

Application No: 21/01958/FUL Author: Maxine Ingram
Date valid: 3 September 2021 ☎: 0191 643 6322
Target decision date: 3 December 2021 Ward: Northumberland

Application type: full planning application

Location: Land West of Mackley Court, Wallsend, Tyne And Wear,

Proposal: Development of 13 residential dwellings (C3 use) with the associated infrastructure and landscaping, Station Road (East), Phase 4

Applicant: Persimmon Homes (North East)

RECOMMENDATION:

It is recommended that:

- a) the Committee indicates that it is minded to grant the application; and*
- b) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:*
 - i) the conditions set out in the planning officers report;*
 - ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and*
 - iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure off-site compensation land, affordable housing provision (3 units) and financial contribution for the following:*
 - £2,535 towards ecology and biodiversity.*
 - £9,100 towards children's equipped play.*
 - £6,918 towards parks and green spaces.*
 - £25,000 towards primary education.*
 - £3,000 towards employment and training.*
 - £1,963 towards coastal mitigation.*

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

- Principle of the development,
- Impact on the character and appearance of the area,
- Impact upon the amenity of future and existing residents,

- Impact on highway safety,
- Impact on biodiversity; and,
- Other issues.

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

2.0 Description of the Site

2.1 The application site sits within a wider committed residential development (12/02025/FUL) that was allowed on appeal, December 2014. The proposed site remains within the previously approved development footprint. This site was included in the outline part of the hybrid application as a commercial area. The applicant has advised due to market changes and demand part of this area is now being put forward for residential development.

2.2 The site is bound to the north by Moor Drive, beyond which lies residential dwellings. To the east the site is bound by Mackley Court, beyond which lies residential dwellings. To the south the site is bound by a footpath, beyond which lies a car park that serves the residential dwellings. To the west of the site there is a landscape buffer, beyond which lies Station Road (A186). The site slopes from north to south.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 13 residential dwellings (C3 use) with the associated infrastructure and landscaping, Station Road (East), Phase 4.

3.2 A three storey apartment block is proposed. This will accommodate nine units (2 beds). Four 2.5 storey residential dwellings (3 beds) accommodating a bedroom in the roof space, creating a short terrace are also proposed. Each dwelling will be provided with its own car parking space. The four residential dwellings will have their own private garden which can accommodate a shed to provide cycle storage and refuse storage. A communal bin store and cycle store are to be provided for the apartments.

4.0 Relevant Planning History

4.1 Parcel of land located immediately to the north of the application site
21/01779/REM - Reserved matters for the approval for the access, scale, layout, appearance and landscaping of planning approval 12/02025/FUL - Construction of 1no. retail / commercial unit falling within Use Class E (Amended plans received 17.01.2023) – Pending consideration

4.2 Wider committed residential development, known as East Benton Rise
20/01047/FUL - Development of 35 residential dwellings (C3 use) with the associated infrastructure and landscaping – Permitted 11.01.2021

18/00452/REM - Reserved matters for the submission of details of; Appearance, Landscaping, Layout and Scale in respect of erection of 295 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Revised site layout) – Permitted 05.09.2018

17/01224/REM - Reserved matters for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Amended site plan received 6.10.17, drainage and highway plans received 16.10.17). Discharge of conditions for Phase B (Part 1) only: 12 (gas), 13 (gas), 14 (contaminated land), 20 (refuse storage), 26 (pollution prevention), 36 (bus stop), 38 (cycle storage), 39 (multiuser links), 41 (traffic calming), 42 (surface water disposal), 43 (foul disposal) of 12/02025/FUL – Permitted 23.11.2017

12/02025/FUL - Hybrid application comprising: Outline planning permission with all matters reserved: Development of 18.976ha for residential uses capable of accommodating approximately 425 dwellings and approximately 400sqm of A1 retail use, 318sqm of D1 health centre use and associated car parking. Full planning permission: Erection of 225 dwellings, construction of a 3-arm roundabout at the roundabout at the A186 (Station Road) and provision of associated open space, landscaping and SUDs and strategic open space. EIA Development – Refused 24.10.2013 . Allowed at appeal 15.12.2014.

4.3 Station Road West

16/01885/FUL - Hybrid application; Outline application for approximately 418 residential dwellings (C3 use) with associated highways, infrastructure and landscaping, all matters reserved with the exception of access. Full planning permission for 175 dwellings (C3 use) with associated infrastructure, landscaping, Sustainable Urban Drainage system and access (Amended description) – Permitted 15.01.2018

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

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

6.2 National Planning Practice Guidance (NPPG) (As amended)

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

PLANNING OFFICERS REPORT

Main Issues

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

- Principle of the development,
- Impact on the character and appearance of the area,
- Impact upon the amenity of future and existing residents,

- Impact on highway safety,
- Impact 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 of this report.

8.0 Principle of development

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

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

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case, development plan policies important to the determination of housing applications will be regarded as out of date because 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.

