail the measures to be implemented and thereafter retained to minimise noise impacts from the playing of amplified music or other music events held within the units to ensure all activities and use of the premises is suitably mitigated via sound control measures.

HOU03: to those on the application

Any outdoor seating areas to be restricted to 08:00 to 21:00 hours Monday to Saturdays and 09:00 to 21:00 hours Sundays and Bank Holidays.

EPL01

EPL02

EPL03

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

HOU04

LIG01

REF01

REF02

SIT03

1.37 In response to concerns with regard to air quality impacts arising from the retail development I would advise that air quality can be a material consideration where the development results in causing an air quality impact resulting from high concentrations of pollutants or if the development has a negative impact on an existing air quality management area. In assessing whether an air quality assessment was required for this development the IAQM guidance specifies that an air quality assessment is required where it is a major development of more than 1,000m<sup>2</sup> of floor space. The retail development does not meet the threshold where an air quality assessment was required as the floor space is only 826m<sup>2</sup>.

#### 1.38 Contaminated Land Officer

1.39 I have read the Phase 1 report and note the following:

#### “13. RECOMMENDATIONS

There is a potential for contamination of the shallow soils on site from the mining industry, and ground gas from off-site mining and landfill. It is therefore recommended that a limited Phase 2 Ground Investigation is undertaken to support the redevelopment of the site, targeted at the potentially significant pollutant linkages within the sites initial CM.

For an initial investigation of the site a 50m testing grid is considered suitable in accordance with the requirements BS5930:2015 Code of Practice for Ground Investigations and BS10175:2011+A2:2017 Code of Practice for Investigation of Potentially Contaminated Sites.

This work could be undertaken as part of a geotechnical investigation to provide information on foundation requirements for new properties and infrastructure. At least 3no. ground gas monitoring wells should be installed as part of the investigation in accordance with the requirements of CIRIA C665 guidance and the requirements of North Tyneside Council, and a programme of gas monitoring implemented in accordance with the requirements of current guidance such as CIRIA C665 or BS8485:2015+A1:2019.”

1.40 Con 001 and Gas 006 must be applied.

#### 1.41 Lead Local Flood Authority (LLFA)

1.42 I have carried out a review of the surface water drainage proposals for the above planning application.

1.43 I can confirm that I have no objections to these proposals as the applicant's intentions are to provide surface water drainage with associated attenuation for up to a 1in100yr rainfall event including an allocation for climate change. The developments surface water drainage system will be in the form of channel drains and permeable paving and attenuation and will be provided by the use of storage crates. The surface water from the site will then discharge into an adjacent 600mm diameter sewer at a controlled discharge rate of 3.5l/s in order to reduce the impact of the development on the local drainage network.

1.44 I would recommend that a condition is placed on the application requiring that the surface water drainage construction is built in accordance with the submitted planning application.

## 2.0 Representations

### 2.1 Support

2.2 One letter of support has been received.

-Good to see new facilities being made available to those living nearby, and who travel past on daily basis. There is little in the way of convenience on my commute, other than large stores, so this will make a huge difference to the time taken by going to larger stores.

### 2.3 Objections and petition

#### 2.4 Petition

2.5 A petition objecting to the application has been received. A total of 39 signatures.

### 2.6 Mary Glindon MP

2.7 Local residents have contacted Mary Glindon MP. The following comments from local residents and an objection letter, have been submitted on behalf of Mary Glindon MP who considers this development to be unnecessary and detrimental to the area,

2.8 The local residents state the following:

“All residents of Edmund Road on the new Holystone Park Estate are extremely worried by a proposed development by Northumberland Estates. I note that even when rejected they eventually get what they want. That has been the case on two occasions recently in very close proximity to Edmund Road. However, this current proposed scheme will be devastating for the residents of Edmund Road.

A new retail park is proposed with only one exit through Edmund Road which already supports the Premier Inn, Cookhouse and a newly created bus service. These are all 4 bedroom family homes we have all only been in 2 years. This proposal will mean that we will have the A19 on one side of us and the A191 on the other street and out street turned into a busy highway supporting 8 businesses. Road structures are totally inadequate and we already have many problems with speeding, types of traffic etc on the street.”

2.9 The objection letter submitted with this representation is set out below.

2.10 Representation from 31 Edmund Road on behalf of all residents of Edmund Road.

- Inadequate parking provision.
- Nuisance: disturbance, fumes, noise.
- Poor/unsuitable vehicular access.
- Traffic congestion.

For the attention of Councillor: Ken Barrie, Trish Brady, Brian Burdis, Linda Darke, Sandra Graham, Muriel Green, Frank Lott, Paul Richardson, Willie Samuel, John Stirling and Frances Wheetman,

I have spoken to a solicitor and have been advised that it is my right to directly lobby Councillors who form part of North Tyneside Council's Planning Committee.

That said, I would like all Councillors on the Planning Committee to receive an identical copy of this e-mail.

This is also my formal objection to the proposed development.

This proposed development is of great concern to all residents of Edmund Road and I am authorised on their behalf to write to you directly to try to stop planning permission being granted for the development at Holystone Park.

Although Northumberland Estates make no reference to residents within their submission, Edmund Road consists of large family homes with a great number of small children. This being the case we want our neighbourhood to be as safe as possible for our children to be able to play outdoors which is their right. North Tyneside's Council (NTC) ethos is 'to be a listening Council' and also 'to make our estates safe' and also to 'reduce carbon dioxide emissions'. To name but a few.

I have undertaken a great deal of research and would like to draw your attention to NTC's Local Plan 2017-2032.

First, I draw your attention to the fact that this land is designated as 'Employment Land' and not 'Retail Land'. This land falls under use of B1, B2 and B8 covering Business including offices, research and development of products and processes, light industry appropriate in a residential area and storage or distribution. It does not cover shops or retail units.

Page 41: S2.2 'Provision of land for Development' E018 covers Holystone Park and specifically states that this land is for Business use.

Page 48: Economy 5.51 Development Affecting New and Existing Employment Land and Buildings. Item C states that: "Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development will be permitted where these proposals would not: Item C: have an adverse impact upon the amenity and operation of neighbouring properties or businesses."

I further draw your attention to Page 59 of the LP. Item S3.3 Future Retail Demand. Key sites are identified for retail development over the plan period are: Item 1 Northumberland Park: This site is identified and is currently under construction and is less than 5 minutes walk from Edmund Road. Two minutes further along the road we have a further development at Northumberland Park including Sainsburys, Card Factory, Subway, Herron Foods, a chemist, fish and chip shop and numerous others.

We have a brand new Aldi and a Costa Coffee. Travel towards Palmersville and we have a further Aldi and large-scale ASDA.

There are more than adequate retail outlets in the vicinity of Holystone. It cannot be argued that there is a further need. It is also my view, that this land is probably not suitable for much development as the impact on the residential estate and especially on residents of Edmund Road would be immense. Everything about this site is an after thought – the whole area is currently being developed and thought should have been given to the road infrastructure to support this land at the appropriate time. Surely there should have been some consultation undertaken with Northumberland Estates to ensure this happened?

We have the A19 directly behind us with 5m acoustic fencing and directly in front of us the A191 Holystone Bypass with 3m acoustic fencing. The traffic flow is horrendous and even with the Bypass upgraded considerably recently it still struggles to cope with the flow of traffic. How much more pressure when Murton Gap and Killingworth Moor are developed?

I draw your attention to the meaning of 'Road Bypass' as described in the Collins English Dictionary – A bypass is a main road which takes traffic around the edge of a town rather than through its centres. The whole point of the bypass is to keep traffic away from residential areas for safety reasons including road safety, noise, pollution, nuisance etc. Why on earth would we encourage transient drivers to leave the bypass and take a detour through our estate and to then leave via one exit point to buy their groceries on the way home when there are so many other local businesses which do not impact on neighbourhoods and are

situated on main roads? This would severely put our children in danger, will increase pollution within our residential street, noise, vibration and generally making our neighbourhood a poorer place to live.

I draw your attention to NTC's Air Quality Annual Report Status Report (ASR) published June 2019.

It advised that NTC has one area of concern for nitrogen dioxide within the borough based on air quality road modelling and that is the A1058 Coast Road. It states "In 2017 DEFRA identified in its UK Air Quality Plan for Tracking Nitrogen Dioxide as NT as one of the Local Authorities with a nitrogen dioxide (NO<sub>2</sub>) exceedance."

Edmund Road being sandwiched between the A19 and the A191 Holystone Bypass has to be somewhere on par with this if not exceeding it. Traffic volume on both sides of the estate is vast and will far outweigh in numbers transport using the A1058. We listen to traffic noise all day.

This land is wholly unsuitable for a development of six retail units. Edmund Road is used for all traffic departing from the Premier Inn and the pub and all transport travelling from Palmersville direction as well as an hourly bus service. This in itself should not have been directed through a residential estate as it entails large scale delivery vehicles including food deliveries, laundry etc. Also, guests, customers to the pub, taxis (which are often speeding), contractors and very often trip buses. The road infrastructure for this is wholly not suitable and during the planning stages for Holystone Park and the new Holystone Bypass provision should have been made to direct these businesses away from a residential street. To add to this now six retail units would put this residential street at breaking point. It simply cannot be allowed to happen.

There have been many issues over the last two years since residents moved into their properties with traffic speeding on Edmund Road. Taylor Wimpey, Highways Department, Police etc and Gary Bell, Local Councillor have all been contacted with ongoing issues.

I draw your attention to Page 54 Item 6 Retail and Town Centres. I note that all Retail and Town Centres in North Tyneside have been designed and built as part of a development plan with neighbouring residential areas in mind and not put in situ as an afterthought as there is a bit of land that needs using up. All centres and local centres are accessed by wide road networks which bring traffic in from various directions and also, they disperse in the same manner. All are based on what can be described as main road networks.

Other items of concern are:

- Inadequacy of parking/loading and turning – infrastructure is not adequate;
- Highway safety – volume and speed of traffic;
- Traffic generation – Northumberland Estates will be anticipating a large footfall otherwise the units would not be viable;
- Increased noise and disturbance resulting from use;
- Generated smells from units – we already have a great deal of fatty odours from the Cookhouse and pub;

- Road access – wholly unsuitable with only one exit point on a residential street which would have to support eight businesses;
- Anti-social behaviour – it is widely documented that developments of this nature attract undesirable elements which spill over into the local neighbourhoods with graffiti and crime.

Residents are working closely with the Holystone Action Group. So much traffic has been diverted towards Holystone that there are traffic problems within Holystone itself (Whitley Road) and I believe that consideration is being given to actually closing the road off to make it residents only. To approve this application would make the problems for the residents of Edmund Road even worse.

The residents of Edmund Road thank you for taking this time to read this email and we hope that it gives you a wider perspective of what will be offered by Officers. We live in this community and we want it to be a safe and happy place for our children to grow and thrive.

#### 2.11 44 objections have been received.

- Impact on landscape.
- Loss of privacy.
- Loss of visual amenity.
- Loss of residential amenity.
- Nuisance: disturbance, dust, dirt, fumes, noise.
- Poor traffic/pedestrian safety.
- Traffic congestion.
- Poor unsuitable/vehicular access.
- Will result in visual intrusion.
- Not in accordance with the development plan.
- Inappropriate design.
- Inadequate parking provision.
- Out of keeping with surroundings.
- Neighbourhood has plenty of amenities within walkable distance. There is no need for any more retail park.
- It would be ideal to use that land as a park or kids play area.
- Traffic volumes: Edmund Road already deals with a high volume of traffic with vehicles using the facilities at the Premier Inn, Cookhouse public house and drivers trying to bypass queues on the A191 as well as general access to the estate by residents. I note in the planning application it states “the facility is already located near to a bus stop in the immediate vicinity”. I was assured by Taylor Wimpey and NTC that this bus stop, located on the slip road that runs between the A186 and Edmund Road is temporary. I am very concerned at both the volume of traffic already using the street and the manner in which traffic passes down street, often at high speed with little or no concern for children playing who reside in the dwellings on Edmund Road. This problem is compounded by the fact many of these road users do not reside nearby or are transient in nature using the facilities mentioned and thus have little regard for residents of Edmund Road. The proposed plan is most definitely likely to increase this problem and without modifications to the existing road structure, present an unnecessary risk to my and other families living on Edmund Road. The fact the proposed development uses Edmund Road as its sole exit onto the A186 with entry being granted from both the aforementioned slip road and

Edmund Road is in my view, unacceptable. On a more practical note, I've lost count of how many vehicles I have seen contravene the no entry signs currently located at the Edmund road side of the slip road. I myself on entering the estate via the slip road have often had vehicles approaching me head on, having contravened the no entry signs currently in place on Edmund Road. This problem is likely to increase with the proposed development along with the issue of drivers turning right from the A186 onto the slip road rather than turn around at the Holystone A19 roundabout, an issue which is already a problem. I don't need to state how dangerous this already is for traffic using the A186 or people using the slip road. A compromise would be to make the said slip road two way or "on/off" so to speak from the A186 and close Edmund Road to through traffic entirely at the exit from the small roundabout at the south east corner of the proposed development. Thus, all traffic using the existing and proposed facilities would solely be using the slip road for access and exit as opposed to Edmund Road which would then only be accessed from Francis way. This would appear to be an acceptable compromise in my view and prevent Edmund Road having to deal with increased traffic volumes, increased risk to children playing and families living on the street, which is already at an unacceptable level. The slip road in question would require minimal alterations to facilitate this plan.

-Existing facilities: As a resident of Edmund Road, Holystone and the wider area in general, I would like to point out the following retail facilities are located near to Edmund Road and the surrounding estates. This is by no means an exhaustive list: ASDA Benton - 0.7 miles from Edmund Road, Aldi - 4 x locations - Holystone 0.3 miles (recently developed), Great Lime Road 1.2 miles, Wallsend High Street 2.5 miles, Wallsend Tynemouth Road 2.2 miles, JET Holystone Filling Station - 300yards, Silverlink Retail Park 1.2 miles, Boundary Mills 0.9 miles, Sainsbury's 0.5 miles, Heron 0.5 miles, Northumberland Retail Park 0.5 miles. This is to name but a few, as you are no doubt aware, since Holystone and the surrounding areas development began, there have been several new retail developments in the area. The area is already serviced by ASDA above, there are two industrial estates Wesley Way and North Tyne. Northumberland Retail Park has recently expanded to include a gym, Aldi and a Costa drive thru with a B and M bargains planned. The Pavilion, Holystone, Wheatsheaf and Cookhouse are all licensed premises serving Holystone. In short, the area already has sufficient facilities and does not require any further shops or retail units. In particular to my property and position as a resident of Edmund Road, the proposals at 20ft elevation at the highest point on the west side and 14.5ft on the lowest east side will be sufficient to affect light on my and neighbouring properties as well as lessen the overall value of property due to current views being obstructed from the front of my property and its proximity to it. This is without considering the negative social effects retail units can bring such as ASB, littering and parking issues. I have no doubt noise will also increase as I note there are loading facilities planned. This noise, in addition to noise generated by overall increased traffic flow, the bus service (rarely used), noise coming from the A19 corridor and traffic using the facilities already in place would render Edmund Road a noisier place than it currently is and no doubt at an unacceptable level. Air pollution is likely to increase in line with increased vehicle access and the destruction of a green belt sight the likes of which are less and less common in the area is of particular concern to me as a resident.

-There are many other grounds on which I would be strongly against the erection and creation of retail units in such close proximity to my property. I purchased my

house as a family home and hoped my child would be able to play on Edmund Road. It's becoming increasingly clear this is far too dangerous a prospect due to current traffic issues and the proposals would worsen these issues and render the street a no go area for the children who reside there. I would also be concerned with the increased traffic volumes mentioned earlier and the issues this may causing me entering and exiting my drive onto Edmund Road.

-If the road structure could be modified, it may be acceptable. In the current form I would strongly oppose the development.

-Cause disruptive behaviour.

-Huge eyesore for people living in their new homes.

-I don't want to be sat in my garden listening to people driving in and out or kids shouting there.

-Increase the chance of people breaking into property.

-The land would look better left green, especially in view of the Rising Sun Country Park.

-The roads don't have a safe crossing point. Traffic will be directed through residential streets, a park is due to be set on an area by a road so with the added traffic this is a recipe for disaster.

-Can the land not be used as a community space? All the green land has been removed already, children need a safe space to play.

-My absolute main concern is that we already have a hotel, pub and restaurant at the top of Edmund Road. All traffic exiting these facilities have to leave via Edmund Road. Edmund Road is a residential street and the volume of traffic already is substantial with guests, customers, delivery wagons, taxis etc. On top of this we have a bus running down Edmund Road from 6.30am until 11.30pm in the evening. To now propose an additional six retail units which will increase the volume of traffic dramatically is absolutely ridiculous and not acceptable. The submitted plans by Northumberland Estates should have included a new road structure which took all traffic away from the estate without accessing Edmund Road at all. You cannot seriously be contemplating that a development of this nature plus the existence of the already thriving hotel, restaurant and pub can simply be serviced by one residential street?

-We already have a great deal of problems on this street with speeding traffic etc especially from delivery vehicles to the hotel, traffic speeding round off the bypass and using the street as a short cut to miss queuing traffic and the Holystone roundabout. I have already due to these problems enlisted the support of local councillors, have been in contact with local police, Highways Department, Planning Department etc. To increase this further is unacceptable.

-I would also like to know what types of retail units are proposed. I have paid a great deal of money for my new home and know that developments of this nature drastically increase episodes of anti-social behavior, with youths congregating in the evenings, littering etc. Late night/early morning deliveries loading and unloading on a residential street. Not acceptable.

-This proposed development concerns me greatly with regards to residents safety and enjoyment of their homes. It is also absolutely disgusting that every single bit of green belt land is to be fully developed. This new proposed development is simple greed on behalf of Northumberland Estates.

-The Council cannot seriously consider the introduction of a further six retail units at the top of Edmund Road with simply one exit point of Edmund Road.

-We also have problems with joy riders coming off the A191 and using the street to race down. There have been many instances with regards to speeding. On top



of this we had the introduction of a temporary bus service some 18 months ago which runs from 06:30 to 23:30.

-This site has never been designated for retail use. It is designated for employment use. This covers offices, light industry, research and development and storage and distributions and falls under class B1, B2 and B8. I note the council does have the power to change the use of the land if it can be argued that there is a necessity for its use to be changed. However, in my opinion, in this instance this is not the case to argue for the change to retail as we have a vast amount of retail outlets in the local vicinity.

-The designation of status for this land was prior to the construction of the new Holystone Park Estate which commenced approximately 3 years ago. Even designated for the use of employment, Edmund Road would have been unsuitable because the intention for this land was in place long before the decision was made to construct a housing estate. Unfortunately, now, the two clash as one cannot support the other.

-If this land was to be developed a new road infrastructure should have been included as part of the new Holystone Bypass planning to ensure the traffic could access the site and leave the site without having to impact on residential streets. Forward planning by both Northumberland Estates and North Tyneside Council has not been implemented on this occasion and it makes development of this site unworkable.

-It seems to have evaded Northumberland Estates to mention that all traffic exiting the retail park will have to depart on the residential street of Edmund Road. The current infrastructure is totally inadequate to the support the addition of this facility.

-Access to the new proposed facility will come directly off the newly created Holystone bypass where speed is 40mph (but more often than not much faster). The turn into Holystone Park is very sharp and the proposed entrance to the new units is a very short distance from the entry point. I can see no mention by Northumberland Estates regarding the impact to the safety and well-being of residents on Edmund Road. There have already been a number of incidents on this street. I have written to the developer when a number of residents witnessed one of their employees almost being killed by a car speeding from the hotel. Following this event and a culmination of other issues my neighbour contacted a Councillor on behalf of residents of Edmund Road to seek help and assistance for the introduction of traffic calming measures. 20mph traffic calming and speed humps are to be introduced. Over the last two years I have called on the Planning Department, Highways Authority and Police due to traffic problems.

