



North Tyneside Council

# Planning Committee

5 November 2021

To be held on **Tuesday, 16 November 2021** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 4.00 pm.**

<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 26 October 2021.	<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>
<b>5. Planning Officer Reports</b>	<b>9 - 14</b>
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.	
<b>6. 19/00257/FULES, Land Adjacent to Rake House Farm, Rake Lane, North Shields</b>	<b>15 - 134</b>
To determine a full planning application from Northumberland Estates for development of 318 residential dwellings (including affordable housing) and associated infrastructure and engineering works, creation of new access from A191 Rake Lane, creation of SuDS and open space.	

**Circulation overleaf ...**

**Members of the Planning Committee:**

Councillor Ken Barrie  
Councillor Julie Cruddas  
Councillor Margaret Hall  
Councillor Chris Johnston  
Councillor John O'Shea  
Councillor Willie Samuel (Chair)

Councillor Trish Brady (Deputy Chair)  
Councillor Muriel Green  
Councillor John Hunter  
Councillor Frank Lott  
Councillor Paul Richardson

This page is intentionally left blank

## Planning Committee

**Tuesday, 26 October 2021**

Present: Councillor W Samuel (Chair)  
Councillors K Barrie, T Brady, M Green, M Hall, Janet Hunter, John Hunter, C Johnston, F Lott, T Mulvenna and P Richardson

Apologies: Councillors J Cruddas and J O'Shea

### **PQ39/21 Appointment of substitutes**

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

Councillor Janet Hunter for Councillor J Cruddas  
Councillor T Mulvenna for Councillor J O'Shea

### **PQ40/21 Declarations of Interest**

There were no declarations of interest or dispensations reported.

### **PQ41/21 Minutes**

**Resolved** that the minutes of the meeting held on 28 September 2021 be confirmed and signed by the Chair.

### **PQ42/21 Planning Officer Reports**

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning applications listed in the following minutes.

### **PQ43/21 21/01171/FUL, Site of Former Drift Inn, Front Street, Seaton Burn**

The Committee considered a report from the planning officers in relation to a full planning application from Northumbria Vehicles for the erection of 9no. dwelling houses with associated parking and landscaping.

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 Mr & Mrs Hogg of Front Street, Seaton Burn had been granted permission to speak to the Committee. Mr Hogg lived and operated licensed kennels at the property adjacent to the development site. He explained that he supported the development of the site, but any development should be

conditional on protecting the operation of the kennels from complaints from occupiers. Mr Hogg welcomed the realignment of the housing and the reduction in the number of units but he still believed 9 units would be an overdevelopment of the site. He contended that the noise survey undertaken over a 24 hour period in April 2021 was not representative of the operation of the business and that assessments could be very subjective to support any desired outcome.

Mr R Purvis of Northumbrian Vehicles addressed the Committee to respond to Mr Hogg's comments. Mr Purvis explained that a noise monitoring device had been located on the site for a period of 4 weeks when the noise recorded from the A19 road had been greater than that caused by the dogs. The site was at the gateway of Seaton Burn and the proposed development would improve the appearance of the area. Neighbouring residents had expressed their support for the scheme and there had previously been no objections to a proposal to construct a 50 bed care home on the site. Anything less than 9 units on the site would not be viable. Mr Purvis queried whether the location of the livestock at Meadow Cottage could be managed to minimise the impact of noise on occupiers.

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

- a) the levels and heights of the proposed development in relation to Meadow Cottage;
- b) the proposed surface water attenuation scheme;
- c) the separation distances between the proposed development and Meadow Cottage;
- d) the proposed condition requiring the applicant to erect and retain a 1.8m high acoustic fence between the site and Meadow Cottage;
- e) the proposed sound attenuation measures recommended by the Environmental Health Officer to ensure noise levels at the properties do not exceed good standards;
- f) the defences available to the operators of the kennels to any complaints about noise, if all reasonable steps have been taken to minimise the noise;
- g) the nature and outcomes of three separate noise assessment exercises undertaken on site; and
- h) the effect of the designation of the site for housing within the Local Plan and its potential to provide 5-8 units which was indicative and not definitive.

**Resolved** that (1) the Committee is minded to grant the application subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary;

(2) the Director of Housing, Environment and Leisure be authorised 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 £1,359 contribution towards coastal mitigation; and;

(3) the Director of Law and Governance and the Director of Environment, Housing and Leisure be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

New access

Upgrade of footpaths abutting the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage.

**PQ44/21      21/01341/FUL, Henson Motor Group, Benton Square Industrial Estate,  
Whitley Road, Benton**

The Committee considered a report from the planning officers in relation to a full planning application from Lichfields for demolition of existing building and erection of a building for use as a builders' merchant (storage, distribution, trade counter, offices and ancillary retail sales).

The Committee had previously considered the application on 3 August 2021 when it had indicated that it was minded to grant the application and authorised officers to determine the application following expiry of the consultation period. During this period objections had been received which officers considered required consideration by the Committee.

A planning officer presented details of the application and objections 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 proposed hours of operation of the builders merchants; and
- b) the impact of the development on the local highway network.

**Resolved** that the application be permitted subject to the conditions set out in the planning officers report.

(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 in terms of the principle of development and its impact on amenity, the character and appearance of the area, highway safety and ground conditions.)

This page is intentionally left blank



## PLANNING COMMITTEE

Date: 16 November 2021

### 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.

**PLANNING APPLICATION REPORTS  
CONTENTS**

**1 19/00257/FULES**

**Collingwood**

**Land Adjacent To Rake House Farm Rake Lane North Shields Tyne And  
Wear**

Speaking rights granted to:

Mr Samuel Fisher of Athol Gardens West Monkseaton

Mr Nathan Berry of Gerrard Close, Whitley Bay

Mr Robin Smith of Grosvenor Drive, Whitley Bay

Councillor Sean Brockbank

This page is intentionally left blank

**Application No:** 19/00257/FULES      Author: Maxine Ingram  
Date valid: 25 February 2019      ☎: 0191 643 6322  
Target decision date: 17 June 2019      Ward: Collingwood

Application type: Full application with Env Statement

**Location: Land Adjacent To, Rake House Farm, Rake Lane, North Shields, Tyne And Wear**

**Proposal: Development of 310 residential dwellings (including affordable housing) and associated infrastructure and engineering works, creation of new access from A191 Rake Lane, creation of SuDS and open space. EIA submitted. (Additional information revised plans, TA and TP August 2020, July and August 2019, revised plans July 2019 and amended description)**

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

## **RECOMMENDATION:**

**Members are advised that the Secretary of State may issue a formal direction to call-in this application. An addendum will be produced to update Members on this matter.**

**Members are recommended to:**

- a) 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;
- b) grant delegated powers to the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:
  - 25% on-site affordable housing provision
  - Primary education £690, 000.00
  - Public transport £24, 029.00
  - Metro station £1, 009, 400.00
  - Travel Plan Bond £100, 000.00
  - Green infrastructure £453, 406.00
  - Allotments £39, 920.32
  - Sports pitch £205, 110.00
  - Built sports £259, 400.00
  - Employment and training £72, 100.00
  - Waste £51, 036.00
  - Local Wildlife Site £60, 500.00
  - Coastal Mitigation £104, 740.00
  - Off-site compensation land for ecology purposes

- c) **authorise the Director of Law and Governance and the Director of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure the following highway improvement works:**
- Site access (A191 roundabout)
  - Tynemouth Pool
  - Foxhunters
  - Rake Lane (A191)
  - Preston Road North (A192)

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- The principle of residential development on this site,
- The impact of the proposal on the character and appearance of the surrounding area and the site layout,
- The impact of the proposal on amenity,
- The impact of the proposal on the highway network and whether sufficient parking and access would be provided,
- The impact of the proposal on biodiversity; and,
- 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.

#### 2.0 Description of the Site

2.1 The application site forms part of a wider strategic housing allocation, Murton Gap, in the Local Plan (LP). The site is located within the south east part of this wider strategic allocation. It covers an area of approximately 15.9 hectares (ha) of predominantly agricultural land.

2.2 The site is bound to the north and west by areas of agricultural land which also form part of the wider strategic housing allocation. Murton Village is located to the north west of the site, but there is no direct link between the two. To the east, the site is bound by Monkseaton High School. Rake House Farm, a former farm complex converted into modern office accommodation, lies to the south, adjacent to the A191 (Rake Lane). Beyond the A191 lies the residential areas of Preston Grange and New York, as well as North Tyneside General Hospital.

2.3 The wider locale is predominantly residential. The site lies in close proximity to existing local services (retail, commercial, leisure, healthcare provision and schools). Foxhunters Playing Fields is located to the south east of the site and there is a further recreational area at Langley Playing Fields to the north. Nearby



industrial estates, business parks, retail parks and leisure facilities include West Chirton Industrial Estate, Cobalt Business Park, The Silverlink and The Silverlink Biodiversity Park. Bus stops are located along the A191 and are within walking distance of the site.

2.4 The site is located within 6km of the nearby coastline.

2.5 The site is made up of agricultural land. It is divided from south west to north east by a hedgerow and a few individual trees. The site is also separated from Rake House Farm by a hedgerow. There is a network of hedgerows which form boundary lines between the site and the surrounding agricultural fields.

2.6 There is a large highways verge located between the agricultural land and the A191. This land would accommodate the proposed on-site drainage and highway works associated with this development.

### 3.0 Description of the Proposed Development

3.1 This application seeks consent for the construction of 310 dwellings (Use Class C3) including affordable dwellings and associated infrastructure, creation of new access to the A191 (Rake Lane), creation of Sustainable Urban Drainage Systems (SuDS) and open space.

3.2 The application is accompanied by an Environmental Statement and various supporting documents.

### 4.0 Relevant Planning History

16/01956/FUL - The excavation of a 6500m<sup>3</sup> dry storage basin to the south west of the Briar Vale residential area to retain surface water runoff from the fields during intense periods of rainfall. Associated works include the construction of a new ditch to link the storage basin to the NWA surface water sewer – Permitted 22.02.2017

17/01250/EIASCO - Request for an EIA scoping opinion for development proposals for up to 3,300 residential dwellings, up to 1,100m<sup>2</sup> of convenience retail space and a new metro station as well as associated infrastructure, highway works and new areas of open space and landscaping – EIA Scoping Opinion Given 09.10.2017

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

5.2 Murton Gap Masterplan and Guidance (December 2017)

### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (July 2021)

6.2 National Planning Practice Guidance (PPG) (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. At para 11,

NPPF requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Where the most important policies for determining the application are out-of-date LPAs should grant permission unless the application of policies set out in the Framework that protect areas of particular importance provides a clear reason to refuse development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In considering applications for housing, one of the circumstances in which policies are regarded as out of date is where an LPA cannot demonstrate a five-year housing land supply. At this time North Tyneside is not able to demonstrate a five-year supply of deliverable housing sites and some policies are therefore regarded as out of date.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider are:

- The principle of residential development on this site,
- The impact of the proposal on the character and appearance of the surrounding area and the site layout,
- The impact of the proposal on amenity,
- The impact of the proposal on the highway network and whether sufficient parking and access would be provided,
- The impact of the proposal on biodiversity; and,
- 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 the report.

### 8.0 Principle of the Proposed Development

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

8.2 Paragraph 8 of the 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.

8.3 Paragraph 11 of the NPPF has been referenced above (paragraph 6.3). Development plan policies important to the determination of housing applications will be regarded as out of date because, as explained, the LPA cannot currently demonstrate a five-year supply of deliverable housing sites. What is referred to as the 'tilted balance' principle means there is a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits. As set out in paragraph 6.3, refusal is only justified if the application of NPPF policies which protect areas or assets of particular importance provide a clear reason to do so. This includes, among other designations, policies relating to habitat sites. In terms of the principle of development, this development requires appropriate assessment because it may impact designated habitat at the coast where there are Special

Protection Areas (SPA). Paragraph 182 of the NPPF states “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

8.4 Paragraph 12 of the NPPF makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

8.5 Paragraph 60 of the NPPF states that to support the Government’s objective to significantly boost 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 and that land with permission is developed without unnecessary delay.

8.6 Paragraph 74 of the NPPF requires Local Planning Authorities to identify and update 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 needs 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%.

8.7 Prior to the adoption of the LP in July 2017 Murton Gap was identified as Safeguarded Land in the Unitary Development Plan (UDP) (2002). The purpose of safeguarded land was to provide a range and choice of development options after the end of the plan period. The UDP was clear that safeguarded land is capable of development when needed. The North Tyneside LP Engagement Draft (2013) included this strategic allocation as a potential development option. The next LP Engagement Draft was informed by updated evidence of the Borough’s objectively assessed need for housing and a revised plan period of 2032. The LP was submitted to the Secretary of State on 30<sup>th</sup> June 2016. The LP Examination in Public (EiP) was undertaken in November and December 2016 and the plan was adopted in July 2017.

8.8 The Council’s LP sets out the next phase of growth within the Borough up to 2032. A key component of housing growth will be the development of the two Strategic Allocations, including the site at Murton Gap.

8.9 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose 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.

8.10 Strategic Policy S1.4 ‘General Development Principles’ states “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.

8.11 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.

8.12 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....”

8.13 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.”

8.14 There are two policies in the LP which are directly related to the Murton Gap Strategic Allocation. These policies are S4.4(a) and S4.4(c).

8.15 LP Policy S4.4 (a) Murton Strategic Allocation Concept Plan states: “A strategic allocation is identified at Murton (Sites 35 to 41) to secure the delivery of approximately 3,000 homes during the plan period in a mix of housing tenures, types and sizes, informed by available evidence of the housing needs of the Borough, convenience retail provision of approximately 1000m<sup>2</sup> net.

The key principles for development of the Murton strategic allocation are illustrated on the Policies Map through an indicative Concept Plan, to be delivered where necessary in accordance with the requirements of the Infrastructure Delivery Plan, include provision of:

- a. New housing, employment, retail and community facilities in the general development locations identified; and,
- b. Primary and secondary access points suitable to accommodate evidence-based traffic flows to, from and through the sites as appropriate; and,
- c. Strategic transport route connecting Earsdon by-pass with New York Road and Norham Road; and,
- d. Education provision delivered in agreement with the Local Education Authority, at locations indicatively identified on the Policies Map providing a primary school located broadly to the south west of the site; and,
- e. A network of green and blue infrastructure that:
  - i. Enables provision of strategic open space breaks to avoid the joining together of Shiremoor with Monkseaton, whilst integrating with existing communities; and,
  - ii. Provides safe and secure cycle and pedestrian links through the site that ensure appropriate connectivity with the existing network; and,

- iii. Retains, connects and enhances the biodiversity of each site; and,
- iv. Retains and enhances any important hedgerows or trees; and,
- v. Provides well-integrated and strategic green spaces for recreation, which includes 'Suitable Accessible Natural Green Space' (SANGS); and,
- vi. Incorporates sustainable drainage systems."

8.16 LP S4.4 (c) Applications for Delivery of the Strategic Allocations states:

"At the identified strategic allocations of Killingworth Moor (Sites 22 to 26) and Murton (Sites 35 to 41) a comprehensive masterplan for each allocation must be prepared collaboratively, and agreed, by the relevant development consortia and North Tyneside Council.

Applications for planning permission will be granted where:

- a. They are consistent with the comprehensive masterplan, which itself must demonstrate its general conformity with the key principles of the Concept Plans for Killingworth Moor and for Murton.
- b. The application relates to the whole allocated site or if less does not in any way prejudice the implementation of the whole allocation.
- c. Provision of any development that would exceed the approximate capacity for housing, retail and employment indicated by this Local Plan, within and beyond the plan period, must demonstrate its continued conformity with the principles of the Concept Plan and the infrastructure capacity of the site and Borough.
- d. The application is in accordance with a phasing and delivery strategy, prepared as part of the detailed masterplan, that identifies the timing, funding and provision of green, social and physical infrastructure.
- e. An access and transport strategy is developed that maximises the potential for walking, cycling and use of public transport (including the potential provision, subject to overall feasibility and economic viability, of new Metro stations), as demonstrated through the detailed masterplans, and the application provides a connected, legible network of streets with the proposed primary routes and public transport corridors.
- f. A heritage management strategy is provided that is informed by the mitigation measures proposed in the Local Plan Heritage Assessment and Sustainability Appraisal.
- g. A landscape and visual amenity impact assessment is provided identifying key features of note on each site, demonstrating an appropriate design response (e.g. the location, orientation, density of development and landscape/planting treatment). Design quality will be secured through the application and use of appropriate design standards agreed as part of the masterplans.
- h. Appropriate remediation and mitigation measures are agreed to address any potentially harmful impacts of development upon the environmental or social conditions of North Tyneside, delivering solutions on site wherever possible unless demonstrated through suitable evidence to be more appropriately delivered off-site. Such remediation and mitigation are expected to include but not necessarily limited to consideration of:
  - i. The net biodiversity value of the site,
  - ii. Ground conditions, (e.g. areas of previous open cast mining and any identified contamination of land),
  - iii. Flood risk and water quality,
  - iv. Air quality and noise pollution."

8.17 The indicative concept plan adopted as part of the LP sets the core principles that future development at Murton Gap should respond to. The approach identified within the concept plan provided flexibility for future development of the Master Plan.

8.18 The Murton Gap Masterplan and associated guidance was adopted in December 2017. The Masterplan provides a framework for all future development on the sites and is a material consideration in the determination of any application.

8.19 Murton Gap will deliver approximately 3, 000 homes together with education facilities, local services and green infrastructure. This strategic allocation comprises 240 hectares (ha) of land and is located in the middle of several existing residential areas including Monkseaton, South Wellfield, Shiremoor, New York Village and Preston Grange. At the centre of the site is Murton Village. The Metro lines forms a boundary for part of the site to the north. The site mainly comprises of agricultural land.

8.20 The Masterplan states the following:

*“The purpose of this Masterplan is to set out the vision for the development of Murton Gap and provide a framework for ensuring delivery of the vision. This Masterplan demonstrates the Council and Murton Gap Consortia’s joint commitment to the creation of high-quality sustainable neighbourhoods. The Masterplan will ensure that development is brought forward in a co-ordinated manner that enables an early delivery of housing development on Murton Gap to meet the identified needs of the Borough whilst ensuring the provision of additional infrastructure and protection of the quality of life and amenity of all residents.”*

8.21 The Masterplan list objectives which reflect the key issues to be addressed in order to achieve this vision.

8.22 This site is part of the Murton Gap strategic allocation therefore it needs to demonstrate compliance with the Masterplan requirements and not prejudice its delivery. Policy S4.4(c) states that applications for planning permission will be granted where they are consistent with the comprehensive masterplan and that the application does not in any way prejudice the implementation of the whole allocation. Members need to consider whether the development of this site complies with Policy S4.4(c) and the Masterplan and will not prejudice the wider development of the strategic site.

8.23 A key purpose of the masterplan is to ensure the full delivery of development with appropriate infrastructure delivered at the right time to mitigate the impacts of the development. The masterplan refers to an expectation of co-operation between landowners in delivering the site as a whole. The Masterplan requires under Section 9.1 that:

*“Due to the site wide shared infrastructure, the Council’s preferred approach is for an outline planning application to be submitted for the whole development. However, due to the site being in multiple land ownerships, it is recognised that*

*separate planning applications may come forward for different areas. In order to avoid the piecemeal and poorly integrated development of the site, applicants are expected to demonstrate how the proposed development would contribute to the vision and development objectives for the site. In addition, applicants will be expected to demonstrate how the development would not prejudice the overall proposals and objectives of the Masterplan. Applicants should use their Design and Access Statement and Planning Statements to not only demonstrate how they have incorporated high standards of design but also to explain how the proposed development would fit together with, and help deliver, the wider masterplan, including necessary infrastructure. Any application will need to be in line with a Comprehensive Drainage Strategy and Landscape Masterplan for the whole site.*

*The Council will expect planning applications for individual phases/parcels of land to demonstrate how their proposals would be integrated with the wider site. Proposals will be required to demonstrate how they will provide vehicular access to the individual sites and provide detailed layouts of all other necessary highway infrastructure and pedestrian/cycle.”*

8.24 Objections have been received regarding non-compliance with policy, lack of compliance with the Master Plan, housing numbers and strategic matters. An objector states that the applicant is exceeding their proportionate share of overall housing allowable under an equitable split of housing numbers based upon the Masterplan. Based on the figures provided by the objector the applicant is exceeding the equitable split by 25 units. Members are advised that equalisation amongst landowners in terms of housing numbers and infrastructure provision is not a matter for the Local Planning Authority (LPA) save to the extent that it gives rise to a conflict with the requirements of the strategic policy as part of the development plan considerations.

8.25 The site is allocated as part of the wider strategic allocation. Policy S4.4(a) makes clear that this strategic allocation could deliver approximately 3, 000 homes. This is the expected level of delivery required to meet the agreed housing delivery requirement over the plan period. The Masterplan provides an indication of delivery of the housing across the site and includes an indicative phasing plan. Whilst it would have been preferable for the entire strategic site to be submitted as one outline application, it is clear that Policy S4.4(c) part b allows for separate applications to be submitted so long as it does not in any way prejudice the implementation of the whole allocation. This is reflected in the Masterplan which, whilst noting a preference for an outline application for the whole site, states that:

*“the Council will expect planning applications for individual phases/parcels of land to demonstrate how their proposals would be integrated with the wider site” and is clear that “the Council will need to be satisfied that development of individual parcels will not sterilise or frustrate delivery of other parts of the site”.*

Members are advised that it is important to ensure that this development does not harm the delivery of the wider site or prejudice the ability to provide the necessary infrastructure for the site and this will be further considered in the following sections of this report.

8.26 The LPA can only consider whether the site can accommodate the number of units proposed. This application seeks consent for 310 residential dwellings which equates to 10.3% of the approximate number of homes specified in this policy and the Masterplan. The issue is whether the site can adequately accommodate the amount of housing proposed without harm. No consultation feedback suggests that the proposed number renders the balance of the wider strategic allocation as undeliverable or unviable. Members need to consider whether the number of units proposed is acceptable and will not prejudice the delivery of the wider strategic allocation.

8.27 The Masterplan sets the parameters for development areas including the general extent and location of built development and key infrastructure. To help create recognisable areas with individual identities the masterplan includes six character areas each with associated design guidance. Most of the application site falls within Character Area 4: South East and its most southern boundary falls within Character Area 2: Parkland. The Masterplan identifies the application site as an area for development. Therefore, the principle of bringing this site forward for housing is acceptable. The proposed site layout, which will be discussed in greater detail in the following sections of this report, does not make any material deviation from the Masterplan i.e. the built form is shown within the built parameters of Character Area 4 and the site access and landscaping are provided in general conformity with Character Area 2. The proposed site layout would not prejudice the physical implementation of the wider strategic allocation based on the adopted Masterplan. The site access demonstrates, that whilst this site is part of the wider strategic allocation, it can be accessed from the A191 (Rake Lane) and is not reliant on any site access from the wider allocation. Therefore, it is considered that this could be built in isolation without prejudicing the delivery of the wider allocation.

8.28 The application site forms part of a wider strategic allocation. This development would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes. It is officer advice, having regard to the above, that the principle of the proposed development is considered acceptable subject to consideration of the following matters.

#### 9.0 North Tyneside 5-Year Housing Land Supply

9.1 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is included in this assessment.

9.2 As explained previously, housing development in locations with a housing shortfall should benefit from the presumption in favour unless there are significant and demonstrable adverse impacts (NPPF Paragraph 11 (d)).



9.3 Whilst the 310 units would only bring forward part of the housing required for this strategic allocation, it is also important to have regard to aims of policy S4.4 (c) to secure the delivery of approximately 3, 000 homes. When considering any potential prejudicial impact of this proposal on the delivery of the wider site allocation it will be important to be clear that there is no constraining impact which would prevent the remaining housing development coming forward. The delivery of 3, 000 homes on this site forms a significant element of the Council's housing delivery strategy and there would be significant impacts on future housing delivery and maintaining a five-year housing land supply were the required level of housing not able to be accommodated on this site. Under delivery of housing could lead to penalties imposed by central Government and potentially trigger early review of housing policies in the Local Plan. Any potentially prejudicial or constraining impacts are addressed elsewhere in this report.

9.4 It is officer opinion that the delivery of 310 residential dwellings will make a valuable contribution towards the borough achieving a five-year housing land supply and to meeting the annual housing delivery requirement over the plan period. 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 The impact of the proposal on the character and appearance of the surrounding area and the site layout

10.1 Paragraph 126 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 130 of the NPPF states "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 92 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 131 of the NPPF states “Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change.” It goes on to state that decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). Opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

10.5 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design, should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promotes 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 the surroundings.

10.6 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.”

10.7 LP Policy DM4.6 ‘Range of Housing Types and Sizes’ seeks to ensure that new residential development provides a mix of homes to meet current and future demand, and to create sustainable communities.

10.8 LP Policy DM4.9 ‘Housing Standards’ states that the Council will require that new homes provide quality living environments for residents both now and in the future. All new homes, both market and affordable, are to meet the Government’s Nationally Described Space Standards (NDSS).

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

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

10.10 LP Policy DM5.9 'Trees, Woodlands and Hedgerows' seeks to safeguard existing features such as trees.

10.11 LP Policy S4.4(a) sets out the key principles of development for the Murton Gap strategic allocation. These key principles are illustrated on the Policies Map through an indicative concept plan, which are to be delivered where necessary in accordance with the requirements of the Masterplan.

10.12 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. 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.

10.13 As noted previously, the site falls within Character Area 4: South East of the Masterplan. The Masterplan states:

"This character area is located close to the existing areas of West Monkseaton and Preston Grange. The area will provide a medium to low density design approach and a high-quality edge to the Parkland. A secondary entrance into the site from Rake Lane is accessed from this character area and as such it should create a welcoming and distinctive gateway into the site."

10.14 The key design principles for this character area are set out below:

*Character: Suburban informal character which fully integrates with pedestrian links to the wider area. The area should take advantage of open views to the north west towards Murton and the Parkland. The architectural approach should create a distinctive new area with its own identity.*

*Landscape setting: Retain, protect and enhance existing landscape features and field boundaries. A wildlife corridor should be provided to the southern section of the character area and tie in with the Parkland and enhance planting to the eastern boundary of the development site. Easement buffer to the rear Monkseaton High School. Provide an appropriate setting to Rake House Farm.*

*Housing mix: Large detached houses, especially to the edges. Along the secondary access road, semi-detached and short terraces will be appropriate.*

*Density/height: Medium density with low density at the boundaries. Generally, two storeys in height with some opportunities for 2.5 storeys to assist in legibility of routes.*

10.15 Objections have been received regarding the impact on amenity (visual and residential), the loss of open space, impact on landscape, non-compliance

with approved policy, impacts on Green Belt, impacts on the character of a conservation area and out of keeping with surroundings.