8.4 Paragraph 60 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.5 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%.

8.6 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.

8.7 The underlying principle of national policy is to deliver sustainable development to secure a better quality of life for everyone now and future generations. This principle is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

8.8 Strategic Policy S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would accord with strategic, development management and other area specific policies in the Plan. Amongst other matters, this includes considering flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.9 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.

8.10 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."

8.11 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...."

8.12 The objections regarding additional housing being provided on an area of open space that was to provide a health centre and shop are noted. Members are advised that the hybrid planning application (Ref: 12/02025/FUL) secured, via a S106 Agreement, an option to secure a financial contribution towards additional health provision within the vicinity of the site should a health facility not be built on the site. Members are advised that the financial health contribution has been paid in full. The objections regarding the proposed retail store on the northern part of the site are noted. Members are advised that the planning application relating to the retail store (Ref: 21/01779/REM) is currently pending consideration and each planning application must be assessed on its own merits.

8.13 The application site was previously part of the hybrid planning application (Ref: 12/02025/FUL), which granted planning permission for 650 residential dwellings and an area for commercial development in 2014. Since then,

Reserved Matters, have been submitted and approved to reach the 650 dwellings envisaged in the hybrid planning application.

8.14 As already discussed, this application site sits within the original hybrid application area, in the area originally proposed for commercial development. The applicant has advised that due to market changes, part of this site is being put forward for the construction of 13 residential dwellings.

8.15 The application site sits within a larger residential estate. The site does not encroach into the previously agreed landscape parameters of the hybrid planning application to the west of the site. The site has access to bus services provided on Station Road and it is within walking distance of the existing retail provision to the north and the Rising Sun Country Park. Members need to determine whether the principle of development is acceptable. It is officer advice, subject to all other matters set out below being addressed, that the principle of developing an area of land that was to be brought forward for built development under the hybrid planning application is acceptable and is in full accordance with the advice in NPPF and policies DM1.3 and S4.1 of the North Tyneside LP 2017.

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 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 three-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The proposed dwellings would make a contribution towards the borough achieving a five-year housing land supply.

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

10.0 Impact on the character and appearance of the area

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 health 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 promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of 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 of 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 “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 DM5.9 ‘Trees, Woodland and Hedgerows’ supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

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

10.12 The objections received regarding the impact on visual amenity, the impacts on residential amenity and inappropriate design are noted.

10.13 The proposed layout has been developed based on the general principles and guidelines set within the previous applications relating to the wider estate. Members are advised that the application site was identified as an area for future commercial development under the hybrid planning application (Ref: 12/02025/FUL). The site is also allocated as a site in the Local Plan that benefits from an existing planning permission.

10.14 The site sits in the southwest part of the wider residential estate. The proposed apartment block will be sited on the western edge of the site and will continue the block form and building line of the existing apartments located to the south of the site. The positioning of the apartment blocks creates an outward

facing development onto Station Road but also overlooks the communal car park creating natural surveillance to the east and west. The proposed housing will be located in the southeast part of the site to the southside of the access road. The properties will be orientated north-south and the rear gardens serving these properties will be positioned on the southside.

10.15 The proposed development will provide 2.5 storey dwellings and three storey flats. The scale and massing of the proposed buildings are consistent with the scale and massing of the built form located across the surrounding residential estate. The apartments are a different design to those already constructed to the south of the site but have consistent details. No materials have been specified and it is expected that these would follow the same palette as the wider estate. Should planning permission be granted a condition is recommended to secure these details, including surfacing materials.

10.16 The proposed apartments will be set back from the adjacent road. This set back does not impact on the landscaping details agreed as part of the previously approved planning/reserved matters applications. Soft landscaping is proposed in the site with a wider landscaping strip proposed along the eastern edge.

10.17 The design comments are clear that this application is supported subject to imposing conditions to secure details of materials (construction and hard surfacing) and refuse store. The observations raised by Northumbria Police are noted. The proposed boundary treatments are consistent with the boundary treatments approved across the wider residential estate. The visual impact of the proposed boundary treatments is consistent with the advice set out in the Design Quality SPD. Whilst it would be preferable for a cycle store to be located internally within the apartments, it is officer opinion, that the provision of an external cycle store would not be sufficient to sustain a recommendation of refusal.

10.18 Members need to consider whether the proposed development is acceptable in terms of its design and layout. It is officer advice that the proposed number of units can be comfortably accommodated within the site without significantly impacting on the character and appearance of the immediate surrounding area or significantly affecting the residential amenity of existing and future residents. This development is sympathetic, and the design and appearance of the properties is acceptable. As such, subject to the imposition of the suggested conditions, the development is in accordance with the advice in the NPPF, LP Policy DM4.6, DM6.1 and DM7.9 and the Design Quality SPD.

11.0 Impact upon the amenity of future and existing residents

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

11.3 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.

11.4 LP Policy DM6.1 'Design of Development' of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces. Policy DM 4.9 sets out housing and accessibility standards.