-This planning application has been in the pipeline for the last two years so why was there no communication between Northumberland Estates and the Council at this time? This was simply because Northumberland Estates would hope to push through this development at a later date without a monetary outlay with regards to road infrastructure.

-We have had to put up with the site compound at the top of Edmund Road for twelve months only last year and it was hell for residents at the time with JCB, vans running up and down the street all day. So even 12 months ago consideration could have been given for alterations to the roads.

-Northumberland Estates statement: "It is concluded that the proposed development meets all safety and planning policy regulations and will not impact on the highway network as such and there are no transport/highway reasons for refusal of this planning application."

-Disagree that there are no impacts on highway safety: hotel has doubled in size over the last three years and wants to extend further; pub/restaurant; all services, suppliers, taxis, guests and customers, a bus service, Edmund Road is used as a through road to the 440 houses (when finished) on the estate as a short cut. The proposed units will exacerbate this. Now you propose: the addition of six retail units which will have to be completely serviced by Edmund Road along with all customers and HGV service vehicles for 16 hours a day, seven days per week and there are no concerns with regards to highway safety.

-Prior to purchasing my property, I contacted the developer and checked with my solicitor with regards to bus access on the street. I was advised that this would definitely not happen. Roll on 6 months and we have a bus – but advised by North Tyneside only temporary until Francis Way is completed and the set route can be implemented.

-How can traffic movements be forecast if they do not know the end user?

-I noted with amusement Northumberland Estates forecast of Vehicular Trip Generation. As they are totally unaware of who will take these units at this point there is no way that they can forecast this unless they have a crystal ball. I note from the application that there will be 44 car parking spaces available. This seems to be inadequate for six units and I can bet my bottom dollar that overflow of cars will be parked on Edmund Road. Not only will this increase static traffic substantially but where will staff park their cars? I can guarantee in visitor parking bays on the local residential street of Edmund Road.

-Application, 15/00945/FUL, stipulated at Point 16 on the grant of planning permission for the well-being of residents the point of noise pollution from traffic. We have the A19 behind us and the A191 directly in front of us. To look out my window I see 3m acoustic fencing parallel to the A191 and 5m acoustic fencing parallel to the A19. This in North Tyneside's own words is "to protect properties and their gardens from noise pollution having regard to Policy E3 of the North Tyneside Unitary Development Plan and is in line with The World Health Organisation Community Noise Level of 55dB". In hindsight I would never have bought a property in this location. We have constant noise from both of these major roads. Now the proposal is to encourage these cars to not bypass the estate but to come into the estate and then exit by the only way possible Edmund Road.

-It is intended that all deliveries will be staggered and that the premises will be able to be open from 06:00 until 22:00 daily including Sunday trading. The application talks about noise and disturbance to the hotel but makes no mention to the homes which are equally, if not closer to the proposed development. What about these? Also, the proposed staggered off-peak deliveries. As we all know outlets often take deliveries late at night. What about the well-being and comfort of residents in their own homes. Why should we have to endure living what will essentially be in the middle of a retail park.

-What is proposed will greatly increase noise pollution. I would like to make a request that Air Quality Levels are reviewed on Edmund Road. Not only additional pollution from cars but also as residents we have considerable amount of smells from the hotel already. This will increase with the introduction of further food outlets.

-We encounter vibration in our homes from large vehicles. This will be compounded even more with large HGV delivery vehicles to the retail units on a daily basis.

-14m HGV's will need to access the units – how are these vehicles to access and depart? Retail units require dedicated service roads – there is no such facility being proposed or available at this site. Where in North Tyneside or any surrounding area do you see a retail park which is completely serviced by a residential street? What is proposed as the delivery point and turning point for HGV's is in fact the access road into the hotel and bar/restaurant. There is not sufficient room for the addition of a footpath for pedestrians walking up to the hotel or restaurant. What happens when more than one HGV wishes to deliver at the same time – only one thing can happen and that they will have to park up Edmund Road – there is simply nowhere else for them to be static. This contravenes by laws for public safety and for cars accessing from other side roads.

-We will have an element of youths hanging round. This results in graffiti, increased volumes of litter and also crime in the local vicinity and surrounding streets with the increase in car crime etc. I am not guessing at this, but this is a known fact.

-There is no facility whilst constructing this site to move earth, deliveries, heavy goods etc other than entry and exit on Edmund Road.

-Prior to this estate being built a road system should have been established to take traffic for the hotel. We live with the hotel because we know it was here before use. But for the additional of a retail park – no.

-This development would take away all enjoyment of residents who have paid a great deal of money for their homes on Edmund Road. We bought homes believing our children could play out and be safe and secure in that knowledge. Every single bit of green land has been consumed by greedy developers with absolutely no regard for the residents who live in this area.

-Difficulty in crossing dual carriageway A191 due to lack of toucan crossing points and excessive speed limit of 40mph.

-There is only one location marked for cycle parking and this is too far from some of the units. Cycle parking needs to be outside all units or at least at both ends and in the middle of them. Cycle parking also needs to be covered, especially if it is meant for staff working there as well as for visitors.

-I support the development of shops on this land, but I would be more in favour if it included a GP, a dentist, 1-2 independent shops/cafes, a fenced children's play area, better pedestrian crossings, better infrastructure to support the increased traffic, and noise reduction measures for the residents living directly opposite the developed land due to the increased traffic.

-The current infrastructure of Edmund Road already receives a lot of negative criticism as it is from the local residents: lack of decent tarmacked roads and footpaths, lack of adequate and appropriately placed dropped kerbing, lack of speed restrictions, lack of green space, lack of places for children to play.

-If developed the council must address the existing infrastructure: block off the exit to Edmund Road from the mini roundabout, making the one-way slip road into a two way system and the only access to the Premier Inn, Cookhouse Pub and the developed land. All traffic would remain in that developed area instead of being forced to exit through the residential area. Limit parking on Edmund Road to residents only. Put up acoustic fencing/wall for all the houses facing directly onto the development.

-I would propose that Edmund Road is made a cul-de-sac at the current roundabout and the traffic enters and exits via the new slip road entrance to Edmund Road. This would mean that all new traffic and existing pub/hotel traffic

could access the new and existing site and the residents would benefit from even less traffic as the hotel and pub traffic would no longer come through the estate. This could be achieved by adding traffic lights and a filter lane to the Holystone bypass to allow traffic to enter and exit. Alternatively, the new retail park could be accessed directly from the Holystone bypass again using traffic lights. I have no objection to the retail park in principle, it will bring jobs and help the local economy. But I am strongly against the current access and exit proposal.

-This piece of land is better served as a children park and play area as the children in our estate, including our own, have nowhere safe to play.

-When we purchased our house, we were told there were plans for a park to be built at the front of the estate on the Bellway side (right hand side as you come into the estate) but currently just a mound of soil.

-As it stands, our school run walk to Holystone Primary can be a bit of a lottery trying to cross Holystone Way. I don't understand why the council did not put another pedestrian crossing from the Cookhouse Pub straight across Holystone Way, rather than the current design where we have to cross from the Cookhouse Pub, over the A19 slip road, then to the central roundabout, to cross back over to Holystone Way to reach Whitley Road and to Holystone Primary.

-Finally, I am concerned about any potential littering if permission is granted to takeaways.

-Air pollution can be defined as dirty air which damages human health, plant and animal life or property. The World Health Organisation defines air pollution as "substances put into the air by the activity of mankind into concentration sufficient to cause harmful effects to health, property, crop yield or to interfere with the enjoyment of property." The increase in traffic on Edmund Road will seriously interfere with the enjoyment of our property as well as that of our neighbours due to increase in Air Pollution and impact on human health. North Tyneside Council states: 'Everyone has a right to clean air'. At a time when the world is focusing on improved air quality pollution noise etc. This planning application if passed by the council will increase all of these in a concentrated residential No Through Road named Edmund Road. The residents of Edmund Road will have their right to clean air taken away. Local authorities in the UK have a responsibility to reduce environmental issues.

-North Tyneside Council says: 'GoSmarter plays its part in helping us to create healthy, low traffic neighbourhoods around homes, shops and schools across North Tyneside.' If this Planning Application is approved we will live in an unhealthy, high traffic neighbourhood.

-North Tyneside Council say: 'In the North Tyneside Transport Strategy we set out our aims to support health, fitness and mental wellbeing through promoting active travel, improve environmental sustainability and local air quality, and improve safety for all road users while increasing cycling and walking.' If this Planning Application is passed Road Safety & Air Quality will be compromised for residents

-The report below appears to be the latest from North Tyneside Council and appears on their website:

North Tyneside Council

2017 Air Quality Annual Status Report (ASR)

In fulfilment of Part IV of the Environment Act 1995

Local Air Quality Management

Date (June, 2017)

-The main pollutants of concern within the borough of North Tyneside are nitrogen dioxide and particulate matter which are principally traffic related emissions. North Tyneside continues to engage with the public and in decision making. The air quality strategy being developed will highlight air quality in decision making for all new developments and is incorporated into the Local plan. If this Planning Application is passed residents of Edmund Road will be exposed to increased nitrogen dioxide and particulate matter not only with an increase in cars but a significant increase in the number of diesel service vehicles.

-The Council promotes public participation to create an ethos that everyone can do their bit to improve air quality. I hope that by these objections and rejections of the Planning Application we as residents of Edmund Road are doing our bit to improve air quality.

-Cllr Carl Johnson cabinet member for transport and environment NTC says “as a council we are committed to creating clean, green, safe and sustainable environments.....not having cars clustered around school gates makes for a better local environment and helps improve air quality for everyone.”

“We are a listening council and we know safety on our roads is one of residents’ top priorities -it’s one of ours too”.

-I would only support it if there will be better infrastructure along Edmund road. For example, to block off the top of Edmund road. Then use entrance/exit from the slip road by the planned site. Also, to build an acoustic fence in front of the houses that are currently facing the planned site and also along the bypass.

-Even employment/industrial is not really required as there are numerous units empty locally.

-I use the restaurant next to this site and find crossing the road to get there is impossible – we have to go into the centre of the roundabout cross over the A19, cross the slip road to get on the correct side of the road (3 roads crossed) where it used to just take one crossing before the by-pass was “upgraded”. People trying to get to this site will take chances to cross the bypass – this is unsafe as it is.

-Does no-one ask residents what they want? It’s all about consulting everyone except the people actually impacted by the development. We don’t care what the draft plan said – this is not necessarily what people want – it’s what the council wants to impose on us.

-The units will not be self-contained. They suggest up to 55 employees and allow 40 ‘free’ car parking spaces with four more in certain circumstances. If the units were fully occupied there would be a spill over of parking in residential areas nearby.

-Plans show very little allowance for loading areas which could be a problem. The delivery vehicles manoeuvring in and out could also be a safety issue.

-The developers comment about parents being able to pick up a newspaper or pint of milk on way to the local school is negated by the fact that there is a shop in the garage next door to the school where these items and many others can be bought.

-How would council committee members feel if this development was planned on your doorstep?

-The need for a taxi rank is unfathomable, with 50 car parking spaces plus a local bus service it is unclear why there needs to be this level of street traffic at all. Other local shopping areas such as Forest Hall does not have a taxi rank.

-This land is not designated for retail but business use. Northumberland Estates cannot on a whim suddenly decide to change its use to suit their own ends. They

had the opportunity to request that the lands designation be changed during the Local Plan consultation but they did not. Prior to purchasing my property my solicitor would have advised that this proposal for retail use was in place. As it the case with all my neighbours we would not have purchased this house in this location.

-Page 48 of the Local Plan clearly states that development affecting employment land will only be permitted where it does not have an adverse impact upon the amenity of neighbouring properties.

-Moving the departure point to the entry point for the hotel creates a bottleneck for accidents.

-Would the Duke of Northumberland like this development in front of his castle? Well neither do I for this is my castle which I have worked 50 years for.

- I would like to draw your attention to an inclusion in the original submission by Bradley Hall on Environmental and Amenity Impact on behalf of Northumberland Estates with regards to the viability of selling this piece of land.

*“There is significant residential development in close proximity to the site which will be seen as a negative by many occupiers as it could, in some circumstances, limit hours of operation for a business or restrict business activity based on noise, smell or traffic concerns”.* So, if these concerns were raised by Bradley Hall with regards to possible sale of the land how does Northumberland Estates think it would be a good idea to create a Retail Park which would present major problems for residents in all of these areas if not more? The fact is that this piece of land has been up for sale for the last 10 years with no interest. Surely during this time consideration should have been made to the highway layout to support any future business use as the land at Scaffold Hill had been sold for housing development.

- Another submission in the original proposal presented by Pegasus Group on behalf of Northumberland Estates states with regards to pedestrians from Holystone accessing shops at Northumberland Park:

*“The site is located east of the A19 and is so not ideally located to serve the residents to the west of the A19 with local retail facilities which are capable of being accessed by foot. We consider that whilst there are crossing facilities the busy road network in this area does present a notable barrier for those living west of the A19 to access Northumberland Park District Centre.”* So, what is this? A local facility for local residents of Holystone? No, because it has already been highlighted by Pegasus Group that this road network is dangerous on foot. So, this is a lie by Northumberland Estates. Pegasus Group are entirely correct on this point as the bypass is very dangerous to cross due to volume of traffic and speed of traffic.

-Northumberland Estates recently responded in the Chronicle to residents' objections and concerns with regards to this proposal and advised that this development is a local facility for local people where they can get a pint of milk and bread on their way back from the school run. If this was the case, we would need one small shop – which we already have next to the school where these items can be bought. If this was the truth this development would simply not be viable – no in their submission to North Tyneside Council they boast of the creation of up to 55 jobs. A local facility to buy a pint of milk and loaf of bread or paper does not require: HGVs to be staggered – how will this actually be enforced and who will enforce it? Service hours limited – this would obviously push deliveries to outside of peak hours – meaning more misery for local residents. Turning engine off – this point is beggars' belief – if an engine needs to

be turned off the proposed site is simply too close to residential properties. Again, who will police this? Traffic Marshalls and Banksmen – For a local facility? If these are requirements for this site there is simply no place for it here – the whole thing is a hair brained, knee jerking reaction scheme by a company who is having problems selling on a piece of land.

-This development is specifically designed to draw transient drivers off the dual carriageway into a housing estate to collect groceries on their way home on their busy commute. This type of customer has no respect or regard for the local area. Rush in and rush out to join the hoards speeding elsewhere on the dual carriageway. The letter of support submitted supports my point.

-Planning and Retail Statement: Proposals themselves seek to locate the car park away from the hotel and public house/restaurant and so disturbances from cars arriving and leaving from the development is minimized. It is therefore considered that the proposed development would not impinge or unduly undermine the amenity of these buildings. What about the residential homes that are situated right on the entry or those overlooking the units? Residential homes are much closer in proximity than the hotel but Northumberland Estates seem to be ignoring this fact. One of the homes that will be overlooking this are so worried about the impact that they have already put their home on the market. This is a disgusting state of affairs and shows contempt and a total lack of consideration by Northumberland Estates for the residents of Edmund Road. Pegasus Group in reference to Northumberland Park Retail facilities states that this is a 5-minute walk. That is the case and we have more than adequate retail facilities in the area. How much retail does one area need? No one wants this development and that is highlighted completely by the lack of support shown on North Tyneside Planning website.

-Air Quality: North Tyneside Council states that it is working towards reducing CO<sup>2</sup> emissions and is already an authority which has been highlighted with excessive CO<sup>2</sup> emissions. This being the case, why would they possibly consider this hair brained idea of encouraging traffic to leave the bypass to enter a residential estate – entry to Holystone Park from the roundabout is sharp and there is a need to slow right down to maneuver the junction to then be immediately be greeted with another sharp turn into a retail park. This is a no goer and traffic will in essence back up onto the bypass at busy times as cars wait to access the facility. Anyone coming into the estate will also be straight up the back of any cars which are stationary on the entry road also.

This road is simply too short and the turn is too sharp – this road should have been altered during the construction of the bypass and should have been made into a slip road. Also, best will in the world traffic cross the dual carriageway now to enter the hotel – this will increase considerably if there were the temptation of retail units there.

Why has there been no submission of plans which takes into account the possibility of altering the road network thereby pedestrianizing Edmund Road and returning all traffic directly to the bypass from the retail area? Because in my view, this is the only way that there is any possibility that this site could be now developed.

More cars mean more risks especially in relation to speed. The same is true for volume of traffic. Higher volumes, like higher speed are associated with higher injury risk. Volumes of traffic are correlated with local noise and pollution. Research by the University of West of England – transient vehicles are damaging for residents. Streets become noisier, more populated, harder to cross and less

pleasant environments. A major threat to quality of life is high volumes of motor traffic associated with a wide range of mental and physical health detriments arising from air and noise pollution.

Air Quality Strategy: will highlight air quality in decision making for all new developments and must be considered as part of the Local Plan. This being the case this development should be totally rejected. I have spoken to every resident now on Edmund Road and everyone has stated that under no circumstances would they have ever considered buying a house here if they thought for one minute that there would be a possibility that a retail park could be built and totally serviced by our street.

-Noise Generation: Black's Law Dictionary states "noise nuisance" that which annoys and disturbs one in possession of his property, rendering its ordinary use and occupancy physically uncomfortable to him". The suggested level of motor vehicles is 30 dB but no more than 50 dB or this can be enforceably challenged. Noise level is already great. A number of residents are reporting that with all doors and windows closed that traffic noise is a constant nuisance from both the A191 and A19. This cannot be increased by encouraging more traffic to come into the estate.

NPPF Paragraph 180: all developments should be appropriate to location taking into account factors such as noise impact which would give rise to significant adverse impact on health and quality of life.

-NPPF on Pedestrian Safety, Paragraph 109 states that developments should be refused on highway grounds if there would be an unacceptable impact on highway safety – increasing a high volume of traffic down Edmund Road as this is the only exit point for all traffic would be totally unacceptable.

-This in itself is totally irrelevant as this is a residential street and we want it to remain so.

-Data generation for the junction of Edmund Road and Francis Way was undertaken mid-week on a Wednesday. We actually spoke to the person who was doing it. Run this data on a Friday, Saturday, Sunday or Monday and a completely different pattern would be read. Likewise, run it during the spring and summer months when occupancy of the hotel is greater. The time was very carefully planned. As for the speed indicators listed – these are total rubbish. We have constant problems with speeding on Edmund Road especially from service vehicles for the businesses and also problems with speeding cars and buses. Taxis and traffic simply passing through also are prone to high speeds. However, much you generate and try to manipulate data we do not want to become a service road, nor do we want even more traffic. Houses are still being built here and traffic will increase naturally through increased residency in times. Generation of numbers using retail park are also rubbish – Northumberland Estates cannot at this point advise of who will be occupying these units nor the nature of the business. They want the ability to sub divide and amalgamate as suit needs – this means that anything is possible. Also, the bypass will continue to attract increased levels of traffic and housing developments at Murton Gap and Killingworth Moor commence and establish. Also, housing continues to thrive at Backworth and large organisations such as Sage are establishing now at Cobalt. However, one thing that Northumberland Estates can predict is that this facility will attract a large vehicular movement as this site is in a prime location to draw transient drivers off the dual carriageway. Compound this with the hotel and pub restaurant.