10.16 This application is accompanied by a Design and Access Statement, Planning Statement, Heritage Statement and a Landscape Visual Impact Assessment (LVIA) has been provided as part of the Environmental Statement (ES). This information has been considered by the relevant consultees.

10.17 The application site is located within the south east part of the wider strategic allocation. The boundaries to the site include urban forms of development such as the A191 and Monkseaton High School, as well as agricultural farmland to the north and west and Rake House Farm to the south. To the north east of the site is Monkseaton. Immediately to the south of the site, beyond the A191, is a supermarket, North Tyneside General Hospital and residential dwellings.

10.18 Views into and out the site will be materially changed as the agricultural land will be lost, but this aspect was considered through the LP adoption process. Therefore, the loss of this agricultural land and introducing built development adjacent to existing urban development has already been accepted as part of the strategic allocation within the LP.

10.19 It is clear from the Masterplan that this part of the site would accommodate housing bordering a larger area of green infrastructure that would serve the wider strategic allocation. This larger area of green infrastructure extends along the southern boundary of the proposed housing. This part of the site will also accommodate a secondary access from the A191, as per the requirements of Policy S4.4 (a) part b and the Masterplan which require a suitable secondary access point to accommodate traffic flows to and from the site. Members need to consider whether the proposed site layout conforms with the general principles of this part of the wider strategic allocation. It is officer advice that it does as it will accommodate housing within the general parameters set out in the Masterplan and it accommodates a secondary site access from the A191. The principle of the layout conforms with Policy S4.4(a) part a which requires new housing to be provided in the general development locations.

10.20 Design comments have been received. It is clear from these comments that the design and layout largely follow the principles set out in the Masterplan for development zones, green areas and strategic vehicle routes but some other elements of the design vary i.e. the layout of the development to the east of the site where the houses do not front out to create a positive development edge. This comment is addressed below.

10.21 The proposed site layout will accommodate 310 residential dwellings. Policy DM4.6 does not specify the types of housing to be provided. The Masterplan identifies the housing mix in this character area as largely detached houses, especially to the edges, and semi-detached and short terraces where appropriate. In terms of height, the Masterplan for this character area suggests two storeys with some opportunities for 2.5 storeys. A mix of house types are proposed (detached, semi-detached and terrace), providing a range of 2, 3, 4 and 5 bed properties. The house types proposed meet with the requirements set

out in the Masterplan. Members are advised that two potential house builders have provided input into the layout, resulting in varying house types that will add to the character and appearance of the estate. The height of the proposed housing is considered commensurate to the built form within the immediate area and meets with the requirements set out in the Masterplan. As envisaged in the Masterplan, the only vehicular access into the site will be via a roundabout from the A191. Members are advised that the housing provided on this site, will not be able to access the future secondary loop road that will serve the wider strategic allocation should it be brought forward. Only the intended bus service which will serve the wider strategic allocation and pedestrians and cyclists will be able to access the secondary loop road via a bus gate.

10.22 The application site is at a key entry point into the wider strategic allocation and therefore has an important function to create a focal point that contributes towards a positive image. The design comments advise the houses, boundary treatments and landscaping are well designed to support this. The housing will be set back from the A191 and sit behind a landscape buffer. From the roundabout there will be a road that runs through the site. This road which runs north-south through the application site, allowing connectivity to future phases of the wider strategic allocation, also creates a two-side boulevard which allows for pedestrian and cycle routes and an active streetscape. This streetscape is interspersed with visitor parking bays, landscaping and verges allowing access to dwellings whilst retaining an active frontage and creation of a gateway access from the A191. This design approach is clearly supported in the design comments. Consideration has also been given to surface treatments which are well designed and will contribute towards a well-designed public realm. With regards to permeability, further connection points are proposed to the north west and south west of the site which will allow this site to connect the wider strategic allocation whilst also making provision for the pedestrian and cycle improvements as set out in the Masterplan i.e. connections adjacent to the school and connections through and adjacent to the green infrastructure along the southern boundary and onto the A191.

10.23 The road that runs north-south through the site meets part of the requirements of Policy S4.4 (a) part (b) and one of the key principles set out in the Masterplan for this character area. The site's permeability, including provision of connections to the wider strategic allocation, meets the requirements of Policy S4.4(a) part e (ii). Members need to consider whether the proposed site layout, in terms of its permeability, will prejudice the delivery of the wider strategic allocation. It is officer advice that it would not for the reasons set out above and below in this report.

10.24 The design comments received express concerns regarding the number of units proposed, the amount of open space available within the site and parts of the layout, particularly the boundary adjacent to the school. The Biodiversity Officer and Landscape Architect also raises concerns about the internal open space. These concerns are addressed below.

10.25 This character area has been identified as delivering medium to low density housing. There is no specific LP policy relating to housing density. The NPPF encourages decisions to support development that makes efficient use of

land. The layout has been informed by the two no build areas where built development is prevented due to historic open cast high wall zones, the sites boundary with the adjacent character area and the required secondary access from the A191. The no build areas will be utilised to provide areas of informal open space within the site. The larger detached properties are located on the outer edge of the development, particularly along the western and southern edge overlooking the Parkland and along most of the road that runs through the site. The properties adjacent to the school do not face onto it however, it is not considered that the layout of this part of the site would result in a significant detriment to the overall character and appearance of the proposed estate or result in significant detriment when viewed from outside of the application site. The overall layout creates a lower density of development within the more visually prominent parts of the site. A strong frontage is created adjacent to the Parkland character area (western and southern boundaries) and along the road that runs through the site. This design approach increases natural surveillance through the site. On balance, it is officer advice that proposed layout largely conforms with the general key design principles for this character area regarding layout and density.

10.26 The supporting text to Policy DM4.9 recognises the importance of meeting the needs for an ageing population and those living with disabilities when providing housing. The supporting text specifically advises that most older people want to remain in their homes for as long as possible. Providing more accessible homes will ensure that new housing provision is more easily adaptable to enable people to maintain their independence for longer. Policy DM4.9 requires reasonable provision to be made for most people to access the dwelling and incorporate features that make it potentially suitable for a wider range of occupants, including older people and those living with reduced mobility issues. A condition is recommended to ensure that the requirements of Policy DM4.9 are met.

10.27 The proposed layout demonstrates that appropriate privacy distances can be achieved within the site. The layout also achieves acceptable impacts in terms of outlook and light. Each house has its own outdoor amenity space, refuse store and parking. All houses comply with the NDSS.

10.28 The wider strategic green infrastructure requirements are set out in the Masterplan. Character Area 2: The Parkland is anticipated by the Masterplan to be utilised to provide the majority of green infrastructure including the provision of a park towards to the centre of the site, natural and semi-natural green spaces to accommodate biodiversity mitigation, informal areas for play and recreation and Suitable Accessible Natural Greenspace (SANG's) to assist in mitigating impacts at the coast. Other green infrastructure requirements include the provision of Strategic Equipped Area of Play (SEAP) and allotments.

10.29 The Site-Specific Infrastructure Delivery Plan (IDP) advises that the phasing and timing of green infrastructure and provision of potential mitigation for biodiversity will generally be required to align with the build out of the development parcels themselves. It is therefore assumed within the delivery framework that phasing for delivery of such infrastructure needs will arise throughout the site. Where contributions will be towards enhancement or

maintenance of infrastructure elsewhere a phased approach that ensures contributions are proportionate to development undertaken and their impacts considered the most appropriate. It further advises:

*“...the Habitat Regulation Assessment and Appropriate Assessment (HRA/AA) has identified the need to ensure appropriate mitigation is provided to address potential increases in visitors to the coast that may cause disturbance to qualifying bird species. As such the requirement for Suitable Alternative Natural Greenspaces (SANGS) has been highlighted through HRA/AA and have been reference within the strategic policy S4.4(a) for Murton Gap. This requirement should be considered through the appropriate design and layout of the Murton Gap site itself, but may additionally require enhancements to existing natural and semi-natural environments – including Silverlink Biodiversity Park and Rising Sun Country Park.”*

10.30 The Infrastructure Delivery Schedule (IDS) set out in the Masterplan is based upon identified character areas across the site and the broad phasing plan in order to determine the likely timescales for the delivery of key infrastructure projects on the site.

10.31 It is noted that this application has been submitted without an accompanying Comprehensive Landscape Strategy for the wider strategic allocation. Members are advised that the application site, except for part of the southern boundary, lies adjacent to Character Area 2. The IDS set out in the Masterplan requires Character Area 2 to be delivered over all phases of the wider strategic allocation, including the delivery of the part within the southern boundary of the application site which is to be delivered in Phase 1. Whilst the submission of a comprehensive landscaping strategy remains desirable, officers have carefully considered the impacts of this proposal in its absence to assess whether the proposed layout would prejudice the physical delivery of the larger area of green infrastructure identified in the Masterplan and the Concept Plan included in the LP. Officers do not consider that it would have any prejudicial impact. The part of the site that falls within the adjacent character area is required to provide a wildlife corridor within the southern section of the character area to tie in with the Parkland and enhance planting to the eastern boundary of the development site. The delivery of this part of the site can be controlled by condition.

10.32 The site is not considered to have any special landscape value and has no landscape designation. The submitted tree report advises that tree cover within the site is minimal with only occasional small bushes. All significant tree and hedge cover in this area is located adjacent to the A191, on the boundary of the site, and within an area of highway verge. None of the trees on the site are protected by a Tree Preservation Order (TPO) or located within a conservation area. To accommodate the site access from the A191 and Sustainable Urban Drainage System (SUDS) Hedgerow 9 and Tree Group 6 will need to be removed. The construction of the housing will require the removal of all small bushes and hedge remnants. It is clear from the Landscape Architects comments that she has not raised any objection to the loss of this vegetation. She has advised that the only hedgerow that will require protection during construction is

Hedgerow 8 that lies adjacent to Rake House Farm. This can be controlled by condition.

10.33 A site landscape plan has been submitted. This plan demonstrates how the development will incorporate existing habitat features where possible and create new habitats through the creation of open space and green links. A landscape buffer to the south of the housing will incorporate SUDs features (swale and attenuation basin), woodland, scrub, hedgerow and wildflower grassland habitats. This landscape buffer forms part of the strategic wildlife corridor that runs through the wider strategic allocation. Therefore, to meet with the requirements of the wider strategic allocation this landscape buffer is dedicated for biodiversity benefit and is not designed to be used as a public open space. A landscape buffer is also proposed to the eastern boundary of the site adjacent to the school. A landscape condition is recommended to ensure that the minor improvements required by the Landscape Architect and Biodiversity Officer are addressed.

10.34 Consultee comments have been received regarding the amount of usable open space within the site. Consultees considered that these areas could be better connected however, as previously discussed the site layout has been informed by the no build areas, the site access and the site's proximity to the adjacent parkland that is intended to be delivered as part of the wider strategic allocation. The areas of informal open space within the site will provide future occupants with the opportunity to use these areas. Links to the wider strategic allocation also form part of the site layout providing future occupants with the opportunity to connect to the adjacent parkland area should it be brought forward. An area to the eastern boundary of the site has been identified to assist in the delivery of a SEAP. The delivery of a SEAP is a requirement of the Masterplan to be delivered on an area of central open space within this character area as part of Phase 2. It is noted that the area identified for the SEAP would straddle the adjacent landowner's site. The applicant has advised that the adjacent landowner has not objected to the proposed location of the SEAP. It is clear from the site layout that it will not prejudice the delivery of this required provision and should the wider strategic allocation not be brought forward an area of open space provision can still be accommodated within the site. A condition is recommended to secure the details of the SEAP, including its delivery. On balance, even with or without the guarantee of the delivery of the wider strategic allocation requirements for open space within Character Area 2, it is considered that the amount of open space within the application site is acceptable.

10.35 Members are advised that the proposed development does not comply wholly with Policy S4.4(a) part e (v) which requires the development to provide well integrated and strategic green spaces for recreation and specifically the provision of a SANG. The purpose of the SANG was to mitigate the impacts of recreational activity and disturbance at the coast as a result of new development. Whilst this development does not provide a SANG, it mitigates its own impacts at the coast through the payment of an agreed financial contribution and includes measures to deliver new or improved greenspace. The objector's comments stating that the Council cannot accept a financial contribution are no longer valid because of legislative changes made in 2019 which removed the restriction on funding sources in favour of a flexible approach to funding projects from a combination of funding sources. Furthermore, following adoption of both the LP



and CIL, Natural England reviewed their advice on the need for SANGs partially on the basis of a recognition that the unique coastal environment which attracts visitors to the coast, cannot be replicated elsewhere. This meant that it was not clear that SANGs brought any tangible beneficial mitigation for the impacts of development on the coast and the potentially harmful impacts of increased visitors to the coast and in particular the Special Protection Areas. It became clear, through the HRA process that mitigation was better addressed through management of the coast itself. Hence, in 2019, the Council in consultation with Natural England, adopted a Coastal Mitigation SPD to assist in mitigating the impacts at the coast by introducing a tariff which will be used to deliver projects specific to manage these impacts – most notably a proposed warden service similar to a project already in operation in Northumberland. In this context it is no longer considered necessary to formally require the provision of a SANG as part of this, and the wider development. It does of course remain important to secure local, multifunctional greenspace, which is the most sustainable means to provide access to recreational open space to support health and wellbeing, without the need to travel to the coast, and enhance the quality of the local environment. The onsite greenspace will still have the benefit of helping to reduce some trips to the coast for recreation and dog walking for example. Additionally, to assist in the delivery of other required green infrastructure requirements in terms of accessible open space in the form of parks, natural and semi natural green space and general green space, the applicant is proposing to pay a further financial contribution. This would be expected to be directed towards the delivery of the wider Masterplan, but should the wider strategic allocation not be brought forward these monies will be redirected to improving existing green infrastructure in the Borough to accommodate the needs of this development. The applicant is also proposing a further financial contribution to mitigate the impacts on Local Wildlife Sites (LWS) and provide off-site compensation land to mitigate the identified biodiversity impacts. Contributions towards allotments, built sports and sports pitches are also to be secured.

10.36 The Masterplan makes it clear that in delivering the sites required infrastructure, no one development should compromise the delivery of another part of the site. The IDS set out in the Masterplan relates to the delivery of on-site infrastructure and planning contributions will be required for off-site works which will be secured through the planning application process. It is clear from the IDS and IDP that flexibility is to be expected as to how the site wide infrastructure can be secured. This will reflect the manner in which the site is brought forward. The proposal put forward by the applicant, including on-site green infrastructure, off-site compensation land and financial contributions, are considered to be appropriate to mitigate the impacts of this development and ensure that the delivery of the on-site green infrastructure associated with the wider strategic allocation will not be prejudiced.

10.37 Views into and out of the site will be materially changed, particularly those views from the surrounding urban setting, as the agricultural land will be lost, but this aspect was considered through the LP adoption process and the proposed landscape strategy will soften the views and integrate into the scheme and the wider site allocation landscaping strategy, therefore providing significant benefit.

10.38 The NPPF paragraphs 199-208 refer to considering potential impacts on heritage assets. These paragraphs are consistent with LP policy DM6.6.

10.39 Rake House Farm does not contain any listed buildings and is not located within a conservation area. The farmstead is locally listed on the Council's register of 'Buildings and Parks of Local Architectural and Historic Interest SPD (2018). As a nineteenth century farmstead it provides evidence of the historic landscape character of the area and is considered to be a non-designated heritage asset with a degree of local interest. It does not lie within the wider strategic allocation but sits between Character Area 2 and Character Area 4.

10.40 Both character areas represent a new landscape context. Should Character Area 2 be brought forward it will be transformed from agricultural land to public open space with a range of recreational and biodiversity proposals. Character Area 4 will become a new residential neighbourhood. The proposed development will have no direct effect on Rake House Farm but will give rise to changes within its wider setting, transforming the existing landscape context from agricultural land to residential land. It is recognised that the principle for this change has already been established through the strategic allocation. The proposed development has been developed in accordance with the design principles set by the Masterplan, to preserve the role and setting of Rake House Farm with an appropriate landscape buffer area.

10.41 The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In accordance with the NPPF, a balanced judgement is required having regard to the heritage significance of the buildings and the scale of harm in light of other considerations. Overall, it is considered that the proposed development will preserve the significance of the non-designated heritage asset, in line with the design principles established through the Masterplan and any harm is negligible. The proposed development is in accordance with the NPPF and LP Policy DM6.6.

10.42 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance when viewed from outside of the site, its impact on the adjacent urban forms of development, its impact on the non-designated heritage asset, whether the proposed layout is acceptable and whether bringing this site layout forward would prejudice the delivery of the wider strategic allocation particularly the green infrastructure. It is officer advice, that the impacts on the character and appearance of the wider setting and the loss of this agricultural land, have already been established through the strategic allocation. The proposed site layout and design conforms with the general design principles of the Masterplan. The proposed site layout, off-site compensation land and suggested financial contributions will assist in ensuring that physical delivery of the wider strategic is not prejudiced. The impact on the non-heritage asset will result in less than substantial harm, therefore the presumption in favour should apply. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies DM5.9 and DM6.1 and parts of Policy S4.4(a).

## 11.0 Impact upon Amenity

11.1 Paragraph 185 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 impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

11.2 Paragraph 186 of the NPPF states that planning policies 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 Clear 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.

11.3 Paragraph 187 of the NPPF seeks to ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

11.4 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.

11.5 LP Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

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.

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.

11.8 Objections have been received regarding the impact on residential amenity, including noise and disturbance and impacts on air quality.

11.9 The Manager for Environmental Health (Pollution) has been consulted. They have raised concerns regarding noise from Rake Lane (A191) to the south of the

site, Monkseaton High School to the east of the site and North Tyneside General Hospital to the south of the site, beyond the A191.

11.10 Environmental Health have considered the accompanying information regarding noise. This assessment has modelled the equivalent daytime façade noise levels at the proposed residential units. This assessment advised that industrial noise from the hospital was not audible within the area of the development site, so it has not been considered further. The report acknowledges that noise from the school was audible and that road traffic noise was dominant. Due to the range of noise levels across the site the proposed dwellings fronting on Rake Lane will need to keep windows closed and to be provided with a ventilation scheme that is able to be adjusted to cope with warm weather to enjoy a reasonable internal noise level. It has been demonstrated that internal noise levels can be achieved that will meet the requirements of BS8233 if appropriate acoustic glazing and ventilation is provided.

11.11 Environmental Health have expressed concerns that external noise levels for gardens to the southern part of the site fronting onto Rake Lane will not meet the World Health organisation community noise level for outdoor spaces until screened. The site layout plan shows that gardens are orientated so that they will be screened by the buildings and so will not have direct line of sight of the road. Due to the proposed layout, there are no rear gardens with direct line of sight of the A191.

11.12 Environmental Health have considered the accompanying air quality assessment. This assessment has concluded that there will be a negligible increase in both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO<sub>2</sub> and PM<sub>10</sub> if the development was to occur. Regarding PM<sub>2.5</sub> levels, although there is a limit level within the 2010 Regulations there are no specific target limits set within the LAQM Technical Guidance (TG16) for Local Authorities in England to work towards. It is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Any new development will contribute to the overall air quality levels within an area and therefore although the overall impacts are considered to be negligible there will still be impacts and therefore it is recommended that some mitigation measures are incorporated within the scheme to address air pollutants, e.g. such as the provision of electric car charging points. The air quality assessment has also considered construction dusts and recommends measures to be taken to mitigate those impacts.

11.13 The NPPF, paragraph 55 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” However, it is clear from the Environmental Health comments that they do not object to the proposed development. They have advised that appropriate mitigation to address the impacts of noise and protect the amenity of future occupants can be achieved via appropriately worded conditions. It is also noted that no objections have been raised regarding any impacts on the adjacent Rake House Farm.

11.14 During the course of development, construction activities will give rise to some noise and disturbance. This is inevitable. Conditions can be imposed to appropriately control activities so as to limit the most harmful impacts.

11.15 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice, that the impacts on residential amenity can be appropriately addressed via condition. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies, DM5.19 and DM6.1.

#### 12.0 The impact of the proposal on the highway network and whether sufficient parking and access would be provided

12.1 The NPPF paragraph 111 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.

12.2 The NPPF paragraph 112 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.

12.3 The NPPF paragraph 113 requires development that generate significant amounts of movement to be accompanied by a Travel Plan (TP) and Transport Assessment (TA)..

12.4 LP 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.

12.5 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 resident's health and well-being.

12.6 The Council's maximum parking standards are set out in the Transport and Highways SPD.

12.7 Objections have been received regarding the impacts on the highway network, increased traffic movements and congestion and impacts on pedestrian safety. An objection has been received stating that this development does not contribute a proportionate amount to the wider strategic allocation infrastructure requirements.

12.8 The application site is located within a sustainable location with access to existing service provision within the immediate surrounding area. The closest Metro stations are located at Shiremoor and West Monkseaton. The nearest bus stops are located on the A191.

12.9 The Murton Gap Masterplan sets out the highway's requirements for the wider strategic site. One of the key objectives of the Masterplan is that the layout will create an effective and efficient local transport and highway network which promotes sustainable modes of transport and ensures the opportunity to deliver a new Metro Station on the site can be achieved.

12.10 The Masterplan sets out a requirement for primary road infrastructure including a strategic north-south highway link and access junctions at the A186 and A191. A secondary highway network will allow for the delivery of separate development parcels. The network is proposed to ensure that internal linkages compliment the primary highway link road and access enables a flexible approach to phasing – maximising the number of potential development parcels that can be supported. Two secondary access points are preferred:

- A junction that connects with the existing A191 underpass in New York; and,
- A junction at the existing roundabout on Rake Lane, opposite the North Tyneside General Hospital.

12.11 Members are advised that the primary road infrastructure referred to above does not form part of this application. However, the proposed development will deliver one of the secondary access points identified above, a junction at the existing roundabout on Rake Lane, opposite the North Tyneside General Hospital. The IDS set out in the Masterplan requires the delivery of this secondary access point as part of this Phase 1. The delivery of this secondary access part of this application would comply with the IDS and conforms with part of Policy S4.4(a) part b.

12.12 Officers have been in discussions with the applicant regarding the potential impact of the proposal on the highway network and to ensure that the satisfactory delivery of the wider strategic site is not prejudiced. The Site-Specific IDP provides indicative costs associated with the delivery of the highway infrastructure costs. Further works were also undertaken to refine costs as part of an unsuccessful bid for Housing Infrastructure Funding (HIF) bid. The applicant has considered the costs associated with the delivery of the site wide highway infrastructure requirements and has proposed to contribute their proportionate amount to ensuring its delivery. To mitigate the impacts of this development the applicant is required to deliver the following Masterplan requirements: site access (A191) and improvements to Tynemouth Pool. As a result of this development being brought forward in advance of the wider strategic allocation the applicant is also required to carry out highway improvements at Foxhunters (works which would not have been required had the strategic link road been delivered first). These additional highway works ensure that the proposed development can mitigate its own impacts without relying on the delivery of the primary north-south link road. Whilst it is not for the LPA to secure equalisation for developers across the site, it is appropriate to consider infrastructure costs to ensure that future phases are not prejudiced by the back-loading of costs which would render them unviable. As such, the costs associated with this application for the delivery of the wider Masterplan highway infrastructure, based on costings identified in the IDP, have been proportioned to the number of dwellings associated with this application. Highway works are among the higher value infrastructure requirements and the LPA considers this to be a reasonable approach to the apportioning of infrastructure costs. These highway works will be delivered via a

Section 278 Agreement (rather than financial payment). On this basis, it is not considered that the development of this site will sterilise or prejudice the physical delivery of the remaining highway infrastructure, including the public transport provision, set out in the Masterplan and the IDP or leave costs associated with the development of the remaining site such as to render future development as so unviable there would be no prospect of it being delivered.

12.13 The Highways Network Manager has been consulted. He has considered the submitted Transport Assessment (TA) and Transport Plan (TP).

12.14 The TA assessed the local highway network, and this was tested in the council's Micro-simulation Transport Model. This demonstrates that the proposed development would not have a residual impact on the highways network following the identified mitigation and would provide a safe access from the existing highway. To mitigate the impacts of site traffic associated with this development the following off-site highway improvements are required:

- Site access
- Foxhunters
- Tynemouth Pool
- Rake Lane (A191)
- Preston Road North (A192)

12.15 The roundabout allows direct access into the site from the A191 and was identified in the Masterplan as a preferred secondary access point into the strategic site which will allow for increased capacity and has been designed to ensure access to the hospital remains. The access route through the site follows the principles set out in the Masterplan incorporating pedestrian and cycle routes, grass verges and visitor parking. The internal road hierarchy also follows the design principles set out in the Masterplan.

12.16 The proposed layout has taken into account the requirements for the wider public transport aspirations of the Masterplan. The entire site is within walking distance of existing bus services. The road that runs through the site ensures that the access to the wider strategic allocation can be achieved and that this can be utilised as a bus route. Should the wider strategic allocation be brought forward actual walking distances to the closest bus stops will reduce in the future as new bus stops and routes are introduced along the road that runs through the site. If the wider strategic allocation is built out the bus routes would improve the sustainability credentials of this site. Should the wider strategic site not be brought forward this application can still mitigate its own impact. Should bus service frequencies reduce on the A191, the TP Co-ordinator will investigate alternative measures to improve sustainable transport modes. The IDS set out in the Masterplan requires the delivery of a bus service on the secondary road within Phase 1. The proposed layout will provide access to the secondary road; therefore, it is not considered that this development will sterilise or prejudice the delivery of the wider aspirations for the delivery of a bus service.

12.17 As part of the wider strategic allocation the potential of a Metro station has support in principle from Nexus. The Metro station would be located on the north boundary of the wider strategic allocation. The applicant has made provision to make a financial contribution towards the delivery of the potential Metro station.

The Metro station falls within Character Area 1: Community Hub and the IDS set out in the Masterplan suggests the delivery of this infrastructure as part of Phase 2/3. The IDP recognises that further work will be necessary to develop a full business case for Metro Station provision, if a Metro station were not provided as part of the wider strategic allocation an equivalent level of public transport patronage would be sought through enhanced bus service provision. The applicant has proposed to provide a contribution towards public transport provision and in accordance with the IDP, and based on costs information provided at that time, should a Metro station not be brought forward as part of the wider strategic allocation, the secured contributions will need to be redirected to alternative public transport provision and potentially other off site highway works in the event it is not possible to secure the reductions in private car use that the existence of a metro station would be expected to secure.. It is not considered that bringing forward this site will prejudice the physical delivery of the Metro station.

12.18 A framework Travel Plan (TP) was also submitted which seeks to reduce car journeys associated with the site. The TP has agreed targets for journey reduction and, a TP Bond of £100,000.00 which will be used to improve sustainable transport measures should these targets not be met.