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

11.6 The objections received relating to impacts on residential amenity and noise are noted.

11.7 It is noted that a Reserved Matters application (Ref: 21/01779/REM) for the construction of a retail store has been submitted to the Council for consideration. Members are advised that this application is still pending consideration and this application before them must be assessed on its own planning merits. However, the applicant has considered this Reserved Matters application should planning permission be secured in the future.

11.8 The Manager for Environmental Health has been consulted. She has considered the comments from the applicant regarding the Reserved Matters application that could provide a retail store adjacent to this site. The information provided confirms that the noise assessment has considered delivery and operational noise arising from the commercial unit that has demonstrated the specific noise rating level will be below the existing background and will not give rise to significant adverse impacts for the future occupants of this development or existing occupants.

11.9 The Manager for Environmental Health has also considered the information provided in terms of noise from road traffic. She acknowledges that the noise report references noise monitoring from 2011 and therefore may not be fully representative of the existing external noise environment. She considers that the noise scheme must include for a reassessment of the noise exposure for the site; this can be conditioned. She has also advised that conditions would be required to secure a sound attenuation scheme to ensure an appropriate noise scheme for

glazing and ventilation was provided. The rear gardens serving the residential dwellings will be screened from the road (A186).

11.10 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.” Paragraph 56 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The NPPF paragraph 185 aims to “avoid noise from giving rise to significant adverse impacts on health and quality of life”. It is clear from the Manager for Environmental Health comments that they do not raise any objections as she has suggested conditions to provide appropriate mitigation to protect the amenity of future occupants from road traffic noise. She has also advised that the potential impacts from the submitted Reserved Matters application (Ref: 21/01779/REM) could also be appropriately mitigated for should planning permission be granted for the retail store.

11.11 It is clear from the site layout that each dwelling will have its own private amenity space, parking and refuse storage. Sufficient privacy distances will also be achieved between the proposed dwellings and existing dwellings to the north, east and south of the site. The proposed layout provides connections to the surrounding infrastructure. It is considered that the proposed layout would provide future occupants with an appropriate level of residential amenity. A compliance condition is recommended to ensure the properties comply with Policy DM4.9.

11.12 To the east the site is bound by an estate road, beyond which lies residential properties. The properties to the east closest to the application site are bungalows. There are no windows sited in the west gable of the bungalows closest to the application site. The proposed residential dwellings (Plots 686-689), by virtue of their positioning within the application site, will not significantly affect the residential amenity of these neighbouring properties in terms of loss of light, outlook or privacy.

11.13 Due to the separation distance that will exist between the residential dwellings (Plots 686-689) and the existing residential dwellings to the northside of Moor Drive, it is not considered that they will significantly affect the residential amenity of these existing properties in terms of loss of light, outlook or privacy.

11.14 Due to the separation distance that will exist between the residential dwellings (Plots 686-689) and the existing residential dwellings to the south of the application site, it is not considered that they will significantly affect the residential amenity of these existing properties in terms of loss of light, outlook or privacy.

11.15 Due to the positioning of the proposed apartments (Plots 690-696), it is not considered that they will significantly affect the residential amenity of the existing apartments to the south or the closest residential dwelling to the northside of Moor Drive.

11.16 Members need to determine whether the proposed development is acceptable in terms of its impact on the residential amenity of existing dwellings and future occupants of the proposed dwellings. Subject to imposing the conditions suggested by the Manager for Environmental Health and having regard to the site layout, it is considered that the impacts on residential amenity are acceptable. As such, it is officer advice that the proposed development does accord with the advice in paragraph 185 of the NPPF and LP policies DM5.19 and DM6.1.

12.0 Highways

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 sets out guidance on sustainability and connectivity.

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 The objections received regarding the impact on the highway network, lack of parking provision, inappropriate layout, and lack of local services are noted.

12.8 The Highways Network Manager has been consulted. He has advised that a Transport Assessment (TA) accompanied the hybrid planning application on the east side of Station Road (Ref: 12/02025/FUL) and the hybrid planning application on the west side of Station Road (Ref: 16/01885/FUL). These TAs assessed the local highway network and was tested in the Council's Micro-simulation Transport Model. Based on this TA several off-site highway improvements were secured on the A186 and A191 corridor. These agreed off-site highway improvements are considered to be sufficient to deal with the additional traffic associated with this development.

12.9 The site will be accessed from the A186 via the residential estate.

12.10 Parking has been provided in accordance with current standards for a residential development. The road layout will allow for refuse vehicles to enter and exit this site. Cycle storage and refuse storage is provided for each residential dwelling. All refuse collections will be provided from adoptable highways.

12.11 The Highways Network Manager has recommended conditional approval.

12.12 The NPPF 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 impacts on the road network would be severe. In this case, no reference has been made to this development resulting in an unacceptable or severe impact on the highway network by the Highway Network Manager.