-Parking Facilities: Simply look at other retail facilities in North Tyneside and we immediately know that parking is totally inadequate. There are simply not enough parking spaces available. The possibility of 55 employees – say half of these are employed at any one time – how many of these spaces will immediately be taken up with employee vehicles? That leaves very few spaces for customer parking – and we don't know what businesses will be taking them so really no one is fully aware of what will be required – but I do know that there simply won't be enough – this then means a spill over into the local streets. I looked at Costa Coffee at the new Northumberland Retail Park and they alone have approximately 100 spaces likewise with Toby Carvery – so how are 6 retail units going to manage with 40? The car park at the new Northumberland Park facility is vast – at the moment for two businesses the new ALDI and B & M and the massive car park is full to capacity. Likewise, travel along the road for a couple of minutes Northumberland Retail Park and the large car parking facility there often struggles to cope with car volume.

-Revised Plan: Where do you have a retail park without a dedicated service area? The whole thing is going from bad to worse. HGVs will be delivering front of store where pedestrians will be. The fact that it is stated that deliveries will be made outside peak hours compounds even further the disruption for Edmund Road residents who would overlook the facility. The slip road from the bypass into the actual retail park does not have the road distance to be safe. Immediately leaving the bypass cars will have to immediately navigate the entrance to the facility. Any hold up or stationary cars will be a problem as cars will back up on the bypass. The roads are simply not suitable for the volume of traffic which will be attracted to the site. I would have thought that this would have already been highlighted by the Highways Department.

-Transport Plan: Highlights service bus running on Edmund Road – currently we have 36 buses per day running from 6.30am until 11.30pm. This will cease once Francis Way is fully open.

-Improved Road Network: The simply answer to development of this land has to be in the improvement of the road network. If a scheme such as this would ever be acceptable to residents traffic accessing retail businesses need to come in off the bypass and reenter the bypass with Edmund Road being pedestrianized at the top and consideration being given to residents who currently overlook the site with trees and screening.

-Northumberland Estates talk about this facility being a betterment for the locality – how can this be the case with increased volumes of traffic, noise, vibration, fumes, speeding traffic, volume of traffic, increased litter, possible anti-social behavior etc.

-I draw your attention to two new local housing estates in the area – Gosforth Park where the retail facility of Miller and Carter is placed at the entrance to the estate and likewise the Pavillion at Heritage Green. Housing Estates are not built around business, but business needs to be sympathetically placed so as not to impact on residential estates.

-Our local councillors and Mary Glindon, MP also support the fact that this is simply not a required development and will have an adverse impact on the neighbourhood.

-I reside on Edmund Road and all the points I raised in my last objection are still relevant to this proposal. The minor change to direction of traffic inside the development would be of small comfort to the residents living opposite.

-Edmund Road will be used am and pm by diesel fueled LGVs servicing the units and no doubt, times in between depending on which businesses occupy the units. As well as diverting several hundred motorists per week off the bypass and into our estate with the sole exit route being back down Edmund Road.

-Edmund Road comprises of 3, 4- and 5-bedroom homes with young families in many. All residents have grave concerns about the volume, type and speed of vehicles which will use this development. Similar developments in North Tyneside are all built on main roads with a dedicated service road with access and egress not through a housing estate.

-The entrance and exit to the proposed development is directly opposite the entrance/exit to the hotel/bar potentially creating a bottleneck at busier times.

-The no entry signs to the North end of Edmund Road are ignored on a daily basis with vehicles turning right onto the bypass. Vehicles travelling from the Palmersville end ignore the Premier Inn advisory signs indicating to go round the roundabout and turn right off the bypass and into the hotel. The lack of a no-right turn sign here makes the problem worse. Residents are of the opinion that if the development goes ahead a mini-accident black spot will be created at this junction.

-The proposed development states the creation of 55 staff jobs and 46 car parking spaces with 4 in special circumstances – where will the staff park? Residents of Edmund Road believe the overflow from this development will park at the North end of Edmund Road and use the mini roundabout to U-Turn rather than parking in the development, thus creating another bottleneck.

-I will also be looking at my legal paperwork to check what covenants are in place reference parking on Edmund Road.

-It is my opinion that the current road layout is totally unsuitable for a development of this size and Northumberland Estates should liaise with the Highways Department with a view to creating a dedicated access road and filter/slip road for the hotel. This would be a better use of the land and would benefit residents and the busy hotel/bar which is no doubt a leasehold property built on Northumberland Estate's land.

-Where do you see a Retail Park that is serviced by only one residential road? There is no such facility in North Tyneside and probably never will be.

-If this goes ahead without a new road structure being put in place which has absolutely no impact on Edmund Road or Holystone Park it will be a disgrace. Because the whole estate is going to be impacted by the increase in traffic. Not only cars, but wagons and HGVs all hours of the day and night. We already have major problems within the estate with speeding traffic etc. This will put even more pressure onto this. I know there have been many complaints to the various Council departments including Police and Taylor Wimpey.

-Edmund Road needs to be made a cul-de-sac and blocked off at the top. Then, any development will stand independent and will not impact on residents safety and enjoyment of their homes and surroundings.

-Residents on Edmund Road are already sandwiched between the A19 and the A191 which are major roads. Since the upgrade to the A191 Holystone Bypass traffic volumes have increased tenfold.

-I notice that Environmental Health have been involved in the process in a number of areas but nothing seems to be mentioned with regards to the traffic that is actually going to travel along Edmund Road and Francis Way to rejoin the bypass. This area continues to develop – the estate is way from being completed yet. Traffic will continue to increase in the area once the developments at

Killingworth Moor and Murton Gap commence. As you are fully aware, we are tightly sandwiched between both the A191 Holystone Way Bypass and the A19 which are two of the most major road networks in the borough. We do not know what businesses will be taking the new units which means that we cannot know the full extent of the traffic which will pass through the estate. However, there seems to be no Environmental Health involvement in actually looking at the current levels of Nitrogen Dioxide or Noise Levels on these streets. These points seem to have been totally overlooked during your consultation process. North Tyneside Council are supposed to be fully committed to the reduction of CO<sup>2</sup> emissions in the borough. We already suffer with the noise of traffic from both major road networks. To bring a large volume of traffic now through the estate I believe will exceed World Health Organisation Guidelines with regards to decibels what residents should endure.

-We seem to only be able to see comments from certain consultees and notice that there is nothing on the public platform with regards to Planning Policy – is this because everything that is being proposed goes against what has been passed by the Government Inspector and agreed by Council?

### 3.0 External Consultees

#### 3.1 Holystone Action Group

3.2 Two letters from HAG have been received and are amalgamated below.

3.3 This piece of land was designated for Employment Use but this proposed development is for Retail. It does not therefore accord with the Local Plan. The Local Plan was developed over many years and re-written after 2013. There was significant consultation with residents, businesses and land owners across North Tyneside prior to the Local Plan being submitted to the Government Inspector for approval. We understand that at no point in those consultations was there any consideration of the use of this land being altered. Therefore, the Government Inspector approved the Local Plan with this land in its designated form, not for Retail. The Local Plan is designed to inform development for fifteen years, the vast majority of which remain. For these reasons alone, this application should be refused.

3.4 The intended use as indicated within the Local Plan would be most likely to attract few vehicular movements outside of peak hours. Retail would be attracting vehicular movements throughout the day and evenings, too. Retail, to be viable, must attract significant footfall and – due to the nature and location of this proposed development – most of this footfall would be by people in their cars. The residents of Holystone village would be unlikely to access this proposed development on foot as there are no crossing points on this four-lane section of Holystone by-pass; there is not even a central reservation. It must be considered therefore that only residents who live adjacent to the proposed development, along with any guests staying at the Premier Inn, would access this proposed development on foot and all other footfall would be by car.

3.5 Vehicular access to this proposed development has to be through the Holystone Park estate and exit from the proposed development would particularly – and due to the single exit route - pose a real danger to children who may be playing out. It must be anticipated that there would be a significant footfall and thus a significant number of vehicular movements, for without significant footfall, the proposed development would not be viable. Indeed, in the revised

application, the developers are proposing an increase in parking spaces of 14% which clearly indicates they underestimated the amount of spaces needed and thus traffic footfall anticipated in their original application.

3.6 Service vehicles would also have to enter and exit via the same estate, posing an even greater risk to children out playing.

3.7 Added vehicular movements would increase air pollution in a housing estate, and in particular nitrous oxide from diesel vehicles, with all the service vehicles being of that type. The nitrous oxide emissions would pose an increased risk to health, especially of younger and elderly people. Increasing air pollution is contrary to Council Policy.

3.8 The proposed opening hours and type of development proposed would be highly likely to attract anti-social behaviour, both in terms of people hanging around but also with an extreme likelihood of increased litter. The by-pass is already blighted by litter thrown from cars, especially with reference to takeaway food and this development would increase that, including creating a litter issue in the Holystone Park estate's access roads.

3.9 Holystone Interchange is already at – or at times, beyond – vehicular capacity. Holystone by-pass is already dangerous for pedestrians wishing to cross, even where there are crossing points, none of which are adjacent to this proposed development. Current design of the Holystone by-pass was put in place to cater for the existing developments and also those coming on stream at Backworth, Shiremoor, Scaffold Hill, Station Road North (Wallsend) and the new retail units being built on the other side of Holystone Interchange. The proposed development would significantly add to the traffic on both Holystone Interchange and Holystone By-Pass, putting vehicle occupants at further risk on the Interchange and pedestrians significantly further at risk when crossing the By-Pass.

3.10 The developers correctly point out that there is a bus which stops outside the proposed development. However, what they do not state is that this bus service is temporarily funded through s.106 funding from the Holystone Park housing estate and is unlikely to continue beyond the expiration of that funding. Further, they do not point out that this bus will be routed away from the proposed development once the Holystone Park development is completed, so to include this information in their Traffic Statement is misleading.

3.11 For the Traffic Statement presented by the developers to suggest 'No Impact' is fanciful as there has to be significant footfall to make this proposed development viable. The traffic survey conducted with regards to traffic speed is clearly as it is now and therefore will bear no resemblance to how it would be if this proposed development is permitted – the statement is therefore misleading when it states 'No Impact' on Road Safety. Appendix Four of the Traffic Statement shows a 2km and 5km distance ring, which clearly indicates the developers are anticipating customers would come from distance, inevitably by car and this belies their assertion that this development is for local people.

3.12 The service area for the proposed development does not provide sufficient space for the service vehicles to park and turn safely, they would have to manoeuvre on the highway, blocking it and thus stopping vehicular access to/from the northern entrance/exit of the site and also for vehicles wishing to gain access/exit from the Premier Inn. Any obstruction to the highway is unacceptable, as is any obstruction to the view of vehicles entering/exiting the Premier Inn or the proposed development.

3.13 The proposed opening hours and type of development proposed would be highly likely to attract anti-social behaviour, both in terms of people hanging around but also with an extreme likelihood of increased litter. The by-pass is already blighted by litter thrown from cars, especially with reference to takeaway food and this development would increase that, including creating a litter issue in the Holystone Park estate's access roads.

3.14 For all the reasons outlined in this document, this Application should be refused.

### 3.15 The Coal Authority

3.16 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

3.17 The Coal Authority records indicate that part of the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop.

3.18 The applicant has submitted a Coal Mining Risk Assessment Report (July 2019, prepared by DBS Environmental Ltd). On the basis that the report is able to discount any risks posed to ground stability, but confirms that a programme of ground gas monitoring will be required to be able to inform the most appropriate mitigation. The Coal Authority has no objections subject to the imposition of an appropriate condition.

3.19 The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

3.20 The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

3.21 The Coal Authority concurs with the recommendations included in the Coal Mining Risk Assessment Report (July 2019, prepared by DBS Environmental Ltd); that coal mining legacy potentially poses a risk to the proposed development and that ground gas monitoring should be undertaken prior to development in order to establish the exact situation regarding this issue.

3.22 The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring the further ground monitoring prior to commencement of development.

3.23 In the event that the further monitoring confirms the need for mitigation/remedial works, which could include designing the foundations of the buildings to minimise risk, such as raft foundations incorporating gas protection or proofing measures, this should also be conditioned to ensure that any remedial works identified by the monitoring are undertaken prior to commencement of the development or are integral to it.

3.24 A condition should therefore require prior to the commencement of development:

- The undertaking of an appropriate scheme of ground gas monitoring;
- The submission of a report of findings arising from the ground gas monitoring;
- The submission of a scheme of mitigation/remedial works for approval; and
- Implementation of those remedial works/mitigation.

3.25 The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

3.26 Newcastle International Airport Limited (NIAL)

3.27 I can confirm that NIAL have no objection to this application.

**Application No:** 19/01280/FUL Author: Will Laing  
Date valid: 24 September 2019 ☎: 0191 643 6320  
Target decision date: 24 December 2019 Ward: Collingwood

Application type: full planning application

**Location: Moorhouses Covered Reservoir, Billy Mill Lane, North Shields, Tyne And Wear**

**Proposal: Construction of 75no. dwellings with associated access, parking, landscaping and infrastructure**

Applicant: Bellway Homes Limited (North East), Mr Mark Gabriele Bellway House Kings Park Kingsway North Gateshead NE11 0JH

Agent: BH Planning & Design, Mr Mark Ketley 1 Hood Street Newcastle-upon-Tyne NE1 6JQ

**RECOMMENDATION:** Minded to grant legal agreement req.

## **INFORMATION**

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

#### 1. Main Issues

1.1 The main issues for Members to consider are as follows:

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact on the amenity and future residents;
- Impact on highway safety;
- Impact on biodiversity;
- Other issues;

1.2 Planning law requires that applications 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 material considerations in reaching their decision.

#### 2. Description of the Site

2.1 The application site is located off Billy Mill Lane in North Shields. The site consists of two adjacent parcels of land measuring 3.2 hectares in total located in a predominately residential area.

2.2 The lower section lies to the east of Billy Mill Lane and north of Whitehouse Lane. The upper area is bound by existing residential properties of Tamar Close, Tiverton Avenue, Taunton Avenue and Blandford Road.

2.3 The lower section contains a redundant covered reservoir on an elevated platform approximately 2-3m high. There is a valve house and Pumping Station within this part of the site. A stone wall forms the boundary treatment. The upper section of the application site is public field and has a much more gradual topography.

2.4 A demolition consent has been approved for the former reservoir and pumping house.

2.5 Immediately to the north of the site is an existing footpath and beyond another covered reservoir. Existing housing stock surrounds the rest of the site.

2.6 The A1058 Coast Road lies around 600m from the most southern boundary of the site providing connections.

2.7 The application site is allocated as a housing site (site 42) within the North Tyneside Local Plan 2017.

### 3. Description of the Site

3.1 This application seeks full planning permission for the erection of 75No dwellings across the two parcels of land, 19No of these dwellings would be affordable housing. The development would comprise 29no. four-bedroom, 24no. three-bedroom and 22no. two-bedroom properties.

3.2 The southern parcel of land would contain 19No dwellings, while the northern parcel of land would contain 56No dwellings, with the affordable housing allocation sited to the northeast section of the site.

3.3 The proposal would contain the following schedule of accommodation:

3.4 Affordable (Rented):

- 7No: M4(3) 2-bed Bungalow
- 11No: Baker 2-bed semi-detached/terrace

3.5 Affordable (Discount Market Value):

- 1No Coiner 2bed semi-detached dwelling
- 5No Harper 3bed semi-detached/terrace dwelling

3.6 Two-bed Dwellings:

- 8No Coiner 2bed semi-detached dwelling

3.7 Three-bed Dwellings:

- 6No Harper 3-bed semi-detached dwelling
- 8No Hillard 3-bed semi-detached dwelling
- 5No Sawyer 3-bed detached dwelling with integral garage

3.8 Four Bed Dwellings:



7No Reedmaker 4bed detached dwelling  
7No Cutler 4bed detached dwelling within integral garage  
5No Bowyer 4bed detached dwelling  
10No Lorimer 4bed detached dwelling with integral garage

3.9 Vehicular access would be through a proposed vehicular entrance in the southern boundary, as per the previous outline approval, and the proposal seeks to retain the 3No existing pedestrian access points to the site which are located to the northwest, northeast and southeast corners of the northern parcel of land.

3.10 The proposal includes 26No visitor parking bays across the site, in addition to the off-street parking for each dwelling.

3.11 The proposal would seek the removal and pruning for an existing area of vegetation along the western boundary of the northern parcel of land but would retain significant proportions of this existing landscaping. There are existing trees along the southern boundary and a hedge along the eastern boundary of the northern parcel of land that are to be retained and a tree on the eastern boundary of the southern parcel of land.

3.12 A full landscaping scheme has been submitted, including lawns, shrubs and trees within the development and further soft landscaping, including shrubs, trees and wildflower planting around the periphery of the application site.

3.13 Furthermore, the application seeks the retention of stone wall along the western boundary shared with Billy Mill Lane.

3.14 The demolition of the former reservoir and valve house was approved under a separate application for demolition consent (19/01531/DEMGDO) and do not form part of this application.

#### 4. Relevant Planning History

19/01531/DEMGDO

Demolition of decommissioned covered reservoir and associated valve house  
Permitted 11.12.2019

15/01999/OUT

Residential development (Use Class C3) with associated access.  
Permitted 06.10.2016

#### 5. Development Plan

5.1 North Tyneside Local Plan 2017

#### 6. Government Policy

6.1 National Planning Policy Framework (February 2019)  
Planning Practice Guidance (As amended)

6.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining

development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7. Main Issues

7.1 The main issues for Members to consider in this case are:

- Principle of development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future occupiers;
- Impact on highway safety;
- Impact on biodiversity;
- Other issues.

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.

### 8.1 Principle of Development

8.2 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.3 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.4 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

8.5 Paragraph 59 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.6 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

8.7 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area.

8.8 Policy S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific

policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.9 Policy S4.3 'Distribution of Housing Development Sites' identifies the application site as Site 42 'Moorhouses Reservoir, Billy Mill, North Shields' a greenfield housing site for 50 dwellings.

8.10 The application site is allocation for housing development under policy S4.3 of the Local Plan (which indicates the site could provide 50 potential homes) and has a previous outline planning permission for 50 dwellings. As such it is the view of the case officer that the principle of residential development was established under planning approval 15/01999/OUT. However, this outline permission has now lapsed.

8.11 The application site is located within a well-established residential amenity close to existing amenities and bus routes.

8.12 While it is acknowledged that the North Tyneside Local Plan 2017 was adopted after the previous permission was granted, the current Local Plan has identified the site as a housing site. It is officer advice that the principle of the development is acceptable, subject to the proposal addressing the issues below.

8.13 Objections have been received on the loss of greenspace and recreational space provision and the potential this may have on anti-social behaviour. Whilst the site is a greenfield site, the site does not have any formal sports provision or allocation. Furthermore, the s.106 agreement would lead to financial contributions towards playing pitches, equipped play areas, allotments and built sports facilities to mitigate the loss of the site.

8.14 Members need to determine whether the principle of the development is acceptable. It is the officer opinion that the proposal complies with policies S1.2, DM1.3, S1.4 and S4.3 and as such the principle of the development is acceptable.

#### 9. North Tyneside Council Housing Land Supply

9.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 Policy S.4.3 'Distribution of Housing Development Sites' identifies the application site as Site 42 'Moorhouses Reservoir, Billy Mill, North Shields' a greenfield housing site for 50 dwellings

9.3 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 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 6.1 year supply of housing land).

It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.4 Although the Council can demonstrate a five-year supply of deliverable housing sites, this site is identified as part of that supply.

9.5 It is acknowledged that the proposed development would provide 25 more dwellings than the previous approval and policy allocation. This is not in itself harmful. However, the proposal includes a proportionate increase in affordable housing and can comfortably accommodate the proposed increase in units. Furthermore, the proposal would offer a range of two-bed, three-bed and four-bed dwellings.

9.6 The proposed development would assist in supporting the council's objective of meeting the objectively assessed housing need and ensure a mix of housing for both existing and new residents in the borough. This is therefore in accordance with LP policies S4.1 and S4.2(a) 'Housing Figures'.