12.19 Parking and visitor parking will be provided in accordance with the Transport and Highways SPD and cycle storage is included in garages and sheds. The areas of the site offered up for adoption by the Local Highway Authority have been designed in accordance with requirements.

12.20 The site has good links to public transport, being situated adjacent to the A191 and whilst no bus services will initially enter the site to facilitate this development, the site is future-proofed to be bus permeable, should the wider strategic allocation be brought forward. The site layout also allows for safe pedestrian and cycle movement, providing links to the Character Area 2 and Rake Lane. The creation of formal pedestrian and cycle routes are of a significant benefit, and a key aspect of the proposed developments sustainable nature, providing links to public transport, rights of way and cycle network routes.

12.21 The Highways Network Manager has recommended conditional approval.

12.22 National Highways (formerly Highways England) have raised no objection to the proposal.

12.23 Nexus have raised no objection to the proposal. It is noted that their comments consider the interim arrangements to be acceptable. However, should the wider strategic site not be brought forward all parts of the proposed development will be within an acceptable walking distance of bus services along the A191.

12.24 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network, having regard to the requirements of the strategic site and whether bringing forward this site will prejudice its delivery. It is officer advice that subject to conditions, including securing the off-site highway works via a S278 Agreement, the proposal is acceptable and will not prejudice the delivery of the wider strategic allocation or



result in a severe impact on the highway network. As such, the proposed development accords with the NPPF and LP policies DM7.4 and part of S4.4(a) part b, and the Transport and Highways SPD.

### 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 174 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 179 of the NPPF states that when determining planning applications LPAs should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 180 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 Paragraph 182 of the NPPF states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

13.5 LP Policy S5.4 'Biodiversity and Geodiversity' states that these resources will be protected, created, enhanced and managed having regard to their relevant significance.

13.6 LP Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' seeks to protect biodiversity and geodiversity.

13.7 LP DM5.6 'Management of International Sites' states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or 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.

Expert advice will be sought on such proposals and, 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 two or more of the following mitigation measures:

- a. Appropriate signage to encourage responsible behaviour;
- b. Distribution of information to raise public awareness;
- c. Working with local schools, forums and groups to increase public understanding and ownership;
- d. Use of on-site wardens to inform the public of site sensitivities;

- e. Adoption of a code-of conduct;
- f. Zoning and/or seasonal restrictions to minimise disturbance in particular sensitive areas at particularly sensitive times;
- g. Specially considered design and use of access points and routes;
- h. Undertaking monitoring of the site's condition and species count;
- i. Provision of a Suitable Accessible Natural Green Space (SANGS).

13.8 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."

13.9 LP 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.

13.10 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.

13.11 Objections have been received regarding loss of open space, loss of landscaping, loss of trees and loss of wildlife.

13.12 The Masterplan states that the appropriate introduction of Green Infrastructure will be essential to the creation of a high-quality development with a distinctive character where residents can enjoy a healthy and active lifestyle. The delivery of the Green Infrastructure on the wider site is an important element in the successful delivery of the wider strategic site. It is noted that this application is not accompanied by a wider green infrastructure plan. However, as already discussed, the proposed development will not prejudice the delivery of the wider green infrastructure. This part of the wider strategic allocation was expected to deliver housing, one of the secondary access points and an area of open space adjacent to Rake Lane that would link to the Parkland and planting to the eastern boundary of the development. The proposed layout achieves these key principles of the Masterplan. The IDS set out in the Masterplan requires these areas of landscaping to be delivered as part of Phase 1.

13.13 Three statutorily designated sites of international or national importance are located within approximately 6km of the site:  
-Northumbria Shore RAMSAR Site and Special Protection Area (SPA) and  
Northumberland Coast Site of Special Scientific Interest (SSSI).

13.14 The site is dominated by arable farmland and species poor grassland habitats which are considered to be of a low conservation importance. Other habitats present within the site are gappy hedgerows, scattered trees and dry agricultural ditches. As the site is within 6km of the Northumbria Coast SPA and RAMSAR site there is potential for indirect impacts upon these sites as a result of

increased recreational pressure. Non statutory but locally important sites are present within 2km of the site.

13.15 The Biodiversity Officer and Landscape Architect have considered the ecological information submitted for both the application site and the off-site compensation land. This information includes surveys or risk assessments for the following species: breeding birds, bats, wintering birds, badger, water vole, otter and Great Crested Newt. Other protected species are also considered. The consultees review of these surveys or risk assessments are set out in the appendix to this report.

13.16 To mitigate the ecological impacts of this development a range of measures are proposed through on-site landscaping scheme and an off-site compensation area for farmland birds. These measures are detailed within the Net Gain Assessment Report, Backworth Off-Site Compensation Management Plan and landscape strategies. Additional measures such as bird and bat boxes will also be provided for wildlife. These measures will be secured through planning conditions and S106 Agreement.

13.17 It is acknowledged that there will be impacts on a small number of designated wildlife sites (Local Wildlife Sites). The measures proposed to mitigate these impacts is the on-site mitigation that will be achieved through suitable recreational alternatives within the on-site landscaping and links to the local Public Rights of Way Network (PRoW). These measures are linked to the delivery of the on-site green infrastructure for the wider strategic allocation. Should the wider strategic allocation not come forward this development will create impacts on the LWS located outside of the site. To mitigate, the impacts of this development the applicant has agreed to provide a financial contribution that can address increased footfall and recreational pressure.

13.18 Off-site compensation land is required to mitigate the impacts on farmland birds associated with this development. The off-site compensation land is approximately 21.2ha and will provide measures to build capacity within the site for farmland birds. The Biodiversity Officer has confirmed that the general objective to deliver the off-site compensation land is acceptable however, further details are required in relation to habitat creation and monitoring. The off-site compensation land will be secured via a S106 Agreement and will require a further compensation plan to be submitted that addresses the points raised by the Biodiversity Officer. These points are set out in the appendix to this report.

13.19 A Biodiversity Net Gain Assessment has been undertaken. This assessment considers the habitat creation within the application site and the off-site compensation land. The assessment indicates an overall net gain for habitats of 29.55% and a net gain for hedgerows of 575%. The Biodiversity Officer has confirmed that this development will deliver a biodiversity net gain which meets the requirements of the NPPF and the LP.

13.20 As requested by Newcastle International Airport Limited (NIAL), a Bird Hazard Management Plan has been submitted. As part of the drainage infrastructure and landscaping for the proposed development there is the potential to attract birds into an area which may potentially bring them into conflict

with the aircraft using the airport. The submitted report assesses the overall bird strike risk as low. A condition is recommended to ensure that the measures set out in this report are employed as part of Bird Risk Management Plan.

13.21 A 'Report to Inform a Habitat Regulations Assessment' has been submitted to enable the LPA to assess the potential impacts of the scheme on the Northumbria Coast SPA and Ramsar site in accordance with the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) and to undertake a Habitats Regulation Assessment (HRA).

13.22 This development will result in an increase in residential population. The HRA has identified likely significant effects that may arise as a result of disturbance from an increase in recreational activity (dog walking) on the interest features of the Northumbria Coast SPA and Ramsar sites. In order to mitigate these impacts, the applicant has agreed to pay a financial contribution towards Coastal Mitigation as per the requirements of the SPD. Subject to securing this financial contribution via a S106 Agreement, it is considered that the proposed development will not have an adverse effect on the integrity of the Northumbria Coast SPA and Ramsar sites.

13.23 Natural England have been consulted and have raised no objections subject to securing the coastal mitigation contribution.

13.24 The Northumberland Wildlife Trust, a non-statutory consultee, has been consulted. Their objection is noted. As set out in the appendix to this report, they have advised that their objection will be withdrawn subject to securing appropriate mitigation. As already discussed, a financial contribution to protect LWS will be secured.

13.25 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping and whether bringing this site forward will prejudice the delivery of the wider on-site green infrastructure. The proposed site layout conforms with the general design principles of the Masterplan and conditions are recommended to ensure the delivery of this development. Subject to securing the off-site compensation land and financial contributions towards existing Local Wildlife Sites (LWS) and towards the delivery of the on-site wide green infrastructure, the proposed development will appropriately mitigate its own impacts on biodiversity and will not prejudice the delivery of the wider strategic allocation. The proposed development will not result in significant and demonstrable harm to the Northumbria SPA and Ramsar sites. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies DM5.9 and DM6.1 and parts of Policy S4.4(a) part e (iii).

## 14.0 Other Issues

### 14.1 Flood Risk

14.2 Paragraph 167 of the NPPF states "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...."

14.3 LP Policy 'DM5.12 Development and Flood Risk' 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.

14.4 LP Policy 'DM5.13 Flood Reduction Works' states where development is proposed, and where it is deemed to potentially impact on drainage capacity (either individually or cumulatively), applicants will be expected to contribute to off-setting these impacts and work with the Council and its drainage partners to ensure any works are complementary to wider plans and fairly and reasonably related in scale and kind to the proposed development.

14.5 LP Policy DM5.14 'Surface Water Runoff' 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 runoff rates will be sought for all new development. On brownfield sites, surface water runoff 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 runoff post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

14.6 LP Policy DM5.15 'Sustainable Drainage' 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).

14.7 Objections have been received regarding increased flood risk, including impacts at Marden Quarry. Specific reference has been made to LP Policy DM5.2 'Protection of Green Infrastructure'. This policy relates to the loss of green infrastructure. The loss of the agricultural land within the application site has already been accepted in principle by the strategic allocation. The proposed development would not result in the loss of any open space at Marden Quarry. An objection received relates to concerns over the absence of a wider strategic allocation drainage strategy. The applicant has advised that the drainage for the site is designed by the drainage engineer for the wider strategic allocation and is in accordance with the overall drainage strategy for the Masterplan in terms of design, discharge rate and attenuation. The submitted drainage report has been prepared having regard to the requirements of the Masterplan.

14.8 The submitted Flood Risk Assessment (FRA) has been considered by the relevant consultees. The FRA concludes that the risk of flooding is low, and the mitigation proposed will ensure there are no adverse residual impacts and no increase in flooding elsewhere.

14.9 The site falls within Flood Zone 1. As the site is in Flood Zone 1, which is the lowest risk of flooding, this meets the NPPF's preference for development to be located in areas away from high risk of flooding, however a drainage solution is still required to mitigate any potential impacts arising from the proposed development.

14.10 The layout has been designed to accommodate a large swale and attenuation basin along the southern boundary. The attenuation basin is split into two basins either side of a water main which runs adjacent to the A191 and connected through shuttle pipes. These have been designed to accommodate the level of capacity required for the proposed development and can link into the strategic site wide comprehensive drainage strategy as the site wider strategic allocation is built out. Flooding from the 1 in 100 year event plus 40% climate change can be stored in the site and an additional 10% allowance can also be accommodated to take account of the potential for urban creep. The site will restrict the surface water discharge rate to 50l/s which equates to 4l/s per hectare equivalent to the greenfield run-off rate. This will discharge into the existing surface water sewer located on Rake Lane.

14.11 Foul flows will discharge to the combined sewer in Rake Lane.

14.12 The IDS set out in the Masterplan requires the delivery of the SUDs to be provided as part of Phase 2. This development will bring forward the delivery of this infrastructure to Phase 1.

14.13 The Lead Local Flood Authority (LLFA) has reviewed the accompanying information regarding flood risk. No objections by the LLFA to the surface water drainage proposals have been raised. Conditional approval is recommended.

14.14 Northumbrian Water have been consulted. They have raised no objections to the surface water drainage and foul drainage. Conditional approval is recommended.

14.15 The Environment Agency has been consulted. They have raised no objections to the proposed development.

14.16 It is considered that subject to conditions the application is acceptable in terms of its drainage.

14.17 Members need to consider whether the proposal is acceptable in terms of its impact on flood risk and whether bringing this site forward will prejudice the delivery of the wider strategic allocation on-site drainage infrastructure. The proposed site layout conforms with the general design principles of the Masterplan and conditions are recommended to ensure the delivery of this development. The proposed development will appropriately mitigate its own impacts in terms of drainage and flood risk and will not prejudice the delivery of the wider strategic allocation. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies DM5.9 and DM6.1 and parts of Policy S4.4(a) part e (vi).

#### 14.18 Ground conditions

14.19 Paragraph 183 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.

14.20 Paragraph 184 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.

14.21 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.

14.22 LP Policy DM5.18 'Contaminated and Unstable Land' states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which shows that investigations have been carried and set out detailed measures to allow the development to go ahead safely and without adverse effect.

14.23 The Contaminated Land Officer has been consulted. She has raised no objections subject to conditions.

14.24 The Coal Authority has been consulted. They have considered the accompanying information, Constraints Plan, Geo-environmental Appraisal and the Report on Supplementary Mining Investigations. They have advised that this information concludes that risk to the proposed development from shallow coal mine workings is low with adequate competent cover above the coal seam of concern. Subject to the recommendations within the report in respect of the foundations being implemented on site, they have raised no objections to the proposed development.

14.25 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that subject to conditions the application is acceptable in terms of its impact on ground conditions. As such, the proposed development complies with the NPPF and LP Policy DM5.18.

#### 14.26 Archaeology

14.27 Paragraph 205 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."

14.28 LP Policy DM6.7 'Archaeological Heritage' seeks to protect, enhance and promote the borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

14.29 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objection.

### 14.30 Aviation Safety

14.31 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objections to this development in terms of aviation safety.

### 14.32 Agricultural Land

14.33 LP Policy DM5.8 'Soil and Agricultural Land Quality' states: "Development of "best and most versatile" agricultural land will only be permitted where it can be demonstrated that: a) the need for the development clearly outweighs the need to protect such land in the long term; or, b) in the case of temporarily/potentially reversible development (for example, minerals) that the land would be reinstated to its pre-working quality; and, c) there are no suitable alternative sites on previously developed land or lower quality land. The council will require all applications for development to include realistic proposals to demonstrate that soil resources were protected and used sustainably, in line with accepted best practice.

14.34 An Agricultural Land Classification (ALC) report has been submitted. This assesses the quality of agricultural land. As noted, in the NPPF, where large areas of agricultural land are to be developed, land of lower agricultural quality should be used in preference to that of higher quality. The quality of agricultural land is graded between 1 and 5, with Grade 3 being split between 3a and 3b.

14.35 The ALC has assessed all the land within the strategic site and concludes that all of the agricultural land with the application site to be made up of medium silty clay loams and is Grade 3b.

14.36 The NPPF glossary identifies that the best and most versatile land, of which safeguarding should be prioritised, if possible, is considered to be Grades 1, 2, 3a when using the ALC therefore, the application site is not considered as best and most versatile agricultural land.

14.37 In assessing the loss of significant areas of agricultural land, consideration should be given to the public benefits of the proposed development, and the weight attributed to this in the context of sustainable development. It is considered that there would be a significant adverse impact to the delivery of a strategic site and much needed housing should it not come forward, in lieu of protecting agricultural land that has been assessed to be less than best and most versatile agricultural land.

14.38 Based on the ALC's assessment of the agricultural land being Grade 3b, and the significant adverse impact of not delivering the application site as part of the strategic allocation, the proposed development is in accordance with the NPPF, the PPG and Policy DM5.8.

### 15.0 S106 Contributions and mitigation requirements

15.1 Paragraph 55 of NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

15.2 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:



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

15.3 LP Policy S7.1 'General Infrastructure and Funding Statement' 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.

15.4 LP Policy DM7.2 'Development Viability' states that the Council is committed to enabling a 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. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

15.5 LP Policy DM7.5 'Employment and Skills' states that 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.

15.6 LP Policy DM4.7 'Affordable Housing' sets out that to meet the Borough wide housing target, the Council will seek provision of 25% affordable homes on new housing developments.

15.7 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

15.8 Prior to the adoption of the LP a project was undertaken to consider the viability aspects of the deliverability of two strategic sites known as Murton Gap and Killingworth Moor. The Murton Gap and Killingworth Moor – Project Viability and Delivery Report (June 2016) concluded that the Council can be confident that these sites are deliverable and are likely to come forward.

15.9 A site-specific infrastructure delivery plan has also been produced, 'Murton Gap and Killingworth Moor Site Specific Infrastructure Delivery Plan (IDP) (June 2016). The IDP provides an assessment of the infrastructure required to support the development of two sites; Murton Gap and Killingworth Moor, identified as strategic allocations in the Council's LP. The IDP was informed by a range of current and up to date evidence prepared to inform the requirements and deliverability of the Local Plan and the strategic sites. All the proposed requirements within the IDP were also tested through a site-specific Viability

Appraisal. The IDP findings advise that Murton Gap could be developed with the infrastructure requirements as identified and costed at that time with a reasonable return and uplift over and above the existing use value of the site.

15.10 Section 6. of the Masterplan states:

“To realise the vision and development objectives for Murton Gap as a high quality, sustainable development, a range of physical and social infrastructure is required to support the community created and integrate it with existing communities of North Tyneside. This necessary infrastructure must be delivered in a timely and effective manner in order to mitigate the impacts of the development and to create sustainable neighbourhoods. Some financial contributions will be required for off-site improvements to existing infrastructure.”

15.11 The requirements for the wider strategic site include the provision of a primary school, healthcare provision, highway infrastructure, public transport provision, community facilities, surface water management, green infrastructure, sports facilities, employment and training and affordable housing.

15.12 Paragraph 9.1 of the Masterplan states:

*“This Masterplan seeks to provide a framework upon which the Murton Gap site can be delivered in full with appropriate delivery of infrastructure at the right time to address the impacts of growth. Crucial to this is recognising the requirement and expectation of co-operation between landowners and recognition that the overall suitability of delivery at any part of the site is dependent upon securing an appropriate share of the full infrastructure requirements of the site as a whole, based upon an approximate capacity of 3,000 homes and other facilities. To facilitate this, an indicative phasing plan and infrastructure delivery schedule have been developed. This guidance provides an outline and understanding of what infrastructure requirements might arise with each phase of development and will require specific detailed consideration as part of future planning applications.”*

15.13 It goes on to state:

*“In order to avoid the piecemeal and poorly integrated development of the site, applicants are expected to demonstrate how the proposed development would contribute to the vision and development objectives for the site. In addition, applicants will be expected to demonstrate how the development would not prejudice the overall proposals and objectives of the Masterplan. Applicants should use their Design and Access Statement and Planning Statements to not only demonstrate how they have incorporated high standards of design but also to explain how the proposed development would fit together with, and help deliver, the wider masterplan, including necessary infrastructure.”*

*“The Council will expect planning applications for individual phases/parcels of land to demonstrate how their proposals would be integrated with the wider site. Proposals will be required to demonstrate how they will provide vehicular access to the individual sites and provide detailed layouts of all other necessary highway infrastructure and pedestrian/cycle.”*

*“The Phasing Plan allows for development occurring from multiple outlets simultaneously. The indicative sequent of phasing is shown in the phasing plan – phases will run concurrently and some may overlap depending on specific developer’s programmes.....it is acknowledged that it is difficult to accurately plan how the development will come forward. The Phasing Plan should therefore be regarded as indicative and will be applied with a degree of flexibility to enable the development to respond to changing circumstances over time.”*

15.14 Both the Masterplan and IDP provide a degree of flexibility in terms of phasing and how the wider infrastructure requirements are secured. Whilst there may be a degree of uncertainty regarding the costs of some of the wider site infrastructure, it is considered that the applicant has proposed a reasonable solution by reviewing the requirements set out in the IDP and the Masterplan. The applicant’s viability assessment has been based on them providing a proportionate amount towards the wider site infrastructure based on the evidence available. The infrastructure requirements will be secured through S106 contributions, S278 Agreement(s) and planning conditions. The Council consider this to be a reasonable approach that allows a viable development to be brought forward now. There is no evidence to indicate that this approach would prejudice the viability of the remaining part of the wider strategic allocation. Mechanisms within the S106 Agreement and planning conditions will ensure that should the wider strategic site not come forward appropriate mitigation is still secured to mitigate the impacts of this development i.e. monies secured towards public transport, green infrastructure and education will need to be redirected to existing infrastructure within the Borough.

15.15 The S106 subgroup of the Investment Programme Board (IPB) has considered the S106 contributions being sought, including viability.

15.16 The applicant has agreed to the following S106 contributions:

-25% on-site affordable housing provision. This level of affordable housing provision complies with the requirements derived from LP Policy DM4.7 and the adopted Masterplan.

-Primary education £690, 000.00, this includes a contribution towards the land value to deliver the on-site primary provision.

-Public transport £24, 029.00. This contribution complies with the requirements derived from the adopted Masterplan.

-Metro station £1, 009, 400.00. This contribution complies with the requirements derived from the adopted Masterplan.

-Travel Plan Bond £100, 000.00. This contribution complies with the requirements derived from the Transport and Highways SPD.

-Green infrastructure £453, 406.00, this includes a contribution towards the land value to deliver the on-site wider green infrastructure requirements as set out in the Masterplan. This contribution complies with the requirements derived from the Planning Obligations SPD and the adopted Masterplan.

-Allotments £39, 920.32. This contribution complies with the requirements derived from the Planning Obligations SPD and the adopted Masterplan.

-Sports pitch £205, 110.00. This contribution complies with the requirements derived from the Planning Obligations SPD and the adopted Masterplan.

- Built sports £259, 400.00. This contribution complies with the requirements derived from the Planning Obligations SPD and the adopted Masterplan.
- Employment and training £72, 100.00. This contribution complies with the requirements derived from LP Policy DM7.5, the Planning Obligations SPD and the adopted Masterplan.
- Waste £51, 036.00. This contribution complies with the requirements derived from LP Policy DM7.9.
- Local Wildlife Site £60, 500.00. This contribution complies with the requirements derived from the Planning Obligations SPD and the adopted Masterplan.
- Coastal Mitigation £104, 740.00. This contribution complies with the requirements derived from the Coastal Mitigation SPD.

15.17 The applicant has agreed to the following off-site highway works that will be secured via a S278 Agreement (rather than a financial contribution):

- Site access (A191 roundabout)
- Tynemouth Pool
- Foxhunters

15.18 Off-site compensation land

15.19 The S106 Agreement will secure the delivery of the off-site compensation land to compensate for the loss of ecology land and mitigate the identified impacts. The delivery of this off-site compensation land is required to meet with the requirements of the NPPF, LP Policy DM5.5 and the adopted Masterplan.

15.20 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. The contributions being secured, including off-site highway works and the delivery of off-site compensation land to mitigate ecology impacts, comply with the NPPF, LP Policies, relevant SPD's and adopted Masterplan.

15.21 This development would be CIL liable.

#### 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 310 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

16.3 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

16.4 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 Conclusion

17.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

17.2 Specifically, the NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However, NPPF also recognises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. It is officer advice that this development is acceptable, albeit it does not fully comply with Policy S4.4(a) part e (v) which requires development to provide well integrated and strategic green spaces for recreation, including provision of SANGs.

17.3 The site is allocated as part of the wider Murton Strategic Site. Ideally the development of the wider strategic site would have come forward in large scale developments and the approved masterplan sought to encourage this. However, it is considered that it would be difficult to resist this development with the infrastructure contributions proposed subject to imposing the suggested conditions so as to ensure the early delivery of 310 units is not harmful to the delivery of the wider strategic allocation. It is officer advice that there is compliance with Policy S4.4(a).

17.4 This proposal would make a valuable contribution towards the requirement for the council to have a 5-year supply of deliverable housing sites. This is a significant material consideration which weighs in favour of the proposal.

17.5 The design and layout of the proposal conforms with the general design principles set out in the Masterplan and it will not have a significant adverse impact upon the character and appearance of the site or its immediate surroundings, including Rake House Farm.

17.6 The design and layout of the proposal would ensure sufficient separation distances to neighbouring properties so as to not adversely affect their privacy or amenity.

17.7 The proposal would provide parking in accordance with the Council adopted standards and would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

17.8 Subject to a legal agreement to secure off-site mitigation and conditions the proposal would provide biodiversity net gain, which is encouraged by NPPF.

17.9 The site is of no/low archaeological value.

17.8 Issues to do with flooding and contaminated land can be dealt with via conditions.

17.9 The applicant has agreed to provide planning obligations in accordance with what the Council is seeking. The provision of the policy compliant 25% affordable housing is a particular benefit which weighs in favour of this proposal.