12.13 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable. As such, the proposed development accords with the NPPF and the LP.

13.0 Impact on biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural 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 LPA's 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 LP Policy S5.4 'Biodiversity and Geodiversity' seeks to protect, create, enhance and manage sites within the borough relative to their significance.

13.5 LP DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links. Proposals should maximise opportunities to create, restore, enhance, manage and connect natural habitat. Net gains to biodiversity should be considered, unless otherwise shown to be inappropriate. Proposals that are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green

Infrastructure Strategy, would only be permitted where: the benefits of the proposal clearly demonstrably outweigh any adverse impacts, applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, and 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.

13.6 LP Policy DM5.6 'Management of International Sites' states that proposals that are likely to have significant effects on features of internationally designated sites, either along or in-combination with other plans or projects will require an appropriate assessment. Proposals that adversely affect a sites integrity can only proceed where there are no alternatives, imperative reasons of overriding interest area proven and the effects are compensated.

13.7 The application site is beyond the 6km 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest (SSSI) and Special Protection Areas (SPA's)/Special Areas of Conservation (SAC)/Ramsar sites. However, this application will result in an increase in recreational accommodation, impacts to the designated sites may result from increased recreational disturbance.

13.8 This development will need to comply with the Coastal Mitigation SPD which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Natural England have not raised any objection to this application subject to the coastal mitigation contribution being secured, there will be no significant damage or disturbance to the coastal areas. The Council's Biodiversity Officer has not raised any objection to this development in terms of its impact on the Northumbria Coast SPA subject to securing the coastal mitigation contribution.

13.9 The Council's Landscape Architect and Biodiversity Officer have been consulted. They have considered the accompanying information (Planting Plan, Biodiversity Net Gain (BNG) Assessment and Biodiversity Metric).

13.10 The submitted planting plan identifies several native trees, some areas of wildflower grassland and ornamental shrub planting. To achieve a BNG the applicant is proposing to provide an area of off-site compensation land to the west of Wiltshire Drive, Wallsend, which includes approximately 0.12 hectares (ha) of mixed native scrub. The consultees have advised that overall, on and off-site habitat creation is shown to deliver a BNG of 4.07%.

13.11 Subject to imposing the suggested conditions to secure on-site landscape and ecology enhancements and a legal agreement to secure the off-site compensation land, the consultees have raised no objections to this development.

13.12 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity, including any impacts to the Northumbria Coast SPA,

and landscaping. It is officer advice, subject to imposing the suggested conditions and securing the off-site compensation land and coastal mitigation contribution via a legal agreement, the impacts of the proposed development can be appropriately mitigated for. As such, the proposed development accords with the NPPF and LP Policies DM5.5 and DM5.6

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 The Lead Local Flood Authority (LLFA) has been consulted. They have raised no objection to this proposal as the surface water from this development will be incorporated into the wider estate drainage network and will be attenuated with the existing suds features.

14.5 Northumbrian Water (NWL) has been consulted. NWL has recommended conditional approval.

14.6 Members need to consider whether the proposal is acceptable in terms of its impact on flooding. It is officer advice that subject to conditions it is acceptable.

14.7 Ground conditions

14.8 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.

14.9 Paragraph 184 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

14.10 LP Policy DM5.18 “Contaminated and Unstable Land” seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

14.11 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.

14.12 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

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

14.14 Members need to consider whether the site is appropriate for its proposed use. It is officer advice, subject to conditions that the site would be appropriate for housing and mixed uses in accordance with the advice in NPPF and Policy DM5.18 of the LP.

14.15 Archaeology

14.16 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.”

14.17 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.

14.18 The Tyne and Wear Archaeology Officer has been consulted. She has advised that this area has previously been subject to an archaeological desk-based assessment, geophysical survey and trial trenching. Therefore, no further archaeological work is required.

14.19 Aviation Safety

14.20 Newcastle International Airport Limited (NIAL) has been consulted. They have advised that they have no comments to make.

15.0 S106 Contributions

15.1 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. 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 The applicant is proposing to provide affordable housing provision to meet the Council's policy requirements, financial contributions to mitigate the impacts of this proposal and off-site compensation land.

15.9 The delivery of the affordable units, off-site compensation land and financial contributions are considered necessary and directly related to the development. As such, the development complies with the CIL Regulations, the NPPF and LP policies.

15.10 The following contributions are being sought:

- Affordable housing provision - 3 units (one social rent and two DMV)
- £2,535.00 towards ecology and biodiversity.
- £9,100.00 towards children's equipped play.
- £6,918.00 towards parks and green spaces.
- £25, 000.00 towards primary education.
- £3, 000.00 towards employment and training.
- £1,963.00 towards coastal mitigation.
- Off-site Compensation Land

15.11 A CIL payment will be required in respect of this development.

16.0 Local Financial Considerations

16.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

16.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

17.0 Conclusions

17.1 Members should carefully consider 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, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

17.3 The application site lies in close proximity to an existing built-up area, and it is located in close proximity to existing local services. Consultees are satisfied that the development is acceptable in terms of its impact on the highway network, its impact on flood risk, its impact on ground conditions, its impact on the amenity of future occupants and existing occupants, its impact on biodiversity and its overall design and appearance.