#### 10. Impact on the character and appearance of the site and the surrounding area

10.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para.130). In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.3 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 of the characteristics of the site, its wider context and the surrounding area.

10.4 Policy DM4.9 states that all new housing will meet the Government's Nationally Described Space Standards (NDSS).

10.5 The Council has produced an SPD on Design Quality (2018), it states that the Council will encourage innovation in the design and layout, and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

10.6 The proposed dwellings have been designed to appear in keeping with the surrounding residential area. The individual house types would vary in size and the development would incorporate a range of detached and semi-detached properties with some short terraces and bungalows. The proposed development would be traditional in character and appearance.

10.7 The predominant building materials of the proposed dwellings would consist of red brick, concrete roof tiles and feature brick details with consistent design across the site to establish a legible character within the scheme.

10.8 The topography of the site leads to two distinct parcels of land, however the design of the dwellings is consistent in character across both parcels.

10.9 The applicant has worked proactively with the Council's design officer to ensure that the proposal would create active frontages throughout the site and when viewed from the public realm to the Billy Mill Lane and Whitehouse Lane.

10.10 Following the requested amendments, the Council's Design Officer is supportive of the application subject to the use of block paving on for the visitor parking bays. This can be conditioned.

10.11 All of the proposed housing across the development either meet or exceed the total floor area and bedroom floor area requirements as set out within the NDSS.

10.12 It is acknowledged that objections have been submitted on the grounds of inappropriate design. It is the view of the case officer that the proposed design and layout are of a good quality of design for the reasons stated above and appropriate in the context of the surrounding residential area.

10.13 An objection has been received on the impact of the development on landscape and loss of visual amenity. The development has limited views from the public realm and would be located in well-established residential area. The proposed buildings are of a size and height that would be not be prominent and as such the proposal would not have a significant adverse impact on the surrounding landscape and would not have a significant detrimental impact on the visual amenity of the surrounding area.

10.14 Members need to determine if the proposed development is acceptable in terms of design quality. It is officer opinion that the proposal is of a good quality of design and would comply with policies DM6.1 and DM4.9 of the Local Plan and the Design Quality SPD.

#### 11. Impact upon the amenity of existing and future occupiers

11.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise

from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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

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

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

11.5 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.6 It is acknowledged that objections have been received on the grounds of privacy, where rear gardens of some proposed dwellings would adjoin the rear boundaries of existing properties. The development at the upper-eastern and upper-western boundaries form a 'back-to-back' relationship with existing dwellings at Triverton Avenue and Blandford Road. This is in keeping with the existing street structure and maintains separation distances between 21.5m and 30.4m.

11.7 These separation distances are sufficient to adequately protect the privacy amenity of the existing and proposed dwellings and to ensure that the proposed dwellings would not have a significant impact on the light or outlook of the existing dwelling.

11.8 The size, siting and plot sizes of the existing dwellings would ensure the future occupiers would have an acceptable level of residential amenity.

11.9 Objections have been received on the grounds of visual intrusion. While the site is currently greenfield, the proposed housing is of a similar scale, layout and massing of the surrounding properties. The height and mass of the proposal would not result in an unacceptable visual intrusion to the neighbouring dwellings.

11.10 The noise assessment states that a small number of plots (1-3 and 7-15)) will require acoustic glazing and ventilation. The noise levels for these plots with windows open would be some 3-4dB above the guidance level. The Manager of Environmental Health advises that a 5dB tolerance is given within BS8233 for anonymous noise such as road traffic and therefore does not object subject to conditions.

11.11 On the balance relatively few plots would be affected, and that the exceedance would be within the established tolerance threshold (i.e. as not to cause a statutory nuisance), it is officer advice that the impact of noise on the development would be acceptable in this instance.

11.12 Objections have been received on the grounds of light pollution. The proposed development would be served by street lighting, but would not contain any other lighting, as such the proposed development would not cause undue light pollution.

11.13 It is acknowledged that several objections have been received raising concerns regarding nuisance from noise, dirt/dust, fumes and disturbance. Given the residential use of the proposal, these issues will be restricted to the construction phase. While it is inevitable that the construction phase will result in some noise, dust/dirt, fumes and disturbance, conditions are recommended to ensure that a suitable construction method statement and wheel washing facilities are implemented throughout the construction phase. Furthermore, conditions are also recommended to ensure that the construction hours are controlled.

11.14 Several representations state that there are existing issues with anti-social behaviour at the application site. The proposed development would remove the anti-social behaviour at the existing site.

11.15 It is acknowledged that objections raise concerns that the development would displace the anti-social behaviour to the nearby local shops (northeast of the site) and that the loss of the greenspace would take away recreational sport facilities and cause more anti-social behaviour. The Police Architectural Liaison Officer has been consulted and has no objection to the proposal. As such, it is the view of the case officer that the proposal would resolve the existing anti-social behaviour issues from the application site and would be unlikely to create additional anti-social behaviour elsewhere.

11.16 Members need to determine whether the proposal is acceptable in terms of impact on residential amenity. It is the opinion officer, that the proposal complies with policies S1.4, DM5.1 and DM6.1 of the Local Plan 2017 and the Design Quality SPD, subject to the imposition of the conditions recommended by the Highways Network Manager and the Environmental Health (Pollution) Officer.

## 12. Impact on highway safety

12.1 National Planning Policy Framework paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

12.2 Policy S1.4 'General Design Principles' stipulate that proposed development 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.

12.3 Policy S7.3 'Transport' states future transport provision should reflect existing demand and also take account of planned economic and housing growth to ensure an integrated approach to sustainable development and travel patterns. Through the objective to deliver a modal shift to more sustainable modes of transport, there is an emphasis on increasing the modal share of public transport, walking, cycling and other non-motorised modes for journeys both within the Borough and beyond. This recognises the requirement to reduce impacts that contribute to climate change and encourage active and healthier lifestyles.

12.4 Policy DM7.4 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 resident's health and well-being.

12.5 The North Tyneside Transport and Highways SPD stipulates that the off-street parking criteria for housing is 1 space per dwelling for properties up to 2 bedrooms, 1 additional space per additional bedroom thereafter and; 1 space per 3 dwellings for visitors.

12.6 A Transport Statement and Framework Travel Plan has been submitted to support the application. The Transport Statement analysed the highway network in the vicinity of the site as well as the proposed site access. The Highways Network Manager supports the conclusion of the Transport Statement that effects of development traffic on the network are not considered to be severe and the site has reasonable links with public transport. Furthermore, a Framework Travel Plan has been submitted as part of the application whereby alternative modes of transport will be promoted.

12.7 Vehicular access would be provided from Whitehouse Lane and the design of the access conforms to current standards with identified capacity demonstrated through appropriate assessment and contained within the Transport Statement.

12.8 Parking demand can be fully met within the site, including visitor parking which is proposed to be spread across the development. Adequate turning space is also incorporated within the layout to enable personal and service vehicles to enter and exit in a safe manner.

12.9 The site is located within an existing well-established residential area with good access to local services and amenities, including shops, schools and healthcare. The proposal integrates the public rights of way across the site, with existing access points to the northwest, northeast and southeast corners of the northern parcel of land to ensure good pedestrian and cycle permeability across the site.



12.10 The Highways Network Manager supports the proposal subject to a suitable S.278 Agreement and the imposition of conditions as listed within their consultation response. The requested conditions include provision of parking spaces; refuse details; the layout of the new and altered access points and turning heads and; the closure of any redundant access points prior to occupation, in the interest of highway safety.

12.11 A pre-commencement condition is recommended for the submitted of a Construction Method Statement and wheel washing facilities, in the interest of residential amenity and highway safety.

12.13 It is acknowledged that objections have been received on the grounds of impact on traffic and highway safety, however the submitted Transport Statement and review by the Highways Network Manager show that the proposal would not have an unacceptable adverse impact on highway safety or a severe impact on the surrounding highway network, subject to the impositions of the requested conditions.

12.14 There are two public right of ways crossing the application site with 3No existing access/egress to the field. The existing and access/egress points shall be retained, and the rights of way altered to accommodate the development and integrate into the pedestrian routes through the site. The diversions of the public rights of way shall be dealt with outside of the planning process.

12.15 Members need to determine whether the application is acceptable in terms of parking and highway safety. It is the officer opinion that the application complies with policies S1.4, S7.3 and DM7.4 of the Local Plan 2002 and the Transport and Highways SPD.

### 13. Impact on biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

13.2 Para.175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable

compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

13.3 Para. 177 states that the presumption in favour of sustainable development does not apply where development requires appropriate assessment because of its potential impact on a habitats site is being planned or determined.

13.4 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

13.5 Policy DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

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

13.7 Policy DM5.9 (Trees, Woodland and Hedgerows) supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new development and, where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

13.8 The North Tyneside Coastal Mitigation Strategy SPD 2019 sets out the requirements for Coastal Mitigation Contributions for residential and tourism related development.

13.9 The application site does fall within an existing wildlife corridor and has some vegetation on site, including young and semi-mature trees around the periphery of the site.

13.10 A preliminary ecological survey was submitted with the planning application. The survey assessed the habitat potential across the site, with the majority of potential of habitats, including for birds and bats being low, with the exception of hedgehogs, which was assessed as a moderate habitat. The submitted survey lists a series of mitigation measures to be incorporated into the development and to be used during the construction phase of the development. Officer advice is that the mitigation measures can be secured by means of planning conditions.

13.11 The Landscape Architect and Biodiversity Officers have been consulted. The applicant has worked proactively with the Landscape Architect and Biodiversity Officer to amend the submitted landscaping plan to retain the existing landscaping features of the site, including the trees along the western boundary of the site, and to ensure that a suitable mix of native planting and trees are used through the soft landscaping scheme.

13.12 The latest comments of the Landscaping Officer request the repositioning of some proposed trees to ensure they do not impact on the light of future and existing residents. The applicant has amended the proposed landscaping scheme (to revision C) in light of these comments. The Landscaping Officer and Biodiversity have been re-consulted, however their response has not yet been received. An update will be provided the Members of Planning Committee at the meeting.

13.13 In addition to the soft landscaping scheme, the proposal includes the installation of 22No bat boxes/bricks and 15No bird boxes/bricks, spread throughout the development within the proposed houses and landscaping.

13.14 A Pre-development Tree Survey and an Arboricultural Impact Assessment were submitted with the application. These documents assess the full impact the proposal would have on the existing trees within the site and recommend protection measures for the trees to be retained during the construction phase of the development.

13.15 The proposed development would require loss of 2No Category C trees of low quality, and several individual trees within 2 Category B groups of moderate quality along the western boundary of the northern parcel of land. It should be noted however that the trees within both groups are of low individual merit but that were given the higher retention category of B2 relating to their 'group' nature rather than any specific individual arboricultural merit.

13.16 The proposed soft landscaping scheme would include a significant amount of tree planting throughout the site to mitigate for the trees that would be removed.

13.17 Natural England have raised no objections subject to Coastal Mitigation contribution in accordance with the North Tyneside Coastal Mitigation Strategy SPD 2019.

13.18 It is acknowledged that Northumberland Wildlife Trust have objected to the application in principle. They acknowledge that the site is currently of limited ecological value, however they consider the loss of the greenspace along with other greenfield sites to have an unacceptable cumulative impact.

13.19 While the Northumberland Wildlife Trust comments are noted, the application site is allocated for housing under the North Tyneside Local Plan 2017 and has a previous outline consent, although this has now expired. Furthermore, the Council's Biodiversity Officer and Natural England have no objection to the scheme.

12.20 Given, the allocation as a housing site within the Local Plan 2017 and the relatively low ecological value and the proposed biodiversity enhancements and mitigation measures proposed, it would not be reasonable to refuse the application on the basis of the Northumberland Wildlife Trust's objection.

13.21 Having regard to the above, it is the view of the case officer that the application is acceptable in terms of landscaping and ecology, subject to conditions to ensure the landscaping scheme and the mitigation measures listed within the Arboricultural Impact Assessment and Preliminary Ecological Survey are implemented.

13.22 It is acknowledged that objections have been received on the impact on wildlife and loss of/damage trees to trees. While these concerns are noted, they do not raise any further issues that have not already been discussed earlier in this section.

13.23 Members need to determine whether the proposal is acceptable in terms of its impact on ecology, trees and biodiversity. With the recommended conditions imposed, it is officer opinion that the proposal is deemed to comply with policies DM5.5, DM5.6, DM5.7 and DM5.9 of the Local Plan 2002.

#### 14. Other issues

##### 15. Flooding

15.1 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

15.2 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

15.3 LP Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood

risk from all sources, taking into account the impact of climate change over its lifetime.

15.4 All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

15.5 LP Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

15.6 LP Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

15.7 The application site is assessed as Flood Zone 1 which is the lowest risk.

15.8 A Flood Risk Assessment and Drainage Strategy has been submitted with the application, this report assesses all the sources of flooding in accordance with the requirements of NPPF and planning guidance and concludes proposed development will not increase flood risk either on the site or downstream of it and the proposed development is not at risk of flooding.

15.9 The surface water attenuation for the development will be achieved via the use of a SUDs pond in the northern part of the site and a combination of underground storage crates and oversized pipes in the southern part of the site. The surface water from the site will then be discharged into the local sewer network at two locations, the northern part of the site will discharge into the adjacent NWL combined sewer at restricted rate of 8.5 litres per second and the southern part of the development will discharge at a restricted rate of 5 litres per second into the NWL combined sewer located in Whitehouse Lane.

15.10 The proposed development is considered appropriate within a Flood Zone 1 in line with the guidance contained within the National Planning Policy Framework.

15.11 The Environment Agency and Northumbrian Water have been consulted and raise no objection subject to a series of recommended conditions and informatives.

15.12 The Lead Local Flood Authority (LLFA) has been consulted and raises no objection to the proposal subject to the imposition of conditions requesting details of the appointed suds management company and the planned maintenance regime of the suds systems and further details on how the existing properties adjacent to the development will be protected from surface water run-off during the construction phase of the development.

15.13 It is acknowledged that objections have been received on the grounds that there is inadequate drainage at the site and that the proposed development would pollute a watercourse. The LLFA's advice and submitted documents demonstrate that the proposal would have adequate drainage, and whilst it is acknowledged that the application site currently has poor drainage this is due to the shallow soil depth above the existing underground reservoir which shall be demolished and removed, resolving this issue.

15.14 With regards to the objection on the grounds that the development would pollute a watercourse, officers would advise Members that there are no water courses within or adjacent to the application site.

15.15 Members need to determine if the development would be acceptable in terms of drainage and flood risk. It is the officer opinion that the proposal would comply with policies DM5.12, DM5.14 and DM5.15 of the Local Plan 2017, subject to the imposition of the conditions requested by Northumbrian Water and the Local Lead Flood Authority.

## 16. Contaminated land

16.1 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

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

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

- iii. Protecting and/or separating the development from the effects of the contamination;
- iv. Validation of mitigation measures; and
- v. Addressing land stability issues.

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

16.3 The application site falls within a contaminated land buffer zone and a low risk coal mining area. The applicant has submitted a Phase One Ground Contamination Assessment, a Phase One Desk Study Report and a Gas Addendum Letter.

16.4 The Environment Agency (EA) have been consulted and have no objection.

16.5 The Contaminated Land Officer has been consulted and while the gas addendum letter states that no gas protection measures are needed. However, the Contaminated Land Officer has reviewed the submitted document and advises that while the gas monitoring classified the site as Green and not requiring gas protection measures the report has identified that elevated levels of carbon dioxide have been recorded by the coal authority approximately 20m west of the site. The coal authority also hold records of historical gas related incidents in the local area, where elevated levels of carbon dioxide within the HM coal seam have migrated in to properties at surface.

16.6 The proposed works include grouting and as grouting can alter the ground gas regime then the standard condition for further gas investigation must be applied. As additional ground investigations are required and a remediation strategy then the standard condition for a contaminated is required.

16.7 Members need to determine if the proposal would be acceptable in terms of potential ground contamination and ground gas. It is officer opinion that subject to the imposition of the conditions recommended by the Contaminated Land Officer, the proposal is deemed to comply with policy DM5.18 of the Local Plan 2017.

## 17. Archaeology

17.1 Paragraph 199 of the NPPF states, ‘Local planning authorities should require developers to record and advance understanding of the significant of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be factor in decision whether such loss should be permitted.

17.2 Policy DM6.7 Archaeological Heritage states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

17.3 The Archaeology Officer has advised no objections and subject to the retention of the stone wall (as proposed) and the previous conditions relating to the recording of valve house. However, a prior notification for demolition has

been issued prior to the determination of the application. As such a condition to record the valve house would not be enforceable.

17.4 Members need to determine whether the proposal would be acceptable in terms of impact on archaeology. It is the officer opinion that the application would accord with the advice in NPPF and policy DM6.7 of the Local Plan.

### 18. S106 Contributions

18.1 The NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

18.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

18.3 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision. The Council will also work together with other public sector organisations, within and beyond the Borough to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding. New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where: a. It is not possible to address unacceptable impacts through the use of a condition; and b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable. In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.

18.4 Policy DM4.7 'Affordable Housing' states that to meet the Borough-wide target the Council will seek 25% of new homes to be affordable, on new housing developments of 11 or more dwellings. In all but the most exceptional cases the Council will require affordable housing provision to be made on-site.

18.5 Policy DM7.2 states that the Council is committed to enabling viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposed scheme. In these circumstances the Council may:



- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;
- b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

18.6 When determining the contributions required, consideration will be given to the applicant's overall conformity with the presumption in favour of sustainable development.

18.7 Policy DM7.5 seeks applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

18.8 The Council's adopted SPD on Planning Obligations LDD8 (2018) states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure facilities are provided to mitigate impacts, ensure enhancements and achieve a high-quality environment where people choose to live, work, learn and play.

18.9 The SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

18.10 The applicant proposes a total of 19 No affordable housing units with a mix of affordable rent and discount market value housing.

18.11 The S106 subgroup of the Investment Programme Board (IPB) has considered the S106 contributions being sought. The following contributions have been requested:

- 25% affordable housing;
- £14,625 towards ecology and biodiversity;
- £5,400 towards allotments;
- £41,062 towards parks and green space;
- £52,500 towards children's equipped play;
- £48,375 towards improvements towards playing pitches
- £56,000 towards improvements to built sports facilities
- £212,500 towards Primary education
- £14,000 towards employment and training
- £25,275 towards coastal mitigation

18.12 These contributions are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore comply with the CIL Regulations.

## 19. Local Financial Considerations

19.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to the 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).

19.2 The proposal involves the creation of 75 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

19.3 Members should give appropriate weight to amongst other material considerations to the benefit of the Council as a result of the monies received from central Government.

## 20. Conclusion

20.1 Members need to consider whether the proposal will impact on the adjoining properties, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, ecology, biodiversity, archaeology, flood risk, drainage and the highway network.

20.2 The proposed development would be in keeping with the streetscene and the character of the area and would provide additional homes on an allocated housing site. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, character of the area, ecology, biodiversity, archaeology, flood risk, drainage and the highway network.

20.3 The development is considered to comply with relevant national and local plan policy and is therefore recommended for conditional approval subject to a S106 agreement.

## **RECOMMENDATION:**

**Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant delegated powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;**

- 25% affordable housing;**
- £14,625 towards ecology and biodiversity;**
- £5,400 towards allotments;**
- £41,062 towards parks and green space;**
- £52,500 towards children's equipped play;**
- £48,375 towards improvements towards playing pitches;**
- £56,000 towards improvements to built sports facilities;**

- £212,500 towards Primary education;
- £14,000 towards employment and training;
- £25,275 towards coastal mitigation;

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

- Closure of unused highway access points;
- Upgrade of footpaths abutting site;
- Upgrade of footpaths connecting to the site;
- Associated street lighting;
- Associated drainage;
- Associated road markings;
- Associated Traffic Regulation Orders;
- Associated street furniture & signage.