17.10 As there is a potential impact on designated sites at the coast, this development requires appropriate assessment however, the impacts relating to the Northumbria Coast SPA and Ramsar sites can be mitigated without causing significant adverse impacts. The 'tilted balance' principle (NPPF paragraph 11) makes a presumption towards planning permission being granted unless there are adverse impacts which would significantly and demonstrably outweigh the benefits. The Council does not have a 5-year supply of deliverable housing sites. Development in locations with a housing shortfall should benefit from the presumption in favour. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officer's, the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

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

**Members are advised that the Secretary of State may issue a formal direction to call-in this application. An addendum will be produced to update Members on this matter.**

**Members are recommended to:**

- a) 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;**
- b) grant delegated powers to the Director of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**
  - 25% on-site affordable housing provision**
  - Primary education £690, 000.00**
  - Public transport £24, 029.00**
  - Metro station £1, 009, 400.00**
  - Travel Plan Bond £100, 000.00**
  - Green infrastructure £453, 406.00**
  - Allotments £39, 920.32**
  - Sports pitch £205, 110.00**
  - Built sports £259, 400.00**
  - Employment and training £72, 100.00**
  - Waste £51, 036.00**

- Local Wildlife Site £60, 500.00
- Coastal Mitigation £104, 740.00
- Off-site compensation land for ecology purposes

c) authorise the Director of Law and Governance and the Director of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure the following highway improvement works:

- Site access (A191 roundabout)
- Tynemouth Pool
- Foxhunters
- Rake Lane (A191)
- Preston Road North (A192)

### 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. SD-00.01
- Site plan as existing Dwg No. SD-00.02
- Masterplan as proposed Dwg No. SD-10.01 Rev AJ
- Phasing plan Dwg No. SD-10.08 Rev E
- Surface treatments plan Dwg No. SD-10.05 Rev K
- Spatial syntax Dwg No. SD-10.03 Rev D
- Colour layout Dwg No. SD-10.02 Rev E
- Indicative street scenes gables of plots S-01, S-19-22, S-30-31, Dwg No. SD-40.05 Rev B
- Adoption plan Dwg No. SD-10.07 Rev H
- Boundary and elevational treatment plan Dwg No. SD-10.06 Rev K
- Landscape Masterplan Dwg No. 5796-99-001 Rev F

#### Housetypes

- 505 Elevations Dwg No. SD-80.16 Rev B
- 505 Plans Dwg No. SD-80.15 Rev B
- 502 Elevation Dwg No. SD-80.14 B
- 502 Plan Dwg No. SD-80. 12 Rev B
- 501 Plans and elevations Dwg No. SD-80.12 B
- 410 Plans and elevations Dwg No. SD-80.11 Rev C
- 409 Plans and elevations Dwg No. SD-80.10 Rev C
- 407 Plans and elevations Dwg No. SD-80.09 Rev C
- 405 Plans and elevations Dwg No. SD-80.08 Rev B
- 404 Plans and elevations Dwg No. SD-80.07 Rev C
- 402 Plans and elevations Dwg No. SD-80.06 Rev B
- 401 Plans and elevations Dwg No. SD-80.05 Rev B
- 305 Plans and elevations Dwg No. SD-80.04 Rev B
- 304 Affordable plans and elevations Dwg No. SD-80.03 Rev C
- 304 Private sales plans and elevations Dwg No. SD-80.02 Rev C
- 202 Plans and elevations SD-80.01 Rev C

Fraser Housetype B elevations (window option) Dwg No. HT-FR02 Rev A

Fraser Housetype floor plans (window option) Dwg No. HT-FR01  
 Fraser elevation treatment 1/1 Dwg No. FRR-ETR 1/1  
 Fraser elevation treatment 1/2 Dwg No. FRR-ETR 1/2  
 Branford Housetype elevation (window option) Dwg No. HT-BR02 Rev A  
 Branford Housetype floor plans (window option) Dwg No. HT-BR01  
 Branford planning layout Dwg No. BFD-PLP1  
 Branford planning elevation 1/1 Dwg No. BFD-PLE 1/1  
 Branford planning elevation 1/2 Dwg No. BFD-PLE 1/2  
 Redford plans and elevations HT-RE01 (check title)  
 Redford elevation (window option) HT-RE02  
 Wilford (A) planning layout 1 WFD-PLP1  
 Wilford (A) planning elevation 1/1 WFD-PLE 1/1  
 Wilford (A) planning elevation 1/2 WFD-PLE 1/2  
 Wilford (A) planning elevation 1/3 WFD-PLE 1/3  
 Stanford (A) planning layout 1 SFD-PLP1  
 Stanford (A) planning layout 2 SFD-PLP2  
 Stanford (A) planning elevation 1/1 SFD-PLE1/1  
 Stanford (A) planning elevation 1/2 SFD-PLE1/2  
 Stanford (A) planning elevation 2/1 SFD-PLE2/1  
 Redford (A) planning layout 1 RDF-PLP1  
 Redford (A) planning elevation 1/1 RDF-PLE 1/1  
 Redford (A) planning elevation 1/2 RDF-PLE 1/2  
 Milford (A) planning layout 1 MLD-PLP1  
 Milford (A) planning elevation 1/1 MLD-PLE 1/1  
 Milford (A) planning elevation 1/2 MLD-PLE 1/2  
 Linford (A) planning layout 1 LFD-PLP1  
 Linford (A) planning elevation 1/1 LFD-PLE1/1  
 Linford (A) planning elevation 1/2 LFD-PLE1/2  
 Linford (A) planning elevation 1/3 LFD-PLE1/3  
 Langford (A) planning layout 1 LGD-PLP1  
 Langford (A) planning elevation 1/1 LGD-PLE 1/1  
 Langford (A) planning elevation 1/2 LGD-PLE 1/2  
 Langford (A) planning elevation 1/3 LGD-PLE 1/3  
 Hartford (A) planning layout HFD-PLP1  
 Hartford (A) planning elevation 1/1 HFD-PLE 1/1  
 Hartford (A) planning elevation 1/2 HFD-PLE 1/2  
 Hartford (A) planning elevation 1/3 HFD-PLE 1/3  
 Cranford (A) planning layout CND- PLP1  
 Cranford (A) planning elevation 1/1 CND-PLE 1/1  
 Cranford (A) planning elevation 1/2 CND-PLE 1/2  
 Cranford (A) planning elevation 1/3 CND-PLE 1/3  
 Clifford (A) planning layout CFD-PLP1  
 Clifford (A) planning elevation 1/1 CFD-PLE 1/1  
 Clifford (A) planning elevation 1/2 CFD-PLE 1/2  
 Beauford (A) planning layout BUD-PLP1  
 Beauford (A) planning elevation 1/1 BUD/PLE 1/1  
 Beauford (A) planning elevation 1/2 BUD/PLE 1/2  
 Reason: To ensure that the development as carried out does not vary from

the approved plans.

2. The development hereby permitted shall be begun before the expiration of



three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall include no more than 310 dwellings.

Reason: More dwellings would result in a denser form of development which would adversely affect the character and appearance of the surrounding area having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

4. The development hereby approved shall be carried out in full accordance with the agreed Phasing plan Dwg No. SD-10.08 Rev E unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the approved works and planting are undertaken at an appropriate time having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

5. No development shall be commenced until a Desk Study (Phase 1) has been completed and a written sampling strategy (scope of works) for the contamination site investigation is submitted to, and agreed in writing by, the Local Planning Authority before the commencement of site investigation works.

The Desk Study Report should be written in accordance with the current government guidelines including but not exclusive of those including the BS10175 2011 +A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

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

6. Prior to commencement of development a detailed Site Investigation (Phase 2) must be carried out including an interpretative report on potential contamination of the site. This must be prepared by an appropriately qualified person and submitted to and approved in writing by the LPA to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and an assessment whether significant risk is likely to arise to the end users and public use of land, building (existing or proposed) or the environment, including adjoining land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) an appraisal of remedial options, and proposal of the preferred option(s).

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
- Results of sampling and monitoring carried out in accordance with sampling strategy, and;

- An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation).

The Site Investigation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

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

7. Within each approved phase, prior to the commencement of the development a detailed Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The remediation method must include phase 1 and 2 reports in accordance with BS10175 risk assessment pre and post remediation scheme. The method statement must specify remediation for each identified contaminants giving installation or construction methods required to break pathway, or specifying disposal; or in situ treatment as deemed appropriate, the handling and disposal of contaminants to prevent spread of contaminants and the critical control checks required to ensure remediation areas, handling and deposition areas and installation drawings of gas protection scheme must be included.

The design of the remediation strategy should consider the results from the previous two phases of investigation and consider the proposed use/layout of the development.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protections Act 1990 in relation to the intended use of the land after remediation. An options appraisal will only be acceptable upon the inclusion of the recommended preferred option.

The Remediation Method Statement should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management.

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

8. Within each approved phase, prior to the first occupation of the development

hereby permitted, a Remediation Validation report for the site must be submitted to and approved in writing by the Local Planning Authority. A Validation report (sometimes referred to as a Verification report) is used to demonstrate remediation completed in accordance with submitted and approved remediation report.

This report must contain the following:

- A summary of site investigation and remediation works undertaken with accompanying site layout identifying source / treatment areas;
- Confirmation of Required Concentration of Reduction Targets, and/or Cover and Break Screens;
- Post Remediation Interpretative report of Sampling to demonstrate compliance with quantitative goals.
- An explanation / discussion of any anomalous results, or failure to meet agreed target values, alongside additional work proposed and actioned;
- Demonstrate via photographic and documentation evidence of remedial measures;
- Post-remediation contaminated land risk assessment profile;
- Cross sectional diagrams for the site and detailed plans of the site.

The Remediation Validation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

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

9. Within each approved phase, if any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority within 24 hours. Work must be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters. If required remediation of any unexpected contamination or underground storage tanks discovered during the development must take place before development recommences. Thereafter the development shall not be implemented otherwise than in accordance with the scheme approved under the planning consent.

Any additional reports should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

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

10. Within each approved phase, 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.

11. 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.

12. Notwithstanding Condition 1, and within each approved phase, prior to the commencement of any part of the development hereby approved a noise scheme in accordance to noise report reference number 28979/A5/ES2019 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 30dB(A) at night and prevent the exceedance of Lmax of 45dB(A) and living rooms meet an equivalent noise level of 35dB(A) as described in BS8233:2014. 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.

13. Notwithstanding Condition 1, and within each approved phase, prior to the occupation of any dwelling hereby approved details of the ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme must ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with windows 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 hereby approved and permanently retained and maintained.

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.

14. Notwithstanding Condition 1, and within each approved phase, 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).

15. Notwithstanding Condition 1, and within each approved phase, 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 dwellings 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).

16. 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).

17. 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 all classes of Part 1 of Schedule 2 or within Classes A, B and H 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).

18. Notwithstanding the details submitted, the following off-site highway works shall be carried out in general accordance with the agreed timescales set out below and subject to Technical Approvals and Road Safety Audits:

Drawing 17124/007 - 01 Revision C - Tynemouth Pool Proposed Highway Improvements Sheet 1 of 3 prior to the occupation of the 50th dwelling within the application site

Drawing 17124/007 - 02 Revision C - Tynemouth Pool Proposed Highway Improvements Sheet 2 of 3 prior to the occupation of the 50th dwelling within the application site

Drawing 17124/007 - 03 Revision C - Tynemouth Pool Proposed Highway Improvements Sheet 3 of 3 prior to the occupation of the 50th dwelling within the application site

Drawing 17124/008 - 01 Revision E - Foxhunters Proposed Highway Improvements Sheet 1 of 2 prior to the occupation of the 100th dwelling within

the application site

Drawing 17124/008 - 02 Revision E - Foxhunters Proposed Highway Improvements Sheet 2 of 2 prior to the occupation of the 100th dwelling within the application site

Drawing 17124/009 - Revision C - Improvements to Local Highway Network prior to the occupation of the 100th dwelling within the application site

Thereafter, the development hereby approved shall be implemented in full accordance with the triggers set out above.

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

19. Within each approved phase, no part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

20. Notwithstanding Condition 1, the scheme for the secondary road through the site shall be laid out from the junction with the A191 Rake Lane up to and including the western site boundary, including any land under the control of the applicant, in accordance with the approved plans and prior to the occupation of the 100th dwelling across the entire site. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety of the development and to ensure that the wider site infrastructure associated with the strategic allocation is not prejudiced having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

21. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of bus stops to be located on the secondary road through the site and a timescale for their implementation shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Nexus. Thereafter the scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of securing sustainable transport to facilitate the development and to ensure that the wider site infrastructure associated with the strategic allocation is not prejudiced having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

22. Notwithstanding Condition 1, within each phase of the development hereby approved above damp proof course level details of the internal links to connect to the wider strategic allocation and a timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of securing appropriate site permeability for pedestrians and cycles and to ensure that the wider site infrastructure associated with the strategic allocation is not prejudiced having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

23. Notwithstanding Condition 1, the scheme for cycling and pedestrian links

within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

24. Within each approved phase, notwithstanding Condition 1, the scheme for refuse vehicles to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

25. Within each approved phase, notwithstanding Condition 1, the scheme for family cars to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

26. Within each approved phase, notwithstanding Condition 1, the scheme for driveways, private parking spaces, visitor parking spaces and garages shall be laid out in accordance with the approved plans prior to the occupation of each dwelling. These parking areas shall not be used for any other purpose and retained thereafter.

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

27. Within each approved phase, prior to the occupation of each dwelling hereby approved, driveway depths of 5.0m for roller shutter garage doors, 5.5m for up & over doors and 6.0m for side-opening doors shall be provided and retained within the site thereafter.

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

28. Within each approved phase, notwithstanding Condition 1, no part of the development hereby approved shall be occupied until details of the hard surfaces for driveways and parking spaces have been submitted to and approved in writing by the Local Planning Authority and in consultation with the Local Lead Flood Authority (LLFA). These surfaces shall be made of porous materials or provision shall be made to direct run-off water from the hard surface away from the adopted highway. Thereafter, these agreed details shall be implemented prior to the occupation of each dwelling and shall be permanently maintained and retained as such.

Reason: In the interests of surface water management having regard to Policy DM5.14 of the North Tyneside Local Plan (2017).

29. Within each approved phase, prior to the occupation of each dwelling hereby approved, provision for Electric Vehicle (EV) charging points shall be provided and retained within the site thereafter.



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

Reason: In the interests of promoting sustainable transport having regard to the NPPF.

30. Within each approved phase, the scheme for storage of cycles shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.

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

31. Within each approved phase, the scheme for the provision of and storage of refuse, recycling and garden waste bins shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.

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

32. Notwithstanding the details submitted in the Travel Plan, no part of the development within each approved phase shall be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the final unit and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the Local Planning Authority within two months of surveys being undertaken and be retained thereafter.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

33. Notwithstanding Condition 1, prior to the construction of any dwelling above damp proof course level within Phase 2 hereby approved revised boundary treatment details and their location for plots S59 and S60 shall be submitted to and approved in writing by the Local Planning Authority. These revised details must ensure that the required visibility splay is achieved to serve plot S60. The boundary treatments serving the remainder of the development hereby, with the exception of plots S59 and S60, shall be carried out in full accordance with Boundary and elevational treatment plan Dwg No. SD-10.06 Rev K. The boundary treatments shall thereafter only be carried out in accordance with the approved details and permanently maintained and retained thereafter. All boundary treatments associated with a residential dwelling shall be implemented in accordance with the agreed details prior to the occupation of each unit and all remaining boundary treatments within the redline boundary shall be implemented in accordance with the agreed details prior to the occupation of any dwelling within each phase hereby approved and permanently maintained and retained thereafter.

Reason: To ensure a satisfactory environment within the development and highway safety having regard to Policies DM6.1 and DM7.4 of the North Tyneside Local Plan (2017).

34. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement/Construction Environmental Management Plan (CEMP) 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; details of the site compound for the storage of plant (silos etc) 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; 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. There shall be no cabins, storage of plant and materials and parking within the root protection area (RPA) of the retained trees as defined by the Tree Protection Plan (TPP). 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.

35. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required from the outset to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

36. Notwithstanding condition 1, and within each approved phase, no part of the development hereby approved shall be occupied until a scheme for internal highways to be offered for adoption by the Local Highway Authority (LHA) as part of an agreement under Section 38 of the Highway Act 1980 has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include carriageways, junctions, footpaths, shared cycle and pedestrian routes, turning areas, road markings, traffic calming to 20mph street lighting, highway drainage, street furniture, signage, street nameplates road markings, Traffic Regulation Orders, construction details, cross sections, long sections, levels and

the extent of highway offered for adoption. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

37. Notwithstanding Condition 1, and within each approved phase, no part of the development shall be occupied until a scheme for internal highways not offered for adoption by the Local Highway Authority (LHA) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of private lighting, street nameplates, signage, landscaping. The developer will need to submit details of the proposed maintenance regime including details of the appointed management company and a method statement to notify residents that these areas will not be the responsibility of the LHA or any other Function in the wider Local Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

38. Notwithstanding Condition 1, prior to the commencement of any development within Phase 2 details for the provision of a Strategically Equipped Area of Play (SEAP) in the area shown on Masterplan as proposed Dwg No. SD-10.01 Rev AJ and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: the size of the play area, types of equipment to be provided which must be DDA compliant and provide for a range of age groups (between 2 years up to teens/youths), equipment and surfaces must comply with EN1176/77 and offer variety of play opportunities (i.e. spinning, sliding, swinging etc.) and provision of seating for carers and hardstanding/paths to allow easy access around the site. Thereafter, these agreed details shall be fully installed in accordance with these agreed details and shall be permanently maintained and retained.

Reason: To provide a good range of play experiences for a range of children's ages having regard to Policy DM6.1 of the North Tyneside Local Plan (2017)

39. Notwithstanding Condition 1, and within each approved phase, the development hereby approved shall be implemented in full accordance with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Surface Water Management Strategy" dated October 2019. The drainage scheme shall ensure that foul flows discharge to the combined sewer in Rake Lane and ensure that surface water discharges to the surface water sewer in Rake Lane. Surface water shall discharge at 50l/sec reflecting the wider site discharge rate.

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

40. Notwithstanding Condition 1, no development shall take place in each phase of the development hereby approved until a detailed Pollution Control Plan has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a timetable for its implementation and detail pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land. Thereafter, the development

shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to prevent contaminants entering adjacent/nearby watercourses having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

41. Notwithstanding Condition 1, prior to the occupation of any dwelling hereby approved details of the appointed Sustainable Urban Drainage System (SUDS) management company and the maintenance regime of the SUDS features within the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required from the outset to ensure the viability of the surface water attenuation of the development is maintained through its lifetime and does not increase flood risk having regard to the NPPF and Policy DM5.15 of the North Tyneside Local Plan (2017).

42. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans (AIA and AMS including drawing no's ARB/AE/1847/TIP June 2018 submitted by Elliot Consultancy) 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 five 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.

Reason: To ensure existing landscape features to be retained are adequately protected during construction works having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

43. Prior to commencement of works starting on site within Phases 4 and 6, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown on drawing ARB/AE/1847/TIP June 2018 (hedgerow 8) and detailed on unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority. Photographic evidence of the fence in place is to be submitted.

Reason: To ensure existing landscape features to be retained are adequately protected during construction works having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

44. All works to be carried out in accordance with the Arboricultural Impact Assessment Arboricultural Method Statement Hedge/Tree Protection Plan and within the guidelines contained within BS5837:2012 and NJUG Volume 4. The AMS is to form part of the contractors method statement regarding the proposed construction works.

Reason: To ensure existing landscape features to be retained are adequately protected during construction works having regard to Policies DM6.1

and DM5.9 of the North Tyneside Local Plan (2017).

45. Within each approved phase, prior to the 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. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. The lighting scheme 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 protecting residential amenity and protecting sensitive habitats within or adjacent to the site; and in the interest of aerodrome safeguarding having regard to policy DM5.7 and DM5.19 of the North Tyneside Local Plan (2017) and the National Planning Policy Framework

46. 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).

47. No vegetation removal or works to features (buildings) that could support nesting birds will 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).

48. All measures outlined within Section 4 of the 'Bird Hazard Management Plan' (BSG Nov 2020) will be undertaken during the construction and operation phases of the development in accordance with the Plan.

Reason: In the interests of aviation safety.

49. Within each approved phase and prior to any works commencing on site,

an updated checking survey for badger shall be undertaken and, if required, a Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out in full accordance with the agreed Method Statement, if required.

Reason: This information is required from the outset in the interests of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017

50. Prior to the commencement of Phase 1, details of the location of 31no. bird boxes (various design) to be provided across the application site on the exterior walls of the dwellings, including specifications, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the first 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).

51. Prior to the commencement of Phase 1, details of the location of 31no. bird boxes (various design) to be provided across the application site on the exterior walls of the dwellings, including specifications, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the first 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).

52. Hedgehog gaps (13cmx13cm) will be provided within any new or permanent fencing within the scheme. Locations of hedgehog gaps shall be detailed on fencing plans and submitted to the LPA for approval prior to installation.

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).

53. Prior to the commencement of any development hereby approved detailed plans of the Sustainable Urban Drainage System (SUDs) must be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). The plan should include details of the size, depths, profiles and planting designs of any SUDs features such as ponds and swales. Thereafter, the wetlands/SUDs shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interests of aviation safety and to safeguard important habitats and species of nature conservation value having regard to the NPPF and policy DM5.7 of the North Tyneside Local Plan (2017).

54. Notwithstanding Condition 1, prior to the occupation of any dwelling hereby approved, a 'Landscape Ecological Management and Monitoring Plan' (LEMMP) for landscaping/habitat creation within the application site, shall be submitted to

and approved in writing by the Local Planning Authority (LPA). The Plan shall be in accordance with the details set out within the Biodiversity Net Gain Report (BSG June 2021) and associated approved Landscape Plans and shall be implemented on site before the first occupation of any of the dwellings and thereafter for a minimum period of 30 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 30 years. Monitoring Reports will be submitted to the LPA for approval at agreed timescales and will include Net Gain Assessment updates to evidence the success of the scheme and Net Gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Reason: This information is required within the set timeframe in the interests of amenity and to ensure a satisfactory standard of landscaping and in the interests of biodiversity having regard to Policies DM6.1, DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

55. Notwithstanding Condition 1, 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 for the application site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). Street trees and grass verges are to be incorporated along secondary road in accordance with the Murton Design Code and the revised NPPF (para 131). The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the Biodiversity Net Gain Report (BSG August 2021) and shall include details of the following:

- Details and extent of all new habitat creation and landscape planting
- Details of enhancement of existing habitats
- Details of SuDs features and their planting details
- Proposed timing of all new tree, shrub and wildflower grassland planting and ground preparation noting the species and sizes for all new plant species
- New standard tree planting to be a minimum 12-14cm girth with street trees specified larger.

-The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, are removed, die or become seriously damaged or defective within three years of planting, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: This information is required within the set timeframe in the interests of amenity and to ensure a satisfactory standard of landscaping and in the interests of biodiversity having regard to Policies DM6.1, DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

56. Prior to the operation of any cranes above 45m on site, a Method Statement for Crane Operation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Newcastle International Airport.

This statement shall include:

- 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;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed.

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

Reason: This information is required from the outset in the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

57. All lighting associated with the development should be fully cut off so as to eliminate any vertical light spill into the atmosphere to prevent distraction for pilots on approach or departing Newcastle International Airport Limited (NIAL). Details of any permanent or temporary lighting (including during construction) which may distract pilots shall be submitted to and approved in writing by the Local Planning Authority in consultation with NIAL. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

58. The development hereby approved must comply with all measures outlined within Section 4 of the Bird Hazard Management Plan (BSG Nov 2020) during the construction and operation phases of the development.

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

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

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

**Informatives**



The applicant is advised that a licence must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. 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. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction and arrange a joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that no part of the gates or garage door may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Do Not Obstruct Highway Build Materials (I13)

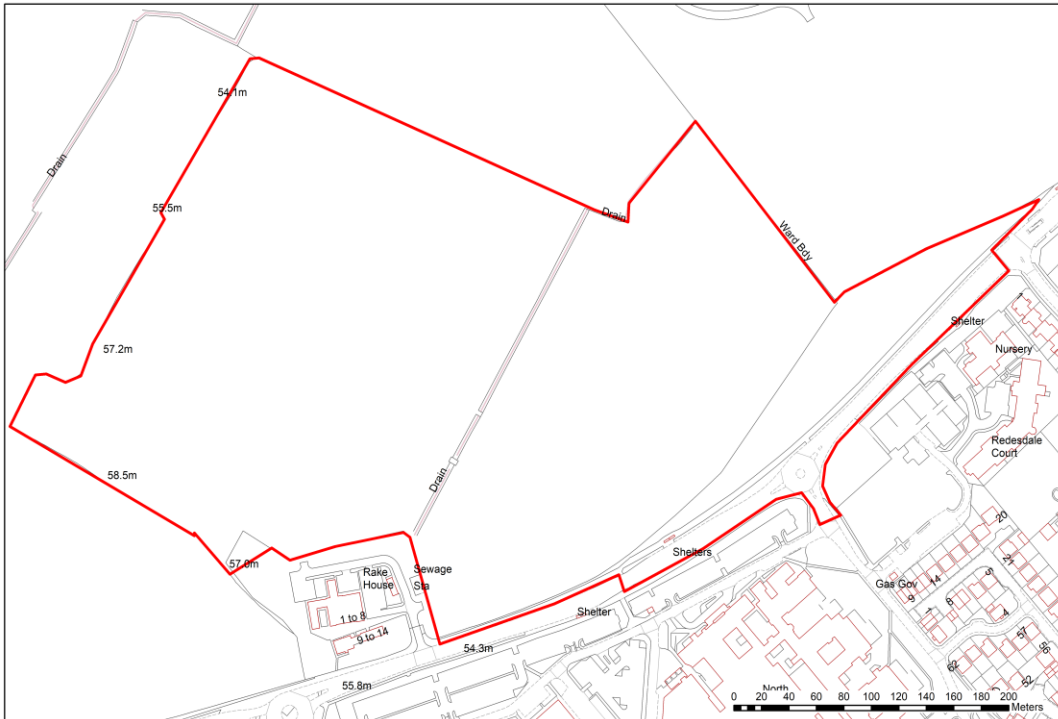
Advice All Works Within Applicants Land (I29)

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

Northumbrian Water have advised that strategic water mains cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. They 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. The Local Planning Authority have included this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/developers.aspx>.

The applicant is advised that the Civil Aviation Authority (CAA) (the UK's aviation regulator) guidance on crane operations is due to change. The published guidance would outline an updated process for notifying/approving crane operations, which would supersede Newcastle International Airport Limited (NIAL) process set out in the planning condition and could require the applicant/developer etc. to submit information to the CAA in the first instance.



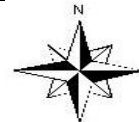
**Application reference: 19/00257/FULES**

**Location: Land Adjacent To, Rake House Farm, Rake Lane, North Shields**  
**Proposal: Development of 310 residential dwellings (including affordable housing) and associated infrastructure and engineering works, creation of new access from A191 Rake Lane, creation of SuDS and open space. EIA submitted. (Additional information revised plans, TA and TP August 2020, July and August 2019, revised plans July 2019 and amended description)**

Not to scale

Date: 04.11.2021

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



## Consultations/representations

### 1.0 Ward Councillors

#### 1.1 Councillor Judith Wallace

- Adverse effect on wildlife.
- Impact on landscape.
- Loss of residential amenity.
- Loss of visual amenity.
- Non-compliance with approved policy.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Precedent will be set.
- Traffic congestion.

1.2 Many residents have contacted me to express concerns about this application, particularly the loss of so much green space with consequent damage to wildlife; the increase in traffic in an area already congested; the lack of new public transport - there is no planning application to build Metro stations as referred to in the Local Plan; the lack of proper cycle tracks (shared pedestrian/cycle paths are often considered dangerous) and the pressure on local schools and NHS facilities caused by so many extra people.

#### 1.3 Councillor Sean Brockbank

1.The preferred growth option for the Borough proposes 17,388 additional homes; deducting those built or approved since 2011 results in a figure of 10,577 to find in the Local Plan. This is too high.

The population growth is estimated at 23,651 over the 21 year period from 2011 to 2032, an increase of some 12%. We question this projection.

The figures produced by the Office of National Statistics show that the population of the Borough fell from 198,700 in 1981 to 198,500 in 2010. Taking the 21 year period 1989 to 2010, the population rose from 195,400 to 198,500 i.e. by approximately 1.5%. On this basis, by 2032, the population would rise by some 3000. Even if this rate of increase were to double, this would result in 6000 extra residents, nowhere near the 23,651 estimated in the draft Local Plan.

Predictions of population growth are based on life expectancy, birth rates and migration, this latter being by far the hardest to forecast. Predictions from the Office of National Statistics have often been wrong – for example, in 1965, the prediction for the UK population by 2000 was 75 million, when it was actually 59 million. In 2005, the estimated population was 60.2 million. The projections over the previous 34 years had ranged from a maximum of 64.3 million (6.8% too high) and a minimum of 57.5 million, (4.4% too low) [Office of National Statistics “Fifty Years of UK National Population Projections”].

2. Were the housing to proceed there are fears that such extensive building will cause flooding or exacerbate current problems, such as those at Briar Vale.