17.4 The Council does not have a 5-year supply of deliverable housing sites. 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 officers 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:

It is recommended that:

- c) the Committee indicates that it is minded to grant the application; and***
- d) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:***
 - iii) the conditions set out in the planning officers report;***
 - iv) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and,***
 - iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure off-site compensation land,***

affordable housing provision (3 units) and financial contribution for the following:

-£2,535 towards ecology and biodiversity.

-£9,100 towards children's equipped play.

-£6,918 towards parks and green spaces.

-£25,000 towards primary education.

-£3,000 towards employment and training.

-£1,963 towards coastal mitigation.

Conditions/Reasons

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

-Location plan Dwg No. 216/A/LP/CL/001

-Site layout Dwg No. 2298/A/GA-CL/001 Rev E

-Planting plan Dwg No. 5794-93-101-01

-Plans and elevations Contemp (Planning) Dwg No. BN-WD17

-Horsford apartment plans and elevations Dwg No. HR (V) WD01

-Flood Risk Assessment and Surface Water Management Plan

(Queensbury, QD647 Rev F, Dated February 2014)

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. Notwithstanding Condition 1, the scheme for access; under cover, secure cycle parking and refuse storage, as set out in drawing number 2298/A/GA-CL/001 - Revision E (Site layout) shall be laid out in accordance with the approved plans and permanently retained and maintained 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).

4. Notwithstanding Condition 1, the scheme for private parking spaces and visitor parking spaces shall be laid out in accordance with the approved plans (drawing number 2298/A/GA-CL/001 - Revision E (Site layout)). 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).

5. 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.

6. 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.

7. Notwithstanding Condition 1, prior to the construction of any part the development hereby approved above damp proof course level a schedule and/or samples of the materials and finishes for the dwellings and apartments/flats and all hard surfacing materials 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 secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

8. Notwithstanding Condition 1, details of the refuse and cycle store enclosures serving the residential apartments/flats shall be submitted to and approved in writing by the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the

development having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

9. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a detailed 30 year 'Landscape & Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed and paved areas. 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. The Plan will include the following:

- Details on the creation and management of all target habitats identified within the Biodiversity Metric and Net Gain Assessment Report (E3 Ecology November 2022) and approved landscape plans for on-site.

- Survey and monitoring details for all target habitats identified within the approved Biodiversity Metric/Net Gain Assessment Report (E3 Ecology November 2022). Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target conditions. Any changes to habitat management as part of this review will require approval in writing from the Local Planning Authority. The Plan will be reviewed every 5 years in partnership with the Local Planning Authority.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Metric/Biodiversity Net Gain Report.

Reason: To ensure the development provides an appropriate level of mitigation having regard to Policy DM5.5 of the North Tyneside Local Plan (2017).

10. All external lighting shall be low lux and low level with cowls fitted to reduce light spill.

Reason: To ensure that the development does not significantly affect biodiversity having regard to Policy DM5.5 of the North Tyneside Local Plan (2017).

11. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 2no. bird boxes and 2no. bat boxes/features shall be provided in suitable locations within the development site. These details must include specifications and a timetable for their implementation. Thereafter, these boxes/features shall be installed in accordance with these agreed details and shall be permanently maintained and retained.

Reason: To ensure the development provides an appropriate level of mitigation having regard to Policy DM5.5 of the North Tyneside Local Plan (2017).

12. No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified

ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: To ensure the development provides an appropriate level of mitigation having regard to Policy DM5.5 of the North Tyneside Local Plan (2017).

13. Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure the development provides an appropriate level of biodiversity mitigation having regard to Policy DM5.5 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme must include an assessment of road traffic noise for Station Road A186, 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. The approved scheme shall be implemented in full prior to the occupation of each unit hereby approved and shall be permanently maintained and retained.

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

15. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented to ensure an appropriate standard of comfort to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours) and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with window open, due to the external noise environment, an alternative ventilation system must be installed, that addresses thermal comfort to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance. The approved scheme shall be implemented in full prior to the occupation of each unit hereby approved and shall be permanently maintained and retained.

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

16. 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.

17. 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: 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.

18. 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.

19. 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.

20. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This needs to be pre-commencement condition to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

21. 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).

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

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

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

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 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 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 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 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 for further information.

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

CIL information (I50)



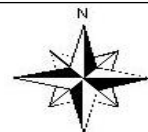
Application reference: 21/01958/FUL

**Location: Land West Of, Mackley Court, Wallsend, Tyne And Wear
Proposal: Development of 13 residential dwellings (C3 use) with the
associated infrastructure and landscaping, Station Road (East), Phase 4**

Not to scale

Date: 02.02.2023

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



**Appendix 1 – 21/01958/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This is an application for the development of 13 residential dwellings with the associated infrastructure and landscaping at Station Road (East), Phase 4.