### **Conditions/Reasons**

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

- Application Form (dated 18.09.2019)
- 977-BEL-16-018-P01 Rev C: Proposed Site Plan (dated 07.01.2020)
- A/1083/00/CB/02: The Sawyer Elevations (dated 09.08.2019)
- SY-3B-2S-P1: The Sawyer Floor Plans (dated 21.04.2019 submitted 08.01.2019)
- A/1554/00/CB/02 Rev C: The Lorimer elevations (dated 06.09.2019)
- LO-4B-2S-P1: The Lorimer floor plans (dated 14.11.2018)
- BO-4B-2S-CB-E: The Bowyer Elevations (dated 06.06.2018)
- BO-4B-2S-P1 Rev A: The Bowyer Floor Plans (dated 06.06.2018 submitted 08.01.2019)
- A/876/00/AT/01 Rev A: The Baker Plans (dated 29.05.2019)
- A/876/00/CB/02 Rev A: The Baker Elevations (dated 29.05.2019)
- A/876/00/CB/02: The Coiner Elevations (dated 30.08.2019)
- CN-2B-2S-P1: The Coiner Floor Plans (dated 06.03.2019)
- CU-4B-2S-CB-E: The Cutler Elevations (dated 06.06.2018)
- CU-4B-2S-P1: The Cutler Floor Plans (dated 06.06.2018 submitted 08.01.2019)
- HA-3B-2S-CB-E: The Harper Elevations (dated 14.02.2019)
- HA-3B-2S-P1: The Harper Floor Plans (dated 14.02.2019)
- HI-3B-2S-CB-E: The Hillard Elevations (dated 09.11.2019)
- HI-3B-2S-P1: The Hillard Floor Plans (dated 09.11.2019)
- M43-01: M4(3) Compliant Bungalow Elevations (dated 25.03.2019)
- RE-4B-2S-CB-E: Reedmaker Elevations (dated 13.11.2018)
- RE-4B-2S-P1: The Reedmaker Floor Plans (dated 13.11.2018)
- ARB/AE/2236: Arboricultural Impact Assessment (dated November 2019)
- ARB/AE/2236: Tree Impact Plan (dated September 2019)
- 100-P-002 Rev A: Swept Path Analysis for Family Car (dated 19.11.2019)
- 100-P-001 Rev D: Swept Path Analysis for Refuse Vehicle (dated 22.08.2019)

- 16-018/E00 Rev F: Drainage Strategy Plan 75 Unit Scheme (dated 22.11.2019)
  - 1177\_100 Rev C: Landscape Strategy (dated 02.01.2020)
  - 977-BEL-16-018-P02 Rev B: Boundary Treatment Plan (dated 22.11.2019)
  - 977-BEL-16-018-P03 Rev B: Adoption Plan (dated 22.11.2019)
  - 19081-01: Flood Risk Assessment and Drainage Strategy (17.11.2019)
  - Transport Statement Version 1 (dated September 2019)
  - Travel Plan Statement Version 2 (dated 17.11.2019)
  - Moorhouses Gas Addendum Letter from Queensbury Design Ltd (dated 01.07.2018)
  - 0001: Noise Assessment Version 1 (dated September 2019)
  - BHPD00122: Planning and Sustainability Statement (dated September 2019)
  - ECN 19 017: Preliminary Ecological Appraisal (dated 13.09.2019)
  - pod-977-DAS: Design and Access Statement (dated Sept 2019)
  - Phase 1 Desk Study Report (QD1394) (dated 24.01.2018)
  - Phase 2 Ground Investigation Report (QD1394) (dated 18.04.2018)
- 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. Notwithstanding the detail contained within the Flood Risk Assessment and Drainage Strategy dated 17th September 2019, the drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 6802 and slightly upstream of manhole 6601, as defined on Map Sheet NZ3369NE of Appendix D of the Strategy, with surface water discharges being restricted to 8.5l/sec and 5l/sec respectively.

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

4. Notwithstanding the detail contained within the application, prior to occupation of Plots 1-3 and 7-15 a scheme for the use of acoustic glazing and ventilation in each of these plots shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide precise details which demonstrate acoustic glazing and ventilation to be used in each plot would accord with the findings of the Noise Assessment dated September 2019 and prepared by Wardell Armstrong (Ref NT14503, Report No. 0001, Version V1.0). Details of the acoustic glazing shall accord with the requirements of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45 dB for bedrooms and 35 dB LAeq for living rooms is achieved. Thereafter, the glazing and ventilation to Plots 1-3 and 7-15 shall be installed in accordance with the approved details.

Reason: To ensure adequate insulation to protect against noise, in the interests of residential amenity and in accordance with Policy DM5.19 of the North Tyneside Local Plan (2017) and the NPPF.

5. Notwithstanding the detail contained within the application, no development shall be commenced beyond damp proof course level of the dwellings hereby approved until precise details for the materials to be used in the construction of the dwellings, hard surfaces and all boundary treatments within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include specification for bricks and roof tiles, as well as precise details for enclosures within the site. Thereafter, the development shall not be implemented other than in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development upon completion, in accordance with Policy DM5.19 of the North Tyneside Local Plan (2017) and the NPPF.

- |     |                                       |            |   |
|-----|---------------------------------------|------------|---|
| 6.  | Construction Method Statement - Major | SIT007     | * |
| 7.  | Wheel Wash                            | SIT008     | * |
| 8.  | Dust suppression during construction  | SIT03      | * |
| 9.  | Restrict Hours No Construction Sun BH | HOU00<br>4 | * |
| 10. | Restrict Hours No Demolition Sun BH   | HOU00<br>5 | * |

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

Reason: In the interests of highway safety and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework. .

- |     |  |            |  |
|-----|--|------------|--|
| 12. | New Access Access Before Devel         | ACC01<br>0 | *  |
| 13. | Altered Access Access Alt Prior to Occ | ACC01<br>5 | *  |
| 14. | Exist Access Closure Misc Points By    | ACC01<br>7 | *  |
| 15. | Turning Areas Before Occ               | ACC02<br>5 | *family vehicles<br>and refuse<br>collection<br>vehicles |

16. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

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

- |     |  |            |   |
|-----|--|------------|---|
| 17. | Refuse Storage Detail Provide Before Occ | REF00<br>1 | * |
|-----|--|------------|---|

18. No part of the development shall be occupied until precise details for traffic calming measures to restrict vehicles to 20mph within the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the traffic calming measures shall be implemented in accordance with the approved details prior to the completion and adoption of the road network by the Council as the Highway Authority.

Reason: To ensure the provision of traffic calming measures to secure a satisfactory standard of development in the interests of highway and pedestrian safety, in accordance with the aims of Policy DM7.4 of the North Tyneside Local Plan (2017) and the NPPF.

- |   |       |   |
|---|-------|---|
| 19. Gas Investigate no Development          | GAS00 | * |
|   | 6     |   |
| 20. Contaminated Land Investigation Housing | CON00 | * |
|   | 1     |   |

21. A final Travel Plan taking into account the new development shall be submitted and approved in writing by the Local Planning Authority no later than 12 months after the occupation of the first dwelling. Thereafter, the Travel Plan shall be implemented in accordance with the approved details upon occupation of the first dwelling.

Reason: In the interests of sustainable development and promoting sustainable modes of transport, in accordance with Policy DM7.4 of the North Tyneside Local Plan (2017) and the aims of the NPPF.

22. No dwelling shall be occupied until details of a maintenance regime for all areas of open space within the site have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the open space shall be maintained in accordance with the approved details.

Reason: To ensure the open space is maintained in a satisfactory manner, in the interests of visual amenity in accordance with the aims of Policy DM6.1 of the North Tyneside Local Plan (2017) and the NPPF.

23. No vegetation clearance shall be undertaken within the bird nesting season (March-August inclusive) unless a suitably qualified ecologist has undertaken a survey of the site immediately prior to any works being undertaken and has confirmed the absence of nesting birds.

Reason: To safeguard important habitats and species of nature conservation value in accordance with the aims of the NPPF.

24. All planting, seeding or turfing comprised in the approved landscaping plan shall be carried out in the first planting and seeding seasons following occupation of the dwellings within each parcel of the site and any trees or plants which, within a period of five years from the completion of the development, die or 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 otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that new landscape planting is successfully established on the site in accordance with the aims of the NPPF.

25. Notwithstanding the detail contained within the application, all construction works shall conform to 'BS5837: 2012 Trees in relation to construction - recommendations' in relation to protection of existing boundary trees and shrubs and as detailed in the approved plans. All retained trees within and around the development site must be adequately protected during construction by the use of appropriate tree protection measures as detailed in the Arboricultural Impact Assessment.

Reason: To protect existing retained trees on the site, in the interests of preserving biodiversity in accordance with the aims of the NPPF.

26. The stone boundary wall around the site shall be retained in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: The wall is of archaeological interest. The condition is necessary to ensure the satisfactory appearance of the development and retention of a feature of historic interest within the site, in accordance with Policy DM6.1 of the North Tyneside Local Plan (2017) and the NPPF.

27. Prior to the first occupation of the site, the appointed SUDs management company shall be identified and full details of the planned maintenance regime of the SUDs systems shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the approved details thereafter.

Reason: In the interest of flood risk, drainage and residential amenity having regard to policies DM5.12 and DM5.19 of the Local Plan 2017.

28. Notwithstanding Condition 1, no development shall commence until full measures to protect the properties of the adjacent development shall be protected from surface water run off during construction have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall not be implemented other than in accordance with the approved details.

Reason: This information is required pre development to ensure that the site set up does not impact on the interest of flood risk, drainage and residential amenity having regard to policies DM5.12 and DM5.19 of the Local Plan 2017

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

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

## **Informatives**

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)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

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

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

We can inform you that a number of assets cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. Further information is available at <https://www.nwl.co.uk/developers.aspx>. I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

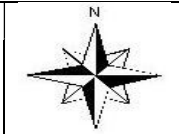




**Application reference: 19/01280/FUL**  
**Location: Moorhouses Covered Reservoir, Billy Mill Lane, North Shields, Tyne And Wear**  
**Proposal: Construction of 75no. dwellings with associated access, parking, landscaping and infrastructure**

Not to scale  
 Date: 10.01.2020

© Crown Copyright and database right 2011. Ordnance Survey Licence Number 0100016801



**Appendix 1 – 19/01280/FUL  
Item 2**

**Consultations/representations**

1. Internal Consultees

2. Highways Network Manager

2.1 This application is for the construction of 75 dwellings with associated access, parking, landscaping & infrastructure.

2.2 A Transport Statement (TS) was submitted as part of the planning application that analysed the highway network in the vicinity of the site as well as the proposed site access. The effects of development traffic on the network are not considered to be severe and the site has reasonable links with public transport. A Framework Travel Plan has also been submitted as part of the application whereby alternative modes of transport will be promoted.

2.3 Parking has been provided in accordance with current standards and cycle storage will be provided for all dwellings, the internal road layout is suitable for the needs of site and conditional approval is recommended.

2.4 Recommendation - Conditional Approval

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

2.6 Closure of unused highway access points

Upgrade of footpaths abutting site

Upgrade of footpaths connecting to the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

2.7 Conditions:

ACC10 - New Access: Access before Devel

ACC15 - Altered Access Access Alt Prior to Occ

ACC17 - Exist Access Closure: Misc Points, By \*6 months

ACC25 - Turning Areas: Before Occ [refuse vehicle]

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

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

Reason: In the interests of highway safety.

## 2.9 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

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

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

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

## 3. Manager of Environmental Health (Pollution)

3.1 This site is located adjacent to Billy Mill Lane and I have concerns with regard to road traffic noise affecting part of the site.

3.2 I have viewed the noise assessment that has considered noise arising from road traffic affecting those proposed plots that will be located adjacent to Billy Mill Lane. The noise assessment has calculated the road traffic noise levels at the facade and determined that acoustic glazing and appropriate ventilation will be required, as internal noise levels in accordance to BS8233 will not be achieved for some of the properties with windows open. A noise scheme will be required to ensure appropriate sound mitigation measures are provided so that the glazing scheme achieves a 28 dB reduction for property plots numbered 1-3 and 7-15. Where internal noise levels cannot be achieved in habitable rooms with window open then an appropriate mechanical ventilation system will be necessary.

3.3 The site layout plan shows that the majority of the housing plots will have gardens to the rear of the property and therefore screened by the building. The noise assessment has confirmed that external garden area will meet the World Health Organisation community noise guidance level of 50 dB LAeq 16h for outdoor amenity without further mitigation.

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

3.5 Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme for building plots numbered 1 -3 and 7- 15 that details the acoustic glazing scheme in accordance to noise report no. NT14503. Details

of the acoustic glazing to be provided must be in accordance to BS8233 to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved .

3.6 Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided for property plots numbered 1-3 and 7 -15. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

HOU04  
HOU05  
SIT03

3.7 Further comment 07.01.2019:

Further to our discussion I would advise that on the basis that the number of plots affected that will require acoustic glazing and ventilation is a small percentage of the total plots proposed for development. The noise levels for daytime and night time with windows open are not excessively above the guidance levels, some 3-4 dB above. I would advise that a 5 dB tolerance is given within BS8233 for anonymous noise, such as road traffic noise to suggest that the development is acceptable and would therefore suggest a variation to the condition for the noise scheme to include for the ventilation scheme. The proposed variation of the noise scheme is as follows:

3.8 Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme for building plots numbered 1 -3 and 7- 15 that details the acoustic glazing and ventilation scheme in accordance to noise report no. NT14503. Details of the acoustic glazing to be provided must be in accordance to BS8233 to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

#### 4. Manager of Environmental Health (Contaminated Land)

4.1 I have read the Phase 1 Desk study report and Phase 2 Ground Investigation report. I note that due to the restrictions of the reservoir further intrusive investigation may be required by the remediation contractor, following clearance of the existing reservoir and associated infrastructure, in order to confirm the full extent of mining activity in the southernmost development area.

4.2 The topsoil has elevated levels of Lead at all sample locations in the northern development area. The report writer considers the natural topsoil deposits are not considered suitable for re-use and pose a potential risk to the future end-user.

The Made Ground has elevated levels of Lead (TP10: 0.30) and Dibenz(ah)anthracene (TP11: 0.30); all other contaminants were recorded below the adopted SGV / GSC values.

4.3 From the above it can be seen that marginally elevated levels of contamination have been recorded at two sample locations which are associated with the localised features below:

- TP10: 0.00m to 0.50m - localised spoil mounds, the source is unknown
- TP11: 0.00m to 0.40m - compact brick/concrete rubble fill likely associated with former construction site compound.

4.4 The localised Made Ground materials encountered in the northern development area pose a potential risk to Human Health, subsequently there is a requirement for either removal, treatment and/or protection measures. The Ground Investigation report considers the Made Ground materials in the southernmost development area do not pose a significant risk to the future end-user, however this should be confirmed with supplementary sampling and contamination screening post demolition.

A remediation strategy is recommended, which should outline the preferred remedial techniques fully. The remediation strategy shall document how the contaminated source materials will be managed and document appropriate verification / validation requirements.

4.5 The report states that evidence of workings identified during the intrusive investigation, suggests the High Main coal seam has been worked underlying the southernmost development area. Therefore, consolidation (i.e. grouting) of the High Main coal seam is recommended prior to any future development activity. Post demolition, further intrusive investigation may be required in the southernmost development area, in order establish and confirm the full extent of these working, for future remedial works.

4.6 I accept that the gas monitoring classified the site as Green and not requiring gas protection measures, however the report has identified that elevated levels of carbon dioxide have been recorded by the coal authority approximately 20m west of the site. The coal authority also hold records of historical gas related incidents in the local area, where elevated levels of carbon dioxide within the HM coal seam have migrated in to properties at surface.

4.7 As grouting can alter the ground gas regime then Gas 006 must be applied.

4.8 As additional ground investigation is required as well as a remediation strategy then Con 001 must be applied.

## 5. Design Officer

5.1 The applicant has made positive amendments to the scheme following my previous comments and the application is supported. The only remaining concern is the proposed surface materials for visitor parking. All visitor parking bays are expected to be surfaced in concrete blocks rather than tarmac to contribute towards a well-designed street scene. This can be conditioned if not amended during the determination of the application.

## 6. Landscape Architect and Biodiversity Officers

6.1 Additional information has been submitted by way of a statement letter, revised Arboricultural Impact Assessment by Elliot Consultancy Ltd and revised landscape strategy Rev B.

6.2 An Arboricultural Impact Assessment (AIA) has been undertaken by Elliott Consultancy Ltd which assesses the trees to the site and western boundary. With regard to the western boundary planting, the report indicates that trees 3 and 16 and some trees from Groups 5 & 6 will require removal to allow garage construction. It is further recommended that further tree removal within Groups 5 & 6 is considered to increase garden space and to remove trees in locations where future size will create significant difficulties for residents within and adjacent to the site. The revised landscape strategy plan and AIA show some areas of existing planting to the western boundary to be retained which is reinforced with new hedgerow planting. However, all retained trees will be located in rear gardens and unfortunately, this would mean that they (including the new hedgerows) could potentially be removed by new owners. Protecting these areas with a planning condition would not be practical.

6.3 Earlier comments advised that the removal of this linear group of trees would not be acceptable. This was in relation to the retention of existing tree groups within a wildlife corridor in order to meet the requirements of the Local Plan policies. In the first instance and in order to meet the requirements of the local plan policy the scheme should be redesigned to adequately retain and protect the tree group, with the tree group located outside private garden areas. As this may be impractical, the scheme will only be acceptable if adequate tree planting can be provided elsewhere. The scheme offers the creation of new habitats but it is primarily wildflower grassland, hedgerows and standard trees with no new areas of scrub planting. The trees to the western boundary should be retained as proposed but the development inclusion of larger areas of scrub planting to the eastern boundary of the north and south site (Field maple, holly, hazel, hawthorn, guelder rose and dog rose) would help mitigate for the potential loss of trees to the western boundary.

6.4 The standard tree planting to the boundaries of the site should be brought further into the site away from the fence line so not to cause shading of the gardens of the neighbouring properties.

6.5 This would be an acceptable approach and meet the requirements of the local plan policies. A revised Landscape Strategy plan based on the comments above should be submitted for comment.

## 7. Local Lead Flood Authority

7.1 No objections to the surface water drainage proposals for this development. The applicant is proposing to store surface water in the site for a 1in100 year rainfall event including a 40% allowance for climate change. This surface water attenuation will be achieved via the use of a suds pond in the Northern part of the site and a combination of underground storage crates & oversized pipes in the Southern part of the site. The surface water from the site will then be discharged into the local sewer network at two locations, the Northern part of the site will

discharge into the adjacent NWL combined sewer at restricted rate of 8.5 litres per second and the Southern part of the development will discharge at a restricted rate of 5 litres per second into the NWL combined sewer located in Whitehouse Lane.

7.2 In addition, in order to provide additional protection to the existing properties along the Eastern boundary of the site the applicant is proposing to install an earthwork bund to prevent overland surface water run-off from the site affecting the properties adjacent to development.

7.3 I would recommend that a condition is placed on the application requesting details of the appointed suds management company and the planned maintenance regime of the suds systems.

7.4 I will also require further details on how the existing properties adjacent to the development will be protected from surface water run-off during the construction phase of the development.

#### 8. Tyne and Wear Archaeology Officer

8.1 I started looking at this yesterday and I just wanted to check whether the historic building recording which was conditioned on a previous outline application (15/01999/OUT, condition 23) was ever carried out. If not I would be looking to condition this again, as well as the retention of the stone boundary wall around the site (condition 37).