Large parts of the coastal area suffered severe flooding in June 2012, in areas close to this site, and have seen flooding since then as recently as 4th December 2015 in the Murton area.

North Tyneside Council's drainage officers refer to the "history of flooding in this area". Northumbria Wildlife Trust states "parts of this site are being considered by the North Tyneside, Northumbrian Water and the Environment Agency to mitigate for flood risks across the borough. Not only would development here mean this needed flood mitigation would not be carried out, but it would also add to flood risk". Use of this site will thus risk more flooding in the locality and will negate the flood mitigation plans already under consideration for the wider Borough.

3. The roads near to Murton are already carrying large volumes of traffic, notably Rake Lane A191, Seatonville Road/Earsdon Road A192, and the Shiremoor Bypass A186.

These roads are often gridlocked, particularly at rush hours. For example, each week day from about 7 am to 9.30 am, between the mini-roundabout at the junction of Cauldwell Lane / Seatonville Road and the roundabout at the junction of Rake Lane / Preston North Road, a distance of 0.9 miles, the traffic travelling south is absolutely solid, travelling at no more than 5 mph when moving. In the afternoon each weekday, from 3pm to 7pm approximately, the traffic heading north between the same points is similarly nose-to-tail.

In response to concerns from a resident in autumn this year about the difficulties leaving or entering Burnthouse Road from Seatonville Road due to the volume of traffic, council highways officers said, " The volume of traffic on Seatonville Road in peak times makes it difficult for vehicles entering the road from all of its adjoining streets; we sympathise with the resident but there would not be any works which the Authority could undertake at this point in time which would address the issue".

Earsdon Road with two lanes of traffic heading north from 7.45am to 9.30am on weekdays between the roundabout at the junction of the A1148 / A192 and the roundabout at the junction of the A192 / A186, a distance of 0.5 mile, again already has solid traffic. This road has 2 roundabouts and 4 sets of traffic lights in half a mile.

4. The pollution from such standing traffic is worrying.

House building of the order permitted by the Local Plan will only exacerbate this problem: an additional 3000 homes could easily have 4500 vehicles or more. The provision of a road through the site will not alleviate the problem- indeed, it will add to it, as the traffic from either end of the new road will simply join that already on the existing roads mentioned. Officers have stated that they wish the new traffic to go towards Earsdon A186 via the proposed new road across Murton, but the A186 is already busy and residents of Earsdon Village have difficulty getting in or out of their village.

5. Most schools in the Whitley Bay area, near Murton, are already oversubscribed. The Local Plan includes one new primary school on this site.

First, this will not address the problem of oversubscribed high schools. Second, we do not know where the proposed new primary school will fit within the current educational system in this part of the Borough. There is a three tier system, comprising First Schools for children up to age 9, Middle Schools for 9 to 13 year olds and High Schools for 14 year olds upwards. A Primary School admits pupils up to age 11: to which school will they then progress? Middle schools will not have spaces at that entry point; is it expected therefore that these pupils will leave the coastal area? If so, how will they travel? Whilst the Plan records John Spence Community High School as senior school provision, the locality would indicate that the Whitley Bay schools would be more likely.

6. Building on the area of Murton will result in a loss of open space and thus of amenity for residents in the Borough. These green fields provide an open landscape as well as some areas upon which residents may exercise.

7. The proposed new road across the Murton sites would be built on Green Belt land at the northern end; such an encroachment is unacceptable.

8. Wildlife/ biodiversity: this site is close to a number of watercourses, and such areas are important for wildlife. This habitat could be lost. Loss of green areas and hedgerows are a particular concern for the bee and pollinator populations, already under threat. The buffer areas shown in the "concept plans" cannot be guaranteed; officers acknowledge that the sketches are indicative only of what might result.

#### 1.4 Alison Austin (former Councillor)

- Adverse effect on wildlife.
- Impact on landscape.
- Inadequate drainage.
- Loss of residential amenity.
- Loss of/damage to trees.
- Precedent will be set.
- Traffic congestion.

1.5 As a Conservative councillor representing Monkseaton North ward, I wish to object to this application, which is the first of many.

1.6 Residents have told me, and it is my belief also that the local infrastructure cannot cope with the proposed level of housing. Rake Lane, Seatonville Road and Earsdon Road are already heavily congested at peak travelling hours.

1.7 Working at North Tyneside General Hospital, I see the queues of traffic every day - this can only get worse with the building of these houses with no extra infrastructure provided. Apart from the frustration for motorists stuck in traffic jams, there will also be a detrimental effect on air quality with engines running and cars at a standstill.

1.8 In addition, there is no provision for extra public transport and no sign of the suggested Metro station being built.

1.9 There will be an impact on healthcare and local schools with inadequate provision to cope with these additional dwellings.

1.10 The promised cycle tracks have not materialised, instead a shared path is planned. This is both unsuitable and unpopular with pedestrians and cyclists alike. Given that the council claims to champion cycling, this is a startling omission from the plans.

1.11 I would also object to the loss of open green spaces and the loss of residential amenity. This area is popular with residents walking dogs, going running etc and its loss will have a detrimental effect on residents.

1.12 Finally, this is the first of many applications which could in time see 3300 houses built here. The absence of any of the promised mitigation such as new roads, new Metro stations and separate cycle ways is of great concern. If this application is allowed to pass it will set a precedent for future applications and for that reason, I object strongly to it.

## 2.0 Internal Consultees

### 2.1 Highways Network Manager

2.2 This is an application for the development of 310 residential dwellings (including affordable housing), associated infrastructure and engineering works, creation of a new access from the A191 Rake Lane and the creation of a sustainable urban drainage system and open space.

2.3 A Transport Assessment (TA) was included as part of the application that assessed the local highway network and was this was tested in the council's Micro-simulation Transport Model. The developer has agreed to carry out off-site highway improvements to the following junctions and links via a Section 278 Agreement:

Site access

Foxhunters

Tynemouth Pool

Rake Lane (A191)

Preston Road North (A192)

2.4 The site has good links to public transport, being situated adjacent to the A191 and the site is future-proofed to be bus permeable should additional development be brought forward. The proposal also has good quality cycling and pedestrian links throughout which also will connect into the wider site. The developer has also agreed to a contribution towards the delivery of public transport requirements.

2.5 Parking and visitor parking will be provided in accordance with the Transport and Highways SPD and cycle storage is included in for each dwelling. The areas of highway in the site offered up for adoption by the Local Highway Authority have been designed in accordance with council requirements. Conditional approval is recommended.

2.6 Recommendation - Conditional Approval

2.7 The applicant will be required to enter in a Section 106 Agreement for £100,000.00 for a Travel Plan Bond.

2.8 The applicant will be required to enter into a Section 278 agreement for the off-site highway works set out in drawing numbers, which are subject to Technical Approvals and Road Safety Audits:

Drawing 17124/007 - 01 Revision C - Tynemouth Pool Proposed Highway Improvements Sheet 1 of 3

Drawing 17124/007 - 02 Revision C - Tynemouth Pool Proposed Highway Improvements Sheet 2 of 3

Drawing 17124/007 - 03 Revision C - Tynemouth Pool Proposed Highway Improvements Sheet 3 of 3

Drawing 17124/008 - 01 Revision E - Foxhunters Proposed Highway Improvements Sheet 1 of 2

Drawing 17124/008 - 02 Revision E - Foxhunters Proposed Highway Improvements Sheet 2 of 2

Drawing 17124/009 - Revision C - Improvements to Local Highway Network

2.9 Conditions:

Notwithstanding the details submitted, the following off-site highway works shall be carried out in accordance with the agreed timescales and subject to Technical Approvals and Road Safety Audits:

Drawing 17124/007 - 01 Revision C - Tynemouth Pool Proposed Highway Improvements Sheet 1 of 3. Trigger: Prior to the occupation of 50 dwellings.

Drawing 17124/007 - 02 Revision C - Tynemouth Pool Proposed Highway Improvements Sheet 2 of 3. Trigger: Prior to the occupation of 50 dwellings.

Drawing 17124/007 - 03 Revision C - Tynemouth Pool Proposed Highway Improvements Sheet 3 of 3. Trigger: Prior to the occupation of 50 dwellings.

Drawing 17124/008 - 01 Revision E - Foxhunters Proposed Highway Improvements Sheet 1 of 2. Trigger: Prior to the occupation of 100 dwellings.

Drawing 17124/008 - 02 Revision E - Foxhunters Proposed Highway Improvements Sheet 2 of 2. Trigger: Prior to the occupation of 100 dwellings.

Drawing 17124/009 - Revision C - Improvements to Local Highway Network. Trigger: Prior to the occupation of 100 dwellings.

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

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding Condition 1, the scheme for the secondary road through the site shall be laid out from the junction with the A191 Rake Lane up to and including the western site boundary, including any land under the control of the applicant, in accordance with the approved plans and prior to the occupation of 100 dwellings. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety of the development and to ensure that the wider site infrastructure associated with the strategic allocation is not



prejudiced having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of bus stops to be located on the secondary road through the site and a timescale for their implementation shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Nexus. Thereafter the scheme shall be implemented in accordance with the approved details and retained thereafter.  
Reason: In the interests of securing sustainable transport to facilitate the development and to ensure that the wider site infrastructure associated with the strategic allocation is not prejudiced having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the internal links to connect to the wider strategic allocation and a timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and retained thereafter.  
Reason: In the interests of securing appropriate site permeability for pedestrians and cycles and to ensure that the wider site infrastructure associated with the strategic allocation is not prejudiced having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for cycling and pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for refuse vehicles to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for family cars to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for driveways, private parking spaces, visitor parking spaces and garages shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Prior to the occupation of each dwelling hereby approved, driveway depths of 5.0m for roller shutter garage doors, 5.5m for up and over doors and 6.0m for side-opening doors shall be provided and retained within the site thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No part of the development shall be occupied until details of the hard surfaces for driveways and parking spaces including future maintenance arrangements has been submitted to and approved in writing by the Local Planning Authority and in consultation with the Local Lead Flood Authority (LLFA). These surfaces shall be made of porous materials or provision shall be made to direct run-off water from the hard surface away from the adopted highway and retained thereafter.  
Reason: In the interests of surface water management and of the development having regard to policy DM5.14 of the North Tyneside Local Plan (2017).

Prior to the occupation of each dwelling hereby approved, provision for Electric Vehicle (EV) charging points shall be provided and retained within the site thereafter.  
Reason: In the interests of promoting sustainable transport and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse, recycling and garden waste bins shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for storage of cycles shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the final unit and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter.  
Reason: To accord with Central Government and Council Policy concerning sustainable transport.

Notwithstanding Condition 1, prior to the construction of any part of plots S59 and S60 above damp proof course level revised boundary treatment details and their location shall be submitted to and approved in writing by the Local Planning Authority. These revised details must ensure that the required visibility splay is

achieved to serve plot S60. The boundary treatments serving the remainder of the development hereby, with the exception of plots S59 and S60, shall be carried out in full accordance with Boundary and elevational treatment plan Dwg No. SD-10.06 Rev K. The boundary treatments shall thereafter only be carried out in accordance with the approved details and permanently maintained and retained. All boundary treatments associated with a residential dwelling shall be implemented in accordance with the agreed details prior to the occupation of each unit and all remaining boundary treatments within the redline boundary shall be implemented in accordance with the agreed details prior to the occupation of any dwelling within each phase.

Reason: To ensure a satisfactory environment within the development and highway safety having regard to Policies DM6.1 and DM7.4 of the North Tyneside Local Plan (2017).

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; details of the site compound for the storage of plant (silos etc) 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; 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.

Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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.

#### 2.10 Informatives:

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that requests for Street Naming and Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. 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. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

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

2.12 I have carried out a review of the above application, I can confirm I have no objections to the surface water drainage proposals. The applicant will be using a combination of surface water attenuation features within the development which includes two attenuation ponds, a conveyance swale and filter strips for communal driveways. These features will provide surface water storage for up to a 1in100yr + climate change rainfall event within the site.

2.13 The site will restrict the surface water discharge rate to 50l/s which equates to 4l/s per hectare equivalent to the greenfield run-off rate. This will discharge into the existing surface water sewer located on Rake Lane.

2.14 I would recommend that the following conditions are placed on this application.

-Before commencement of development details of the pollution control measures to prevent contamination of local watercourses during construction period to be provided to the LLFA.

-Before commencement of development details will need to be provided on the appointed SuDS management company and the maintenance regime of the SuDS features within the site. This is to ensure the viability of the surface water attenuation of the development is maintained through its lifetime.

#### 2.15 Regeneration

2.16 No objection.

#### 2.17 Housing

2.18 Affordable as described.

#### 2.19 Manager for Environmental Health (Pollution)

2.20 I have concerns with regard to noise from A191 Rake Lane affecting the site. Monkseaton High School is located to the east of the site and I would be concerned about any noise arising from plant, equipment and play areas affecting the site. North Tyneside General Hospital is located to the south of the site and I would have concerns over associated noise from the hospital affecting the proposed site.

2.21 I have viewed the air quality assessment that has considered the potential increase in air pollutants resulting from an increase in road traffic resulting from the development. The principal pollutants of concern are nitrogen dioxide and particulates, arising from road traffic vehicles. The air quality assessment has concluded that there will be a negligible increase in both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO<sub>2</sub> and PM<sub>10</sub> if the development was to occur. With regard to PM<sub>2.5</sub> levels, although there is a limit level within the 2010 Regulations there are no specific target limits set within the LAQM Technical Guidance (TG16) for Local Authorities in England to work towards. It is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Any new development will contribute to the overall air quality levels within an area and therefore although the overall impacts are considered to be negligible there will still be impacts and therefore it recommended that some mitigation measures are incorporated within the scheme to address air pollutants, e.g., such as the provision of electric car charging points. The air quality assessment has also considered construction dusts and recommends measures to be taken to mitigate those impacts. A condition is proposed to address construction dust.

2.22 I have viewed the noise assessment which has modelled the equivalent daytime facade noise levels at the proposed residential units, based on noise monitoring carried out at three monitoring locations, one to the north east of the

site adjacent to Monkseaton High School, and two other monitoring locations to assess road traffic noise using Rake Lane. Industrial noise from the hospital was not audible within the area of the development site so has not been considered further within the report. Noise from Monkseaton High School was audible; the noise report outlines that road traffic noise was dominant. The modelled noise levels across the development site range between 41 to 66 dB. The daytime noise levels for internal spaces should aim for a level of 35 dB and night time of 30dB in accordance to BS8233. This will mean that residents in the proposed new houses fronting onto the road will need to keep windows closed and to be provided with a ventilation scheme that is able to be adjusted to cope with warm weather to enjoy a reasonable internal noise level. I would however suggest that a ventilation scheme that allows for whole house ventilation is provided.

2.23 The consultant has shown that internal noise levels can be achieved that will meet the requirements of BS8233, if an appropriate acoustic glazing and ventilation is provided.

I have concerns that the external noise levels for gardens to the southern part of the site fronting onto Rake Lane will not meet the World Health Organisation community noise level for outdoor spaces of 55dB until screened. The site layout plan shows that gardens are orientated so that they will be screened by the buildings and so will not have direct line of sight of the road. However, any garden with line of sight of Rake Lane will require acoustic screening to provide mitigation against road traffic noise.

2.24 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 with noise report reference number 28979/A5/ES2019 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.

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 details of acoustic screening to be provided to any gardens that have line of sight of Rake Lane. The details of location and heights of the acoustic fencing to be installed serving the houses and gardens facing Rake Lane must be submitted to the Local Planning Authority in writing for approval and installed prior to occupation of house, and thereafter retained to mitigate against road traffic noise.

SIT03 – dust suppression measures

HOU04 – hours of construction

### 2.25 Manager for Environment Health (Contaminated Land)

2.26 The preliminary geo environmental report states:

2.27 Generally moderate to high risk of migration of hazardous ground gases across the site associated with gases generated from shallow mineworkings beneath the site in addition to a moderate to high risk of migration of gases generated from areas of made ground associated with historical features.

2.28 Due to this and the sensitive end use the following must be applied:

Con 003-CON007

Gas 006

### 2.29 Design

2.30 The design and layout largely follow the principles identified in the adopted Masterplan for development zones, green areas and strategic vehicle routes. Some other elements of the design vary from the adopted Masterplan, such as the layout of the development to the east of the site where houses do not front out to create a positive development edge. The applicant has submitted amended plans which now include windows on the side elevation of units on the eastern edge of the site along with enhanced boundary treatments. An option has also been submitted on the indicative street scene plan for additional brick detailing around the windows on the side elevations of the Fraser and Branford house types. This is preferred and should be conditioned to ensure that house types are submitted in accordance with the indicative street scene. Alternatively, the revised elevations can be submitted before the application is determined.

2.31 The site forms part of the South East character area in the Masterplan which is identified as having direct access for approximately 250 units from Rake Lane; this application proposes 318 units. The density plan in the Masterplan shows that there should be a lower density to the edges of the site, the development to the east of the site does not follow this. The site is at a key entry point into the Murton Gap strategic site and therefore has an important function to create a focal point that contributes towards a positive image. The houses, boundary treatments and landscaping are all designed well to support this.

2.32 The Masterplan identifies that an equipped children's play area will be located within this part of the strategic site. The delivery of the play area is unclear as the application only provides space for approximately half of the required play area. The Masterplan requires applications to demonstrate how the proposed development will fit together and deliver the necessary infrastructure.

2.33 Boundary treatments are all consistent with the adopted Masterplan. Front gardens on main route feature estate railings with hedges behind. Front gardens facing open space feature low timber fencing. Front gardens in small residential streets feature ornamental planting, hedges and trees. Rear boundary treatments

facing the public realm are also well designed and are in accordance with the Design Quality SPD.

2.34 Visitor car parking is evenly distributed, is surfaced in block paving and supported by soft landscaping. Surface treatments are well designed and will contribute towards a well-designed public realm. Pedestrian links through the site are clearly identified and reflect the pedestrian and cycle improvements in the Masterplan.

2.35 The layout includes several small pockets of open space which provide attractive focal points. Previous discussions have been held with the applicant about combining some of the smaller areas of open space within the development into one larger more useable area. No changes have been made to the layout to reflect these discussions and there is a concern that there is a lack of useable open space that would be delivered as part of this application. This site forms an integral part of the wider strategic site which will include more green infrastructure, however there is no site wide green infrastructure strategy submitted and agreed.

2.36 The application site will be delivered by Story Homes and Cussins. There has been an ongoing concern about a lack of corner turner units from both developers which is essential in order to facilitate well-designed streets. It is also a requirement of the adopted Masterplan guidance. This has been extensively discussed with the applicant and some corner turner units are now in the layout, some are more successful than others. The Langford has inconsistent elevations and floor plans (for the utility room); an updated plan should be submitted.

2.37 Overall, the design and layout are supported and is largely in accordance with the Masterplan. Concerns remain about the amount of useable open space. I refer this concern to the Case Officer to make an overall balanced judgement for the application.

*2.38 Officer note: The additional brick detailing referred to in these comments and the amendments to the house type discrepancies have been addressed.*

#### 2.39 Biodiversity Officer and Landscape Architect

2.40 The above application is for the development of 310 residential dwellings and associated infrastructure and engineering works, creation of new access from A191 Rake Lane, creation of SuDS and open space on land at Murton, adjacent to Rake Lane. The site consists of mainly arable land with some field hedgerows and a small number of semi-mature broadleaf trees located within the hedgerow boundaries.

2.41 The site forms part of the South East character area as defined by the approved Murton Gap strategic site Masterplan and Design Code which provides a framework for the delivery of housing, infrastructure and strategic landscaping across the site. The site fronts onto Rake Lane, located directly north of Rake House Farm and covers an area of approximately 15.9 hectares (ha) of predominantly agricultural land. It is divided from south west to north east by a hedgerow and a few individual trees. The site is also separated from Rake House Farm by a hedgerow. The proposed development will include highways



improvements to Rake Lane and an internal loop road which will provide access to development land to the north which is to come forward in a later phase. The loop road runs from a new roundabout junction on Rake Lane to the south east and through the development linking to the land north of the site. North Tyneside General Hospital lies beyond Rake Lane to the south of the proposed development.

2.42 The southern boundary of the site is designated open space and is identified as part of a strategic wildlife corridor that runs through the Murton Gap site connecting wildlife sites, open space and green infrastructure to the south with sites to the north in Backworth, Seghill and beyond.

2.43 The masterplan and the design code associated with this character area provides a framework for ensuring the delivery of the vision. It also sets out key policy and design objectives for the site. Any planning application needs to demonstrate that it meets the requirements of the Masterplan, ensure consistency and delivery of key policy and design objectives.

2.44 The character area is to be defined by landscape principles (section 8.1.4)

- Retain, protect and enhance existing landscape features and field boundaries.
- A wildlife corridor should be provided to the southern section of the character area to tie in with the Parkland and enhance planting to the eastern boundary of the development site.
- Easement buffer to the rear Monkseaton High School.
- Protect and enhance the existing tree group at Briar Vale.
- Provide an appropriate setting to Rake House Farm.

#### 2.45 Ecology

2.46 Chapter 13 of the submitted Environmental Statement (ES) sets out an ecological overview of the land proposed for development including a summary of survey results, impact assessments and mitigation proposals. This document is supported by an ES Technical Report (BSG 2019; updated 2021) which provides the details of surveys that were undertaken within the site between 2015 and 2017/18. This document provides details of survey's undertaken on this site as part of a wider survey of the whole Murton Gap area in 2015/16 and then updated in 2017/18 for the proposed development site. These include surveys or risk assessments for the following species:-

- Breeding Birds
- Bats
- Wintering Birds
- Badger
- Water Vole
- Otter
- Great Crested Newt

#### 2.47 Phase 1 Survey

2.48 Habitat mapping shows that the site consists of arable fields with species poor hedgerows and scattered trees. The fields are intensively managed with monocultures of cereal crops with field margins that are slightly more diverse. Hedgerows within the site are largely degraded due to a lack of any active

management and consist predominantly of hawthorn with a small number of semi-mature sycamore trees present within the hedgerow. A small number of semi-mature broadleaved trees are also located to the immediate south outside of the site boundary and a small network of ditches cross the site, none of which were found to be holding water at the time of the surveys.

#### 2.49 Bat Surveys

2.50 Bat transect surveys were undertaken between April-September in 2015 and 2017 to ascertain the sites value to foraging and commuting bats. The surveys also included fixed point monitoring surveys where passive bat detectors are used to assess bat activity at two locations within the transect routes. No previous records of bats were returned for the area within the site. None of the semi-mature trees within the site or located within the land to the immediate south are considered to be suitable for use by roosting bats.

2.51 Walked transect surveys of the site recorded very low numbers of mostly common pipistrelle and soprano pipistrelle bats. These were found mostly along the southern boundary of the site close to hedgerows. Very occasional high-level passes by noctule bats and bats from the genus *Myotis* were also recorded during the transect survey. Passive monitoring recorded very low levels of mostly common pipistrelle bats commuting with occasional foraging activity. Overall, the level of bat activity within the site was considered to be low, taking into account the results of the transect surveys and the passive monitoring.

#### 2.52 Breeding Birds

2.53 Breeding bird site visits were undertaken on 3 occasions in 2015 as part of the wider Murton Gap site and in 2017 within the proposed development site. A breeding bird survey was also undertaken on arable land at Backworth which is proposed as an area for off-site compensation for farmland birds, to ascertain the sites existing ecological value.

#### 2.54 2015 Survey:

A total of 8 species of bird were recorded within the site during the breeding bird survey completed in 2015. Of these, four were considered to be holding territory either within the site or immediately adjacent to it. Of the species recorded as either breeding within or immediately adjacent to the site, one is included on the Birds of Conservation Concern (BoCC) red list:- these are two territories for skylark located within the arable crop. The remaining four breeding species are those listed as being of least concern and included within the BoCC Green List. These are whitethroat (1 territory), wood pigeon (2 territories), and magpie (2 territories). All five territories were located within boundary hedgerows. In addition, a further four species were also recorded during the survey but were not considered to be holding an active breeding territory within the site. These were; swallow; pheasant; carrion crow and great tit.

#### 2.55 2017 Survey:

A total of 12 bird species were recorded within the site during the 2017 surveys, of these, 7 were considered to be holding territory either within the site boundary, or in habitats which are immediately adjacent. Two of these species are included on the Birds of Conservation Concern Red List; skylark (4 territories) and house sparrow (1 territory). Skylark territories were located either within the arable crop

or areas of unmanaged field margin. The house sparrow territory was located within hedgerow along the south-western margin of the site. In addition, one of the species recorded as either breeding within or immediately adjacent to the Site is included on the BoCC Amber List - Dunnock (2 territories, both associated with hedgerow and associated habitats). The remaining four breeding species are those listed as being of least concern and included within the BoCC Green List (blackbird, wood pigeon, magpie and great tit. In addition, a further five species were also recorded during the survey but were not considered to be holding an active breeding territory within the Site. These were; swallow, herring gull, pheasant, carrion crow and rook.

#### 2.56 Off-site Compensation Land Bird Survey:

2.57 Breeding bird territories from within and the land immediately adjacent to the proposed off-site compensation area at Backworth recorded a total of 15 species during the breeding bird survey completed in 2017. Of these, 5 were considered to be holding territory either within the site boundary, or in habitats which are immediately adjacent, and one is included on the Birds of Conservation Concern (BoCC) Red List; Skylark *Alauda arvensis* (2 territories). Skylark territories were located within the arable crop and areas of unmanaged field margin. No species of amber conservation concern were recorded within the compensation site, or in land immediately adjacent to it. However, four species of least, or green, conservation concern were recorded. These were wren, jackdaw, magpie and whitethroat. All green listed species were recorded within the boundary vegetation. In addition, the following species were considered to be nesting in land to the west, but outside of the compensation land boundary: Yellowhammer (one territory), skylark (one territory) tree sparrow (between 1-3 territories nesting communally), sedge warbler (one territory), reed bunting (one territory), black cap (one territory) and wren (one territory).

#### 2.58 Wintering Birds

2.59 Wintering bird site visits were undertaken on 12 occasions between October-March in 2015/16 as part of the wider Murton Gap site surveys and in 2017/18, four visits were undertaken within the proposed development site.

#### 2.60 2015/16:

During the wintering bird surveys a total of thirty-one species were recorded of which the majority were widespread farmland and rural fringe species: Wood pigeon, starling, magpie, chaffinch, carrion crow, common gull, jackdaw, feral pigeon, pheasant, house sparrow, black-headed gull, grey partridge, skylark, goldfinch, linnets, blue tit, chiffchaff, pied wagtail, blackbird and green woodpecker.