1.3 A hybrid application was granted permission on appeal in 2014 (12/02025/FUL) on the eastern side of Station Road and another hybrid application granted permission on the western side of the road in 2017 (16/01885/FUL). There have been several reserved matter and full applications on each site since.

1.4 A Transport Assessment (TA) was included as part of the previous applications that assessed the local highway network and the following off-site highway improvements have been or will be carried out as part of the two previous applications:

1.5 Station Road East (12/02025/FUL):

New roundabout junction to the south of the site

Secondary T-junction access to the north of the site

Traffic signals at the junction of Hotspur Road

Localised widening at the junction of Mullen Road & Wiltshire Drive

Improvements to the junction with the A1058 Coast Road

Improvements to junction of A186 Station Road & A191 Whitley Road
roundabout

1.6 Station Road West (16/01885/FUL):

New roundabout junction at the site access (north)

Alterations to the roundabout junction at the site access (south)

New traffic signals with pedestrian & cycle crossing facilities at the junction of the A1058 (Coast Road) & A186 (Station Road North)

Toucan crossing on the A191 to the east of Proctor & Gamble connecting into existing routes

Localised road widening

Upgrade & widening of footpaths surrounding the site

Connection & enhancements to the continuous shared footway/cycleway on southern side of A191 (Whitley Road)

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

1.7 It is considered that those highway improvements previously agreed will be sufficient for the small amount of additional traffic generated by the current application for 13 dwellings. Parking will be provided in accordance with current

standards and cycle storage will be included for each dwelling. Conditional approval is recommended.

1.8 Recommendation - Conditional Approval

1.9 Conditions:

Notwithstanding Condition 1, the scheme for access; under cover, secure cycle parking and refuse storage, as set out in drawing number 2298/A/GA-CL/001 - Revision E (Site layout) shall be laid out in accordance with the approved plans and permanently retained and maintained 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 parking 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).

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.

1.10 Informatives:

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 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 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 for further information.

1.11 Design

1.12 The proposed site was previously part of the Hybrid Planning Application (ref: 12/02025/FUL) and was originally proposed for commercial development. The current proposals for 13 houses and apartments are in keeping with the layout of the surrounding development. Boundary treatments and landscaping are well designed.

1.13 The apartments are a different design to those already constructed to the south of the application site but have consistent detailing. No materials have been specified and it is expected that these would follow the same material palette as the wider site. This can be conditioned. The application does not include details for surface materials; however this can also be conditioned.

1.14 Overall, the application is supported. The following conditions are recommended:

- Materials of construction
- Hard surfacing
- Refuse store

1.16 Lead Local Flood Authority (LLFA)

1.17 I have carried out a review of planning application 21/01958/FUL, I can confirm that I have no objections to the proposals as the surface water from this development will be incorporated into the Station Road East drainage network and will be attenuated within the main development's suds features.

1.18 Landscape Architect and Biodiversity Officer

1.19 The following updated documents have been submitted to support the above application in response to previous landscape and ecology comments:

- Revised Planting Plan (DWG NO:5794-93-010-01)
- BNG Assessment (Revision 04, E3 Ecology)
- Biodiversity Metric (E3 Ecology November 2022)

1.20 The on-site planting plan (DWG NO:5794-93-010-01) shows a number of native trees (15no. medium and small size urban trees) and some areas of wildflower grassland and ornamental shrub planting. In order to deliver a biodiversity net gain, the applicant proposes habitat improvements off-site on land to the west of Wiltshire Drive, Wallsend, which includes 0.12ha (1200sqm) of mixed native scrub. Overall, on and off-site habitat creation is shown to deliver a biodiversity net gain of 4.07%.

1.21 There are some minor concerns about the proposals for the off-site compensation of 0.12ha of mixed scrub as there are desire lines through this area and a grassland strip would need to be retained to the south of this area adjacent to the Wallsend Burn. However, the same level of net gain (around 4%) could be achieved by creating a mix of new native scrub and enhancing a section of the grassland to the south from modified to neutral species rich grassland. These amendments could be provided as part of a landscape planning condition attached to the application with an updated Metric/BNG Assessment.

1.22 The scheme is also within 6km of the Northumbria Coast SPA and will have an impact on the coast as a result of an increase in recreational disturbance. The scheme will, therefore, need to comply with the Councils Coastal Mitigation SPD. The SPD provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. It is, therefore, recommended that an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD

1.23 The following conditions should be attached to the application:

Lighting will be low lux and low level with cowls fitted to reduce light spill.

Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified

ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

2no. bird boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

2no. bat boxes/features will be provided in suitable locations within the development site. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

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 on-site and off-site landscape mitigation/compensation shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the approved Biodiversity Metric/Net Gain Assessment report (E3 Ecology November 2022) or an updated Metric/BNG Assessment, where appropriate. The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and maintenance. The landscaping scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard (4428: 1989). On site landscaping is to be implemented within the first available planting season following completion of the scheme by an approved contractor. Landscaping of the approved off-site compensation land is to be implemented upon commencement of development within the first available planting season by an approved contractor. Any trees, shrubs or wildflower areas that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Within one month from the commencement of works on site, a detailed 30 year 'Management, Maintenance and Monitoring Plan' for all landscaping/habitat creation within the application site and the approved off-site compensation land, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed and paved areas. 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. The Plan will include the following:

-Details on the creation and management of all target habitats identified within the Biodiversity Metric and Net Gain Assessment Report (E3 Ecology November 2022) and approved landscape plans for on-site and off-site mitigation/compensation.

Survey and monitoring details for all target habitats identified within the approved -Biodiversity Metric/Net Gain Assessment Report (E3 Ecology November 2022). Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target conditions. Any

changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

-Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Metric/Biodiversity Net Gain Report

1.24 Manager for Environmental Health (Pollution)

1.25 I have viewed the applicant's comments regarding the commercial development that will be adjacent to this development site. The information provided confirms that the noise assessment has considered delivery and operational noise arising from the commercial unit that has demonstrated that the specific noise rating level will be below the existing background and will not give rise to significant adverse impacts for the occupants of the housing.

1.26 With regard to noise from road traffic, conditions would be required for the sound attenuation scheme to ensure an appropriate noise scheme for glazing and ventilation was provided. The noise report dates back to noise monitoring from 2011 and therefore may not be fully representative of the existing external noise environment and the noise scheme must include for a reassessment of the noise exposure for the site. It is noted that garden areas will be located to the rear of the houses and screened from the road.

1.27 Conditions:

Prior to development submit and implement on approval of the local Planning Authority a noise scheme, that includes for an assessment of road traffic noise for Station Road A186, 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 comfort to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours) and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with window open, due to the external noise environment, an alternative ventilation system must be installed, that addresses thermal comfort to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance.

HOU04
SIT03

1.28 Manager for Environmental Health (Contaminated Land)

1.29 I have read the Phase 2 Site investigation report and the gas addendum report. The findings show the overall site (hybrid Application) of which this application site is a part of is classified as Characteristic Situation 1; therefore, no conditions relating to gas are required as gas protection measures are not required.

1.30 With regards to the contamination the overall site investigation showed no elevated levels of contaminants, however the Phase 2 report states:
In addition, the final volume of topsoil/subsoil to be re-used on this proposed development within areas of private gardens, may require further confirmation and validation testing.

1.31 As it is unclear if remediation/ importation of materials is required the following must be applied:

Con 005
Con 006
Con 007

2.0 Representations

2.1 Six objections from five properties have been received. These objections are set out below:

- Impact on landscape
- Inadequate drainage
- Inadequate parking provision
- Inappropriate design
- Loss of privacy
- Loss of residential amenity
- Not in accordance with development plan
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- When purchasing a nearby property this open space area was originally described to be a Co-Op and small Doctors, both of which would be a benefit to the local area and developments. The developer/council now planning to construct additional dwellings is totally against what was originally proposed and provides no benefits to the local residents. This instead increases congestion, reduces privacy, reduces open space and only gives financial benefit to the developer.
- While I was not 100% for the originally proposed allocation for this space, at least it was for the betterment of the community. Yet again NTC have pulled a fast one on the residents of Moor Drive and Mackey Court, we objected to the position of a proposed Co-op and car park, due to the proximity to residents' houses and the adverse effects it would have on these two places i.e. traffic,

noise, parking etc. Now it seems that not only is there going to be a Co-op, there is an application by Persimmons for 13 houses as well. Houses alone are much more preferable to the Co-op, but both is just ridiculous and will double the adverse effects on these two streets.

- I am not against the 13 dwellings being built, but I think the whole planning of this site would be better being all houses (not housing and a commercial unit) that I strongly object to.

- The planning needs to be looked at again as although more houses would be better, there is no doctors, schools or parking to accommodate all of this extra development.

- I am objecting to these houses because of the future planned development, of the retail building, planned for the other side of this land.

- The houses would be preferable to the retail development, both together would be dangerous because of traffic already generated by Fallow Park, the roads into the estate are not wide enough to accommodate the influx of traffic already, add to that a retail development, plus Fallow Park, altogether, the danger to pedestrians, children and extreme lack of parking, as Mackley Court only has one space per bungalow, Drs, nurses, carers and accessing services would have extreme difficulty accessing Mackley Court in which every bungalow houses very poorly and elderly people.

- Moor Drive which would be the only entrance already has severe problems with parking and the heavy traffic, making the entrance a hazard the disabled, poorly sighted, wheelchairs and prams.