#### 9. External Consultees

##### 10. The Coal Authority

10.1 The Coal Authority concurs with the recommendations contained within the Phase 2 Ground Investigation Report (18 April 2018, prepared by Queensbury Design Ltd); that coal mining legacy potentially poses a risk to the proposed development and that remedial works and ground gas monitoring should be undertaken prior to development.

10.2 The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these works prior to commencement of development.

10.3 In the event that the site gas monitoring confirms the need for mitigation to abate mine gas to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any mitigation identified by the gas monitoring is undertaken either prior to commencement of the development or integral to it.

10.4 A condition should therefore require prior to the commencement of development:

- The undertaking of an appropriate scheme of gas monitoring;
- The submission of a report of findings arising from the gas monitoring;
- The submission of a scheme of remedial works for the shallow coalmine workings and the details of any mitigation to address risks posed by mine gas for approval; and
- Implementation of that remedial work/mitigation.

10.5 The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

### 11. Environment Agency

11.1 We have no objections to the proposed development as submitted. However, we have the following comments / advice to offer:

#### 11.2 Contamination - Advice to LPA

We recommend that you refer to our published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/ Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by paragraph 170 of the National Planning Policy Framework.

### 12. Natural England

12.1 This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

### 13. Northumbrian Water Ltd

13.1 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment and Drainage Strategy*". In this document it states that foul and surface water from the proposed development will discharge to the combined sewer network at two points – slightly upstream of manhole 6601 and at manhole 6802. Surface water will be restricted to 5l/sec and 8.5l/sec respectively.

13.2 We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

13.3 **CONDITION:** Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "*Flood Risk Assessment and Drainage Strategy*" dated 17<sup>th</sup> September 2019. The drainage scheme shall ensure that foul and surface water flows discharge to the combined



sewer at manhole 6802 and slightly upstream of manhole 6601, with surface water discharges being restricted to 8.5l/sec and 5l/sec respectively.

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

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

13.5 For information only

We can inform you that a number of assets cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. Further information is available at <https://www.nwl.co.uk/developers.aspx>.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

#### 14. Northumbrian Wildlife Trust

14.1 Northumberland Wildlife Trust is concerned that this development closes up a section of open green space in a heavily residential area. Areas of open grassland are being lost across North Tyneside and this will have an impact on wildlife in these areas. The closing in of open ground of this nature is likely to have a negative impact on species, which although regarded as relatively common and users of urban gardens, do nevertheless require wider open areas. Hedgehogs and a range of garden bird species as well as small mammals will benefit from areas of open space and will be affected by its loss. While the impacts are likely to be relatively low this iterative loss has a cumulative impact on wildlife.

#### 15. Police Architectural Liaison Officer

15.1 I have considered it from a crime prevention point of view and can find no grounds on which to object to it.

15.2 I would, however, recommend that the applicant completes the scheme in accordance with the police approved security scheme Secured by Design (SBD) New Homes 2019 design guide which will comply with the comment in the DAS regarding providing a safe and secure development.

## 16. Representations

16.1 Six letters of objection and one letter of support has been received.

16.2 The submitted objections raise the following issues:

- Loss of privacy: A garden of a proposed property backing onto an existing garden. The objector would prefer a path to separate the gardens.
- Loss of visual amenity.
- Visual intrusion.
- Light pollution.
- Loss of residential amenity.
- Nuisance – disturbance.
- Nuisance – dust/dirt.
- Nuisance – noise.
- Nuisance – fumes.
- Concerns with anti-social/criminal behaviour. The objector requests the removal of the footpath so the gardens would adjoin each other's boundaries.
- Inadequate drainage.
- Inadequate parking provision.
- Traffic congestion.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access
- Existing traffic congestion on Rake Land, Billy Mill Lane and Jacksons Farm will be exacerbated.
- Existing Murton construction traffic is causing issues.
- Concerns over construction traffic and traffic during construction.
- Development would lead to a greater risk to pedestrians and school children.
- Inappropriate design.
- Impact on wildlife.
- Loss of/damage to trees.
- Impact on Landscape.
- Pollution of watercourse.
- Too many properties lack greenspace.
- Local schools are at capacity.
- Currently nowhere for children to go, the proposed housing would further reduce the areas for children and result in anti-social behaviour from the field to the nearby shops.

16.3 One letter of support, stating that they believe the proposal would be good for the area and would prevent anti-social behaviour.

**Application No:** 19/00760/FUL Author: Maxine Ingram  
Date valid: 6 September 2019 ☎: 0191 643 6322  
Target decision date: 6 December 2019 Ward: Weetslade

Application type: full planning application

**Location:** Land North Of, East View Terrace, Dudley, NORTHUMBERLAND,

**Proposal:** Proposed development is for 11no new two storey two and three bed houses includes new road into the development, which will run off the East View Terrace using the existing access point. (Additional documents 06.09.19, amended plans 21.11.2019 )

Applicant: Compass Developments NE Ltd, Mr Brian Morris Unit 9 Trafalgar Court South Nelson Industrial Estate, Cramlington NE23 1WF

Agent: Blake Hopkinson Architecture, Marina Kemp Office 1 Blake Hopkinson Architecture 11 New Quay North Shields NE29 6LQ

**RECOMMENDATION:** Minded to grant legal agreement required.

## INFORMATION

### 1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider in this case are:

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on biodiversity;
- Other issues.

1.1 Planning law requires that applications 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 material considerations in reaching their decision.

### 2.0 Description of the Site

2.1 The application site, comprising of approximately 0.2 hectares (ha), is a parcel of land located to the west of the B1319. To the north the site is bound by a footpath beyond which lies an industrial site. To the south and south west of the

site are residential properties. To the east of the site, beyond the road, are commercial premises and residential properties.

2.2 The site gradually slopes downwards from north to south and has a retaining wall along the footpath to the north.

2.3 Within the immediate vicinity there are a variety of property types, mainly terraced and semi-detached.

2.4 The site is designated as a housing site (LP site 140) and a wildlife corridor in the council's Local Plan (LP).

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 11no. two storey (two and three bed) dwellings with associated infrastructure. This development would deliver 100% affordable housing.

3.2 The scheme provides the following house mix:

- 3no. 3 bed houses
- 8no. 2 bed houses

3.3 The following documents have been submitted to accompany this application:  
-Design and Access Statement;

### 4.0 Relevant Planning History

None

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (February 2019)

6.2 National Planning Practice Guidance (NPPG) (As amended)

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

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are:

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on biodiversity;

-Other issues.

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

### 8.0 Principle of development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development running through both plan-making and decision taking. For decision taking this means approving development proposals that accord with an up-to-date Plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

8.3 To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. In order to achieve this objective Government requires local planning authorities to identify annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

8.4 The underlying principle of national policy is to deliver sustainable development to secure a better quality of life for everyone now and future generations. This principle is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 ‘Spatial Strategy for Sustainable Development’. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

8.5 Strategic Policy S1.4 ‘General Development Principles’ states that proposals for development will be considered favourably where it can be demonstrated that they would accord with strategic, development management and other area

specific policies in the Plan. Amongst other matters, this includes: taking into account flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.6 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing.

8.7 LP Policy DM1.3 Presumption in Favour of Sustainable Development states: "The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

8.8 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 – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted."

8.9 LP Policy S4.3 Distribution of Housing Development Sites states: "The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8,838 homes, assessed as being deliverable and developable over the plan period to 2032."

8.10 Members are advised that the site, subject of this application, is identified for housing under Policy S4.3 (Site 140 Former Dudley Miners Welfare Centre). The LP identifies that this site can provide a potential of 10 units. The number given in the LP is only potential and has been derived for the purposes of helping the Council to determine how much housing land it needs to provide to ensure enough housing is built. It has not been derived following any detailed design work. Although the site will provide more housing (one more unit) than that indicated in the LP, this in itself is not harmful. The issue is whether the site can adequately accommodate the amount of housing proposed. This is considered in a latter section of this report.

8.11 The site is designated as a housing site and it will contribute to meeting the housing needs of the borough. Subject to all other matters set out below being addressed. Members need to determine whether the principle of residential development on this site is acceptable? It is officer advice that, the principle of the proposed development is acceptable and is in full accordance with the advice in NPPF and policies DM1.3, S4.1 and S4.3 (14) of the North Tyneside LP (2017).

### 9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up-to-date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 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 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The potential housing land supply from this proposal is partially included in the Council's Strategic Housing Land Availability Assessment (SHLAA) (ref 422) where it is identified for 10 units capable of being delivered in next five years. Although the Council can demonstrate a five-year supply of deliverable housing sites, this site is part of that supply.

9.4 The proposed development would assist in supporting the council's objective of meeting the objectively assessed housing need and ensure a mix of housing for both existing and new residents in the borough. This is therefore in accordance with LP policies S4.1 and S4.2(a) 'Housing Figures'.

### 10.0 Impact on character and appearance of the site and the surrounding area

10.1 Paragraph 124 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 127 of the NPPF states that decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

10.4 Paragraph 130 of the NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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

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

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

10.7 Local Planning Authorities have the option to set additional technical requirements exceeding the minimum standards set by Building Regulations in respect of access and water efficiency, and a Nationally Described Space Standard (NDSS). In this context, access relates to how people access and use a dwelling and its facilities and for space, this relates to the internal space of a dwelling. During the preparation of the LP work was undertaken to establish whether there was a need to implement these higher standards in North Tyneside. The evidence concluded that there was a need, in terms of the optional standards relating to access and internal space, to introduce these higher standards. These standards are set out in Policy DM4.9 of the LP.



10.8 LP Policy DM7.9 'New Development and Waste' states "All developments are expected to:

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

10.9 The objections received regarding the inappropriate design, overdevelopment, insufficient refuse storage and loss of trees are noted.

10.10 The site is located to the west of the B1319. The immediate surrounding area is mix of commercial uses and residential dwellings. The existing residential dwellings are a mix of terraced, detached and semi-detached. Residential dwellings within the immediate vicinity do not exceed two storeys.

10.11 The proposed layout and chosen design approach reflects the local context and character of the residential area. The Design Officer has advised that the layout of the units, short rows of terraced properties, is logical and responds to existing trees on the site which are sited outside of private gardens. The layout also responds to the existing building line on East View Terrace to create a continuous frontage to the street. It is clear from the submitted plans that the site can adequately accommodate 11 dwellings. Furthermore, each dwelling will have its own off-street parking and an area of private outdoor amenity space.

10.12 The height and form of the proposed dwellings has been chosen to complement the residential setting immediately to the south of the site. The main ridge line along the main street accommodates a slight variation as the finished floor levels have had to be raised to prevent flood risk. All properties will have a canopy over the main entrance.

10.13 Parking is located to the rear of plots 1 -7 to support the street scene. The rear boundaries of all properties are highly visible from the public realm. A condition is recommended to ensure that an appropriate form of boundary treatment is secured. Each property will have a private garden, it is clear from the submitted plans that refuse storage can be provided within these areas. A bin collection point has been provided to the east of the access into the site.

10.14 Further conditions are recommended to secure the final surface materials, external building materials (including doors and windows).

10.15 Policy DM5.9 Trees, Woodland and Hedgerows states: "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:

Protect and manage existing woodland, trees, hedgerows and landscape features.

Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.

Promote and encourage new woodland, tree and hedgerow planting schemes.

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 LPA.”

10.16 Tree cover is minimal with only one small group of scrub located to the west of the site, which includes two small Hawthorn, one domestic Apple, and various multi-stemmed self-seeded Elder. All trees have been categorised as low quality and value (Category C). The proposed development requires the removal of 2no. hawthorn trees and looks to retain the remaining trees outside of the gardens.

10.17 The council’s Landscape Architect has advised that the removal of the hawthorn is acceptable, subject to additional planting being provided to support the remaining group. This additional planting can be secured by condition.

10.18 Members need to consider whether the proposed layout and its design are appropriate and whether this complies with current policy. Officer advice is that the proposed number of units can be accommodated within the site without a significant adverse impact on the character and appearance of the area. It is officer, that the proposed layout and design are acceptable, subject to the imposition of the suggested conditions. As such, the proposed development accords with NPPF and policies DM6.1, DM5.9 and DM7.9 of the LP (2017).

#### 11.0 Impact upon the amenity of existing and future residents

11.1 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse impacts resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

11.2 Paragraph 182 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. It goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

11.3 LP 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.

11.4 LP Policy DM5.19 Pollution states: “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.

11.5 Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.”

11.6 LP 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. Policy DM 4.9 sets out housing and accessibility standards.

11.7 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.8 The objections received regarding nuisance, disturbance, visual intrusion, impact on residential amenity and loss of privacy are noted.

11.9 The site is located in an area subject to a number of different noise sources that include: potential noise from the adjacent industrial site to the north, noise arising from traffic using the B1319 and aircraft noise as the site is located beneath an area where aircraft depart and approach Newcastle International Airport Limited (NIAL). It is also noted that there are several commercial premises located adjacent to the site which have potential to generate noise from deliveries, customer noise and external plant and equipment that may be fitted at the units.

11.10 The Manager for Environmental Health has advised that the site is identified within the future 2035 48dB LAeq 8 hour night noise contour and is just within the 2035 54dB LAeq 16 hour daytime noise contour with runway extension and 2035 48 dB LAeq hour noise contour with runway extension. She has advised that the noise contours are provided in 3 dB increments within the Airport Masterplan and therefore the site may potentially be within a higher noise contour within the banding. Members are advised that the Airport Masterplan sets out the future aspirations of the airport's expansion however, the extension to the runway, to date, has not been granted planning permission.

11.11 The applicant has submitted a noise assessment. This assessment has been considered by the Manager for Environmental Health. She has raised concerns regarding the different noise sources identified above. She has carried out a review of the submitted noise assessment. She has noted that the noise period was carried out over a very short period of time. She disagrees that road traffic noise will be dominant later evening. She has advised that noise will arise from the commercial units opposite the site. The noise report outlines no noise from the adjacent industrial site was noted and 1.8m high boundary screening is to be provided that will mitigate noise from the industrial site for garden areas. She has expressed concerns that the noise monitoring undertaken is not fully representative of aircraft noise exposure as the monitoring was carried out for a very short duration, during a quieter period of the year. Members are advised that the applicant responded direct to the airport's concerns regarding the noise

monitoring. The airport has confirmed that they are satisfied that no further noise monitoring is required. The airports decision has been made given the prominence of road noise (as outlined in the noise assessment and in subsequent e-mails received). The airport has accepted that the applicant has considered dwelling layout and orientation of outside amenity areas in terms of noise impacts. The airport has also considered the number of dwellings proposed and the close proximity of the development site to an envelope of existing dwellings when making their decision.

11.12 Both the airport and the Manager of Environmental Health have advised that a condition will be required to ensure that the proposed dwellings will have to be constructed to provide sound insulation against external noise to achieve internal night time bedroom levels of 30dB LAeq, 8 hours (45 db LAmax) and internal daytime living room levels of 35dB LAeq, 16 hours with windows shut and other means of ventilation provided.

11.13 The Manager of Environmental Health has advised that the positioning of the rear gardens and the proposed boundary treatment using 1.8m high walls and close boarded fencing will mitigate against road traffic noise but will be ineffective for mitigating against aircraft noise. She has recommended a condition to ensure that rear garden areas achieve a level of below 55 dB LAeq.

11.14 The NPPF, paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 55 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the Environmental Health comments set out in paragraphs 1.10-1.15 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise to future occupants and noise during construction can be secured by conditions. It is also clear that no concerns have been raised regarding any unreasonable restrictions being placed on existing businesses as a result of this development.

11.15 It is clear from the Manager of Environmental Health comments that she has not raised any concerns regarding air quality.

11.16 The proposed layout demonstrates that appropriate privacy distances can be achieved within the site.

11.17 The proposed site layout also demonstrates that this development will not significantly impact on the residential amenity of neighbouring properties in terms of loss of light, outlook or privacy.

11.18 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity (existing and future occupants), subject to the imposition of the

suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

## 12.0 Highways

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

12.2 Paragraph 108 of NPPF states that when assessing sites for specific development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

12.3 Paragraph 109 of NPPF states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.4 Paragraph 110 of NPPF: Applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

12.5 All developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

12.6 Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth.

12.7 LP Policy DM7.4 New Development and Transport states: “The Council and its partners will ensure that the transport requirements of new development,

commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

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

12.8 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

12.9 The objections received regarding the impact on the highway network are noted. The objections raised include: current state of the back lane, poor traffic/pedestrian safety, traffic congestion, unsuitable access, existing parking problems and width of the road and footpath.

12.10 The site access will be positioned on the southern boundary. The site will be accessed from the adjacent B1319 via an existing non-adopted rear lane. Parking provision has been provided in accordance with the council's current standards. Refuse will be stored within the site with a kerbside collection.

12.11 The site is within walking distance of local services, including local retail provision, bus services, schools and Annitsford Nature Reserve.

12.12 The Highways Network Manager has been consulted. He has recommended conditional approval, including a condition for details of scheme to upgrade the access road between the B1319 and the site access.

12.13 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable.

### 13.0 Biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

13.2 Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 Paragraph 174 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 175 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

13.4 LP Policy S5.4 Biodiversity and Geodiversity states:

"The Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links."

13.5 LP DM5.5 Managing effects on Biodiversity and Geodiversity states:

"All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,

f. For all adverse impacts of the development appropriate on-site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.”

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

13.7 The objection received regarding the impact on wildlife is noted.

13.8 A Preliminary Ecological Appraisal (PEA) has been submitted. This appraisal has been reviewed by the council’s Biodiversity Officer. Members are advised that the development of this land will result in the loss of some semi-improved neutral grassland considered to be of Parish value; loss of scrub, tall ruderal and ephemeral habitats of local value; loss of potential bird nesting and foraging habitat through the removal of scrub on site; loss and disturbance to potential low value foraging habitat for bat species within the local area through site clearance works and increased lighting on site. Impacts on badger, hedgehog and great crested newts are considered to be low. The appraisal sets out several mitigation measures to deal with the identified impacts which can be secured by condition and a financial contribution.

13.9 The trees/scrub to be retained on the western boundary are retained largely outside of residential gardens. The submitted plan shows a 0.7m high hedge along the northern boundary as well as additional tree planting. Hedges are also proposed along the eastern edge of the site (B1319) to the front of properties. The Biodiversity Officer has advised that the hedge along the northern boundary must be a mixed native hedge containing a minimum of 5 types of native hedge species and all trees must be heavy standards. The proposed landscaping is welcomed but it does not mitigate for the loss of the semi-improved neutral grassland within the site. As recommended in the submitted PEA, the applicant will need to provide a financial contribution to mitigate this impact. Members are advised that the applicant is prepared to pay the requested contribution of J3,000.00 to enable the council to create and manage a similar sized area of semi-improved grassland on council land as compensation.

13.10 The application site is located beyond the 6km buffer of the Northumbria Coast Special Protection Area (SPA). However, it will still have an impact on the coast as result of an increase in recreational disturbance. This development will need to comply with the Coastal Mitigation SPD which provides guidance and



information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. This development is required to pay the lower tariff (J151.00 per dwelling). The applicant has agreed to pay this financial contribution.

13.11 Natural England has been consulted. They have raised no objection to the proposed development as the applicant has agreed to pay the Coastal Mitigation tariff.

13.12 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that subject to conditions and the financial contributions it is acceptable.

#### 14.0 Other issues

##### 14.1 Flooding

14.2 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

14.3 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

14.4 LP Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

14.5 All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

14.6 LP Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off

post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

14.7 LP Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

14.8 The Lead Local Flood Authority (LLFA) has been consulted. He has advised that his initial concerns regarding the potential surface water floor risk posed to this development has been addressed. Members are advised that in order to minimise the risk of surface flooding the proposed dwellings the finished floor levels have been raised which reduces the risk of surface water entering these properties during heavy rainfall events.