#### 2.61 2017/18:

During the wintering bird surveys completed in 2017/18 within the development site, a total of twelve species were recorded including wood pigeon, feral pigeon, magpie, dunnock, robin, carrion crow, jackdaw, blackbird, fieldfare *Turdus pilaris*, blue tit, great tit, and pheasant. The largest aggregations of birds were recorded for pigeon species: Wood pigeon and Feral pigeon. The surveys found no evidence that the site is used by wader species. Small assemblages of waders were recorded in the Wider Murton Gap strategic site; however these records were all recorded over 1.5 km to the north-west of the site

## 2.62 Other protected species

2.63 No waterbodies were found within the site or within 250m of the site boundary that would support Great Crested Newt and the terrestrial habitat within the site, which is dominated by arable farmland, is sub-optimal for this species. No evidence of otter or water vole activity was recorded during the walkover surveys and the ditches present within the site were assessed as sub-optimal for these species. No evidence of badger was recorded within the site during the 2015 and 2017 walkover surveys. It is therefore concluded that badger is not resident within the site and, if present, is a rare visitor. No evidence of any other notable or protected species such as brown hare, red squirrel and European hedgehog has been recorded during the field work undertaken. Habitats suitable for red squirrel, namely well-connected broadleaved woodland are absent from the site. Habitats suitable for use by brown hare and hedgehog are present but no evidence of either species was recorded.

## 2.64 Mitigation

2.65 Mitigation measures for the ecological impacts of the scheme have been provided through an on-site landscaping scheme and an off-site compensation area for farmland birds. These measures are detailed within the Net Gain Assessment Report, Backworth Off-Site Compensation Management Plan and Landscape Strategies. Additional measures such as bird and bat boxes will also be provided for wildlife. These measures will be secured through planning conditions and a S106 legal agreement.

## 2.66 Local Wildlife Site (LWS) Impacts

2.67 Chapter 13 of the ES states that there will be impacts on a small number of designated wildlife sites (Local Wildlife Sites) during the occupational phase of the development as a result of the recreational pressure likely to arise from an increase in population. This is assessed as being an adverse impact on designated sites significant at the local level.

2.68 The measures proposed to mitigate these impacts is the on-site mitigation that will be achieved through the “*suitable recreational alternatives within the on-site landscaping*” and “*links to the local PRow network*”. These are measures proposed as part of the wider Murton Gap ‘Green Infrastructure Strategy’, the detail of which, has yet to be agreed. Without this detail and assurance that the full impacts of the Murton Gap scheme can be adequately mitigated, the present application will be creating impacts (such as recreational impacts on designated wildlife sites outside of the site) until the green infrastructure stated above has been provided for residents to use. As a result of this, the applicant has agreed to a financial contribution that will ensure that, in the interim period, those sites in close proximity which are likely to be impacted in the short term, can be managed to address increased footfall and recreational pressure in that period. If the Murton gap site failed to be delivered in the long term, the contribution makes provision for the long-term management of these sites.

## 2.69 Backworth Off-site Compensation Plan

2.70 An off-site Compensation Plan for land at Backworth has been submitted to address farmland bird impacts associated with the scheme. The site is approximately 21.2ha and will provide measures to build capacity within the site

for farmland birds in perpetuity. This includes 15m wide species rich field margins, a beetle bank, hedgerow gapping up and enhancement, skylark plots and a field that will be subject to rotational cropping. The general objectives and farmland bird measures proposed within the Plan are considered acceptable, however, there is a lack of detail with some aspects of the document in relation to habitat creation and monitoring, which will need to be incorporated into an approved final detailed management plan to ensure it is acceptable. The applicant has been advised about the areas of the Plan requiring further detail, however, the overall principles of the document are acceptable, and these additional details can be provided as part of the off-site compensation legal agreement for approval.

### 2.71 Biodiversity Net Gain

2.72 A Biodiversity Net Gain Assessment has been undertaken in accordance with the DEFRA Metric 3.0. This assessment includes baseline habitat assessments for the proposed development site and the off-site compensation land based on habitats that will be lost/retained. It also includes post-development assessments for these sites based on habitat creation and enhancement. The report indicates the extent of habitat creation within the development site (as detailed on Landscape DWG No: 5796-99-001) and includes broadleaf woodland, neutral grassland, mixed native scrub, SUDs and native hedgerows. Habitat creation and enhancement within the off-site compensation land at Backworth includes the creation of species rich grassland (field margins & beetle bank) and the enhancement of native hedgerows. The assessment indicates an overall net gain for habitats of 29.55% and a 575% net gain for hedgerows. This demonstrates that the scheme will deliver a biodiversity net gain in accordance with Local Plan Policy and the NPPF.

### 2.73 Bird Hazard Management Plan

2.74 The above Plan was requested by Newcastle International Airport Limited (NIAL) in their consultation response to the housing scheme. As part of the drainage infrastructure and landscaping for the proposed development, there is the potential to attract birds into an area which may potentially bring them into conflict with aircraft using the airport to the northwest. As a result, these risks need to be assessed and measures proposed to reduce any risk to an acceptable level.

2.75 The report concludes that the range of bird species that have been identified within the proposed development site and in the wider area occur in relatively small numbers and are mostly species that form small social groups, therefore, it is unlikely that the range of species and the number of birds that are present will increase as a result of the development of the site. As the water storage area will not hold water permanently and will empty quickly after rainfall events, it is unlikely that this area will attract significant numbers of birds and there are no large waterbodies or landfill sites in close proximity that could be used by large flocks of birds, which might then commute to and from the site.

2.76 Landscaping has been designed in accordance with the NIAL guidance, therefore, is unlikely to attract large numbers of birds that will commute to and from bird attractant sites and the likelihood of an impact occurring has been assessed as very low. The presence of bird species that are unlikely to form

large flocks leads to the conclusion that impact severity is also very low due to the small number of birds that is expected to use the site. The overall bird strike risk is therefore assessed as low.

2.78 Section 4 of the Plan includes habitat management and deterrent measures that will be employed as part of a 'Bird Risk Management Plan' within the site. These measures should be conditioned as part of the application.

#### 2.79 Arboricultural Impact Assessment (AIA)

2.80 An Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Hedge Protection Plan has been submitted (June 2018) by Elliott Consultancy Ltd. The report has been undertaken in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition & Construction' which includes a tree survey and constraints report. The AIA provides arboricultural information and advice in relation to the proposed development of the site to provide residential dwellings, access roads, and other infrastructure. It also includes a summary of the design proposals and their impact on the current tree and hedge population. The AMS provides a method statement that details all measures recommended for tree and or hedge protection including any special construction measures to be utilised.

2.81 Overall and in relation to this application site, tree cover is minimal with only occasional small bushes (remnants of previous hedgerows or self-seeded scrub). All significant trees and hedge cover in this area is located adjacent to Rake Lane, on the boundary of the site, and within an area of highway verge. None of the trees on the site are protected by a TPO or located within a conservation area. They are however an important feature in urban landscapes and make a significant contribution to the character and quality of our landscape as well as offering a 'sense of place' and amenity with regard to the general public's interaction and enjoyment of the immediate and wider area. The retention and protection of trees is detailed within the Local Plan policy DM5.9.

2.82 The impacts associated with the scheme are:

- Loss of trees and hedges due to the construction of the new roads, dwellings, and infrastructure, and
- Damage to trees and hedges due to the construction process.

The proposed new roundabout and SUDs ponds will necessitate the removal of Hedgerow 9, and Tree Group 6 (on adjacent highways land). The construction of the dwellings will require the removal of all small bushes and hedge remnants within the red-line area. Tree loss within Group 6 includes the removal of young and semi-mature trees including Sycamore, Rowan, Horse Chestnut, and Lime. These small groups have limited stature at present and, although considered to be of moderate quality, their value lies with their future contribution to the landscape rather than at present. As such the removal of these trees will have only limited arboricultural impact which can be adequately compensated for by new tree planting. Hedgerow 9 is a remnant hedge section which is no longer managed and is breaking up further due to the presence of more dominant Elder etc. The loss of this hedgerow section is not considered to be a significant arboricultural impact.

2.83 With regard to any damage to retained trees during construction, the only retained hedgerow located close to the proposals is the boundary hedge around Rake House Farm (Hedgerow 8). This hedge can be protected during the construction process by the installation of appropriate protective fencing detailed within Appendix 7 of the report.

2.84 Tree protective fencing and its location has been specified and indicated within the report.

### 2.85 Landscape Scheme

2.86 A Landscape Masterplan (DWG No: 5796-99-001 Revision F) has been submitted for the scheme that includes a landscape buffer to the south of the housing site incorporating SUDs features (swale and attenuation basins), woodland, scrub, hedgerow and wildflower grassland habitats. A number of small areas of public open space (POS) have been included within the built form of the development. The landscape buffer to the south forms part of the strategic wildlife corridor that runs through the Murton Gap site and provides new habitats to ensure the strategic wildlife corridor is enhanced, biodiversity net gain is delivered and to meet the Murton Masterplan objectives for this part of the site. The southern landscape area is therefore dedicated for biodiversity benefit and is not designed to be used as public open space.

2.87 Detailed planting designs have been submitted in relation to the above masterplan DWG No: 5796-99-001 – POS CAD 1 & 2) with planting designed to ensure that access into the landscape buffer is restricted to minimise disturbance and ensure habitats do not become degraded. This has been achieved through the incorporation of woodland, scrub and hedgerow planting adjacent to any housing, roads and car parking bays, designed to be impenetrable, as well as hedgerow planting between any footpaths and the biodiversity buffer area to prevent access.

2.88 The landscaping scheme submitted is generally acceptable, however, there are some minor improvements which are required including the provision of a hedgerow between the path and the attenuation basins to the eastern section of the landscape buffer area to ensure access is restricted and the planting up of the roundabout for the new road and associated verges to improve visual amenity and biodiversity as these areas are currently shown as amenity grass.

2.89 These amendments can be provided as part of an updated landscape plan via planning condition.

2.90 The provision of open space within the development itself is limited. Insufficient open space within the development puts pressure on those areas set aside for habitat creation both within and outside the application site. The plans show public open space as isolated areas and a 'partial' area of open space has been shown that links with and an adjoining or future phase of the development. It is understood that this will be the central area of open space or 'village green' with accessible children play. The size of the area given over to this is potentially very small in relation to the overall development and lacking in connectivity to the wider development. It was hoped that these areas would be better connected which in turn, benefit the wider community, deliver opportunities for outdoor

recreation, provide an enhanced setting for the development and develop a sense of place and local distinctiveness. The Council attaches great importance to the provision of good quality green space in connection with new housing developments. However, the requirements or standards for providing open space per housing units are flexible and to ensure connectivity between the open spaces, a condition has been proposed in relation to the submission of a fully detailed landscape plan to incorporate street trees and grass verges along 'secondary' routes in accordance with the Murton Design Code and the revised NPPF (para 131) to ensure visual connectivity of open spaces within the development.

#### 2.91 Coastal Impacts - Habitat Regulations Assessment

2.92 A 'Report to Inform a Habitat Regulations Assessment' has been submitted to enable the LPA to assess the potential impacts of the scheme on the Northumbria Coast SPA and Ramsar site in accordance with the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) and to undertake a Habitats Regulations Assessment (HRA).

2.93 The Northumbria Coast SPA and Northumbria Coast Ramsar site are both 3 km to the east of the Site. The residential development will consist of 310 dwellings resulting in an increase in residential population. The HRA has identified likely significant effects that may arise as a result of disturbance from an increase in recreational activity (dog walking) on the interest features of the Northumbria Coast SPA and Ramsar sites. In order to mitigate these impacts, the applicant will pay a financial contribution towards Coastal Mitigation in accordance with the North Tyneside Council Coastal Mitigation SPD (Supplementary Planning Document).

2.94 Based on the information submitted and the proposed mitigation measures set out in Section 6 of the Report, it is considered that the proposed development will not have an adverse effect on the integrity of the Northumbria Coast SPA/Ramsar site. The financial contribution towards a coastal mitigation service will provide full mitigation for any impacts arising from the development.

#### 2.95 Green Infrastructure – Murton Gap Masterplan

2.96 The development site is an integral part of the wider Murton Gap Strategic Masterplan which has been formally adopted by the Council and provides a supplementary planning document to support policies and proposals set out within the North Tyneside Local Plan. This document was approved by members after extensive public engagement; therefore any planning application needs to demonstrate that it meets the requirements of the Masterplan, ensuring consistency and delivery of key policies and design objectives.

2.97 Green infrastructure is a key design objective of the masterplan and the design code which provides a framework for ensuring the delivery of the vision and therefore, is a material consideration in determining the planning application. Section 9 of the Murton Gap Masterplan looks at delivery of the scheme mentioning that *'any part of the site is dependent upon securing the full infrastructure requirements of the site as a whole, based upon an approximate capacity of 3,000 homes, and other facilities'*. Section 9 further states that *'applicants are expected to demonstrate how the proposed development would*



*contribute to the vision and development objectives for the site' and are asked to 'explain how the proposed development would fit together with, and help deliver, the wider Masterplan, including necessary infrastructure. Any application will need to be in line with a Comprehensive Drainage Strategy and Landscape Masterplan for the whole site'.*

2.98 Unfortunately, a detailed Green Infrastructure Plan has not been developed. A Green Infrastructure Plan is valuable in that it will identify and provide multiple benefits to the wider community by addressing surface water drainage, biodiversity, improvements to air quality and carbon reduction, recreation, and visual and amenity improvements to an urban landscape. A plan would allow the Council to understand what green infrastructure is proposed across the entire Murton Gap site and how the proposals for the current application would be integrated with the wider site. Therefore, the absence of a Green Infrastructure Plan is a concern as this application has been submitted in isolation of the wider Murton Gap development and Green Infrastructure Strategy. This site forms an integral part of the wider housing site and its overall impact on the Murton area should not be assessed in isolation. However, the application, as submitted, does provide a level of new landscape and habitat creation and planning conditions will ensure that a high-quality standard of design is achieved.

2.99 The following conditions should be attached to the application:

#### 2.100 Conditions

##### Tree Protection

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans (AIA and AMS including drawing no's ARB/AE/1847/TIP June 2018 submitted by Elliot Consultancy) 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 five 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 commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown on drawing ARB/AE/1847/TIP June 2018 (hedgerow 8) and detailed on unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority. Photographic evidence of the fence in place is to be submitted.

All works to be carried out in accordance with the Arboricultural Impact Assessment Arboricultural Method Statement Hedge/Tree Protection Plan and within the guidelines contained within BS5837:2012 and NJUG Volume 4. The

AMS is to form part of the contractor's method statement regarding the proposed construction works.

### CEMP

A Construction Method Statement/Construction Environmental Management Plan (CEMP) will be submitted to the Local Planning Authority for approval prior to development commencing. The contractor's 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 as 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.

### Lighting

Within each approved phase, prior to the 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. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. The lighting scheme 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 protecting residential amenity and protecting sensitive habitats within or adjacent to the site; and in the interest of aerodrome safeguarding having regard to policy DM5.7 and DM5.19 of the North Tyneside Local Plan (2017) and the National Planning Policy Framework

### Mammals

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).

### Birds

No vegetation removal or works to features (buildings) that could support nesting birds will 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

### Bird Hazard Management

All measures outlined within Section 4 of the 'Bird Hazard Management Plan' (BSG Nov 2020) will be undertaken during the construction and operation phases of the development in accordance with the Plan.

### Badger

Within each approved phase and prior to any works commencing on site, an updated checking survey for badger shall be undertaken and, if required, a Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out in full accordance with the agreed Method Statement, if required.

Reason: This information is required from the outset in the interests of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017

### Bird

Within each approved phase, prior to the commencement of any part of the development hereby approved above damp proof course level, details of 31no. bird boxes (various designs) 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 first 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).

### Bat Boxes

Within each approved phase, prior to the commencement of any part of the development hereby approved above damp proof course level, details of 31no. 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 first 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).

### Hedgehog

Hedgehog gaps (13cmx13cm) will be provided within any new or permanent fencing within the scheme. Locations of hedgehog gaps shall be detailed on fencing plans and submitted to the LPA for approval prior to installation.

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).

### SUDS

Prior to the commencement of any development hereby approved detailed plans of the Sustainable Urban Drainage System (SUDs) must be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). The plan should include details of the size, depths, profiles and planting designs of any SUDs features such as ponds and swales. Thereafter, the wetlands/SUDs shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interests of aviation safety and to safeguard important habitats and species of nature conservation value having regard to the NPPF and policy DM5.7 of the North Tyneside Local Plan (2017).

### Pollution Control

Prior to the commencement of any development, a detailed Pollution Control Plan shall be submitted to and approved in by the Local Planning Authority. This scheme shall include a timetable for its implementation and detail pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to prevent contaminants entering adjacent/nearby watercourses having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

### LEMMP

Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the details set out within the Biodiversity Net Gain Report (BSG June 2021) and associated approved Landscape Plans and shall be implemented on site before the first occupation of any of the dwellings and thereafter for a minimum period of 30 years.

The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 30 years. Monitoring Reports will be submitted to the LPA for approval at agreed timescales and will include Net Gain Assessment updates to evidence the success of the scheme and Net Gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Reason: This information is required within the set timeframe in the interests of amenity and to ensure a satisfactory standard of landscaping and in the interests of biodiversity having regard to Policies DM6.1, DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

### Landscape scheme

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 for the application site shall be submitted to and approved in writing by the Local Planning Authority. Street trees and grass verges are to be incorporated along 'secondary' routes in accordance with the Murton Design Code and the revised NPPF (para 131) with the design altered if necessary, to accommodate this. The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the Biodiversity Net Gain Report (BSG August 2021) and shall include details of the following:

- Details and extent of all new habitat creation and landscape planting
- Details of enhancement of existing habitats
- Details of SuDs features and their planting details
- Proposed timing of all new tree, shrub and wildflower grassland planting and ground preparation noting the species and sizes for all new plant species
- New standard tree planting to be a minimum 12-14cm girth with street trees specified larger.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, 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 off-site farmland bird compensation site plan will be secured via a S106 legal agreement and will be worded in accordance with the following:

### Backworth Off-site Compensation Habitat Creation, Management & Monitoring Plan

Prior to any works commencing on site, a 'Compensation Land Habitat Creation, Management & Monitoring Plan' for a minimum period of 30 years, will be submitted to the LPA for approval. The Plan shall be in accordance with the habitat creation details set out within the 'Biodiversity Net Gain' Report (BSG August 2021). The approved compensation site will provide a 21.2ha area of land for the loss of farmland bird habitat within the application site (Murton gap) and will be provided as compensation habitat in perpetuity for this loss. The Plan will include the following:

- Details of habitat creation and enhancement, including 15m wide species rich field margins and minimum 5m wide beetle banks;
- Wildflower seed specifications and any other planting specifications;
- Interpretation Panel details;

- Details of the habitat management techniques that will be employed within the site for successful habitat delivery and to meet the condition criteria set out within the Net Gain Report (BSG August 2021);
- Details of the management company responsible for undertaking the habitat creation and management of the site;
- Details of habitat and species monitoring within the compensation site to ensure the successful delivery of proposed habitat features. Monitoring will include botanical surveys and bird surveys with details of survey methodologies and timings to also be included. Monitoring Reports will be submitted to the LPA for approval at agreed timescales and will include Net Gain Assessment updates to evidence the success of the scheme and Net Gain delivery;
- Details of corrective actions that will be undertaken if habitat delivery is unsuccessful, if planting fails or if monitoring demonstrates that habitat condition does not meet the objectives of the Plan and fails to support target bird species.

Habitat creation and compensation measures on the approved off-site compensation land shall be completed in accordance with the approved details prior to the commencement of construction works and the removal of farmland bird habitat within the housing application site at Murton Gap.

### 3.0 Representations

#### 3.1 Support

##### 3.2 One letter of support has been received.

The 318 residences is a very well thought out part of the overall project, with roads within the site serving the estate to modern standards, and links to Rake Lane, (a very busy highway all day), have no doubt been carefully considered.

-It will be a significant contribution to growing housing needs on Tyneside generally, and the progressive development of similar scale sections of the 3000 ultimate overall plans will be welcomed.

-I am aware that adjacent estates in Monkseaton took the view that such a large 3000 house development would swamp existing road traffic and public facilities. I find it unfortunate that people with their own homes, largely owner occupiers, do not recognise the vital needs of 'others' to have a suitable home. I request that this letter be taken as my support of the Rake Lane project, which I hope will be built in time for me to see it.

-Interested in buying a property when they start to build the houses.

#### 3.3 Objection

##### 3.4 83 objections have been received.

-Traffic congestion.

-Within greenbelt/no special circumstance.

-Adverse effect on wildlife.

-Impact on landscape.

-Loss of/damage to trees.

-Nuisance: disturbance, dust, dirt, noise.

-Precedent will be site.

-Will result in visual intrusion.

-Inadequate drainage.

-Out of keeping with surroundings.

-Loss of residential amenity.

-Loss of visual amenity.

- Not in accordance with development plan.
- Inadequate parking provision.
- Poor traffic/pedestrian safety.
- Affect character of conservation area.
- Inadequate drainage.
- Pollution of watercourse.
- Poor/unsuitable vehicular access.
- Affect setting of listed building.
- Affect Site of Special Scientific Interest.
- Inappropriate in special landscape area.

### Flood Risk and Drainage

- Green Belt land contributes towards natural drainage, so it is vital that we keep fields like this one to help prevent flooding of the type we are seeing more and more over recent years.
- Question the validity of the flood risk assessment: section 2.2 (and throughout) refers to the adjacent "Monkseaton Community College" - does the consultant actually know / have they actually even been to the site?
- This has been treated as a site with "greenfield runoff" for the purposes of the FRA - anyone with local knowledge would tell you that these existing fields shed water in a similar way to an area of hardstanding during periods of heavy rainfall. This raises serious concerns that this report has been developed without appropriate due diligence, and therefore the proposed development is seriously at risk of increasing the risk of flooding to the surrounding areas.
- It is concerning that a private company, funded by annual management payments on a by plot basis, will be relied upon for the maintenance of the SUDS proposed. What's the comeback going to be if these are not maintained, and flooding results off site in neighbouring areas? Who bears the responsibility for the future flooding off site, as a result of increased runoff from this site?
- Section 10.7 of the FRA makes reference to the future development, and allowance for connections - how has this been factored in? What assumptions have been made about the further development to inform the pipe size of 225mm for future connections?
- Section 10.23 of the FRA suggests that in order to protect the new development from flooding itself a ditch will be dug to direct flows from the west to the watercourse to the north. Presumably this is the route that leads to the existing culvert under St Annes Court, which has suffered from inundation and resulted in surface water flooding in the past. Why is this being allowed? Why are the needs of existing residents being put secondary to this new development?
- Section 11.3 concludes that there is a low risk of surface water flooding. From recent local experience I would contest this: again, how confident are the NTC engineers, or NWL, about the validity of this FRA?
- Section 10.10 states that the surface water from the site "flows directly to the coast" via the Rake Lane surface water sewer. It does not. The water flows to the lake in Marden Quarry Park but nowhere is there a reference to this in the many documents listed in the application. A similar misdirection was given by the case officer in the Planning Committee report for the Briar Vale scheme (Ref: 16/01956/FUL). Marden Quarry Park is an asset owned by NTC following its transfer from the Duke of Northumberland in 1972 for 'leisure and recreation' since then it has been developed using investments from a variety of sources. The Briar Vale flood prevention scheme submitted in an application by NTC uses

a storage basin or 4500m<sup>3</sup> (changed from 6500m<sup>3</sup> as summarised in planning application 16/01956/FUL). The Briar Vale flood prevention scheme uses a 6500 m<sup>3</sup> "dry storage basin" from which the flow is limited to 150 l/s. The latter flow rate alone would raise the water level in the lake by 10 cm in less than 3 hours were the outlet from the lake blocked as it often is. The scheme uses the same surface water sewer water that feeds water into the lake. NTC have described the lake as a "balancing pond" but this function has been further undermined by the outlet sluice gate (a penstock weir gate) having been raised by an estimated 7-10 cm in September 2017 and jammed in that position.

-NTC has failed to maintain the sluice gate in working order and failed to keep the lake outlet entrance clear of the floating debris (largely vegetation) responsible for the blockage of the outlet. As a result, the lake has frequently flooded the lake boundary even without storm water, as it has done in earlier years (before the sluice gate was raised).

-Following a formal complaint about the flooding of the boundary of the lake, in a letter, dated 01.11.2016 NTC stated: "The Council has been working closely with Northumbrian Water as they have undertaken their considerable investment in upgrading the sewerage system serving North Cullercoats. As part of our partnership working, consultants commissioned by Northumbrian Water have provided the Council with a repair solution. This involves replacement of the outfall structure. Construction of this is now in the process of being procured via the Council's asset management team". Earlier, on 01.06.2016 the following statement was included in a report by an NTC dealing with the formal complaint: "There have been difficulties with the operation of the sluice gate in recent years culminating in the mechanism becoming fully jammed. It is clear that the sluice gate has reached the end of its serviceable life. Work was undertaken in Autumn 2015 to partially free the mechanism is a temporary solution. As part of the Burnside Road Flood Relief Scheme the intentions are to replace the structure with one that is new and more fit for purpose. This work will be undertaken in June/July 2016. This update addresses Recommendation 3 in my response of 1 February where I suggested that an update on the future of the sluice gate be provided."

-As Marden Quarry Park is also a nature reserve the NTC Local Plan policy DM5.2, Protection of Green Infrastructure, applies but is not referred to in the planning application. As the park is NTC's asset, it should take the required measures to protect the park from flooding. This would not only require the replacement of the outlet structure but the raising of the boundary by at least 30 cm, an increase in the balancing pond capacity to cope with the present and foreseen flow from the whole of the Rake Lane surface water sewer catchment. At the time of submitting this objection full details on the compliance with the 15 conditions imposed on the Briar Vale scheme planning application have not been provided in response to a Freedom of Information request, yet the scheme was announced as being completed in February.

-Additional, related information has been provided in an application to discharge the planning conditions for the Briar Vale flood prevention scheme made after the scheme was completed. This is referred to in my response sent to the NTC Planning Manager in May 2019 in the form of two documents, Marden Quarry Lake Drainage and comments on discharge of conditions. Links to the two documents are also to be found at the bottom of the webpage that provides some additional information about flooding in Marden Quarry this year, in a posting updated most recently on 23 July.