- One development or the other, with the housing development, the retail shop would not be able to be relocated at the Station Road end, therefore causing the problems already sighted in previous objections, all in all, for the residents around this location, these developments will bring nothing but misery.

- Request application is presented at Planning Committee and request speaking rights.

- When I purchased a property near to this site, the original plans for this area were described as retail space, with plans for a small shop, a takeaway and a small Doctors surgery by the representatives of the housing developer in their sales office. These amenities would be a benefit to the local area and community and are needed given the size of the new development being constructed on both sides of Station Road.

- The new plan to construct additional houses/flats is totally against what was originally proposed and provides no benefits to the local residents. The developer has already put over 600 houses on formerly green fields, and this plan to put even more is just a blatant cash grab by them and only benefits the developer, not the wider community. The estate and wider area needs retail and health provision, for which there are now no plans. The developer should be held accountable to developing the area as originally intended or leave as a green play space for children. Building even more houses to increase their profit is unacceptable.

-This is a drastic change to the original planning application a medical centre with a small shop. I must also comment on the lack of notification regarding this matter as my property is within 50m of the proposed development and overlooks the site however I have received no notification of Persimmon's intentions to build on this commercial land.

-It is clear there is a lack of suitable parking for this development. It is reasonable to assume most families will have more than one vehicle however there is only

19 parking spaces, this includes six visitor bays. Even if each dwelling only has 1.5 vehicles this would mean there is still a need for at least 20 spaces assuming there are no visitors. Once extra vehicles are introduced it then pushes parking outside the development to the surrounding streets. The estate already suffers from poor parking infrastructure. Lessons should be learnt from this and not just install the minimum requirement. The parking issue would put pressure on the proposed entrance of the Co-op and pressure on the already congested Mackley Court. Mackley Court has a problem with poor infrastructure with no additional parking for residents that live in the retirement bungalows many of them community nurses, palliative care nurses and carers for overnight stays due to disabilities and sickness.

-The proposed site is well known for flooding during the winter and spring months and also in heavy rain. With climate conditions set to worsen and cause rainfall to become more extreme over the coming years it is not right this site should even be considered suitable for development. Surface water flooding is the biggest threat to housing and infrastructure, and it is only going to get worse. Please refer to Government website.

-The estate already suffers with poor sewerage and drainage systems this development would put extra strain on this. It is also worth pointing out that directly next to the housing an 18-vehicle car park is to potentially be built, when heavy rain strikes this surface water will drain towards the properties off the tarmac. See attached photographs. As the land is known to flood would properties be able to insure against flooding? Would buyers be able to loan money at reasonable rates to purchase if they couldn't get buildings insurance for flooding?

-I am not against properties being built but common sense must prevail. Build the housing next to Moor Drive where the risk of flooding is reduced, remove the proposal for the commercial premises and build additional parking for residents on the flood area.

3.0 External Consultees

3.1 The Coal Authority

3.2 The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

3.3 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of health and safety.

3.4 Tyne and Wear Archaeology Officer

3.5 This area has previously been subject to archaeological desk-based assessment (event 3683 report 2011/145), geophysical survey (event 3710 report 2012/13) and trial trenching (event 3787 report 2012/91). No further archaeological work is required.

3.6 Northumbrian Water

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

3.8 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

3.9 We have no issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment and Surface Water Management Plan*". This contains our pre-planning enquiry response which formed part of our advice relating to the wider development of Station Road East. It is noted that no surface water will enter the combined sewer public network.

3.10 We therefore request that the above document forms part of the approved documents list of any planning approval and the development is implemented in accordance.

3.11 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards.

3.12 Northumbria Police

3.13 Thank you for sending through the above application, we have no objections, however we would like to make the following comments:

3.14 Lighting Scheme

Has a lighting scheme been designed for this development, I couldn't find one on the list of documents on the planning portal. I would recommend the lighting to conform to BS5489-1:2020.

3.15 Cycle Store

As per the Design and Access Statement, apartments will have access to a cycle store, there is no mention with regards to security measures. As per the North Tyneside Design Quality Supplementary Planning Document (May 2018), cycle parking for flats should be "either individual lockers or cycle stands within a lockable, covered enclosure are required. The cycle parking should be secure, easily accessible and convenient to use".

3.16 Boundary Treatments – Plot No's 686 - 689

The Site Layout (Drg No. 298/A/GA-CL/001) shows rear boundary treatment of 1800mm Masonry wall with fence panels, the internal boundary treatment is a 1800mm high close boarded fence – this provides a narrow passageway for the rear gates for Plot No's 687 and 688 and offers very little natural surveillance. There is also no gate located to the front line of Plot No. 689. I would

recommend the 1800mm close boarded fence is replaced with a 1500 close boarded fence with a 300mm trellis topping.

3.17 Newcastle International Airport Limited (NIAL)

3.18 No comment to make.

3.19 Natural England

3.20 Natural England does not require any further information now that we have seen and signed the Appropriate Assessment which details the appropriate mitigation.