14.9 Northumbrian Water has been consulted. They have recommended conditional approval.

14.10 Members need to consider whether the proposal is acceptable in terms of its impact on flooding. It is officer advice that subject to conditions it is acceptable.

#### 14.11 Ground conditions

14.12 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition, NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

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

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

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

14.14 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as an MSA. Policy DM5.17 Minerals is considered to be relevant.

14.15 The objection received regarding ground stability is noted.

14.16 The Contaminated Land Officer has been consulted. She has reviewed the submitted Phase I and II Geo-Environmental Assessment. She has noted that there is gas monitoring outstanding and although monitoring has taken place two of the monitoring wells were on two occasions flooded. She does not accept these results. However, it is clear from her comments that the outstanding information required can be dealt with by condition.

14.17 The Coal Authority has been consulted. They have advised that the site falls within the defined Development High Risk Area. The applicant has obtained appropriate and up-to-date coal mining information for the development site and has used this information to inform the Phase I and II Geo-environmental Site Assessment Report which accompanies this application. This report is also informed by the findings of intrusive site investigations for which a Coal Authority permit was obtained.

14.18 Members are advised that the submitted site assessment report identified a moderate to high risk from unrecorded shallow workings and intrusive site investigations were undertaken to determine the presence or otherwise of shallow workings. These investigations which comprised of three boreholes sunk to 45m below ground level encountered coal that was intact. The report concludes that, in the author's professional opinion, there is a low risk from unrecorded shallow mine workings.

14.19 The Coal Authority raises no objection. However, they have advised that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

14.20 Members need to consider whether the proposal is acceptable in terms of its impact on ground conditions. It is officer advice that subject to conditions it is acceptable.

#### 14.21 Archaeology

14.22 Paragraph 199 of the NPPF states "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

14.23 LP Policy DM6.7 Archaeological Heritage states: "The Council will seek to protect, enhance and promote the borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

Developments that may harm archaeological features will require an archaeological desk-based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the assumption will be in favour of this.

The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development.

Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.”

14.24 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objection.

#### 14.25 Aviation Safety

14.26 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objections to this development in terms of aviation safety, subject to the imposition of their suggested conditions regarding crane heights, landscaping, renewable energy sources and materials and lighting. Their suggested condition regarding drainage design is not necessary as no open water features are associated with this development.

#### 15.0 S106 Contributions

15.1 The NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

15.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

15.3 The Council’s adopted SPD on Planning Obligations LDD8 (2018) states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure facilities are provided to mitigate impacts, ensure enhancements and achieve a high-quality environment where people choose to live, work, learn and play.

15.4 The SPD states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

15.5 LP S7.1 General Infrastructure and Funding states “The Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision. The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding. New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:

a. It is not possible to address unacceptable impacts through the use of a condition; and b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable. In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.”

15.6 LP DM7.2 Development Viability states “The Council is committed to enabling viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. In these circumstances the Council may:

a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development;

b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

When determining the contributions required, consideration will be given to the application’s overall conformity with the presumption in favour of sustainable development.”

15.7 LP DM7.5 Employment and Skills states “The Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training...”

15.8 The S106 subgroup of the Investment Programme Board (IPB) has considered the S106 contributions being sought, including viability. The following contributions have been requested:

£3,000.00 towards ecology.

£1,661.00 towards coastal mitigation.

15.9 Members are advised that this development will provide 100% affordable housing provision, which will be secured as part of any S106 agreement.

15.10 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

15.11 A CIL payment will not be required in respect of this development because social housing is exempt.

#### 16.0 Local Financial Considerations

16.1 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).

16.2 The proposal involves the creation of 11 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

16.3 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.

#### 17.0 Representations

17.1 The objections received have raised several issues with the council's consultation process. Members are advised that neighbouring notification letters were issued, a site notice was displayed on the east boundary treatment (25.09.2019) and advertised in the press. The Local Planning Authority (LPA) has complied with the statutory consultation requirements. The objector advised that the site notice was removed. Albeit, the LPA has met with the statutory consultation requirements and did not consider it necessary to display a further notice, a further notice was displayed on the 02.12.2019. The LPA also confirmed that the press notice is published in a newspaper that is available to buy in the local area including the Spar located to the south of the site.

17.2 The applicant is not required to submit evidence that they every attempt has been made to trace the landowner(s). The onus is on the applicant to ensure that they have signed the correct certificate on their application form, in this case the applicant has signed certificate C.

17.3 The objection received considers that the 'Views' submitted give a distorted view of the site. These plans support the application in terms of providing 3D images of the proposed development only. These plans will not be listed as approved drawings should planning permission be granted and are indicative only.

## 18.0 Conclusions

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

18.2 Specifically NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

18.3 The application site is an allocated housing site in the Local Plan, lies within an existing built up area and it is located in close proximity to existing local services. In terms of the impact of the development, the consultees are satisfied that the development is acceptable in terms of its impact on the highway network, its impact on flood risk, ecology, the impact on the amenity of existing and future occupants and its overall design and appearance.

18.4 Approval is therefore recommended.

### **RECOMMENDATION:**

**Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant delegated powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;**

**-100% affordable housing provision**

**-Coastal Mitigation**

**-Biodiversity Mitigation**

### **Conditions/Reasons**

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

Location plan Dwg No. 05-00-S0-PO1.2

Existing site plan Dwg No. 14-01-S0-P01.2

Proposed site plan Dwg No. 12-00-S0-P01.7

House Type G-3B-4P - Elevations Dwg No. A160-00 Rev 4

3B/4P House Type Dwg No. A150-01 Rev 5

House Type 2\_2B-3P\_Elevations Dwg No. A160-00 Rev 3

2B/3P House Type 2 Dwg No. A150-00 Rev 4

House Type F\_2B-3P\_Elevations Dwg No. A160-00 Rev 4

2B/3P House Type 1 Dwg No. A150-00 Rev 4

Proposed elevations Dwg No. 16-00-S0-P01.3

Proposed ground floor plan Dwg No. 15-01-S0-P01.8

External Finishes Plan Dwg No. 2001-SO-P04

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. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

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

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

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

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

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.



e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

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

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

Upon approval of the method statement:

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

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

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

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

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

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of

membranes is required then any test certificates produced should also be included.

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

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

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6. No part of the development hereby approved shall be occupied until the new means of access has been sited and laid out in accordance with the approved drawing.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

- |    |  |       |   |
|----|--|-------|---|
| 7. | Altered Access Access Alt Prior to Occ | ACC01 | * |
|    |  | 5     |   |
| 8. | Exist Access Closure Misc Points By    | ACC01 | * |
|    |  | 7     |   |

9. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

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

10. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include

mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

11. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the provision of wheeled refuse facilities for all waste types and refuse collection management strategy, including identifying a suitable storage area for collection day only, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include areas of storage of refuse, recycling and garden waste at each dwelling. Thereafter, these agreed details shall be provided prior to the occupation of the dwelling and permanently retained.

Reason: In order to safeguard the amenities of the area and highway safety having regard to policies DM6.1 of North Tyneside Local Plan (2017).

12. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a scheme for secure under cover cycle storage has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling and retained thereafter.

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

13. Notwithstanding Condition 1, prior to the commencement of any development, a noise scheme in accordance with noise report no. 3207BM shall be submitted to and approved in writing by the Local Planning Authority. This scheme must include details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014 and the World Health Organisation community noise guidelines. Thereafter, the development shall be carried out in accordance with these agreed details which shall be implemented prior to the occupation of each dwelling and permanently retained.

Reason: This information is required from the outset to ensure appropriate mitigation is provided to safeguard the amenity of future occupants having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the

ventilation scheme to ensure an appropriate standard of ventilation, with windows closed, is provided shall be submitted to and approved in writing by the Local Planning Authority. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Thereafter, the development shall be carried out in accordance with these agreed details which shall be implemented prior to the occupation of each dwelling and permanently retained.

Reason: To ensure appropriate mitigation is provided to safeguard the amenity of future occupants having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level 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. These details shall include acoustic fencing to be provided to the rear garden areas. The development shall thereafter only be carried out in accordance with the approved details and the dwellings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

16. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a fully detailed landscape plan and landscape maintenance plan for a minimum period of five years, including details of arrangements for its implementation, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). The landscape scheme shall include tree and shrub planting (any trees to be a minimum 12-14cm girth) and include the proposed timing and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. The landscape maintenance scheme shall be implemented in accordance with these agreed details.

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

17. No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

18. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 3no. bird boxes to be installed on the exterior walls of the dwellings, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

19. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 2no. bat boxes to be installed on the exterior walls of the dwellings, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

20. High intensity security lights shall be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

21. Notwithstanding Condition 1, prior to the commencement of the development an amphibian precautionary working method statement, in order to address the low risk to great crested newts, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required from the outset to ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

22. Any excavations left open overnight shall have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

23. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp-proof course level a schedule and/or samples of all surfacing materials and external building materials, including doors and windows) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

24. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

25. Prior to the use of any crane on site, a crane method statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall, at least, include the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;

- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);

- The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);

- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;

- intended dates and times of operation;

- Applicant's name and contact details;

- Proposed obstacle lighting to be installed.

The use of any crane above 50m in height will penetrate the Airport's 'approach and take-off protected obstacles limitation surface' and will require an operator's licence and the issuing of a notice to airmen for the duration of the construction period. It will also need to be fit with medium intensity lighting. If a crane or other construction equipment is required below 50m in height it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, shall be fit with low intensity lighting, and work should cease during poor visibility and cloud ceilings. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

26. 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 of Part 1 or within Classes A and B of Part 14 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

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

27. Notwithstanding Condition 1, prior to the commencement of any construction works on the site details showing the existing and proposed ground levels and levels of thresholds and floor levels of the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements and protecting existing landscape features having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

28. Notwithstanding Condition 1, the proposed dwellings must comply with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To ensure appropriate living conditions for future occupiers are provided in accordance with Policy DM4.9 of the North Tyneside Local Plan (2017).

29. Notwithstanding Condition 1, no part of the development shall commence until a scheme to upgrade the access road between the B1319 and the proposed site access has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until this scheme has been implemented in accordance with these agreed details and it shall be permanently retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

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

**Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Coal Mining Referral Area , (FULH) (I43)

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

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

Northumbrian Water has advised that to satisfy the requirements of Condition 24 the developer should submit a drainage plan that aligns with their comments in response to the point of connection enquiry. Northumbrian Water has advised that the planning permission with Condition 24 is not considered implementable until the condition has been discharged. Only then can an application be made for a sewer connection under Section 106 of the Water Industry Act 1991.

The development hereby approved lies within close proximity to the designated and well-established flight path from Newcastle International Airport. The Airport operates unrestricted flying 365 days per year, 24 hours per day.

Newcastle International Airport Limited (NIAL) has advised that the Civil Aviation Authority (the UK's aviation regulator) guidance on crane operations is due to change very soon. The published guidance would outline an updated process for notifying/approving crane operations, which would supersede our process set out above and could require the applicant to submit information to the CAA in the first instance.

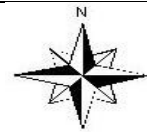




**Application reference: 19/00760/FUL**  
**Location: Land North Of, East View Terrace, Dudley, NORTHUMBERLAND**  
**Proposal: Proposed development is for 11no new two storey two and three bed houses includes new road into the development, which will run off the East View Terrace using the existing access point. (Additional documents 06.09.19, amended plans 21.11.2019 )**

Not to scale  
 Date: 10.01.2020

© Crown Copyright and database right 2011. Ordnance Survey Licence Number 0100016801



**Appendix 1 – 19/00760/FUL  
Item 3**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for a proposed development of 11 new two storey two & three bed houses includes new road into the development, which will run off the East View Terrace using the existing access point.

1.3 The site is accessed via an existing non-adopted rear lane with an altered site access and parking has been provided in accordance with current standards. Refuse will be stored within the site with a kerbside collection. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

ACC11 - New Access: Access prior to Occ

ACC15 - Altered Access Access Alt Prior to Occ

ACC17 - Exist Access Closure: Misc Points, By \*6 months

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

No part of the development shall commence until a scheme to upgrade the access road between the B1319 and the proposed site access has been submitted to and approved by in writing the Local Planning Authority. No part of the development shall be occupied until this scheme has been implemented in accordance with the approved plans and it shall be retained thereafter.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme for secure under cover cycle storage has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

1.6 Informatives:

I05 - Contact ERH: Construct Highway Access

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

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

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

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

#### 1.7 Contaminated Land Officer

1.8 I have reviewed the Phase I & II Geo-Environmental Assessment and note the following:

The report has stated that a Remediation & Enabling Works strategy is required. I note that there is gas monitoring outstanding and that although monitoring has taken place two of the monitoring wells were on two occasions flooded. These results are not accepted.

1.9 Based on the information submitted and the outstanding information required the following must be applied:  
Con 001 and Gas 006

#### 1.10 Environmental Health

1.11 I note the site is located adjacent to an industrial site and potential noise from any activities taking place on the site affecting the western part of the site need to be considered. It is also noted that there are a number of commercial units located adjacent to the site and I would have concerns about potential noise from any delivery noise, customer noise and external plant and equipment that may be fitted at the units. Noise arising from road traffic using the B1319 is of concern and aircraft noise is of concern as the site is located beneath an area where aircraft depart and approach Newcastle Airport. The site is identified within the future 2035 48 dB LAeq 8 hour night noise contour and is just within the 2035 54 dB LAeq 16 hour daytime noise contour with Runway extension and 2035 48 dB LAeq 8 hour night noise contour with Runway extension. The noise contours are provided in 3 dB increments within the Airport Master Plan and therefore the site may potentially be within a higher noise contour within the banding.

1.12 I have viewed the noise assessment provided with the application. The noise monitoring was carried out over a very short period of time, 4 hours on one day in February 2020. Night time noise monitoring was carried out between 0600-0700 hours and road traffic noise assessed using the shortened calculation method. It is noted that the 3 consecutive hours monitored were 0700-1000 hours rather than a 3 hour period between 1000-1700 hours in accordance to with the

methodology. I disagree that road traffic noise will be dominant later evening. The commercial units adjacent to the site consist of a small Life Style general store and a fish and chip shop. Impact noise will arise from customer voices if congregating outside of the shops or from customer cars using the small car park located to the front of the shops. The noise report outlines that no noise from the adjacent industrial site was noted and 1.8 m high boundary screening is to be provided that will mitigate noise from the industrial site for garden areas.

1.13 I have concerns that the noise monitoring is not fully representative of aircraft noise exposure as the monitoring was carried out for a very short duration, during a quieter period of the year. I note that the applicant has responded on the Airport's concerns regarding the noise monitoring and that they are satisfied that further noise monitoring is not required. I would therefore advise that a condition will be required to ensure that an appropriate noise scheme is provided in accordance to the noise report to ensure the BS8233 guidance is achieved for internal noise levels in habitable rooms to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 decibels for living rooms is achieved. Internal noise levels will not be met with open windows and therefore an alternative mechanical ventilation system will be required.

1.14 The World Health Organisation community noise level for outside spaces should achieve levels of 50 dB LAeq 16 h or below as this is considered to be of a level for moderate annoyance. A level of 55 dB LAeq 16 hour is considered to be the onset of serious annoyance. The development provides for garden areas located to the rear of the buildings and screened using 1.8 m high walls and close boarded fencing. This will mitigate against road traffic noise but will be ineffective for mitigating against aircraft noise. A condition would be recommended to require garden areas to achieve a level of below 55 dB LAeq.

1.15 If planning consent is to be given, I would recommend the following conditions:

Prior to development submit and implement on approval of the local Planning Authority a noise scheme in accordance to noise report no.3207BM, providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014 and the World Health Organisation community noise guidelines.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Prior to occupation, submit and implement details of the acoustic screening to be provided to the garden areas in writing for approval of the local Planning to be implemented, and thereafter retained.

HOU04

SIT03

#### 1.16 Biodiversity Officer

1.17 The above site is located off East View Terrace and is a triangular area of land of approximately 0.2ha, which is proposed for housing. East View Terrace and residential housing is located to the south, the B1319 road to the east, and a public footpath immediately to the north/north-west of the site.

1.18 The site appears to comprise semi-improved grassland, with a group of trees to the west of the site and some isolated areas of scrub (possibly elder and hawthorn) along the boundaries.

#### 1.19 Ecology

1.20 A Preliminary Ecological Appraisal (PEA) has been submitted of the above scheme. The impacts have been identified as the following:-

- Loss of semi improved neutral grassland considered to be of Parish value.
- Loss of scrub, tall ruderal and ephemeral habitats of local value.
- Loss of potential bird nesting and foraging habitat though the removal of scrub on site.
- Harm or disturbance to nesting bird species should vegetation removal be undertaken during the nesting bird season (March to August inclusive).
- Low potential risk of harm to badger and hedgehog during site works.
- Low risk or harm to great crested newts during site clearance works.
- Loss and disturbance to potential low value foraging habitat for bat species within the local area through site clearance works and increased lighting on site.

The key mitigation measures recommended to address the above impacts include:-

Site Design:

High intensity security lights will be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

1.21 Timing of Works:

Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

1.22 Working Methods and Best Practice:

- Site clearance works will be undertaken in accordance with an amphibian precautionary working method statement in order to address the low risk to great crested newts.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

-The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

#### 1.23 Compensation:

-Due to the nature of the proposed development, the loss of parish value semi improved neutral grassland cannot be mitigated for within the site. It is recommended that consultation with the LPA Ecologist is undertaken to agree off site habitat creation / enhancement and confirm a financial contribution.

-A total of 3 bird boxes should be installed on site to provide bird nesting habitat. Boxes should be installed on exterior walls of the proposed residential houses.

#### 1.24 Enhancement:

A total of 2 bat boxes should be installed on the exterior walls of proposed residential dwellings in order to create bat roosting opportunities within the site.

#### 1.25 External Finishes Plan

1.26 Trees/scrub on the western boundary have now been retained largely outside of residential gardens. The shows a 0.7m high hedge along the northern boundary along with 7 new trees. Hedges are also shown along the eastern edge of the site (B1319) to the front of properties. The hedge along the northern boundary must be a mixed native hedge containing a minimum of 5 types of native hedge species and all new trees must be heavy standards. The submitted indicative landscaping is an improvement on the previous submitted layout, however, the landscaping provided does not mitigate for the loss of the semi-improved neutral grassland within the site. As recommended within the Ecology report, the applicant will need to consult with the LPA to agree off-site mitigation and financial contribution.

#### 1.27 Coastal Mitigation

1.28 The scheme is also within 6km of the Northumbria Coast SPA and will have an impact on the coast as a result of an increase in recreational disturbance. The scheme will, therefore, need to comply with the Councils Coastal Mitigation SPD. The SPD provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

#### 1.29 Conditions

-In order to mitigate the loss of the semi-improved neutral grassland on site, a financial contribution of £3,000 will be required to enable the LPA to create and manage a similar sized area of semi-improved grassland on Council land as compensation.

-Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed revised landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include tree and shrub planting (any trees to be a minimum 12-14cm girth) and include the proposed timing and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of

planting shall be replaced in the next available planting season with others of similar size and species. The landscape scheme shall include landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

-No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing

-3 No. bird boxes will be installed on site to provide bird nesting habitat. Boxes should be installed on exterior walls of the proposed residential houses. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

-2 No. bat boxes will be installed on the exterior walls of proposed residential dwellings in order to create bat roosting opportunities within the site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

-High intensity security lights will be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

-Site clearance works will be undertaken in accordance with an amphibian precautionary working method statement in order to address the low risk to great crested newts. Details to be submitted to the LPA for approval in writing prior to the development commencing.

-Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

-In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Draft Coastal Mitigation SPD.