-In August 2017 an application was made on behalf of the Murton Gap Consortium to NTC for an Environmental Impact Assessment Scoping Opinion (17/01250/EIASCO). The response was in the form of a Scoping Opinion (09.10.2017). This included section 6, covering drainage, and includes the statements:

“The ES should contain a Flood Risk Assessment to demonstrate how surface water will be managed and how surface water would be attenuated to prevent flood risk using a sustainable drainage approach.” and “It will also need to include details of how the development can be built to ensure that flood risk is not increased at the site and elsewhere...” The submitted FRA and Drainage Assessment refers to the “Broad Scale Flood Risk Assessment and Drainage Strategy” report produced by Capita for NTC in 2015. This earlier report divided the Murton Gap site into two parts, the Primary Catchment (northern) and Secondary Catchment (southern) and provided storage basin (pond) estimates to limit the flows to surface water sewers owned by NWL to 340 lps and 169lps respectively. The strategy described is summarised in two paragraphs from the section of the report with the title, “Summary and Flood Risk Mitigation – Recommendations” and are reproduced below:

“A drainage strategy was developed for the site that took the planned flood risk mitigation scheme into account. To reduce surface water runoff generated from the site surface water attenuation features were sized based on restricting post-developed flows to less than Greenfield runoff rates. This approach restricted the allowable discharge rate from the Primary Catchment to 340 lps and the Secondary Catchment 169 lps, a reduction in runoff rate over Greenfield conditions by 42% and 50% respectively.” “The sizing of attenuation features was undertaken based upon managing surface water runoff from the site up to a 1 in 100 year return period (plus climate change) event. In accordance with these criteria, an attenuation storage volume of 40, 500m<sup>3</sup> for the Primary Catchment and 24, 000m<sup>3</sup> for the Secondary Catchment.” Thus, the flow to NWL’s Rake Lane sewer would be somehow restricted to 169 lps. An explanation needs to be provided as to how the surface water drainage from the whole of the Secondary Catchment of the Murton Gap site plus that from the catchment area to the south boundary with Rake Lane can be accommodated by the balancing pond in Marden Quarry, without flooding its boundary.

-Missing from the current application is a drainage assessment for all three prospective housing developments for the requirement for the whole Murton Gap site. The current planning application refers to a site area of 15.9ha with a developed area of 12.5 ha whereas the Secondary Catchment area is 90ha. It should be possible to make an appropriate estimate of the developed area for both Primary and Secondary Catchment areas even before the expected further planning applications are made by the other Murton Gap Consortium members. Thus, the requirement for surface water drainage may be anticipated with the aid of NWL, bearing in mind that discussions have been taking place between the consortium and NWL for more than 5 years now.

-Regardless of proposed mitigation, the increased surface area of roads, hard-standing and roofs as a result of the proposal will reduce the permeability of the ground, thereby increasing the risk of flooding in lower lying areas to the north and east of the proposed development site. It should also be noted that the location of proposed attenuation basins on the development site will not adequately mitigate the risk of flooding to other parts of Murton Gap and the existing residential areas that surround it over the life of the development; the

situation of the basins on the south east of the site does not prevent surface water run-off in other directions, notably in the direction that the land falls away further north and east.

-The application also makes clear that during the construction phase, the flood risk of increased surface water run-off is “severely adverse” yet the proposal does not provide sufficient detail as to how this risk will be mitigated, other than by the use of sustainable drainage systems (“SuDS”) and a management plan, with no information provided to explain how either measure will satisfactorily deal with the increase in flows associated with the proposal.

-Further, the proposed mitigation measures outlined in the application do not sufficiently incorporate the future impacts of climate change. Assumptions in relation to the required capacity of attenuation basins are based on historical data with an arbitrary uplift applied, which is unlikely to sufficiently capture the reality of climate change in the UK, where flood events will be both more frequent and severe in future, with subsequent impacts far more significant.

-The approach to assessing this planning application must incorporate the cumulative impacts of all future development on the Murton Gap site on surface water run-off and drainage capacity during the lifetime of the development. These impacts will see large areas of the Murton Gap site developed, resulting in significant areas covered by roads, hard-standing and buildings, reducing the permeability of the ground and dramatically increasing surface water run-off and flood risk. At present the proposal makes no attempt to address the ultimate cumulative impact of all development across the Murton Gap site on flood risk, to which the proposed development will contribute.

-The North Tyneside Local Plan states, in policy DM5.12 Development and Flood Risk, 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.”

-The North Tyneside Local Plan also states, in policy DM5.13 Flood Reduction Works, that “Where development is proposed, and where it is deemed to potentially impact on drainage capacity (either individually or cumulatively), applicants will be expected to contribute to off-setting these impacts and work with the Council and its drainage partners to ensure any works are complementary to wider plans and fairly and reasonably related in scale and kind to the proposed development”.

-Considering the above, the proposed development is contrary to North Tyneside Council’s Local Plan policy DM5.12 as the application does not satisfactorily demonstrate that flood risk will not increase as a result of the development, nor does the application sufficiently take account of the impact of climate change over the lifetime of the proposed development.

-In addition, the proposed development is contrary to North Tyneside Council’s Local Plan policy DM5.13 as the application does not offset the impacts on surface water run-off or drainage capacity that the development would have, nor does the application sufficiently consider its impact in the context of the site’s cumulative effects on surface water run-off or drainage capacity over the wider Murton Gap strategic site.

- The revised plans do not sufficiently address or mitigate the flood risk associated with this site. Increased flood risk from surface water run-off during both the construction phase and when the proposed development is complete persists.

-In June this year, Monkseaton High School which is adjacent to the north east of the development site was closed for a week due to flooding caused by heavy rain and the associated surface water runoff from the proposed development site. This serves as an example of the risks pertaining to this site, even before factors such as climate change and the increased hardstanding, roof area and concrete associated with the development are considered. The proposal remains contrary to LP DM5.12 and DM5.13.

### Highways

- The plans make no improved provision for vehicular access other than Rake Lane, which is already grid locked at busy periods.
- Do the planning department bother to ask roads/traffic/infrastructure to see if such a development plan, may have any impact on the current infrastructure of the area in question.
- At peak times this road, together with Seatonville Road, is subject to anywhere between 1 and 2 mile tailbacks, every single day.
- Existing issues accessing Seatonville Road from Grindon Close via Burnt House Road. The Council has not bothered to re-do the yellow cross area, enabling drivers to turn right, and nine times out of ten, vehicles on Seatonville Road ignore the direction. That is the situation now.
- New infrastructure needs to be put in place before the council goes blasting ahead agreeing new housing developments, no matter where they might be. Within two or three years of completion, all access roads end having to be widened at fantastic expense i.e. Holystone.
- The traffic around this area is terrible at peak times and throughout the weekend. A potential 300-600 cars into the mix will for sure add to delays suffered by residents.
- Taking into account this is the start of a greater plan to add 3000 homes to the site will make the area far less desirable. Imagine another 6000 cars trying to get to the A19 or A1058 on the current infrastructure.
- Credible plans should be submitted to build a bypass across to Monkseaton, dual Rake Lane all the way to the Cobalt and onto the A19 as well as through New York and Beach Road onto the A1058. These road and pavement improvements should be done first before any developments.
- It was confirmed by the "Traffic Modelling" carried out within the "Local Plan" for Murton Gap that Foxhunter's Roundabout is one of the worst for traffic congestion in the area currently operating at well over 100% of its design capacity. In addition, both the A191 at Rake Lane and the A192 at Seatonville Road are extremely congested and often at a standstill at peak periods.
- Suggest that the views of the Northumberland NHS Trust are sought to ensure that this hospital will continue to function without severe traffic and ambulance congestion and delay over the construction and completion phases.
- Within Chapter 5 Construction of the Planning Documents it is proposed that construction traffic over the 5 year period 2020 to 2024 will comprise HG Vehicles movements imposing 40 number - 2 way trips per day and cars and light goods vehicles imposing 200 number - 2 way trips per day all entering or leaving this single point access to the roundabout which also connects North Tyneside Hospital to the A191. This will offer only further severe traffic congestion and restrict hospital traffic movements.
- Chapter 9 - Significant Effects - Construction clauses 9.75-9.94; Residual Effects Construction Phase clauses 9.112 - 9.117 and Operational Phase clauses 9.118-

9.124 all requires a serious review as its repeated conclusions "minor traffic/other infringements or effects" are suspect and require detailed substantiation. It is recommended that additional road infrastructure is included in Murton Gap site within this Planning Application to include the A191 to Earsdon Link road, bridge over the Metro line and new or improved roundabouts at A186 at Earsdon to access the Shiremoor bypass and at A191 New York road all as defined within the Murton Gap "Local Plan". The construction of these roads included in the "Local Plan for Murton Gap" should be brought forward and be a condition, agreed and included prior to any Planning Consent to be afforded by NTC to these proposals.

-I do not agree with the conclusion of the Transport Assessment. Widening the roundabout outside North Tyneside Hospital is insufficient to cope with increased traffic from this development. Rake Lane, Seatonville Road, the A192, Shields Road and associated roundabouts are busy throughout the day. At the end of the school day there are often long queues of traffic around this area which combined with public transport, emergency vehicles and children walking home make driving very difficult. I cannot see how additional vehicles will not have a detrimental effect on air pollution, congestion and safety.

-Shared pedestrian and cycle space are not a solution and is an easy get-out of putting in effort to securing safety for all vulnerable road users.

-The road is wide enough to accommodate segregated cycle ways in both directions, completely separate from pedestrian footways. This would be in line with the active transport policy that the council are "actively" promoting.

-Entering and exiting the Dove Park Story Homes estate, which connects directly onto the current 3 armed roundabouts on Rake Lane can take up to 10 minutes on a morning and 20 minutes on an evening due to the sheer volume of traffic on rake lane blocking access. Adding an additional 4th arm will not solve this problem.

-The traffic impact report which supports this development is based on 2011 census information. Coastal residents know that there is been net population growth since then with so impacts will be underestimated.

-North Tyneside Planning Officers should discuss with Nexus or other, the provision of a Murton Gap metro station in accordance with the "Local Plan" This metro station should be tested and in full operation prior to release of the 318 dwellings for sale within this application.

-Technical Note by "Milestone" dated 20 Aug 2019 in particular Appendix 3 "Capita" dated 25 July 2019 Section 3 Modelling and Section 8 Junction outputs. Annex "A" Output Modelling pages 16/17 From the Table, Vehicle Queuing at Junctions, 4&5, Rake Lane, 8 Red Lion, 17, Park Lane, 18, Norham Road, 19, Rake Lane/Billy Mill Lane and, 20 North Tyneside General Hospital, queuing lengths and delay times are all unacceptable and in need of serious review.

-Section 3 "Capita" Figure 2 page 2 proposed road infrastructure for Murton Gap. The new roadway extension of Murton Lane from the Murton Gap road infrastructure to the centre of New York village at Westminster Avenue is not shown. (refer to "Local Plan") Is this an oversight or has this link road into New York Village been deleted from the planning application? I strongly disagree with this link road into New York village from Murton Gap future housing estate of 3,000 houses (which should be reduced in my opinion to at most 1,000).

-Drawing HIF/RDLN/01 Murton Strategic Link road. Reference Doc No 14-078N Transport Assessment Report Dec 2017. Planning proposal - Clause 4.54 p.47 fig 24 - A191 Norham Road roundabout, access to Murton Lane stopped up as

Fig 24. Objection. Without access to Norham Road roundabout to the west, this will require all New York residents' vehicles to enter/exit New York village only at Murton House roundabout to the east, or at Westminster Avenue which is unacceptable. It will isolate customers from the A191 to the Wheatsheaf Inn resulting in closure.

-Planning proposal - Clause 4.56 p47 and Fig 25 p 48 Proposed New York Road /Westminster Avenue junction changes. Westminster Avenue is an unclassified road with existing traffic calming measures to reduce traffic speed local to New York Primary School, assisting the safety of local school children. Objection. Upgrading Murton Lane to allow access into New York village from this 3,000 future capacity housing estate at Murton Gap alongside the proposed junction changes into Westminster Avenue will cause severe congestion in New York Village, risk the safety of school children at New York Primary School and require the demolition of New York Forge which is a Tyne and Wear reference HER 2149 Heritage Asset. This proposal is incompatible with the "Local Plan" NT11/12 clause 8 pages Heritage statement pages 24 -28 reference New York Forge". The Forge should be preserved and refurbished for future generations not demolished.

-North Tyneside "Local Plan" final Consultation Document issued to the public in November 2015 shows New York Road, Brookland Terrace in the village quote "a principal pedestrian and cycle route with local community connections only". Clearly under these planning proposals Brookland Terrace closed off to Norham Road roundabout, with proposed future access to the housing estate of Murton Gap with traffic calming on Westminster Avenue, traffic congestion on Brookland Terrace especially at Murton House roundabout at the top of Rake lane will suffer severe congestion if not traffic at a total standstill. Besides isolating New York residents to the village it will result in severe air pollution from vehicle exhausts. This congestion will also encourage a rat run through Hamilton Crescent from Westminster Avenue to Billy Mill Lane further risking the safety of local school children. Westminster Avenue was not designated a secondary highway route on the NTC Policies Map CIL/NTC/21 yet NTC show this route open to heavy goods vehicles on the consultation Murton Gap Master Plan. Explain how heavy goods vehicles will operate alongside traffic calming measures on Westminster Avenue thereby avoiding more traffic congestion and also at its junction with Norham Road?

-Suggested Improvement - Reference Murton Strategic link Road Drawing HIF/RDLN/01

Allow traffic access to/from the A191 New York road from the proposed Murton Gap housing estate only at Murton Lane/Norham Road roundabout to the west and from Murton Gap at Murton House roundabout or Devon/Falmouth roads junctions with Rake Lane to the east. Existing Murton Lane junction with Westminster Avenue would become a pedestrian/cycleway at the centre of New York village with adequate car parking next to the Forge for residents to reach local services and the post office assuring a village context not a congested and polluted rat run.

-Appendix 3, 4, and 5 need a full explanation. Executive Summary required to provide the Public with a full and comprehensive explanation of these appendices with conclusions. Appendix 4 is incomprehensible.

-Where is the flyover going or will there be only "air" traffic.

Biodiversity and landscape

-This development is the thin edge of a wedge, any development on this land should be avoided, the diverse wildlife found across the fields between Monkseaton and Shiremoor and across to Earsdon will be lost, and once it has gone, it doesn't come back.

-Errors in the ecology report submitted i.e. section 3.40 / 3.41 states that no evidence of hedgehogs was noted. We regularly have hedgehogs in the garden and street, why would they not be present in the adjacent greenfield site? Report does not mention presence of curlews or foxes which are also witnessed regularly.

-The Environmental Statement acknowledges the impact of the proposed development on biodiversity, through the direct loss of species currently using the site as well as the increased pressure the proposal will place on biodiversity across the Murton Gap site as a whole.

-Of most concern is the direct impact the proposal will have on Skylarks which currently breed on the site. The Skylark is a Red-Listed species of conservation concern in the UK, its population having decreased by 58% between 1970 and 2016. As a result, the Skylark is identified as a priority species (within the farmland birds category) in North Tyneside's Biodiversity Action Plan ("BAP").

-According to the ecological assessment carried out as part of the application, five pairs of Skylark bred on the site in 2018. These birds will be extirpated from the site as part of the proposal, although the applicant will seek to compensate for this loss at an alternative site. However, this approach is flawed for two reasons; first, the alternative site will already contain Skylark pairs at breeding densities close to capacity. Put simply, there will be no room for them. Secondly, prior experience suggests that despite assurances that the compensation site can be used in perpetuity, there is no legally binding mechanism to ensure this is the case. An area of Murton Gap was previously promised in perpetuity as compensation for Golden Plover and other farmland birds impacted by another development in North Tyneside. However, this area will now ultimately be built upon.

-The proposal will also result in increased pressure on biodiversity across Murton Gap as a whole through increased disturbance as a result of dog walking and recreational activity, as well as the impact of cats on local wildlife. Around a quarter of households have at least one dog, whilst one in five households owns at least one cat, therefore the 318 proposed dwellings are likely to result in a significant uplift in damage caused by pets (there is likely to be an additional 82 dogs and 57 cats in the area). The proposed development does not seek to mitigate these impacts sufficiently.

-The NPPF states, in paragraph 170 (d), that "Planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..."

-The North Tyneside Local Plan states, in policy DM5.5 Managing Effects on Biodiversity and Geodiversity, paragraph (d) that "Proposals which are likely to significantly affect...priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where...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 in paragraph (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”.

-It is clear that were this proposal to be approved it would be contrary to NPPF paragraph 170, as it fails to minimise impacts on or provide net gains for biodiversity.

-In addition, the proposal will result in the extirpation of a Red-Listed species of conservation concern and North Tyneside BAP priority species from the site, with the proposed off-site compensation unlikely to remedy this. The proposal is therefore contrary to the North Tyneside Local plan policy DM5.5. It should be noted that the benefits of this proposal do not outweigh its adverse impacts on the Skylark population and off-site compensation is to be used only as a last resort.

-The North Tyneside Local Plan states, in policy DM5.6 Management of International Sites, that “...Proposals that adversely affect an internationally designated site’s integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.”

-North Tyneside’s coastline lies within the Northumberland Shore Site of Special Scientific Interest (“SSSI”) which is designated for its nationally important numbers of wintering shore birds. In addition, the areas of rocky shore form part of the Northumbria Coast Special Protection Area (“SPA”) and Ramsar site, an internationally important bird site.

-Managing high tide roosts appropriately, including minimising disturbance, is needed to secure the favourable conservation status of the SPA and SSSI.

-The proposed development will result in the creation of an additional 318 households and around 800 additional residents who will likely choose to live at the development at least in part due to its proximity to the borough’s coastline. This will clearly result in increased pressure and disturbance at the Northumbria Coast SPA (Special Protection Area) and Ramsar site.

-The Environmental Statement suggests that the impacts of this additional disturbance will be mitigated through the provision of Suitable Accessible Natural Green Spaces (“SANGS”). However, there is no empirical evidence that this will reduce visitor pressure on the SPA and Ramsar site, nor can there be any guarantee that new residents will use alternative open spaces for recreation given the fact that people choose to live in this part of North Tyneside specifically because of the accessibility of its coast line.

-Were the proposed development approved, it is highly likely to result in adverse impacts on an internationally designated site, the effects of which could not be adequately compensated. Given that there are alternative sites in North Tyneside for development and that there are no imperative overriding reasons for development in this location, the proposal, if approved, would clearly be contrary to Local Plan policy DM5.6.

-In recent years housing development across North Tyneside has driven the sustained loss of the borough’s remaining open farmland habitats. This has had a deleterious effect on the species that use these sites and has exacerbated the fragmentation of wildlife populations in North Tyneside, hindering the movement of species around and through the borough.

-This loss of connectivity renders wildlife populations increasingly fragile and in some cases, will ultimately place in doubt the long-term viability of those populations. Wild plants, animals and fungi need to be able to move and disperse

across the landscape for many reasons, but fragmentation reduces the capability for species to move. Isolated species groups may interact with each other to maintain their genetic health. Some plants and animals live in patches which can only support a certain size of population and depend on the movement and interchange of individuals for their survival. Dispersal is an inherent strategy for many species to find new habitats to increase their distribution and abundance. However, many species appear to be poor at moving around the landscape, making connectivity a crucial factor.

-The NPPF states, in paragraph 170 (d), that “Planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...”

-The North Tyneside Local Plan states, in policy DM5.5 Managing Effects on Biodiversity and Geodiversity, paragraph (a), that “All development proposals should...minimise fragmentation of habitats and wildlife links...” and in paragraph (b), “Maximise opportunities for connection of natural habitats”.

-The North Tyneside Local Plan also states, in policy DM5.7 Wildlife Corridors, 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”.

-The proposed development will clearly cause the further loss of connectivity for wildlife in North Tyneside, being situated within a key strategic wildlife corridor designated in the Local Plan. More specifically, the location and footprint of the proposed development impedes the site’s use as a wildlife corridor by any non-avian species. In addition, the alteration of the habitat characteristics of the site that the proposal will necessitate, and the fact that the proposal makes no provision to maintain at least some porosity within the development site (i.e. a ‘reasonably wide’ corridor of undeveloped land featuring a sufficient number of different habitat types) to allow wildlife to pass through, means that connectivity will be further impaired.

-The proposed development is contrary to North Tyneside Council’s Local Plan policy DM5.7 given that it does not take account of and incorporate existing wildlife links. The proposal is also contrary to Local Plan policy DM5.5 (a) and (b) given that it does not sufficiently minimise fragmentation of wildlife habitats, nor does it maximise opportunities for connection of natural habitats. Were the proposal approved it would also be contrary to NPPF paragraph 170 (d) as it would fail to establish a coherent ecological network that was resilient to current and future pressures.

-As is acknowledged in the Environmental Statement, areas to the north east of the proposed development site have a high risk of surface water flooding caused by run-off from the arable farmland on Murton Gap, and given the historical frequency of flooding, the area has been designated a critical drainage area (“CDA”) by the Environment Agency. As the Environmental Statement also makes clear, the proposed development site contributes to a higher risk of flooding in other areas to the north east of Murton Gap.

-It will negatively impact upon a biodiverse area. It is an area rich in wildlife – ask anyone who walks the tracks alongside the fields as I do. There are many



varieties of wildflowers and grasses which attract a range of bees, hover flies, wasps and butterflies. The site is visited by many birds and some nest in the Hawthorn bushes. Curlews have been seen on the fields as well as a skylark. This is home to hedgehogs and foxes and at night bats fly over the area. How ironic that the children in the schools adjacent to the proposed build are learning about our need to protect pollinators, the fragility of eco-systems and the importance of maintaining wildlife habitats while their councillors are considering giving permission for the total destruction of one long established green belt habitat on their doorstep.

-No further information has been submitted to demonstrate how the anticipated adverse impacts to designated sites outside of the Murton Gap development site will be mitigated.

-The initially proposed on site mitigation measures are part of the wider Murton Gap 'Green Infrastructure Strategy', the detail of which has yet to be agreed. Without this detail and assurance that the full impacts of the Murton Gap scheme can be adequately mitigated, the present application will create impacts that have not been adequately mitigated as part of this application. The proposal, if approved, would continue to be contrary to Local Plan DM5.6.

-The additional information submitted has not addressed previous concerns around the extent and suitability of offsite compensation for skylarks and other farmland birds. Both the existing and additional areas of land proposed are already used by skylark as a breeding site and are likely to be already be at carrying capacity and therefore inadequate as mitigation. In addition, the proposed areas are unlikely to provide sufficient compensation for other farmland birds such as grey partridge which breed in winter on this site.

-Mitigation and compensation for skylark and farmland birds generally should be viewed strategically to ensure suitable land is provided for skylark and other farmland birds to mitigate impacts on the whole populations.

-At present the loss of this land is not sufficiently addressed or appropriately mitigated in the planning proposal and is therefore still contrary to LP DM5.5 and NPPF paragraph 170.

-The revised plans including the updated Landscape Masterplan still show insufficient detail and have not incorporated previous comments. These concerns include the inadequate buffer zone along the northern boundary of the site and the overly engineered swale which remains linear in nature. The scheme is also presented in isolation of wider landscape and strategic green strategy. As the proposed development site forms an integral part of the wider housing site, its overall impact on the Murton area should not be assessed in isolation.

-The revised plans show the wildlife corridor at the southern boundary has been reduced in width to circa 15m, rather than the 27m specified in the Murton Gap masterplan. This would be insufficient for wildlife using the corridor and is clearly out of line with the agreed Masterplan for the wider site. The proposal is therefore still contrary to LP DM5.5(a) and (b), as well as NPPF paragraph 170 (d).

#### Pollution and ground conditions

-Increased population will lead to more commuters and thus even greater congestion. As a result, air pollution will increase which will be detrimental to health. Given the current plans by NTC to consult on ways which to reduce poor air quality this development should not be given the go ahead.

-Traffic pollution and pollution from fires and stoves are an increasing health risk and again, need to be significantly reduced prior to considering increasing population density.

- The proposed site is well known for having mine workings beneath it, I'm concerned that no amount of backfill will ensure the ground (and surrounding area) is stable for the lifespan of the development.

-North Tyneside has recently been highlighted in the press as having poor air quality due to traffic pollution - how will this be helped by introducing additional cars on the roads?

-Vehicle pollution links to respiratory disease is proven and it is noted that there are a number of schools in adjacent areas to this congestion area which will impact more susceptible members of the community.

-The increase in the number of motor vehicles and vehicular traffic discussed above would also lead to an increase in carbon dioxide emissions and air pollution in the surrounding area, which is contrary to both the NPPF and North Tyneside Council's Local Plan and damaging to the health and wellbeing of residents.

-The Planning Committee must also consider the impacts caused by increased air pollution as it relates specifically to North Tyneside General hospital which is adjacent to the proposed development. Air pollution is responsible for up to 40,000 early deaths per annum in the UK according to a 2016 report by the Royal College of Physicians<sup>4</sup>, with the young, old and infirm most at risk. Clearly the additional air pollution that results from the proposal could well have a deleterious effect on the health of patients at the nearby hospital, for which no provision has been made in this planning application.

-Again, consideration should be given to the cumulative impact of all the eventual proposed development in the Murton Gap strategic allocation zone as it relates to air pollution, rather than just this proposal in isolation.

-It should also be noted that the proposal incorporates assumptions around emissions which are highly optimistic. The Environmental Statement assumes that concentrations of emissions (NO<sub>2</sub>, and other particulates) at sensitive receptor sites will be lower in 2022 following development than in 2016, which is a highly speculative and unlikely outcome. There is no explanation provided in the application as to what drives the lower emissions assumptions, when in reality these are likely to rise significantly as a result of development on the Murton Gap site.

-The NPPF states, in paragraph 170 (e), that "Planning...decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality..."

-The North Tyneside Local Plan also states, in policy DM5.19 Pollution 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 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...”

-For the reasons outlined above, it is clear that the proposed development is contrary to both NPPF paragraph 170 (e) and the North Tyneside Local Plan policy DM5.19.

-A BBC news report on 3/4/2019 showed the danger from the exhausts of slow moving or stationary vehicles especially to children. Additional slow-moving traffic will effect children at Monkseaton High School.

-I strongly object to this planning application to build 310 homes on this site because it will increase the air pollution around two schools and a street of homes. Rake Lane and Seatonville Road will inevitably be affected by approximately 500 more cars per day using them. Rake Lane services a hospital and Seatonville Road two schools. As the councillors well know, both of these roads are already very busy, especially Seatonville Road which is also residential. Many children have to use Seatonville Road to get to and from school. Unfortunately, their journeys coincide with the busiest times on that road when traffic is queueing with engines running, thus creating a high level of air pollution and putting the health of children at risk. The recent tragic death of a young girl from an asthma attack triggered by air pollution from traffic fumes emphasises the seriousness of this issue particularly for children’s health. Surely councillors who care about our children and the quality of life of the borough’s residents would be actively seeking to reduce air pollution on our roads not adding to it.

#### Other comments

-This objection is something of a waste of time and effort as the development will go ahead anyway, but I think the general feeling of the community is against the development on this land.

-Inappropriate to prioritise this site over other, more suitable sites in the area. Brownfield sites should be prioritised for building, with the Greenfield sites only given consideration when all other areas have been fully developed.

-This area of open space provides a natural break between Monkseaton and Murton Village. If the development is allowed there will be a high density of buildings which will be detrimental to the character of the area and a valuable area of green space will have been lost.

-Such increased urbanisation will turn the area into a conurbation. Instead planning permission should not be granted and such green areas should be protected at all costs.

- North Tyneside will become a concrete jungle. What a shame that would be considering the massive improvements made at the seafront. We have a unique landscape, with countryside and coast sitting neatly together. Why ruin it? You can’t undo these sorts of mistakes.

-I assume the Planning Manager will have some influence when addressing councillors at decision making time. Although, I may be completely wrong on this point. The majority of Councillors who will vote for this development, live nowhere near the proposed site.

-Accept that this green field site has been designated for future development despite numerous brown field sites being available, and which were probably never mentioned to the Planning Inspectorate i.e. Norham Road. Council tax

from this green field site will be greater than the not so desirable Norham Road. If the Council had any sense, they could achieve the affordable homes/social housing target in one development. But of course, that would not produce the revenue for Councillors to continue to enjoy their expense accounts.

-Loss of open spaces is occurring more and more in this borough, smaller brownfield development could produce the same number of dwellings, why is it necessary to create another concentrated housing estate with resultant impact on the residents.

-Decision makers live nowhere near this area.

-The Local Authority has serious shortfalls, when it comes to forward planning. The waste of precious money is astounding. If the funds were coming out of Councillors pockets, they would perhaps stop and think before blinding ahead agreeing to everything.

-I know this letter will probably have little if no impact to what North Tyneside Council does, yet Norma Redfearn tells us that she is the listening Mayor.

-I fully understand that Local Authorities have to have Planning in place for the future, but sadly, all too often, the easy options are adopted, and the voice of the existing residents/rate payers, are ignored.

-Of course the planning application is from Northumberland Estates, and the Duke of Northumberland will continue to maintain the Freehold of the land, and benefit from yet another tranche of ground rents, whilst awarding the low end developers to build shoddy housing, as in Northumberland Park.

-Poor build of housing from Story Homes Builder.

-The loss of a scenic agriculture is a shame, there is so much brownfield land acting as a dump, develop that first rather than destroying virgin ground. Land like this should be the very last resort in development.

-There is already difficulty in obtaining school places, and access to GP's as local surgeries are not currently accepting new patients.

-Far too close to a local primary school.

-There are plenty of empty properties so there is no need for extra housing.

-The developers benefit but no-one else. I know there are Local Plans but generally the public are ignored and there is a presumption in favour of developments so not a level playing field.

-Why does everything have to be built around this area, you have already blanketed, Shiremoor, West Allotment and Backworth area, why can't somewhere else in the borough take a hit for a change.

-No doubt NTC will rubber stamp through. Their idea of utopia seems to be concrete. Should they state a vested interest in a certain company.

-Most are not affordable housing.

-The application fails to comply with the North Tyneside Design Quality SPD which states that "Cycling and walking routes should be high quality and designed in line with the North Tyneside Cycling Design Guide". No serious attempt has been made to comply with this. Any proposed infrastructure does not meet the requirements for quality or density of provision. Meeting the requirements of the design guide could be achieved without additional hard landscaping across the development as a whole, the problem is one of design quality. This combined with already poor elements of the overall adopted masterplan such inadequate provision of local retail will result in high levels of private car use to the detriment of local residents and the local environment.

-Inappropriate for the area and sets a precedent for poor quality development, which will negatively impact on the existing area. It would also be nice if the views of existing residents were actually taken into account.

-I support the broad policy of creating affordable housing. However, although there is a national housing crisis, I am unpersuaded of there being an increase in population across the North East which would demand the level of housing being built. I am strongly opposed to the types of estates being created: detached "executive" homes of 3-5 bedrooms, with associated high price tags. No consideration has been given to the infrastructure for education, health provision or transport.

-Which school catchment will these new houses be in? There is no new school being built as part of this development, and the schools in Whitley Bay are already certainly oversubscribed. There are also no local amenities proposed: which shops, doctors' surgeries, dentists etc are these new residents going to be likely to use? Presumably they'd all hop in their cars to get to said existing schools / amenities? And therefore, increase the traffic congestion and pollution in the neighbouring areas?

-I am shocked that the Councillors would even consider allowing this. In this urban borough every piece of green space, open land, woodland and wilderness is precious. These are the 'green lungs' that help ensure our physical and mental wellbeing and that of future generations. It is also about the future of the planet and our duty to try and combat climate change by preserving our green spaces. Please Councillors, think again. For building purposes think renew, regenerate and replace not reducing green space.

-What provision is being made for doctors, nurseries etc?

### 3.5 Representations from Persimmon Homes Ltd and Bellway Homes Ltd

*3.6 Officer note: Members are advised that a further representation has been received from Persimmon Homes and Bellway Homes Ltd. This representation will be reported as an addendum to this report.*

### 3.7 Letter from Persimmon Homes Limited

Persimmon Homes fully support of the principle of housing on this site. Persimmon Homes, Bellway Homes, North Tyneside Council and Northumberland Estates have all worked positively over the past five years to realise the vision of the strategic allocation and development at Murton Gap. We have been aware for some time that a separate application would be forthcoming for the Northumberland Estates land and the principle of this is accepted by the wider development consortium, albeit we would have preferred that it was submitted alongside the application for the wider area.

Notwithstanding this the purpose of this letter is to raise issues of concern that need to be addressed to ensure comprehensive development occurs in accordance with policy and to help facilitate equitable infrastructure contributions and associated control arrangements. The application cannot in our opinion be determined until the issues raised in this letter have been fully addressed and to seek to do otherwise would be prejudicial to the delivery of the overall scheme.

### Masterplan/Policy Compliance/Strategic Matters

Following the adoption of the North Tyneside Local Plan, Persimmon Homes, North Tyneside Estates, Bellway Homes and Northumberland Estates all worked

jointly to assist in the production of the Murton Masterplan document which was adopted in December 2017. This document was the culmination of over 12 months work and was agreed by the wider consortium team. Specific consideration to the area adjacent to Rake House Farm was given during this process as it was of concern to local members. We are concerned that the agreed principles have not been adhered to with development occurring outwith agreed boundaries which has both physical and site wide viability implications.

In addition, section 9.1 of the Masterplan document sets a requirement for all application(s) to be in line with “a comprehensive drainage strategy and Landscape Masterplan for the whole site”. This requirement was set specifically to ensure that all the development came forward in a comprehensive manor to avoid piecemeal development. As far as it can be seen from the submitted material, no such comprehensive Drainage Strategy or Overall Landscape Masterplan appears to have been submitted which are key to ensuring comprehensive development is secured.

### Highways

All those involved in the project to date understand there is a maximum acceptable level of development accessible onto Rake Lane, prior to the opening of the Strategic link road the delivery of which is crucial to the comprehensive development of the site. Its implementation and delivery is complex, it is the subject of the HIF bid where control rests with the parties beyond the applicants control.

The intention of all parties thus far has been to ensure proportionate contributions are received to facilitate its early completion before which time tight restrictions would need to be placed upon the Phase 1 build areas. This is not simply a case of the applicant making a proportionate contribution as suggested in the application submission but about also ensuring build restrictions are in place until the road is open which is entirely outwith the control of the applicant. It is considered extremely difficult to achieve this without a scheme wide inter developers agreement aligning planning and commercial considerations to ensure delivery.

Whilst the application may be up and running, we trust that positive dialogue will continue to ensure that this comes to fruition which is crucial to scheme delivery.

### Ecological Impacts and SANG Delivery

The application before the Council sets out how it plans on mitigating its own ecological impact. This is done in isolation to the wider mitigation strategy being prepared for the full scheme.

Separate to the ecological mitigation requirements of the site however it is the policy requirement for the wider Murton site to deliver a SANG. This will and must (in accordance with the policy) be within the Murton site (within the redline boundary of the Masterplan). The application before the Council presently provides no SANG provision.

The delivery of this will be dealt with in a separate application. Similar to our comments above on highways it is simply not possible for the Council to accept a S106 contribution in lieu of the delivery of this SANG for two reasons.

Firstly, because in its S123 list of its CIL the Council includes SANGS as an item to be paid for under the CIL, as such no S106 monies can be levied in its place. The only exception to this is on site provision within Murton Gap (On site provision is not being provided as part of this application). As such no payment can be requested by the Council towards this provision. Secondly, notwithstanding the above, as the land being used for the SANG falls outwith the control of the applicant and the Council, it is not possible to guarantee delivery of the SANG which must be designed, consented and implemented by others. This is a further element that needs alignment between planning and commercial considerations if pre commencement Grampian conditions are to be avoided.

#### Housing Numbers and Site Wide Viability

It has been agreed by all parties working on the project that the initial applications for the site's development do not exceed a total of 3000 dwellings.

For the reasons outlined above it is evident that this application takes a greater proportion of the development land and associated housing numbers, than shown on the Masterplan as approved. This has the effect of reducing the wider site capacity and will impact upon viability. Again, this is a matter where planning and commercial matters need to be aligned before any planning permission is granted.

As stated above, this letter is written with the express purpose of seeking to resolve issues and ensure a suitable method of joint collaborative working, between all parties of the Murton Gap strategic site.

We hope that the positive working relationship between all parties will continue and simply wish to ensure that no decision is made on this application without full alignment with the planning and delivery of the wider site.

#### 3.8 Letter from Persimmon Homes August 2019

Concerns regarding the compliance of the proposed development with the agreed boundaries of the Masterplan and the effect that this has both on the amount of development proposed and the amount of alternative space, buffers and public open space, buffers and public open space being provided within the application area.

The lack still of an overall drainage strategy which is in a suitably agreed format (i.e. within a minded to grant application for the wider site) which would prevent the approval of an application (such as the one above) that could prevent development of the wider site (in full or in part).

Ensuring suitable controls are in place for this application to prevent more than its proportionate share (approximately 30 dwellings) of traffic and development is allowed prior to the opening of the Murton Link Road and to ensure that this development provides proportionate share of this total cost (borne on the full

development). At present this cost is still unknown as such this cannot be suitably demonstrated.

As things stand, the full ecological mitigation required across the wider Masterplan area is yet unknown. While the application seeks to secure off site mitigation for its own apparent impact, wider benefits will be available from the wider scheme's mitigation which will need to be compensated for.

This site still provides no suitable contribution towards onsite SANG's which need to be secured out with the S106 or CIL contribution method as this is a policy requirement on site and can only be secured either on the wider site or through a significant reduction in developable area on this application site.

In order to allow the application to progress suitable surety for this will need to be in place (minded to grant approval for the wider application/agreed S106 for the wider application) otherwise its delivery is not certain.

This application has reduced its overall housing proposed to 310 however this remains still higher than the proportionate share of the full 3000 allowable under an equitable split of housing numbers based upon the Masterplan (285).

Given the above concerns regarding a lack of current overall known impact of the wider scheme (until the wider scheme and its mitigation package are agreed), as well as the rising costs of the wider scheme's infrastructure, the lack of suitable contributions from this application and its increased proportionate share of the capped housing number is compounding this issue.

It remains our view that positive dialogue between the parties and a willingness to collaboratively resolve the above issues is the best and most proactive approach to move forward. It is however with regret that we remain of the view that we must object to the current form and direction of this application on the grounds that its approval would be prejudicial to the wider allocations delivery and contrary to North Tyneside's adopted policy.

#### 4.0 External Consultees

##### 4.1 Historic England

4.2 On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.3 It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

##### 4.4 National Highways (formerly Highways England)

4.5 No objection.

##### 4.6 Police Architectural Liaison Officer

4.7 National Planning Practice Guidance (NPPG), Note 7.5 reiterates that Designing Out Crime and Designing in community safety should be central to the planning and delivery of the new development. Specifically, the NPPG on design reminds practitioners that local authorities are duty bound to adhere to Section 17



of the Crime and Disorder Act 1998 and exercise their functions with due regard to their likely effect on crime and disorder and do all that they reasonably can to prevent and crime disorder.

4.8 I have considered the documents and noted previous comments made by our Architectural Liaison Officer (ALO) in March and August 2019. In addition to those comments, I would like to make the following observations:

4.9 Boundary Treatments – Rear Access to “Triple Block” Properties

4.10 It is generally recommended that footpaths are not placed to the rear of properties, however if they are essential to give access to the rear garden, consideration should be given to lowering these fences to 1500mm and use a 300mm sacrificial topping such as trellis topping, this will make anyone using these footpaths more noticeable and should be used for every “triple block” alleyway giving access to a rear garden.

4.11 The gates to all properties should be lockable and be located as near to the front line of the building as possible, so that attempts to climb them will be in full view of the street.

4.12 Can it be confirmed if a lighting scheme has been completed, we always recommended any street lighting complies with BS 5489-1:2013.

4.13 As mentioned in previous comments by our ALO, it is disappointing that although Designing Out Crime and Secured by Design (SBD) is mentioned in North Tyneside Council’s “Design Quality, Supplementary Planning Document (May 2018)”, the applicant, although following some aspects of SBD, does not mention or commit to details with regards to the physical security of the properties such as doors, windows or external security lighting.

4.14 Northern Gas Networks

4.15 No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

4.16 We enclose an extract from our main records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those main owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT’s may also be present in the area. Where Northern Gas Networks knows these will be represented on the plans as a shaded area and/or a series of x’s. Information with regard to such pipes should be obtained from the owners. The information shown on the plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of decision.

#### 4.17 Tyne and Wear Archaeology Officer

4.18 This first plot within the Murton Gap Masterplan area, was subject to opencast mining in the mid-20th century. This will have destroyed any archaeological remains which might have been present.

4.19 No archaeological work is required.

#### 4.20 Natural England

4.21 No objection – subject to appropriate mitigation being secured.

4.22 We consider that without appropriate mitigation the application would:  
-have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA) and Ramsar

4.23 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required/or the following mitigation options should be secured:

4.24 The proposal has the potential to have significant adverse effect on the special interest features of the sites named above. It is advised that likely significant effects would be presented through recreational disturbance, increased by the provision of dwellings at this location. It is noted that the application is submitted with proposed mitigation to counter this.

4.25 The mitigation shall be in accordance with that set out in Section 6 of the submitted Shadow Habitats Regulations Assessment by BSG Ecology (dated July 2019). Subject to this implementation no objection is raised by Natural England.

4.26 We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### 4.27 Protected Species

4.28 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.

#### 4.29 Local sites and priority habitats and species

4.30 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 170a and 174a 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, geoconservation groups or recording societies.

4.31 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.

#### 4.32 Ancient woodland and veteran trees

4.33 You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175c 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. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

#### 4.34 Environmental enhancement

4.35 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.

4.36 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 wildflower 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).

#### 4.37 Access and recreation

4.38 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.

#### 4.39 Rights of Way, Access land, Coastal access and National Trails

4.40 Paragraph 98 of the NPPF highlights the important 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.

#### 4.41 Biodiversity duty

4.42 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.

*4.43 Officer note: It is noted that the NPPF paragraph references are not up to date. However, they remain consist with the wording set out in the up-to-date NPPF (July 2021).*

#### 4.44 The Coal Authority

4.45 I have now had an opportunity to review the Constraints Plan and I am pleased to note that the areas identified as 'no build zones' have informed the layout of the development. We assume this is the layout under consideration and our comments are made on this basis.

4.46 Geo-environmental Appraisal, dated March 2018 and prepared by Sirius recommended further intrusive investigations and the Report on Supplementary Mining Investigation, dated 27 March 2019 and prepared by Sirius sets out the findings of these.

4.47 The Supplementary Mining Investigation is able to conclude that risk to the proposed development from shallow coal mine workings is low with adequate competent cover above the coal seam of concern. The report author does state however that this is on the basis that a raft foundation solution is adapted for all plots proposed within the boundary of the opencast and should an alternative foundation be used, such as piles, this would result in a reduction in the rock cover ratio and the conclusion of this report would need revising.

4.48 On the basis of the information submitted, and the professional opinions of the report authors set out therein, we have no objection to this planning

application, subject to the recommendations within the report in respect of the foundations being implemented on site.

#### 4.49 Northumberland County Council

4.50 No objection.

#### 4.51 Newcastle International Airport Limited (NIAL)

4.52 Further comments from NIAL based on the submitted Bird Strike Risk Assessment.

4.53 I have reviewed the bird risk assessment and management plan and am satisfied that for this location it is comprehensive. I would be happy to comment on a suitably worded condition to ensure the management plan is implemented.

4.54 I have reviewed the above application in conjunction with our Aerodrome Safeguarding Technical Advisor and have the below comments to make.

4.55 Proposed SUDS area and proposed drainage swale.

4.56 There is a general presumption against the creation of open water bodies within 13 km of an aerodrome, which in relation to this scheme is Newcastle International Airport. This is 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 a lower level having departed or preparing for arrival at the aerodrome. NIAL would therefore expect that all permanent open water bodies associated with the scheme be fully covered.

4.57 It is noted that SUDS and a proposed drainage swale is proposed. It is also noted (in the document referenced 'LANDSCAPE-641016') that the ditch or swale would be designed to meander through the site area, not just restricted to the northern boundary and opened out to create pools etc rather than the large linear area offered. It is noted that this will encourage greater biodiversity and habitat creation. NIAL would request that we are consulted on any proposed change to SUDS layout design.

4.58 Any proposed flood alleviation scheme in the form of SUDS Ponds and Swales, should be designed in accordance with aerodrome safeguarding best practices and should be approved in writing by the local planning authority, in consultation with NIAL. If SUD basins are to 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 the 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. NIAL expect that these measures are conditioned as part of any planning permission associated with this application site and the wider areas of the development, including future stages.

4.59 Landscaping

4.60 The applicant is to note that 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. Species which provide a food supply in the form of fruits, nuts and berries should not be used on site in quantities greater

than 10%. Berry bearing species should make up no greater than 10% of the planting schedule to ensure there is no increased risk of bird strikes with aircraft operating from the Airport. Certain species should not be used on site in quantities greater than 10%, in order to prevent the creation of bird attracting features on site.

4.61 NIAL would require further information on the percentage mix of species (in the form of a planting schedule) on the site to determine the volume of bird attracting species. The grouping of trees in certain arrangements can also provide a roosting habitat for species such as starlings, which can be especially hazardous to aircraft owing to the density of flocks. Therefore, confirmed specific details of tree species to be planted will also be required. NIAL request that the above is conditioned as part of any future planning decisions associated with this application, and later stages and phases of the wider development site.

4.62 Bird risk strike assessment

4.63 Given the proximity of the site to flightpaths, and the proposed SUDS, a bird strike risk assessment should be undertaken to inform the development of the scheme. This should be submitted with a planning application for NIAL to review.

4.64 Physical Development

4.65 The development site is located close to the Airports 'approach and take-off protected obstacles limitation surface'. Therefore, use of cranes during construction could present a collision hazard and/or impact on the Airport protected obstacle limitation surfaces.

4.66 The use of any crane above 45m 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 above 45m 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

4.67 NIAL 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. 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;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed.

4.68 Cranes used during operation may be a physical hazard to airlines, as well as potentially impacting on protected navigational surfaces. In order to assess this, NIAL require the ground height of the site and an indication from the developer what the maximum height of the cranes will be.

4.69 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.

#### 4.70 Lighting

4.71 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. There is also a risk that lighting, if set out in certain patterns, could be confused as operational lighting to pilots, especially in poor visibility. Therefore, any details of permanent or temporary lighting (i.e. for construction) to be installed, which the applicant believes may distract pilots are to be consulted and approved by NIAL. This should also be conditioned as part of the planning permission.

#### 4.72 Renewable energy sources

4.73 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 be no undue reflection which could glare pilots. It is not clear that this is proposed as part of the planning application.

#### 4.74 Sport England

4.75 The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore Sport England has considered this a non-statutory consultation.

4.76 It is understood that is a Community Infrastructure Levy (CIL) charging authority and as such, the proposed development is required to provide CIL contribution in accordance with the Councils adopted CIL Charging Schedule.

4.77 It is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application. That said, Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Delivery Plan (or similar) and direct those monies to deliver new and improved community facilities (which we have taken to include sports facilities).

4.78 The Council also has a Planning Obligations SPD, which covers outdoor sports and playing pitches. The SPD's expectation is for development to make provision for playing pitches in accordance with the standard set out in the adopted Playing Pitch Strategy. The adopted masterplan shows that a Primary School will be provided within the overall Murton development, and that its playing field will be available for community use, but this provision in its own right

will not be enough to meet the needs of development of the scale proposed at Murton.

4.79 This application does not make provision for playing pitches – either on or off-site. As such Sport England does not consider that the sporting needs of new residents will be met and wishes to object to the development.

4.80 Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:  
<http://www.sportengland.org/activedesign>

4.81 Sport England offered Active Design related comments on the draft Murton masterplan which have been incorporated into the adopted version. We have therefore reviewed the proposed development in the context of the adopted masterplan. Footpath and cycle links, both within the development and between the new and existing development are an important component in seeking to make residents more physically active. It is disappointing therefore to see that the development seems to omit footpath links into the adjacent Monkseaton High School site, and that the mixed uses at the Rake Lane entrance do not feature within the application.

*4.82 Officer note: Officers have been in discussions with Sport England and advised them of the contributions proposed towards Built Sports and Sports Pitches. Subject to these contributions being secured Sport England would remove their objection.*

#### 4.83 Northumbrian Water

4.84 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.

4.85 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>.

4.86 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:



4.87 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 Surface Water Management Strategy". In this document it states that a restricted surface water discharge rate of 50l/sec will discharge to the 750mm diameter surface water sewer in Rake Lane, reflecting the wider site surface water discharge limit of 125l/sec. Foul flows will discharge to the combined sewer in Rake Lane.

4.88 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:

Condition: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Surface Water Management Strategy" dated Nov 2018. The drainage scheme shall ensure that foul flows discharge to the combined sewer in Rake Lane and ensure that surface water discharges to the surface water sewer in Rake Lane. Surface water shall discharge at 50l/sec reflecting the wider site discharge rate. Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

4.89 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's 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.

4.90 For information only

4.91 We can inform you that strategic water mains 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. For further information is available at <https://www.nwl.co.uk/developers.aspx>.

#### 4.92 Northumberland Wildlife Trust

4.93 Given that the development is expected to have an impact on Local Wildlife Sites, we would like to take this opportunity to comment.

4.94 Chapter 13 of the ES states that there will be an increase in recreation pressure to a small number of Local Wildlife Sites during the occupational phase of the development, which will lead to adverse impacts. The mitigation measures proposed, namely "the provision of suitable recreational alternatives within the onsite landscaping" and "providing links into the PRow network" lack detail and are not considered to be adequate to mitigate impacts. This concern has been

raised by the Council Biodiversity Officer on numerous occasions and it appears that the applicants have so far failed to address this issue.

4.95 The North Tyneside Council Local Plan states (S5.4):

“The Borough’s biodiversity and geodiversity resources will be protected [..] Priority will be given to: a. The protection of both statutory and non-statutory designated sites within the Borough [..]”

4.96 It also states (DM5.5):

“Proposals which are likely to significantly affect nationally or locally designated sites [...] would only be permitted where [...] 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”

4.97 As the applicants have not provided the detail required for adequate mitigation of significant impacts to Local Wildlife Sites, they have therefore not met the requirements of the Local Plan.

4.98 For the reasons set out above, Northumberland Wildlife Trust objects to permission being granted for this application in its current form.

*4.99 Officer note: Officers have advised NWT that a contribution will be secured to mitigate the impacts of this development on LWS. Subject to the contribution being secured their objection will be withdrawn.*

#### 4.100 Nexus

4.101 Nexus has previously objected to this application because of the lack of a Public Transport Strategy detailing how the site intends to maximise the use of public transport by interfacing with and contributing to the delivery of a public transport solution for the whole of the Murton Gap Masterplan site. A Public Transport Strategy has been supplied which addressed the issues above, and provides details of public transport accessibility and indicative location for bus stops and associated infrastructure.

4.102 It is noted that all dwellings will be within 400m of a bus stop, with service levels meeting the requirements of the Nexus Planning Liaison Policy, once the distributor road within the development is opened to through traffic. In the interim some dwellings will be more than 400m from bus stops on Rake Lane, however given the interim nature of the arrangements and the high frequency and variety of existing bus services along Rake Lane, this is considered to be an acceptable level of short-term provision.

4.103 In the context of the additional information received, Nexus is now in a position to withdraw its objection to this application on the following basis:

-A proportionate contribution for the proposed bus services associated with the wider Masterplan site being secured via a S106 Agreement.

-The submission of a revised framework travel plan confirming the provision of travel passes for all dwellings on the site. Tickers required are two Pop Pay As You Go cards per dwelling with £50 preloaded onto each of them; these to be

provided by the developer to new residents, subject to residents applying for cards.

-A planning condition outlining the requirement for full details of the bus stop locations and facilities to be submitted and approved prior to commencement of works. The approved works to be commencing.

4.104 Nexus have advised that the Transport Assessment Revision needs to be updated. In particular, Table 4.1:

The bus information provided now needs to be updated. In particular, Table 4.1:

Service 11 now operates Whitley Bay – Wallsend only

Services 42/42A no longer serve Rake Lane (partially replaced by 335)

Service 59 no longer operates

4.105 It should also be highlighted within Table 4.1 that the table shows total number of departures rather than actual frequencies (to avoid any confusion/misunderstanding).

4.106 Nexus remains concerned that the development will be introduced in several phases (spanning over 20 years and with building from different developers), yet the funding will be attached to individual phases/developments rather than the wider masterplan. Nexus suggests that each phase brought forward must demonstrate how it meets (or will meet) accessibility criteria in terms of public transport – potentially including Metro as well as bus. Requirements for bus services may change significantly depending upon accessibility to Metro services through provision of a new station at Murton Gap.

4.107 Nexus supports the proposal to introduce bus links as modifications to existing routes rather than as standalone new routes as this will ultimately result in a more sustainable network. However, this will need to be carefully managed to ensure that any routes diverted do not cause detriment to existing users along current bus routes.

#### 4.108 Other Comments

4.109 The impact of the COVID pandemic needs to be considered in the context of future bus provision. In particular, there is a risk that existing frequencies provided on services adjacent to the development may not be sustained at current levels. Also, in general, bus operators may be less inclined to take risks on service development plans. In this context the amount of revenue support required to pump-prime new or diverted services will need to factor this in. It is acknowledged that the wider Murton Gap development is a long-term programme, however these impacts may disproportionately affect the initial phases of development.





Page 133

Key

- Education
- Green Spaces
- Road
- Residential

Murton Masterplan

Coloured Masterplan

SCALE:	DATE:
1:3000	AD
PROJECT NO:	595-TNE
DATE:	10:17
SCALE:	100

This page is intentionally left blank