### 1.30 Landscape Architect

#### 1.31 Existing Site Context

1.32 The proposed application site area overlooks the (B1319) Market Street and is located just off the immediate Dudley town centre, but still within close proximity to local retail (shops) and entertainment (pubs and café) facilities. The site is currently bordered by residential developments to the south and west, with some industrial storage areas and units to the north. The immediate properties adjacent to the site include East View Terrace to the south and a mix of detached and semi-detached properties to the west. The site is also bordered by public footpaths, with one along the north site boundary and another along the south. The surface level of the site is generally flat, reflecting the wider prevailing topography of the surrounding area, with a grass/scrub surface horizon across most of the site area. The current access to the wider site is via the established entrance from Market Street.

1.33 Tree cover is minimal with the only one small group of scrub located to the west of the site, which includes two small Hawthorn, one domestic Apple, and various multi-stemmed self-seeded Elder. All trees have been categorized a low quality and value (category C). The proposals require the removal of the 2no hawthorn trees and looks to retain trees outside of gardens.

#### 1.34 Landscape Comments (Trees and Landscape Design)

1.35 The amended plans have been submitted relating to the building which does not impact on any areas proposed for landscaping. As per previous comments, and based on the survey information, the removal of the hawthorn is acceptable, however additional planting is required to support the remaining shrub group. This should be shown on a landscape plan – details of which can be conditioned. The landscape plan should also include planting to strengthen the boundaries of the site using native hedge or tree/shrubs.

1.36 The following condition can be attached to the application:

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed revised landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include tree and shrub planting (any trees to be a minimum 12-14cm girth) and include the proposed timing and ground preparation noting the species and sizes for all new plant species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscape scheme shall include landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

#### 1.37 Lead Local Flood Authority (LLFA)

1.38 The applicant's intentions are to provide surface water storage via the use of permeable paving within the developments car parking areas which will discharge into a 34.2 Cu.m geocellular storage tank to be located within the highway which will provide surface water storage for a 1in100 yr rainfall event + 40% for climate change. This will then discharge into the local sewer network at a restricted discharge rate of 4.5l/s.

1.39 I can confirm that the surface water drainage proposals are acceptable however I have noted that the finished floor levels of the houses adjacent to the B1319 are proposed to be set at 10.30m & 10.15m AOD. I would request that you make the applicant aware there has been flooding of the highway and internal flooding to three properties on West View located directly opposite the development site. This flooding was caused as a result of the localised topography, in order to prevent a similar event impacting on the seven number properties adjacent to the highway, I would recommend that these properties finished floor level heights are set at a height 300mm higher than the adjacent highway.



1.40 I have carried out a review of the revised submission. I can confirm that following receipt of Proposed Engineering Layout – 19012/01P2, I no longer have concerns regarding the potential surface water flood risk posed to this development. In order to minimise the risk of surface water flooding to the proposed properties the applicant has raised the finished floor levels which reduces the risk of surface water entering these properties during heavy rainfall events.

#### 1.41 Design

1.42 The application is for 11 new homes on land to the north of East View in Dudley. The design approach reflects the local context and character of the residential area. The layout of the units is logical and responds to existing trees on the site which are incorporated into private gardens. The layout also responds to the existing building line on East View Terrace to create a continuous frontage to the street.

1.43 Parking is located to the rear of plots 1 – 7 to support the street scene. The rear boundary boundaries of all properties are highly visible from the public realm. The 3D images of the proposal show the rear boundary treatments as close boarded fences – this should be changed to a brick wall with optional timber infill panels as set out in the Design Quality SPD.

1.44 The bin collection point does not require fencing around it and this area should be open. The fencing will encourage bins to be left in the area permanently.

1.45 Overall the application is supported. It is recommended that all surface materials, external building materials (including doors and windows), boundary treatments and landscaping is conditioned.

#### 1.46 Housing

1.47 11 new affordable home on site is supported. It meets the 25% policy with 2 and 3 bedroom houses being welcomed.

### 2.0 Representations

2.1 Five objections have been received (four from the same property). These objections are set out below:

- Adverse effect on wildlife.
- Inappropriate design.
- Loss of privacy.
- Loss of residential amenity.
- Loss of/damage to trees.
- Nuisance: disturbance.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.
- Overdevelopment, maximum number of dwellings should be 7 or 8.

- Utilisation of road adjoining No. 21 East View Terrace as an access to the site is inadequate. This road is only wide enough for one vehicle at a time being really an extension of the back lane.
- Back lane to East View Terrace is in a poor state and is used mainly by the residents of East View Terrace for parking and entry to their properties. The lane, again, is only wide enough for one vehicle at a time and the problem is exacerbated by parked cars. The potential use of the lane for access from the proposed development into Bamborough Court is dangerous and will increase an already congested area.
- Currently cars park on both sides of the road at the entrance to Bamborough Court (opposite the shops on Market Street) since the introduction of the double yellow lines and access and egress is hazardous enough without the possibility of another 20 vehicles using it. Cars park on both sides of the road behind the church creating a really congested area.
- The road from Dudley Lane through Bamborough Court back onto Dudley Lane at the western side of Bamborough Court is used as a thoroughfare by pedestrians, many of them children.
- The pavement on the proposed site plan shows the footpath to be the same width as that on the main street when it is about half the size. The land shown landscaped adjacent plot 7 and part of plot 7 should be used to upgrade the vehicular access into the site.
- There should be no access from the development site to the lane to the rear of East View Terrace and the lane to the rear of East View Terrace should be for access by the residents of East View Terrace only.
- The road inside the site is shown as being the same width as the back lane to East View Terrace i.e. wide enough for one car. This is inadequate. The DnA states the road is to be 6m, but there is no way the lane to rear of East View Terrace is 6m wide. There is no turning head in the road.
- The 4 houses to the rear of the site should be reduced to 2.
- The refuse collection point is inadequate for 11 bins.
- The road in the development is too narrow for refuse vehicle.
- The site is in a Wildlife Corridor but there has not been an Ecological Survey submitted.
- The ground does not seem very stable given the existence of mine workings.
- The photomontages do not accurately reflect the finished appearance of the development in relation to road and paths.
- In principle I am pleased with this application as it will tidy up the area. However, I would agree with most of the comments made by the objector on 22 November 2019 with regard to traffic and parking in the area. In particular I hope the Council takes this opportunity to make good the back lane of East View Terrace.
- Certificate C has been completed indicating the application has been advertised in the News Guardian. I have never heard of this newspaper. Having looked on-line, this seems to be a free local newspaper for the Whitley Bay, North Shields and Wallsend areas. It is not a newspaper delivered to the Dudley area and, therefore, an inappropriate form of publicity. The application, in my opinion, should have been published in a newspaper such as The Journal or The Chronicle.
- There is not a copy of the press notice on the file.
- What evidence has the applicant presented to show that every attempt has been made to trace the other landowner(s)? Has a search of the records of Durham

Land Registry been made and evidence to that effect produced?

-Plan nos. 160-04-S0-P01.2 and 1.4 do not accurately show the relationship to the properties to the south and west of the site. In fact, these properties are shown as square blocks with fencing that does not exist.

-There are no streetscapes showing the relationship to the surrounding buildings.

-No attempt has been made to mitigate the issues that will be caused by traffic using the lane to the rear of East View Terrace for access and egress.

-The lane to the north of East View Terrace has not been widened and is misrepresented on the drawings. Having such a narrow access is hazardous to road and pedestrian safety.

-The website shows that the expired date for the site notice is 16 October 2019, but there are no site notices visible from the Dudley Lane side of the site and there were none there last week either. If the notices have been posted on-site they are either in a position where no one can see them or they have been removed by someone. Can you arrange for the site notice(s) to be posted again for the 21-day period in order to inform a wider section of the community.

-My principle concerns are around access to and egress from the site. The lane to the north of East View Terrace shown as the access to the site from Dudley Lane is now included in the redline boundary and, therefore, I presume the condition of the road will be improved. However, this is a narrow lane really only wide enough for one car at a time. I am concerned about the congestion this could cause on Dudley Lane with cars queuing both on the main road and on the lane to the north of East View Terrace. Occupiers of East View Terrace park vehicles half on the pavement reducing visibility for vehicles existing the development site and thereby creating a hazardous situation. I am concerned that this may lead to vehicles from the development site using the back lane to East View Terrace and Bamborough Court to gain access to Dudley Lane. The lane, as you will be aware, is unadopted and in a poor state of repair. Occupiers of East View Terrace also park vehicles in the land and there is only enough space for one vehicle at a time. Vehicles park on both sides of the road in Bamborough Court creating a slalom to be negotiated to access Dudley Lane. Since the introduction of the double yellow lines on Dudley Lane, cars park on both sides of the road which accesses onto Dudley Lane so there is often space for one car to pass. They also park on double yellow lines including those on the bend in the road. (Google image provided to demonstrate this point before double yellow lines implemented).

Cars park on both sides of the road outside the butchers and chemist on a road which is used by lorries and buses and at times visibility is nil. More cars using this access road would even further impact on road safety. I welcomed the introduction of the double yellow lines, but if they are not policed they can be useless.

-The revised drawings uploaded have been incorrectly labelled with the plan numbers rather than the title of the drawing.

-View 4 gives a distorted view of the site giving the appearance of more space than is actually there. The car parking spaces are huge.

-The need for refuse waste is already extremely tight in the lane to the back of East View Terrace (I have already had brickwork damaged on my property on two separate occasions by the recycling truck).

-Parking will become a major hazard and undoubtedly cause an accident as visibility will be seriously reduced due to the width of the access road proposed

off East View Terraced, cars will park wherever they can and will cause multiple problems.

-I have concerns over the land, as cracks have appeared in my property since the initial bore holing process back in June/July. I have major concerns that any further foundations works will have serious impact to the structure and security of my property and therefore I cannot support the building works going ahead.

2.2 One representation has been received neither objecting nor supporting: In principle I am pleased with this application as it will tidy up the area. However, I would agree with most comments made by the objector with regard to traffic and parking in the area.

In particular I hope the council takes this opportunity to make good the back lane of East View Terrace.

### 3.0 External Consultees

#### 3.1 Tyne and Wear Archaeology Officer

3.2 I have checked the site against the HER, and consider that the proposals will not have a significant impact on any known heritage assets. Historic OS maps demonstrate that much of the site has previously been developed in the late 19<sup>th</sup> and 20<sup>th</sup> centuries. This activity is likely to have truncated any earlier deposits and structures. I consider the site to have low archaeological potential, and no archaeological work is required.

#### 3.3 Northumbrian Water

3.4 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.

3.5 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

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

An enquiry has now been received by Northumbrian Water to agree suitable connection points to the public sewer network, however the connection point identified as suitable for surface water does not align with that indicated in the submitted drainage plan. We would therefore request the following condition:

Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood

Authority. Thereafter the development shall take place in accordance with the approved details.

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

### 3.7 How to Satisfy the Condition

3.8 The developer should submit a drainage plan that aligns with Northumbrian Water's comments in response to the point of connection enquiry.

3.9 Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

3.10 I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

### 3.11 Police Architectural Liaison Officer

3.12 It is pleasing to see that the central pathway has been omitted from the scheme. With this in mind I still have no objections with the scheme and no further comments to make.

### 3.13 The Coal Authority

3.14 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Specifically, The Coal Authority records indicate likely unrecorded coal mining at shallow depth beneath the application site.

3.15 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Phase 1 & Phase II Geo-Environmental Site Assessment Report (Ergo, April 2019) which accompanies this planning application. This report is also informed by the findings of intrusive site investigations for which a Coal Authority permit was obtained.

3.16 The report identified a moderate to high risk from unrecorded shallow workings and intrusive site investigations were undertaken to determine the presence or otherwise of shallow workings. These investigations which comprised of three boreholes sunk to 45m below ground level encountered coal that was intact.

3.17 The Coal Authority notes the assurance of the competent person who has prepared the Coal Mining Risk Assessment; that in their professional judgement there is low risk from unrecorded shallow mine workings.

3.18 On the basis of the information submitted and the professional opinion of the author for the Phase 1 & Phase II Geo-Environmental Site Assessment Report (Ergo, April 2019), The Coal Authority has no objection to this planning application. However, further more detailed considerations of ground conditions

and/or foundation design may be required as part of any subsequent building regulations application.

### 3.19 Newcastle International Airport Limited (NIAL)

3.20 I have reviewed the additional information sent through and I will reply on the planning matters relating to this application.

3.21 I thought it would be helpful to summarise our planning decision requests:

3.22 The following noise informative is conditioned upon planning decision:

‘The development hereby approved lies within close proximity to the designated and well-established flight path from Newcastle International Airport. The Airport operates unrestricted flying 365 days per year, 24 hours per day’.

3.23 Noise monitoring - NIAL are willing to accept that no additional noise monitoring is required. This decision has been made given the prominence of road noise (as outlined in the noise assessment and in subsequent emails received).

3.24 In addition, we accept the applicant has considered how dwelling layout and orientation of outside amenity areas has been considered in terms of noise impacts.

3.25 We have also considered the number of dwellings proposed and the close proximity of the development site to an envelope of existing dwellings when making this decision.

3.26 If the size or layout of the proposed development site changes, or if there are changes to the number/dwelling types, our position on noise monitoring may change.

3.27 NIAL therefore request that we are consulted on any changes to layout or dwelling configuration in any subsequent applications.

3.28 The noise insulation - For the reasons outlined previously, NIAL recommends that any planning permission conditions that dwellings will have to be constructed to provide sound insulation against external noise to achieve internal night time bedroom levels of 30 dB LAeq, 8 hours (45 dB L<sub>Amax</sub>) and internal daytime living room levels of 35 dB LAeq, 16 hours with windows shut and other means of ventilation provided.

3.29 Our further (non-noise) comments and condition requests as outlined in our 15/10/19 response are taken into consideration during planning decisions and subsequent applications.

### 3.30 Aerodrome Safeguarding

#### 3.31 Physical development

3.32 The development site is located close to the Airports ‘approach and take-off’ protected obstacles limitation surface. The proposed development itself does not present an issue to the operation of the Airport, but the use of cranes during

construction could present a collision hazard and/or impact on the Airport protected obstacle limitation surfaces.

3.33 The use of any crane above 50m in height would penetrate the surface and would require an operator's licence and the issuing of a notice to airmen for the duration of the construction period. It would also need to be fit with medium intensity lighting. If a crane or other construction equipment is required below 50m in height it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, should be fit with low intensity lighting, and work should cease during poor visibility and cloud ceilings

3.34 The Airport request that the parameters and procedures of crane use for the scheme be set out in a crane method statement, which should be conditioned as part of a grant of planning consent.

3.35 This should at least set out the following –

The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid;

The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD (see Note below);

The type of crane/equipment (e.g. Tower Crane, Mobile Crane, etc.);

The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;

intended dates and times of operation;

Applicant's name and contact details.

Proposed obstacle lighting to be installed.

3.36 Please note that the Civil Aviation Authority (the UK's aviation regulator) guidance on crane operations is due to change very soon. The published guidance would outline an updated process for notifying/approving crane operations, which would supersede our process set out above and could require the applicant to submit information to the CAA in the first instance.

### 3.37 Renewable energy sources and materials

3.38 NIAL would require information relating to any photovoltaic cells or micro wind turbines proposed for the development. Details of materials would also be required to ensure that there would no undue reflection which could glare pilots.

### 3.39 Lighting

3.40 NIAL expects that all lighting be fully cut off so as to eliminate any vertical light spill into the atmosphere, which could act as a distraction for pilots on approach or departing the Airport.

### 3.41 Flood water infrastructure

3.42 NIAL request that we are consulted on the drainage design of any open water features associated with this development. There is a general presumption against the creation of open water bodies within 13 km of an airfield, due to the increased likelihood of bird strike as a result of habitat formation within close

proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the airport. If any basins will be permanently wet, NIAL expects that the basin be fully planted to cover the surface of the pond with netting used as an interim measure whilst the reed planting is established. If the basin will only be wet during time of flood it is expected that it will drain rapidly (not more than 2 days). It is also expected that water pooling is avoided during construction.

### 3.43 Landscaping

3.44 Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. The grouping of trees in certain arrangements can also provide roosting habitat for species such as starlings, which can be especially hazardous to aircraft owing to the density of flocks.

3.45 The Airport is considered that the below species should not make up greater than 10% of the planting schedule for the site. They should also be dispersed throughout the development to discourage roosting. NIAL would request that we are consulted on a planting schedule for any landscaping proposed.

Crataegus monogyna Hawthorn  
Ilex aquifolium Holly  
Rosa canina Dog Rose  
Berberis spp Barberry  
Cotoneaster  
Viburnum  
Aucuba Buddleia  
Callicarpa Beauty Berry  
Chaenomeles Japonica  
Clerodendrum  
Danae Butcher's Broom  
Daphne Euonymus Spindle  
Hypericum St John's Wort  
Lonicera Honeysuckle  
Mahonia  
Malus Crab Apple  
Sorbus aucuparia Rowan  
Pernettya Prickly Heath  
Prunus avium Wild Cherry  
Pyracantha Firethorn  
Rhus Sumac  
Ribes Ornamental Currant  
Sambucus nigra Elder  
Skimmia  
Stranvaesia  
Symphoricarpos Snowberry

### 3.46 Bird Strike Risk Assessment

3.47 A bird strike risk assessment may be required to inform the development if SUDS or ponding are proposed in any subsequent applications associated with the site. This should be submitted with a planning application for NIAL to review.



### 3.48 Natural England

3.49 Internationally and nationally designated sites – no objection subject to appropriate mitigation.

3.50 This development falls within the 10km zone of influence for coastal designated at a national level as Sites of Special Scientific Interest and Special Protection Areas/Special Areas of Conservation/Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

3.51 Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

3.52 Subject to appropriate mitigation being secured in line with the details of this service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

3.53 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

3.54 This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan on the project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

3.55 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

### 3.56 Sites of Special Scientific Interest Impact Risk Zones

3.57 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a SSSI" (Schedule 4, w). Our SSSI

Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help LPA's decide when to consult Natural England on developments likely to affect a SSSI.

### 3.58 SSSI's

3.59 Local authorities have responsibilities for the conservation of SSSI's under s28G of the Wildlife and Countryside Act 1981 (as amended). The NPPF (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal. Our initial screening indicates that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

### 3.60 Biodiversity duty

3.61 Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information can be provided.

### 3.62 Protected Species

3.63 Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### 3.64 Local sites and priority habitats and species

3.65 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies.

3.66 Priority habitats and species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped as either SSSI, on the Magic website or as Local Wildlife Sites (LWS). Lists of priority habitats and species can be provided. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be provided.

### 3.67 Ancient woodland and veteran trees

3.68 You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities when determining relevant planning applications. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

### 3.69 Protected Landscapes

3.70 For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The NPPF (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

3.71 Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11A (2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

3.72 Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent character of Heritage Coasts and importance of its conservation.

### 3.73 Landscape

3.74 Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

### 3.75 Best and most versatile agricultural land and soils

3.76 LPA's are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. ALC information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss this matter further.

3.77 Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developers use an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### 3.78 Access and recreation

3.79 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### 3.80 Rights of Way, Access land, Coastal access and National Trails

3.81 Paragraph 98 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

### 3.82 Environmental enhancement

3.83 Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 102d, 118a, 170d, 174b and 175d of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175a of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where on site measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on site.
- Planting new tree characteristic to the local area to make a positive contribution to the local landscape.

- Using native plants in landscaping schemes for better nectar and see sources for bees and birds.
- Incorporating swift boxes and bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

3.84 You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying new opportunities for new greenspace and managing existing (and new) public spaces to more wildlife friendly (e.g. by sowing wild flower strips).
- Planting additional street trees.
- Identifying any improvements to the existing public rights of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

This page is intentionally left blank